


PM-19695
State of Maine
Waiver of Competitive Bidding Request Form

MFS
PM-19695

Form Instructions: Please provide the requested information in the white boxes below. This form is to precede all contract requests that are not the direct result of a competitive bid process.

Requesting Department's Contract Administrator:	Jennifer Wright	Office/Division/Program of Contract Administrator:	John Crowley
Est. Contract Amount:	\$ 55,000.00	Contract or RQS Number:	CT DIA 20190926 #1019
Proposed Start Date:	9/27/2019	Proposed End Date:	06/30/2020
Vendor/Provider Name, City, State:	Maine Aviation Aircraft Maintenance 406 Yellowbird Road Portland, Me 04102		
Short Description of Good or Service:	Installation of ADS-B equipment for FAA mandate.		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Procurement Services website for a period of seven consecutive calendar days.	<p>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>09/27/2019</u> To: <u>10/03/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0920191613		
1. Statutory Justification			
State of Maine statute (5 M.R.S. §1825-B(2)) allows waivers of competitive bidding only for the specific reasons listed below. Please mark the appropriate box (X) next to the justification which applies to this specific request.			
A.	The procurement of goods or services by the State for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$2,500 or less, and the interests of the State would best be served;		
B.	The Director of the Bureau of General Services is authorized by the Governor, or the Governor's designee, to make purchases without competitive bidding because, in the opinion of the Governor or the Governor's designee, an emergency exists that requires the immediate procurement of goods or services;		
X	<p><i>If citing the above justification for this Waiver of Competitive Bidding request, please have the requesting Department's Commissioner or Chief Executive (as the Governor's "designee") sign and date on the right.</i></p>	<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p>Signature: </p> <p>Printed Name: Randy Charette</p> <p>Date: 9/26/19</p>	
C.	After reasonable investigation by the Director of the Bureau of General Services, it appears that any required unit or item of supply, or brand of that unit or item, is procurable by the		

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	State from only one source;	
	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;	
	E. The purchase is part of a cooperative project between the State and the University of Maine System, the Maine Community College System, the Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving: (1) An activity assisting a state agency and enhancing the ability of the university system, community college system, Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State to fulfill its mission of teaching, research, and public service; (2) A sharing of project responsibilities and, when appropriate, costs;	
	<i>If citing the above justification for this sole source request, please note that the specific approval of the Governor's Office is required, in accordance with Executive Order 26 FY 11/12, "An Order to Enhance Competitive Bidding". The approval must be documented on DAFS/BGS/Division of Procurement Services "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>	
	F. The procurement of goods or services involves expenditures of \$10,000 or less, in which case the Director of the Bureau of General Services may accept oral proposals or bids;	
	G. The procurement of goods or services involves expenditures of \$10,000 or less, and procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need.	
	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	
Please note that the following four points below (#2 through 5) all require a response.		
2. Description of Specific Need		
Please identify, and fully describe, the specific problem, requirement, or need the resulting non-competitive contract would address and which makes the goods or services necessary. Explain how the requesting Department determined that the goods or services are critical and/or essential to agency responsibilities or operations.		
<p>The FAA has mandated that by January 1st, 2020, all aircraft operating in U.S. controlled airspace will be equipped with Automatic Dependent Surveillance-Broadcast (ADS-B) systems, which is a datalink network designed to allow Air Traffic Control to handle a growing volume of air traffic. Without this equipment, the Forest Service will not be able to fight fire, perform law enforcement, or search and rescue in the controlled airspace of Maine. This contract will include the installation of the ADS-B system in 7 helicopters with 3 aircraft completed before January 1, 2020. The remaining 4 aircraft will be completed in the winter to be ready for the spring fire season.</p>		

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3. Availability of other Public Resources

Please explain how the requesting Department concluded that sufficient staffing, resources, or expertise is not available within the State of Maine's government, or other governmental entities (local, other state, or federal agencies) external to the requesting Department, which would be able to address the identified need more efficiently and effectively than the identified vendor.

The manufacturer of the equipment to be installed (Garmin) requires that the installation take place at a Garmin service center, by a Garmin certified technician. Maine Aviation Aircraft is a Garmin Service Center and they have room in their schedule to do the work on the first three aircraft starting on October 31st, before the deadline, with the rest to follow this winter, before spring fire season.

4. Cost

Since a waiver of competitive bidding is being requested for this procurement, please explain how the requesting Department concluded the negotiated costs, fees, or rates are **fair and reasonable**.

The parts are coming from Garmin, which would be the same no matter who did the work. Maine Aviation Aircraft Maintenance uses standard rates for avionics for the Maine Area.

5. Future Competition

Please describe potential opportunities which may be available to foster competition for these goods or services in the future.

In certain circumstances technical avionics equipment can only be installed by service centers of the product manufacturer, so doing this work inhouse with our own mechanics is not always feasible.

Please note that only one of the two points below ("Uniqueness" or "Timeframe") requires a response. Requesting Departments are not required to respond to both points.

6. Uniqueness

Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

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7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. impact if delayed beyond this date). Also, provide information as to how it was determined this vendor is the best option to address this time-sensitive procurement.

Time is of the essence for this work because the FAA has set a deadline of January 1st, 2020 for aircraft that fly in controlled airspace to have this equipment installed. Until March, the Forest Service had a trained avionics technician on staff who we thought would be able to do the work. When he left for another job, we found that the radio that we currently use in all our aircraft was no longer going to be supported by the manufacturer, which forced us to change to another system.

In planning to transition to the new system, there were delays last spring in not having the funds available to purchase the aviation parts in FY19. There were further delays this FY in hiring new mechanics, getting them trained, performing helicopter missions, and planning to order the aviation parts. The initial plan was to have the new mechanics install the ADS-B system. Recently when researching how to get the system installed, it was discovered that the installation of the new system must be performed by a Garmin Service Center like Maine Aviation.

We are fortunate that Maine Aviation had a cancellation in their schedule and is willing to slide three of our aircraft into that timeframe which begins October 31st. Those three helicopters are what we will use in controlled airspace until the rest can have the equipment installed by the same company this winter. To make the schedule of October 31st work, the parts must be purchased immediately to allow 2-4 weeks for delivery. Without this equipment, the Forest Service will not be able to fight fire, perform law enforcement, or search and rescue in the controlled airspace of Maine.

**Signature of requesting Department's
Commissioner or Chief Executive
(or designee within the
Commissioner's Office):**

*By signing below, I signify that my Department requests,
and I approve of, this Waiver of Competitive Bidding.*



Printed Name:

Randy Charette

Date:

9/26/19