

**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.

<b>Requesting Department's Contract Administrator:</b>	Craig McLaughlin	<b>Office/Division/Program of Contract Administrator:</b>	Wildlife Division
<b>Est. Contract Amount:</b>	Increase by: \$ 143,169.36	<b>Contract or RQS Number:</b>	CT-09A-20171102*1561
<b>Proposed Start Date:</b>	January 1, 2020	<b>Proposed End Date:</b>	December 31, 2020
<b>Vendor/Provider Name, City, State:</b>	Wildlife Management Institute 4426 VT Route 215N Cabot, VT 05647		
<b>Short Description of Good or Service:</b>	Contract Staffing Support		
<b>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.</b>	<p style="text-align: center;"><b>To be completed by the Division of Procurement Services</b></p> <p style="text-align: center;">Posting dates on Division of <i>Procurement Services</i> website: From: <u>12/6/2019</u> To: <u>12/12/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 1220191981		
<b>1. Statutory Justification</b>			
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.			
<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"/>	<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><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p><b>Signature:</b></p>	
<input type="checkbox"/>		<b>Printed Name:</b>	<b>Date:</b>
<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;		

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	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>
	<p>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:</p> <p style="margin-left: 20px;">(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;</p> <p style="margin-left: 20px;">(2) A sharing of project responsibilities and, when appropriate, costs;</p> <p><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></p> <p><a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</p>
	<p>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;</p>
	<p>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.</p>
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>

**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 primary mission of our agency is to ensure that wildlife populations in Maine are maintained for future generations of Maine citizens and visitors to enjoy. As such, determining the degree that various environmental factors affect wildlife is central to our agency's mission.

The Wildlife Research and Assessment Section (WRAS) in MDIFW has undertaken several new studies and monitoring efforts in recent years (e.g., moose survival study, Breeding Bird Atlas, deer winter survival, snowshoe hare study, marten occupancy study, Canada lynx monitoring, and web-based game registration). These projects are in addition to ongoing wildlife monitoring efforts conducted in WRAS; hence, there is a need for additional technical staff to assist the wildlife biologists overseeing these projects. The technical positions sought require unique experience in chemically immobilizing bears in their winter dens, trapping bears, conducting moose necropsies, coordinating the collection of big game and furbearer harvest data, training tagging agents in the use of web-based game registration systems, collecting tissue samples for chronic wasting disease, chemically immobilizing lynx and releasing them from traps, sectioning moose and deer teeth, conducting a variety of bird surveys, operating snowmobiles, ATVs, and boats; and experience in using GIS and Microsoft Access for data entry.

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**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.

In addition to day-to-day supervision of the technicians, the biological staff in the Department must attend to a variety of tasks associated with the projects the technicians will work on (e.g., data analysis, field logistics, and report writing). These biologists have a full work load and cannot devote additional time to the duties that will be covered by these positions. Typically, the Department will use short-term contract technicians to assist with projects. However, for the projects mentioned above, we would like to retain technicians for longer time periods. This will allow consistent oversight of capture crews for the deer survival study, moose capture and necropsies, big game and furbearer registration stations, bat monitoring, breeding bird surveys, snowshoe hare and northern bog lemming monitoring. By hiring contract technicians for longer time periods we will realize several efficiencies over hiring several different technicians in succession. These efficiencies include reduced training time, better and more consistent oversight of field crews, skill (reduced time) in performing tasks, and familiarity with multi-year projects.

b. We are not aware of other services or individuals that can perform the service more efficiently.

**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 cost of this contract is determined by the salary paid to the technicians and a fee paid to the Provider (WMI) for administering the positions. Salary cost is based on equivalent positions in IFW. The total salary is considerably lower than an equivalent position in the federal government or in the private sector.

The fee that the Provider charges was negotiated with the Northeast Association of Fish & Wildlife Agencies, of which the Department is a member. The Provider is willing to waive a portion of its negotiated fee, which in turn is used by IFW to meet federal match requirements. This allows the Department to cover the costs for the technicians and administration of the positions entirely with federal funds. No state funds are needed for these positions.

**5. Future Competition**

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

If the US Fish and Wildlife Service authorizes other vendors to provide the requested service in the future, the Department will use a competitive process to identify an appropriate vendor.

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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 Department is a member of the Northeast Association of Fish & Wildlife Agencies (Association), which is a nonprofit organization made up of the state and provincial wildlife agencies in the Northeastern North America. The Association has a cooperative agreement with the Provider (WMI) and through this agreement allows WMI to administer contracts for regional projects. WMI is uniquely qualified to administer this contract because 1) it has considerable experience in administering similar contracts for state wildlife agencies; 2) the administrators at WMI are familiar with federal grant match and reporting requirements, such as the federal grant that will be used to fund proposed position; 3) the fee that WMI charges has been negotiated with the Association (i.e., 44%); 4) WMI is willing to waive a portion of its negotiated fee, which in turn will be used by the Department to meet federal match requirements; and 5) the US Fish and Wildlife Service, which provides the Department with federal funding for wildlife research and management, has agreed that if WMI waves a portion of their administrative fee, it would meet the Department’s match requirements for its research grant W87R. **This is the only contractor that the USFWS has authorized to this.**

### 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:

Date:

*Joseph Canuso*  
*Joseph Canuso*  
*12/5/19*