



PROCUREMENT JUSTIFICATION FORM (PJF)

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Office of State Procurement Services.

INSTRUCTIONS: Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Procurement Services intranet site (Forms page) for additional instructions.

PART I: OVERVIEW			
Department Office/Division/Program:	Marine Resources / Marine Mammal Research / Survey Program & PAM Program		
Department Contract Administrator or Grant Coordinator:	Sarah Leiter		
(If applicable) Department Reference #:	N/A		
Amount: (Contract/Amendment/Grant)	\$ 207,583.00	Advantage CT / RQS #:	13A 20240108000000001908
CONTRACT	Proposed Start Date:		Proposed End Date:
AMENDMENT	Original Start Date:	2/1/2024	Effective Date:
	Previous End Date:	12/31/2024	New End Date:
GRANT	Project Start Date:		Grant Start Date:
	Project End Date:		Grant End Date:
Vendor/Provider/Grantee Name, City, State:		Bar Harbor Whale Watch Company, Bar Harbor, ME	
Brief Description of Goods/Services/Grant:		Research Vessel for monthly Inshore Marine Mammal PAM and Visual Surveys, Offshore PAM and Visual Surveys	

PART II: JUSTIFICATION FOR VENDOR SELECTION			
Check the box below for the justification(s) that applies to this request. (Check all that apply.)			
<input type="checkbox"/>	A. Competitive Process	<input type="checkbox"/>	G. Grant
<input checked="" type="checkbox"/>	B. Amendment	<input type="checkbox"/>	H. State Statute/Agency Directed
<input type="checkbox"/>	C. Single Source/Unique Vendor	<input type="checkbox"/>	I. Federal Agency Directed
<input type="checkbox"/>	D. Proprietary/Copyright/Patents	<input type="checkbox"/>	J. Willing and Qualified
<input type="checkbox"/>	E. Emergency	<input type="checkbox"/>	K. Client Choice
<input type="checkbox"/>	F. University Cooperative Project	<input type="checkbox"/>	L. Other Authorization

Please respond to ALL of the questions in the following sections.

PART III: SUPPLEMENTAL INFORMATION

1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.

The Maine Department of Marine Resources (ME DMR) Division of Marine Mammal Research is amending the current contract with Bar Harbor Whale Watch Company with the purpose of incorporating additional PAM hot-swaps and visual surveys in the offshore Gulf of Maine in November of 2024. Changing research priorities has prompted the Division of Marine Mammal Research Survey&PAM programs to utilize a faster locally based vessel for offshore activities. These research cruises will provide a platform for a team of five (5) Marine Mammal Observers (MMO) to conduct visual surveys for North Atlantic right whales and other marine species. The survey program requires 6 additional survey days to conduct visual survey transects and service 18 PAM sites in November in the offshore Gulf of Maine, associated logistical services, and lodging at the Gov't per diem rate for personnel. Additionally, the need for increased flexibility in the monthly inshore visual survey schedule requires additional logistical support and lodging.

2. Provide a brief justification for the selected vendor to supplement the response in Part II. Reference the RFP number, if applicable.

The Bar Harbor Whale Watch Co. is the Single Source/Unique Vendor available to perform this survey work in the GoM. The company owns two USCG inspected jet-propelled catamaran passenger vessels (Passenger Vessels Acadia Explorer and Coastal Explorer) with the capabilities required for these surveys and have previously been utilized as a platform for North Atlantic right whale surveys. The vessels are equipped with an elevated and stable Marine Mammal Observation platform which includes mounts for Fujinon 25x150 binoculars that will increase visual coverage along survey track lines, provide an unobscured view from either side of the ship, an observation platform height of 19 feet and 8 inches above the water line, with an unobscured 90° view on either side of the ship, and a protected space for visual data collection equipment and observations during inclement weather. The LOA (length overall) of 98.5 ft and beam of 28 ft, as well as the hull design of the vessels, ensure stability in a wide variety of weather conditions, which is required for obtaining accurate sighting distance measurements. The vessel crew is familiar with marine mammal research operations, operating around endangered large whales while mitigating disturbance, and navigating areas with dense fishing gear. These jet-propelled vessels have the additional benefit of no propeller for entangling fishing gear or harming marine life, fuel efficiency and reduced engine noise levels. The fuel capacity, speed, and stability of the vessel meet the requirements for inshore day-trip visual survey efforts. The vessel will be staffed with crew who are trained in marine firefighting and man overboard drills, passenger safety, conducting safety briefings, and data collection protocols for marine mammal surveys. The vessel also includes multiple restroom facilities for all-day research cruises. The M/V Explorer vessels can operate at speeds of up to 24 knots, and have the range required for the efficient recovery of the 18 offshore PAM sites and provide a platform height that is consistent with inshore surveys for offshore visual survey operations.

3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

The negotiated costs are based on the quoted amount from Bar Harbor Whale Watch Company, which is the sole provider of the vessel support needed for the combined passive acoustic and visual survey offshore operations in November. Costs for offshore recovery cruise days are fair and reasonable given the extensive range and fuel burn required to recover 18 additional PAM sites

PART III: SUPPLEMENTAL INFORMATION

and conduct offshore visual survey transects. Line items that may not be utilized are provided as contingencies in the case that recoveries are difficult or logistical and weather complications arise. Additional lodging and logistical services line items are also included to provide increased flexibility for inshore survey operations.

4. Describe the plan for future competition for the goods or services.

The Bar Harbor Whale Watch Company will remain the Single Source/Unique Vendor for ME DMR for combined multi-day acoustic and visual survey research cruises conducted by the Division of Marine Mammal Research offshore in the inshore and offshore GoM. This company is the only vendor in the State of Maine with vessels that meet all of the combined requirements for servicing the inshore PAM moorings and conducting visual surveys for marine mammals.

PART IV: AMERICAN RESCUE PLAN ACT (ARPA) / MAINE JOBS & RECOVERY PLAN (MJRP)

Does this request utilize ARPA/MJRP funds?

Yes, MJRP funds (023) – If Yes, please attach the approved Business Case(s).

Yes, ARPA funds (025) – If Yes, please be aware of the requirements from awarding federal agencies.

No – If No, proceed to Part V.

PART V: CONFLICTS OF INTEREST (COI); CONTRACT WITH THE STATE

Maine law contains Conflict of Interest statutes directed to State Departments, State Officers, and Employees Generally under MRS [Title 5, §18](#) and [§18-A](#), in harmony with MRS [Title 17, §3104](#).

The requesting department signatory understands and acknowledges Maine's Conflict of Interest statutes.

PART VI: APPROVALS

The signatures below indicate approval of this procurement request.

Signature of requesting Department's Commissioner (or designee):	<u>Meredith Mendelson</u> Meredith Mendelson (Oct 9, 2024 15:33 EDT)		
Typed Name:	Meredith Mendelson, Deputy Commissioner	Date:	10/9/24
Signature of DAFS Procurement Official:	DocuSigned by: <u>Martha Verhille</u> 891CE7A1493D45B..		
Typed Name:	Martha Verhille	Date:	11/4/2024

PJF CT 13A 20240108-1908 Amendment






10-9-24

Final Audit Report

2024-10-09

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