

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.

PM-21181

Requesting Department's Contract Administrator:	Robert Cordes	Office/Division/Program of Contract Administrator:	Inland Fisheries and Wildlife, Bureau of Resource Management				
Est. Contract Amount:	\$ 47,460.94	Contract or RQS Number:	09A-20151006000000001438				
Proposed Start Date:	October 1, 2015	Proposed End Date:	December 31, 2020				
Vendor/Provider Name, City, State:		Wildlife Management Institute 4426 VT Route 215N Cabot, VT 05647					
Short Description of Good or Service:		Shooting Range Coordinator					
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 Procurement Services website: From: <u>12/10/2019</u> To: <u>12/16/2019</u>					
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1220192008					
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.							
<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>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i> Signature: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Printed Name:</td> <td>Date:</td> </tr> <tr> <td style="height: 40px;"></td> <td></td> </tr> </table>		Printed Name:	Date:		
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;						

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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;
	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) <u>all</u> 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.	
<p>The Maine Department of Inland Fisheries and Wildlife has received an award from the US Fish and Wildlife Service (USFWS) to enhance public access to shooting ranges in Maine. This project includes A) provision of small grants to improve safety, access, and environmental compliance at shooting ranges that offer public access, B) redesign and reconstruction of Department owned shooting ranges, and C) providing technical assistance to shooting ranges in order to address environmental issues, safety concerns, and noise mitigation. This is a multi-year project, with over \$2.5 million in federal funding. The USFWS grant includes \$290,000 to cover the costs of hiring a contractor to coordinate the project. This position oversees the development and implementation of the small grants program, coordinates the reconstruction of Department owned shooting ranges, administers the federal award, writes and submits interim and final project reports, and provides technical assistance to shooting ranges across the state. The shooting range coordinator position is required to successfully implement the program and meet the federal obligations for administering the grant.</p>	

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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.

The MDIFW shooting range project is outside of the normal scope of work of Department staff. To date, implementation of this project has been conducted as a collaborative effort by the MDIFW Special Projects Coordinator, Federal Aid Coordinator, Recreational Safety Coordinator, and a part-time (~10 hours/week) contractor. Current staff have other duties and cannot meet all the demands to successfully implement the project. Sharing the responsibilities between multiple Department staff is inefficient and creates confusion for the public when seeking information on the program. MDIFW must successfully complete all project tasks by September 30, 2021 or face the loss of federal funding. Hiring a contractor through a local Temporary Staffing agency is not cost-effective because these companies are not approved by the US Fish and Wildlife Service to use waived administrative costs as match for the federal grant. Therefore, using a local Staffing Agency would require MDIFW to provide 25% of the total cost using state funds. Using Wildlife Management Institute to provide this service will result in no direct cost to the State (all expenses will be paid using federal funds).

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 salary for this position was based on equivalent positions in IFW. It is considerably lower than an equivalent position in the federal government or in the private sector (e.g., Wildlife Management Institute).

5. Future Competition

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

Currently, the Wildlife Management Institute (WMI) is the only contractor that the US Fish and Wildlife Service has authorized to use waived administrative fees to meet the requirement for match towards the Pitman Robertson Grant. If the US Fish and Wildlife Service authorizes additional contractors to provide this service in the future, MDIFW will consider using those providers.

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.

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IFW 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 WMI and through this agreement has agreed to allow 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 the proposed position; 3) the fee that WMI would charge has been negotiated with the Association (i.e., 44%), 4) WMI is willing to waive a portion of its negotiated fee, which in turn could be used by IFW to meet federal match requirements for IFW's federal Pitman Robertson Grant, and 5) the US Fish and Wildlife Service, who administers the Pitman Robertson Grant, has undertaken a formal review of WMI's qualifications and business practices, and has agreed that if WMI waves a portion of their administrative fee that it would meet IFW's match requirements for this grant.

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.

This request for a non-competitive contract is based on the identified vendor's uniqueness in providing the requested services. It is not based on an "urgent" timeframe requirement.

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.

Juark Canuso

Printed Name:

Juark Canuso

Date:

12/9/19