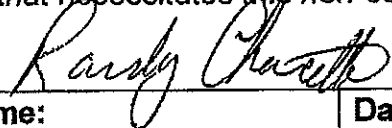


State of Maine Waiver of Competitive Bidding Request Form

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:	Marleen Lajoie	Office/Division/Program of Contract Administrator:	Department of Agriculture, Conservation & Forestry (DACF)
Est. Contract Amount:	\$ 9,449.73	Contract or RQS Number:	RQS 01A 20191021*0482
Proposed Start Date:	10/18/19	Proposed End Date:	10/31/19
Vendor/Provider Name, City, State:		Garmin Services, Inc. Two DeLorme Dr. Suite #200 Yarmouth, ME 04096-6965	
Short Description of Good or Service:		36 Emergency Communications Devices - Garmin inReach Mini devices	
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>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>10/25/19</u> To: <u>10/31/19</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1020191767	
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 checked="" type="checkbox"/>	<p><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></p>	<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p>Signature: </p> <p>Printed Name: Randy Charette</p> <p>Date: 10/21/19</p>	
<input 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		

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	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:

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.

There are a number of programs in DACF that lack emergency communication systems and have staff working in remote locations without cell phone or radio coverage. Some program staff are intermittently in the field and need primarily an emergency contact function. Other staff cannot work safely or effectively without some means of communication on a regular basis. A system that provides for 2-way communication and also provides emergency response if needed. Because of the remote locations in which field staff work, an ability to communicate with emergency responders once a message is sent can be critical. In addition to providing timelier and more effective emergency service, the Department needs the capacity for limited two-way communication to address operational issues such as vehicle or equipment breakdowns, coordination of workforce efforts; and efficiency in addressing a variety of needs/problems in the field -especially with field staff. Finally, the ability to locate staff remotely from a central office and communicate with other state staff in these remote areas (such as IF&W game wardens) is also needed in for both safety and operational reasons.

To meet this need, three "Programs" plan to secure a total of 36 Garmin inReach Mini units and associated service plans: BPL Public Lands (29 units); Land Use Planning Commission (LUPC) (5 units); and Geology (2 units).

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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 is looking for a two-way communications device for areas lacking cell-phone coverage, and an associated emergency response system. There are no governmental providers of the communications systems desired.

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 Garmin inReach Mini package is cost effective for the Department for the following reasons:

- (1) Garmin has agreed to a 25% discount for the units, reducing the cost from \$350/unit to \$262/unit. The Department is seeking to purchase 36 units in total, at a savings of about \$3,150.
- (2) There are a range of Service plans so that the Department can select what makes most sense for a particular program. For most programs the base plan (\$19.95/month/unit) will be adequate, providing 1,500 bytes per month per unit (average text message is 80 bytes). Administrators can monitor use and upgrades are easy to add, if needed.
- (3) The Garmin service plans are flexible and allow a substantial savings during the off-season – rates are reduced to \$5.00/month when placed in inactive mode. The Department will place some units into inactive status at some portion of the year (inactive for 4-6 months) adding additional savings compared to the full 12 month service on all units.
- (4) The units are easily programmed and reprogrammed to include pre-set messages specific to program needs; so that sharing the units among several users or programs is possible.
- (5) The one-time activation fee is \$24.95 per unit; which is reasonable.
- (6) The individual programs can pre-pay on an annual basis or can be billed separately, at monthly intervals, at no additional cost. Administrators for each program can track usage and make adjustments if more capacity is needed.
- (7) The cost includes the full emergency response package, enabling the quickest possible response, with no action required by the administering program staff.

5. Future Competition

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

None known. The competition in the private sector for these devices has already resulted in a very cost-effective system. Market pressures are expected to continue to improve the functionality and cost of these devices.

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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.

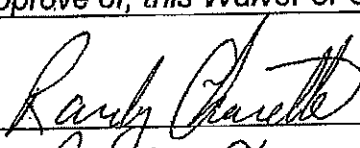
The Garmin InReach Mini satellite communicator is unique in combining an interactive satellite driven communication system with an emergency response capability that will provide the user with emergency response for life-threatening emergencies in the remotest regions of the state, through two-way communications. Other emergency systems offer only one-way communication, except through satellite phones. In addition, the system provides a cost-effective method of interactive communication through texting to support staff operations in those regions where there is no cell-phone coverage.

The Garmin InReach Mini units, which communicate via texting through a satellite system (Iridium commercial satellite communications network operating 66 low-earth-orbiting cross-linked satellites), provide all of the desired functionality at a reasonable cost. Included in the cost is Garmin's 24/7 search and rescue monitoring center. For operational communications and less than life threatening emergencies, InReach system users can send and receive messages to a cell phone, email address, or another InReach device located anywhere. The Garmin InReach system is already employed by ME IF&W in the Warden Service, the Maine Forest Service, and with several Parks & Lands Programs, evidence of its operability in Maine, and providing enhanced functionality in providing direct communication with responders in the field for a variety of needs. Finally, the system allows central office staff to track and communicate with staff, knowing where they are at any time through the automatic GPS signals sent from the units. The units are therefore served by two separate satellite systems - the Iridium commercial system, and the Global Positioning System (GPS) operated by the government - so that knowing where staff are does not require a message from them.

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.

Currently there are several staff operating alone in remote field environments without any cell phone or radio communication. There is no way for any of them to communicate an emergency situation. It's critical to get the InReach devices for them for safety and operational needs. Without these devices the staff are unable to communicate an emergency. The devices would also add efficiency for any responders trying to locate the individual staff in need.

Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	
Date:	Randy Charette 10/21/19