

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:	Rebecca Peters Thomas Gildersleeve	Office/Division/Program of Contract Administrator:	MEDMR/BMS/MENH Inshore Trawl Survey
Est. Contract Amount:	\$ 11,000	Contract or RQS Number:	RQS-13A- 20190722*075
Proposed Start Date:	10/29/19	Proposed End Date:	12/31/19
Vendor/Provider Name, City, State:	Reidars manufacturing Inc. New Bedford, MA 02745 VC0000211948		
Short Description of Good or Service:	Purchase of a replacement Flagg Research Trawl Net built to specification provided		
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>10/30/19</u> To: <u>11/05/19</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1020191807		
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		

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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.

Since the start in October of 2000, the Maine-New Hampshire Inshore Trawl Survey has been using the Flagg Research trawl net for sampling of the nearshore waters of the Gulf of Maine. This net was designed specifically as scientific sampling gear for the MENH survey. The project currently has an inventory of 2 nets but usually operates with 4 nets on hand. The new net would be kept as a backup net in case the newest net becomes damaged beyond repair. It is imperative to have multiple nets prepared for each survey since nets can become damaged from unforeseen circumstances.

The project that this product supports is federally funded and we would lose those funds if the work was not performed to currently approved specifications. If the design of the sampling gear changed, the value of previously collected information would be compromised and 15 years of work would become obsolete. The information obtained by this project is needed to manage the commercial and recreational harvest of a variety of marine species that are important to the state of Maine. A consistent and ongoing time series of sampling data is needed to accurately manage these resources.

During the fall and spring surveys in 2018 two old nets in possession were badly damaged. Due to the damage of both nets a new net was purchased in in May and September 2018. The net purchased in May 2018 was most recently used in the spring 2019 survey and has been damaged. Without having two backup nets on board during the survey, the survey being conducted will end if the most current nets become damaged beyond repair. Given this, the purchase of a new net is

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requested. The company chosen has manufactured this net in the past and will be able to produce the net prior to the 2019 fall survey.

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.

There is no expertise within the Department to construct this scientific equipment. The federal government has a need for these same services and contracts with the same provider.

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**.

Nets provided to other organizations that perform similar work in other states are of similar expense. The Atlantic States Marine Fisheries Commission's NEAMAP survey nets are approximately \$9,850. A commercial fishing net of similar design was quoted at \$9,000 to the F/V Nicole Leigh in 2015.

5. Future Competition

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

Reidars manufacturing inc is the only company that can manufacture of our research survey net. The research net needs to be consistently made to specific specifications due to the standardization requirement of a long-term survey. If more companies become available in a reasonable distance from the state of Maine we will discuss fostering competition.

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,

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also explain the necessity of these particular unique assets.

This provider is experienced in the manufacture of research survey nets and has built nets for the MENH inshore trawl survey in the past. They have built nets for the NOAA trawl survey, the NEAMAP trawl survey, the MA DMF trawl survey, and other research projects. This provider has built the research survey net used for the MENH inshore trawl survey and is able to make the survey net to the specific standards needed. If the contractor would change for building our nets we risk the chance of not having a standardized net, which would compromise the data collected from the MENH inshore trawl survey.

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:

CARL J. WILSON

Date:

10/22/19

013-13A-3032-30 PRG 0362474 \$11,000.00