

PM-20307
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:	Leigh Hallett	Office/Division/Program of Contract Administrator:	DACF/ARD
Est. Contract Amount:	\$ 12,395.47	Contract or RQS Number:	20190916*0885
Proposed Start Date:	11/1/2019	Proposed End Date:	12/31/2020
Vendor/Provider Name, City, State:	University of Maine at Presque Isle		
Short Description of Good or Service:	Research to enhancing the competitiveness of the potato specialty crop through more sustainable, diverse, and resilient cropping systems, with particular attention to oats and barley.		
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 <i>Procurement Services</i> website: From: <u>11/06/2019</u> To: <u>11/12/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1120191838		
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:

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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:

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.

In February 2019, the Agriculture, Conservation, and Forestry Committee of the Legislature developed LD495, Resolve, Directing the Commissioner of ACF to Conduct a Feasibility Study on Locating a Grain Processing Facility in Aroostook County. Over the course of the hearing and work session for the bill, the Committee expressed interest in compelling the Department to research grain production in Aroostook County. Ultimately, the bill did not pass, but the DACF Committee issued a letter requesting that DACF investigate grain production opportunities, including varietal research, and potential profitability to farmers and producers.

DACF's Ag Resource Development Division administers the annual USDA Specialty Crop Block Grant. The USDA encourages the Department to proactively work with partners to developing projects and allocating the funds. This year the SCBG review committee met in March. After reviewing the

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proposals and allocating the budget, there remained some funding available. Knowing that the ACF Committee expected the Department to undertake research regarding grain production in Aroostook County, ACF approached the University of Maine at Presque Isle (UMPI) about conducting a pilot research project to support this goal. UMPI had just expanded their agricultural course offerings, and was in the process of building a new greenhouse research facility. Dr. Larry Feinstein at UMPI proposed to conduct a 1 year controlled greenhouse pilot study that will determine if mycorrhizal inoculant can improve the seed yield and plant biomass of varieties of oats and barley commonly grown in Maine as rotation crops by potato growers. This project aligned with DACF's desire to support increased research into grain production, particularly as rotation crops in northern Maine. After confirming the suitability of the project with the USDA AMS, it was submitted as part of the DACF 2019 SCBG State Plan, and was formally approved in Sept 2019. This pilot project will utilize UMPI's unique assets to undertake research that will inform the Department's research needs.

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 does not directly conduct crop production research, but regularly partners with various U Maine campuses to support the research that the SCBG program is intended to fund.

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**.

We compared the cost of this project to similar field studies we have funded through SCBG and found the cost to be fair and reasonable. SCBG awards can range up to \$100,0000.

5. Future Competition

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

DACF releases a competitive RFP for the SCBG program annually, and it is open to all applicants that meet the USDA's eligibility guidelines.

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.

In order to respond to the Resolve issued by the Agriculture, Conservation, and Forestry Committee of the Legislature, the Department sought opportunities to investigate grain production opportunities, including varietal research, and potential profitability to farmers and producers in Aroostook County. The University of Maine at Presque Isle is the only university in the county, and possesses a brand-new, state-of-the-art research facility. UMPI has access to specially trained graduate students and is located in geographic area of the research. UMPI staff have long-term relationships with area potato growers.

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.*

Randy Charle

Printed Name:

Randy Charle

Date:

10/31/19