

State of Maine Waiver of Competitive Bidding Request Form

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:	Thomas Gildersleeve and Kathleen Reardon	Office/Division/Program of Contract Administrator:	Department of Marine Resources, Bureau of Marine Science
Est. Contract Amount:	\$ 16,282.50	Contract or RQS Number:	20190926*1036
Proposed Start Date:	November 1, 2019	Proposed End Date:	October 30, 2020
Vendor/Provider Name, City, State:	Scott Murphy, Dennysville, Maine		
Short Description of Good or Service:	Vessel services for scallop surveys in Cobscook Bay		
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 style="text-align: center;">To be completed by the Division of Procurement Services</p> Posting dates on Division of Procurement Services website: From: <u>10/04/2019</u> To: <u>10/10/2019</u>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1020191652		
<p>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.</p>			
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	<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>	
<input type="checkbox"/>		Printed Name:	Date:
<input checked="" type="checkbox"/>	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 State from only one source;		

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	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.

Vessel services are being secured in support of a sea scallop surveys of Cobscook Bay. The purpose of the project is to assess the status of the scallop resource before and during the season, which starts December 5, 2019. Biomass, age structure, size frequency and recruitment patterns of the stock will be determined. Mr. Murphy's vessel is set up and rigged to handle our special research survey drag and he is experienced in the survey. Scientific practice requires standardized survey gear and vessel between surveys.

*This vessel was awarded a similar contract in 2018-2019 through a BP-54 (13A-20180927*1157) with four renewal periods that would extend through 2024. These proposed services would reflect the first renewal period for that BP-54, though the BP-54 expired and therefore we are reposting this WCB.*

Since ME DMR does not own a fishing vessel of sufficient size or that is equipped to execute fishing operations (scallop dragging) using the research gear designed for this project, these services need to be contracted. The contractor has provided these services and has all of the equipment needed to perform these services. The information obtained by this project is needed to manage the commercial harvest of the Maine scallop resource.

The first portion of these services must be performed before November 15, 2019 to meet the biological needs of the scallop survey.

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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.

There is no one at the state that can provide these services or has the equipment and appropriate vessel to do so.

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 contract is based on the rates used in the previous year under the aforementioned BP-54 contract (13A-20180927*1157).

5. Future Competition

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

These services can be put out to RFP after the current service contract and associated renewals expire.

[Faint handwritten notes and signatures are visible in this section.]

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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.

Having this vessel repeat the survey work gives us a better time series for comparing data between last year and this year as there will be no vessel bias introducing additional uncertainty into biomass and abundance estimates.

An RFP (201806112) for Cobscook Bay/St. Croix River scallop survey vessel was posted in July/August of 2018 and was well-publicized among the fishing community. No bids were received. After the posting closed, Mr. Murphy was approached and expressed interest in the project.

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.

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.

Carl J. Wilson

Printed Name:

9/5/19

Carl J. Wilson

Date: