

## 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>	Dr. Wally Jakubas	<b>Office/Division/Program of Contract Administrator:</b>	Dept. of Inland Fisheries and Wildlife, Bureau of Resource Management, Wildlife Division
Est. Contract Amount:	\$183,804 (for 2 years)	<b>Contract or RQS Number:</b>	09A-20191009*453
Proposed Start Date:	October 15, 2019	<b>Proposed End Date:</b>	September 30, 2021 (with renewal option)
<b>Vendor/Provider Name, City, State:</b>	Vectronic Aerospace GmbH Carl-Scheele-Str. 12 D - 12489 Berlin Germany 9		
<b>Short Description of Good or Service:</b>	Manufactures GPS collars for bear, deer, and moose		
<b>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>	<p><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website: From: <u>10/16/2019</u> To: <u>10/22/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 1020191729		
<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.			
	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;		
<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.

a. Our Department needs to monitor movement and mortality events of bear, deer, and moose to inform our management systems and guide regulatory processes. MDIFW currently has ongoing research projects for deer and moose that require GPS collared animals, and a long-term monitoring program for bears that necessitates the deployment of GPS collars. The deer and moose research projects and current bear monitoring effort would not be possible without these collars.

b. The primary mission of our agency is to ensure that wildlife populations in Maine, and public enjoyment of these species, are maintained for current and future generations of Maine citizens and visitors. As such, the Department needs to monitor the health of deer, moose, and bear and regulate hunting of these species to ensure the continued enjoyment of these animals. GPS collars facilitate monitoring the survival rates and movements of these species, and these monitoring activities ultimately guide our management systems and inform the Department's regulatory processes.

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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.

Our Department does not have the capability or expertise to manufacture the GPS or VHF collars used in wildlife telemetry projects, and we are not aware of other government entities that manufacture these collars. Typically GPS and VHF collars are manufactured in the private sector.

**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 had a master agreement with Vectronic Aerospace for the identical collars for the last two years. Collar costs are the same in the current solicitation package and satellite transmission rates are lower than in the 2017 solicitation package (i.e., the 2017 subscription fee was \$28.80/collar/year and the current solicitation offer is \$24/collar/year; transmission of GPS positions (2 per day) was \$113.88/collar/year in 2017 and the current offer is \$94.90/collar/year.

**5. Future Competition**

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

Following completion of the current studies the Department will seek competitive bids through the RQS process.

**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.

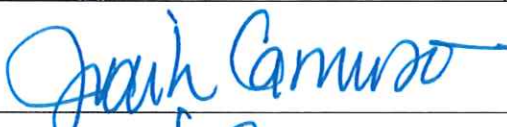
For the deer and moose projects alone, the Department currently has 387 Vectronic Aerospace GPS collars that are transmitting data through satellites using the Provider's software and transmission contracts. The battery life of these GPS collars is 3 to 4 years; hence, we need to renew our master agreement with this Provider to continue to collect data for these studies.

A good study design will reduce variability in the way data are collected. Therefore, it is preferable to use collars from the same GPS manufacturer throughout a study, unless, there is an equipment failure.

In past master agreements, we have bundled collar purchases with pre-paid (one year in advance) airtime fees.

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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.

<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>
	
<b>Printed Name:</b>	Joseph Camuso
<b>Date:</b>	10/8/19