

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:	Dr. Wally Jakubas	Office/Division/Program of Contract Administrator:	Dept. of Inland Fisheries and Wildlife, Bureau of Resource Management, Wildlife Division
Est. Contract Amount:	\$25,042.00	Contract or RQS Number:	
Proposed Start Date:	October 15, 2019	Proposed End Date:	October 13, 2021
Vendor/Provider Name, City, State:	Lotek Wireless Inc. 115 Pony Drive Newmarket, ON L3Y 7B5 CANADA		
Short Description of Good or Service:	Manufactures GPS collars for wildlife		
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> <p>Posting dates on Division of Procurement Services website: From: <u>10/16/2019</u> To: <u>10/22/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1020191730		
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.			
<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"/>	<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>	
		Signature:	
		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;
	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p> <p><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:</i> http://www.maine.gov/purchases/info/forms/govcoop.doc.</p>
	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.

The Department monitors Canada lynx and black bears. Canada lynx are monitored to document survival rates after trapping, habitat use, and reproduction. This information provides the basis for recommendations to landowners on which forestry techniques provide the best habitat for lynx and for regulatory decisions on limiting the incidental take of lynx. The black bear monitoring program is a long-term monitoring effort by the Department. The objective is to estimate mortality and reproductive rates of female bears in various regions in the state. Information gained from the black bear monitoring effort is used to set harvest regulations and manage bear population levels. For both of these studies, GPS collars are the most efficient way to track animal movements, determine habitat use, and investigate mortalities.

The primary mission, and statutory mandate, of our agency is to ensure that wildlife populations persist in Maine for the enjoyment of Maine's citizens and visitors (Title 12, §10051). The Canada lynx is a federally threatened species and Maine statutes (Title 12 §12802) gives the Commissioner of the Department of Inland Fisheries and Wildlife authority to conduct programs to recover threatened and endangered species. Likewise, given the mission of our agency, bear hunting and trapping needs to be regulated to ensure that harvest rates meet publicly derived population objectives. To determine harvest rates, biologists need to understand population trends, which are ultimately determined by reproduction and survival rates.

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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**.

The Department initiated a Master Agreement with the same vendor in 2017, and is seeking a new Master Agreement. Costs are lower in the vendors 2019 bid than they were in 2017. For example, Lotek (Litetrack Iridium Basic 330) collars were \$1,650 each in 2017 and the current asking price is \$1,390. The subscription rate for GPS data from these collars was \$196.38 for 6 mo. in 2017 and is now \$180 for 6 mo.

5. Future Competition

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

The Department will evaluate the performance of these GPS collars every year to determine whether they are meeting expectations. We recognize that individual components of the collars may change from year to year, and that Lotek may have little control over these changes. If collar performance declines, we may request bids from other collar manufacturers.

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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 Department currently has a number of Lotek collars deployed on lynx and bears which are transmitting data through satellites using the Provider’s software and transmission contracts. The battery life of these GPS collars exceeds the current Master Agreement; hence, we need to renew our master agreement with this Provider to continue to receive these data. In addition, we have Lotek collars whose battery life has expired and wish to purchase replacement batteries for these collars. Each telemetry collar manufacturer has a unique battery configuration.

The Lotek collar (Litetrack Iridium Basic 330) is the only GPS collar that is light enough to deploy on Canada lynx.

The bear project has been using Lotek small animal collars for cubs for a number of years. Sound experimental design strives to limit variability; especially in the methods used to collect data. If the Department were to use collars from multiple manufacturers it would add another source of variability to this portion of the bear project. We know from previous experience that deploying collars from multiple manufacturers causes problems in the field. For example, VHF transmission rates differ among manufacturers when the collar goes on mortality mode. Variable transmission rates from collars can confuse searchers looking for an animal that has supposedly died. Therefore, we are striving to limit the different types of collars we are using on bear cubs.

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

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.*

Printed Name:

Josh Camuso
Josh Camuso

Date:

10/11/19