

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:	Hannah Pingree/ Cheryl Miller	Office/Division/Program of Contract Administrator:	Governor's Office of Policy Innovation and the Future
Est. Contract Amount:	\$ 12,000	Contract or RQS Number:	
Proposed Start Date:	10/28/19	Proposed End Date:	4/28/2020
Vendor/Provider Name, City, State:	Merrill Enterprises, LLC South Portland, Maine		
Short Description of Good or Service:	Market research consultation		
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>10/28/19</u> To: <u>11/3/19</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1020191784		
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;		
	<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>	
		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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	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>	
	<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></p> <p>http://www.maine.gov/purchases/info/forms/govcoop.doc.</p>	
	<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;</p>	
	<p>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.</p>	
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>	
<p>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</p>		
<p>2. Description of Specific Need</p> <p>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.</p>		
<p>The Maine Climate Council is created to advise the Governor and Legislature on ways to mitigate the causes of, prepare for and adapt to the consequences of climate change. State of Maine statute (38 MRSA §577-A) requires the Maine Climate Council to utilize the most recent science and technical information, analyze the technical feasibility and cost-effectiveness of potential solutions, and consider their impacts on Maine's people and communities. To meet these requirements, the Maine Climate Council will issue an RFP for a consultant to provide a Cost Benefit Analysis (CBA) to inform the deliberations of the Maine Climate Council. This waiver is to procure the expertise to assist in writing the RFP.</p>		

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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.

Staffing and expertise related to CBA services does not exist within state government. In determining this, the Governor's Office of Policy Innovation and the Future communicated with other state departments that would most likely have the need for such services.

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 has concluded that the cost of these services is fair and reasonable. This conclusion was reached through contacting others who have purchased similar services and confirming that the rates and costs offered by the vendor are consistent and appropriate.

5. Future Competition

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

When services and expertise are available via multiple vendors, the Governor's Office of Policy Innovation and the Future will obtain these services by the most appropriate means, including a competitive process such as releasing an RFP.

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.

Catalysis Adaptation Partners, LLC, is a consulting firm of senior experts in planning for sea level rise, coastal hazards and extreme weather events. They provide many climate and coastal hazard adaptation-related services, including: vulnerability assessments, inundation mapping and visualization, economic impact evaluation, adaptation strategy development and implementation, planning process analysis, policy revision assistance, and consensus building support.

Catalysis also specializes in tailoring the Coastal Adaptation to Sea level rise Tool (COAST), developed at the University of Southern Maine with funds from the US EPA, to assist clients with their adaptation planning process. Using this tool, they can perform cost-benefit analysis of structural and nonstructural adaptation actions that municipalities and businesses might undertake to reduce exposure to these threats.


Dr. Charles Colgan is the Director of Research for the Center for the Blue Economy (CBE) overseeing the conduct of research activities and serving as Editor-in-Chief of the Journal of Ocean and Coastal Economics (JOCE). Dr. Colgan served as a consultant with the National Ocean Economics Program (NOEP) for more than 14 years. During its 15-year history, NOEP has created the field of ocean and coastal economics, and its methodologies have been used by over 20 countries around the world. It is extremely well-respected in the U.S. and internationally, and it forms the foundation of the CBE research program.

Prior to his role as Research Director for the CBE, Dr. Colgan served as a Professor of Public Policy and Management in the Edmund S. Muskie School of Public Service at the University of Southern Maine. Dr. Colgan was the Chair of the Muskie School's PhD Program in Public Policy and is a Senior Research Associate in the USM Center for Business and Economic Research. His long term economic forecasts are used by the Maine Department of Transportation and the Economic Development Districts of Maine. Prior to joining the University of Southern Maine, he served in the Maine State Planning Office, was State Economist, and Director of Natural Resource and Economic Policy.

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.

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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:	Hannah Pingree, Director
Date:	10/23/19