

## 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>	Shevenell Webb (Brenda Lord, Secretary)	<b>Office/Division/Program of Contract Administrator:</b>	Dept. of Inland Fisheries and Wildlife, Bureau of Resource Management, Wildlife Division
Est. Contract Amount:	\$ 6,500	<b>Contract or RQS Number:</b>	CT-09A- 20191011*1294
Proposed Start Date:	10/21/2019	<b>Proposed End Date:</b>	3/1/2020
<b>Vendor/Provider Name, City, State:</b>	Matson's Laboratory, LLC 135 Wooden Shoe Lane Manhattan, MT 59741		
<b>Short Description of Good or Service:</b>	Lab processes and analyses for furbearer teeth		
<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>	<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <b>Procurement Services</b> website: From: <u>10/17/19</u> To: <u>10/23/2019</u>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 1020191742		
<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>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>
	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;		

**State of Maine  
Waiver of Competitive Bidding Request Form**

	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;
<b>X</b>	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. The age structure of a wildlife population is frequently used to determine whether mortality rates from hunting or trapping are at levels which allow continued growth of the wildlife population. Furbearers (e.g., bobcat, fisher, marten, and otter) are aged by collecting either a lower canine or lateral incisor, cutting and staining sections of the tooth, and counting the deposition of cementum ("growth rings") in a tooth. Although furbearer teeth can be aged at the Bangor office, the number of teeth collected from trappers exceeds the capacity of the laboratory. Additionally, bobcat and otter teeth are very difficult to read and require a quality of equipment that we do not have in the Bangor office. Therefore, a contract is needed for cutting, mounting, and reading the ages of these teeth.

b. The primary mission of the Maine Department of Inland Fisheries and Wildlife is to ensure that wildlife populations in Maine, and the enjoyment of these populations, continue into the future. The harvesting of furbearers by trapping or hunting is regulated to ensure the number of animals being killed is not detrimental to the growth of a species' population. One tool for doing this is to track the age structure of these furbearer populations.

**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,

**State of Maine  
Waiver of Competitive Bidding Request Form**

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.

a. Current staffing levels in the Mammal Group are not sufficient to allow the processing and cutting of 1,188 teeth, nor do we possess the equipment needed to section and accurately age teeth from these species.

b. We have worked with Dahl-Chase in Bangor to develop their expertise in cutting teeth for us. While we plan on using Dahl-Chase for tooth cutting when we need a fast turn-around time, their tooth sectioning costs are over \$1 / tooth higher than Matson Lab and they do not age the teeth. At this time, we do not have the personnel capacity to age the furbearer teeth.

**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**.

Matson's costs for tooth preparation (approximately \$5 / tooth) are as low, or lower than our in-house costs for performing the same service. Laboratories that age teeth for individual hunters are charging \$18 / tooth and up, which is considerably higher than Matson's rate.

**5. Future Competition**

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

Dahl-Chase in Bangor currently provides some diagnostic services, such as cutting teeth for aging, but does not age the teeth. If they were able to also age the teeth, this would provide another option in the future for our Department to consider.

## State of Maine Waiver of Competitive Bidding Request Form

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.

Other contractors (e.g., Wildlife Analytical Laboratories) cater to hunters at over 3 times the cost per tooth for aging. Matson Laboratory is the only wildlife laboratory that regularly works with state wildlife agencies to cut and prepare thousands of teeth for aging. Unless a state agency is cutting and aging teeth in-house they use Matson Laboratory to process and age their teeth. They are the laboratory that has been accepted by wildlife professionals for over 30 years for aging teeth for research and management questions.

### 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.*

*Judith Camuso*

**Printed Name:**

Judith Camuso

**Date:**

10/16/19