

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:	Cory Sterns	Office/Division/Program of Contract Administrator:	Dept. of Inland Fisheries and Wildlife, Bureau of Resource Management, Wildlife Division
Est. Contract Amount:	\$ 6,935.00	Contract or RQS Number:	CT-09A-20191107*1498
Proposed Start Date:	1/1/20	Proposed End Date:	3/29/20
Vendor/Provider Name, City, State:	The Student Conservation Association, Inc. 689 River Road Charlestown, NH 03603		
Short Description of Good or Service:	Providing Internships for Conservation Projects		
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>11/27/2019</u> To: <u>12/3/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1120191945		
<p>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.</p>			
<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 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>	
		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;		

State of Maine Waiver of Competitive Bidding Request Form

	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:</i> http://www.maine.gov/purchases/info/forms/govcoop.doc	
	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.

The Department wishes to contract with the Student Conservation Assoc. to provide an intern (CI) to work on occupancy and abundance surveys for New England cottontail rabbits (NEC). The information gathered from these surveys will be used in occupancy models to determine NEC population trends in Maine and throughout their current range. In addition to determining occupancy trends, abundance estimates will be calculated at specific sites to determine the efficacy of management actions on local NEC populations. These surveys are part of a range-wide monitoring effort for NEC in which five other states are participating. Work will involve: conducting surveys in winter conditions, documenting survey routes using GPS, walking through thick brush to look for rabbit sign, and collecting fecal pellets for DNA analysis. The NEC is an endangered species in Maine and the results from these surveys will be used to guide management actions used to recover this species.

The primary mission, and statutory mandate, of our agency is to ensure that wildlife populations persist in Maine for the enjoyment of Maine's citizens and visitors (Title 12, §10051). The New England cottontail is a state endangered species and Maine statutes (Title 12 §12802) gives the Commissioner of the Department of Inland Fisheries and Wildlife authority to conduct programs to recover threatened and endangered species. Monitoring an endangered species' population trends is essential for guiding recovery efforts, and for measuring the effectiveness of management actions that are being implemented to recover the species.

**State of Maine
Waiver of Competitive Bidding Request Form**

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 has assigned two staff (i.e., the Mammal Group Leader, Research and Assessment Section, and a Regional Resource Biologist, Management Section) with NEC recovery duties. Even with these two staff, two full time contractors, based with sister conservation agencies, are needed to work with private landowners interested in managing NEC on their property and coordinate recovery efforts. The Department does not have the capacity to assign additional staff to survey for NEC. Contractors could be hired through other agencies for this work; however, their costs would be higher than the SCA interns and the Department could not generate the matching funds that are associated with these positions (see below).

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**.

If temporary service contractors were used to do this work, they would be paid between \$14 and \$15 per hour. Currently, IFW's temporary services contractor-- Project Staffing -- charges a 24% overhead rate on hourly pay for fieldwork, making the hourly cost to IFW between \$17.36 and \$18.60 per hour. The Student Conservation Association is proposing to charge IFW \$6,935 for one interns for 12 weeks. This amounts to an hourly rate of \$14.45 per hour, and is less expensive than hiring a contractor through Project Staffing. Interns working for the Student Conservation Association are considered volunteers by the USFWS Federal Aid Office. As volunteers, they still can be paid for travel expenses and modest living expenses. Each intern will receive \$4,662 in direct payments for 12 weeks, which includes a potential \$1,612 AmeriCorps Service Award, Living Expenses, Travel Expenses, and FICA contributions by the employer. If a staff biologist were to do the same work, the total cost would be \$14,078.40 ($\$29.33 \times 12 \times 40$). Federal Aid allows the difference between the direct payments made to interns and what IFW would have had to pay equivalent staff to be used as in-kind match for projects funded with federal funds. For this project, we anticipate that \$9,416.40 in matching funds will be generated. Under IFW's Federal Aid Grant, we generally receive \$3 federal dollars for every \$1 of match. Therefore, the match generated by this project could bring in \$28,249.20 in federal funds. The net benefit to IFW ($\$28,249.20 - \$6,935$) is \$21,314.20, plus the work done by the intern. In addition, the student will receive valuable work experience that may help him/her find career employment and an AmeriCorps award that can be used to cover education expenses.

5. Future Competition

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

We will continue to look for other vendors that provide interns for outdoor conservation work.

**State of Maine
Waiver of Competitive Bidding Request Form**

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 Student Conservation Association offers a comprehensive recruiting and administrative services for agencies using their interns. They not only offer excellent service to agencies but provide students pursuing careers in conservation outstanding work experience through their program. I am not aware of another organization that can provide the match rate (please see Cost Section) and the recruiting services offered by the Student Conservation Association.

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:

Timothy Penbody, Deputy Commissioner

Date:

11/13/19