

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:	Robert Marvinney	Office/Division/Program of Contract Administrator:	Department of Agriculture, Conservation and Forestry/Maine Geological Survey
Est. Contract Amount:	\$ 9,800.00	Contract or RQS Number:	CT-20190604*3667
Proposed Start Date:	October 3, 2019	Proposed End Date:	March 31, 2020
Vendor/Provider Name, City, State	Joseph T. Kelley 121 North Maine Avenue, Orono, Maine 04473		
Short Description of Good or Service:	Slide scanning and annotation		
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.		To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>10/17/2019</u> To: <u>10/23/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1020191739	
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;		
	<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:
X	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: 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:		

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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 contractor is needed for the Maine Geological Survey (MGS) to fulfill its obligation under the US Geological Survey's National Geological and Geophysical Data Preservation (NGGDP) program to provide scanned and annotated digital slides of coastal areas of Maine by May 2020. While the MGS has the staff and facilities to manage and provide access to digital information, it does not have a sufficient in-house workforce to complete the necessary digital image automation for this project in the time required.

Analysis of marine/coastal conditions is a statutory responsibility of the Maine Geological Survey (Title 12, Chap. 201-A). Assessing the changing conditions of coastal geologic environments over time is essential to the mission of the MGS to provide quality natural resources information for the people of Maine.

In our competitive proposal to the USGS's NGGDP program, we named qualified scientists to work on this project and their qualifications were a large factor in determining the award of federal funds.

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 only geologists within the Department of Agriculture, Conservation and Forestry are within the Maine Geological Survey. All Maine Geological Survey geologists are committed to other portions of this project, or other projects such that the deliverables for this project cannot be achieved in the timeframe required without assistance from contractors. Geologists in other departments (DEP, DHHS, DOT) are fully committed to other projects. The U.S. Geological Survey Maine Water Science Center in Augusta employs geologists who focus on Maine's water resources and have no experience with Maine's coastal geology. We have acquired federal funds through the competitive National Geological and Geophysical Data Preservation Program to support this contract.

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 rate the Maine Geological Survey pays contract geologists (\$1,000/week) has not increased since 2004. In the past three years, the Division of Purchases has approved more than 15 contracts at similar pay rates. A Physical Geologist at the Maine Geological Survey with similar responsibilities costs \$1,774/week, fully burdened. Thus, the contract rate is well below market value for these types of geological services.

5. Future Competition

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

The Maine Geological Survey continues to work with the University of Maine and other institutions to train more students to conduct geologic investigations. We are working with a small pool of capable geologists well in advance of project needs to ascertain their availability for various map development tasks.

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.

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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.

This contract is funded entirely by money provided to the Maine Geological Survey by the National Geological and Geophysical Data Preservation Program, administered by the U.S. Geological Survey, to support a technical project. This is a competitive program to which each state may submit one proposal each year. Maine's proposals have been among the most competitive partly because we are able to identify highly qualified contract scientists directly in the proposal.

The photographic slides that are the focus of this automation work were taken by Professor Joseph T. Kelley and are part of his collection, thus uniquely positioning him to complete this work. Only he has the information on date of photograph, location, and description of geologic features that are necessary elements of this project to capture a time-series of coastal conditions across Maine. Prof. Kelley has spent over three decades investigating the geology of the Maine's coast and how it responds to increasing sea level and coastal storms. He has published extensively on his research in Maine.

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:

Randy Charette

Date:

10/10/19