

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.

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| Requesting Department's Contract Administrator: | Kathleen Leyden | Office/Division/Program of Contract Administrator: | DMR/Commissioner's Office/Policy and Management/Coastal Program |
| Est. Contract Amount: | \$ 8,500 | Contract or RQS Number: | CT-13A-20191115*1555 |
| Proposed Start Date: | Nov 28, 2019 | Proposed End Date: | June 30, 2020 |
| Vendor/Provider Name, City, State: | E and C Enviroscape, LLC; Ashaway, RI | | |
| Short Description of Good or Service: | Mapping to support Governor's wind initiative | | |
| 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>11/19/2019</u> To: <u>11/25/2019</u> | |
| Notice of Intent to Waive Competitive Bidding Number: | NOI# 1120191894 | | |
| 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: |
| | 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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| | 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; |
| X | 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.

The State of Maine will be participating in a federal/state/tribal task force on ocean windpower siting in the Gulf of Maine. Ocean windpower is anticipated to be needed to reach Maine's renewable energy goals within legislatively defined target dates. To prepare for this task force meeting in December 2019, DMR is purchasing map products that illustrate fishing effort in federal waters off of Maine to help identify areas of least conflict in federal waters.

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.

DMR currently lacks spatial mapping expertise to fully accomplish this project in the timeframe needed, and this effort is beyond staff resources available in any other state agency.

However, the Northeast Regional Ocean Council (NROC) is a governmental entity – a partnership of federal/state/tribal agencies. NROC has a fiscal agent (Coastal States Organization), but DMR saves money by contracting directly with NROC's contractor, E&C Enviroscope. E&C is contracted by

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NROC for the region's mapping needs. NROC is providing match in the form of in-kind work funded by other public grants that they hold.

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 contractor's rate is \$100/hr, which is comparable or less than the going rate for production of map products contained in the scope of work. The hours needed to complete the project were established using comparable projects previously completed by the contractor. Because we are not going through NROC's fiscal agent, the state is saving indirect costs. NROC is also contributing 60 hours of pro bono work to this project, funded with other grant dollars.

5. Future Competition

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

DMR will likely continue to work with Enviroscape LLC for map products for consideration of ocean wind when future work is beyond the capabilities of existing staff and because this work is intertwined with the Northeast Ocean Data Portal. We will consider going out with a Request for Proposals for future work if it is not explicitly linked to the NE Data Portal.

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 Northeast Regional Ocean Council (with Enviroscape LLC) manages the Northeast Ocean Data Portal, which includes more than 150 mapped layers of information about the Gulf of Maine. The Portal was developed in partnership with Maine. DMR has contributed data and verified existing information in the Portal and has contributed to improvements in the Portal's content and features over the last 10 years. The Portal is the go-to source for these data, and is the single tool being used by offshore developers and fed/state and tribal agencies to do high-level planning for expansion of ocean wind energy in the Gulf of Maine.

Enviroscape is uniquely qualified to manipulate information in the Portal and to develop spatial products specific to Maine needs. The contractor will enhance the Portal's fisheries information by working with DMR staff. Part of the contract includes a demonstration of the Portal, which can only be done by this contractor. This contractor also brings cash resources to the project to enhance the products provided to Maine.

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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:

Patrick Keliher, Commissioner

Date:

November 15, 2019