

## 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.

<b>Requesting Department's Contract Administrator:</b>	Nathan Bieber Senior Resource Biologist	<b>Office/Division/Program of Contract Administrator:</b>	Dept. of Inland Fisheries and Wildlife, Bureau of Resource Management, Wildlife Division
Est. Contract Amount:	\$ 30,857	<b>Contract or RQS Number:</b>	CT-09A-20190926*1040
Proposed Start Date:	10/07/2019	<b>Proposed End Date:</b>	6/30/2020
<b>Vendor/Provider Name, City, State:</b>		University of Maine, Orono Department of Wildlife, Fisheries, and Conservation Biology 5755 Nutting Hall, Room 222 Orono, ME 04469	
<b>Short Description of Good or Service:</b>		Administration and analysis of a survey of the Maine public on deer feeding practices and perspectives	
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.		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: 10/4/2019 To: 10/10/2019	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1020191654	
<b>1. Statutory Justification</b> 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.			
<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;			
<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>		<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i> <b>Signature:</b>	
		<b>Printed Name:</b>	
		<b>Date:</b>	

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<b>X</b>	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;
	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:  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.

MDIFW has been charged by the Maine Legislature to prepare a report on the impacts of supplemental deer feeding on the deer and people of Maine, and will be making regulatory recommendations on the practice of deer feeding. To inform our understanding of the ways in which the Maine public is impacted by deer feeding, we need to collect representative data on deer feeding practices and on attitudes towards deer feeding held by the Maine public.

It is the mission of the Maine Department of Inland Fisheries and Wildlife to manage our wildlife resources for the people of Maine such that they may be enjoyed into the future. To achieve this, we must provide recommendations to our legislators that reflect both the biology of the species and environments that we manage as well as public needs and attitudes.

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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 Department does not have staff capable of designing and administering a credible statewide survey in a short time period. The provider's background administering a similar survey on deer feeding will limit development and analysis time, allowing the Provider to produce results we may be confident in and in a timeframe that honors the Legislature's request.

**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**.

MDIFW recently contracted with another provider to conduct a public survey on attitudes towards Maine's furbearers and furbearer management. This provider was selected through the RFP process. The budget requested by the Provider for the deer feeding survey compares favorably to the itemized costs in the budget for the furbearer public survey. In addition, the Department has negotiated a reduction in the cost of the standard university overhead rate. The Provider is willing to reduce their overhead rate from 46% to 23% of direct costs. The difference in this overhead rate \$5,770 can be used by the Department as match for \$17,310 in federal funds (1:3 match rate).

**5. Future Competition**

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

Over the last 5 years the, Department has used the RFP process to select the best entity to conduct several public surveys and intends to use the RFP process for future survey efforts when applicable. However, the unique nature of this survey (a nearly duplicate survey will be used in New Brunswick), the Department's participation in the Northeast Deer Research Partnership, the desire of deer research partners to compare the attitudes of Maine and New Brunswick residents on deer feeding, and the short-time frame the Department was given for developing a report for the legislature, make pursuing an RFP for this particular survey unreasonable.

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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.

The Provider and the Department have been collaborating on deer research in the Northeast through the Northeast Deer Research Partnership for 3 years, and the Provider has recently administered a survey on deer feeding in New Brunswick. Administering a near duplicate survey in Maine would allow us to compare the attitudes of Maine and New Brunswick residents on deer feeding and inform our legislative mandate to provide a report and recommendations on deer feeding.

**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.

The Maine Legislature has requested MDIFW prepare a report and recommendations on deer feeding by January 2020. We feel it is critical to understand deer feeding practices and perspectives held by the Maine public, but the timeframe to do so in a representative manner through survey is limited and this would likely not be possible through the standard RFP process, which may take several months and does not include time required to administer and analyze survey results.

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
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*Joseph Canuso*

<b>Printed Name:</b>	Joseph Canuso
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<b>Date:</b>	Oct 1, 2019
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