


PM-20856
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:	Sherrie M. Kelley	Office/Division/Program of Contract Administrator:	Resource Administration
Est. Contract Amount:	\$ 72,500	Contract or RQS Number:	06A 20191202*1750
Proposed Start Date:	12-02-2019	Proposed End Date:	11-30-2020
Vendor/Provider Name, City, State:	K2 Environmental Consulting, Newtown, PA		
Short Description of Good or Service:	Provision of Vehicle Information Database		
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 style="text-align: center;"><i>To be completed by the Division of Procurement Services</i></p> <p>Posting dates on Division of <i>Procurement Services</i> website: From: <u>12/12/2019</u> To: <u>12/18/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1220192033		
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 checked="" 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> <p>Printed Name: Gerald D. Reid</p> <p>Date: 12/2/19</p>	
<input 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;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum		

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	products;	
	<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>(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>(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>http://www.maine.gov/purchases/info/forms/govcoop.doc.</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;	
	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.

Because of the recent creation of the Maine Climate Council, the Department of Environmental Protection is being required to provide high quality environmental data analysis under an aggressive time frame. The service being procured provides for the timely analysis of mobile nonpoint source pollution which is necessary to support the Maine Climate Council. Mobile nonpoint source pollution, which is mostly made up of automotive emissions, is a critical variable in the development of the Climate Change Action Plan which the Legislature has charged the Council with producing by December 2020.

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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.

Through discussions with the Department's application development personnel and colleagues in the nonpoint source pollution field, there are no resources which both have the experience and skills unique to this need and are available as quickly and can complete the task as rapidly as K2 Environmental Consulting.

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 experience of the Department's Business Analyst, along with estimates provided by the Department's application development team, lead us to conclude that K2 Environmental Consulting's fees are fair and reasonable.

5. Future Competition

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

Although the current project based need provided by the Climate Council is discrete and time sensitive, the types of analysis which the services provided by K2 Environmental Consulting will provide are related to types of analysis which the Department will be doing on an ongoing basis to support the Department's regulatory business. Thus we anticipate similar services will be needed and provided on a competitive basis in the future.

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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.

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.

The immediate procurement of Vehicle Information Database is emergent because of the tight timeframe required by the completion of the Action Plan. With an overarching deadline of December 2020, and a draft plan anticipated to be published in July 2020, the Transportation Work Group, which needs this service to complete its part of the Action Plan, has its first meeting on Oct 30, 2019. The Work Group needs defensible mobile nonpoint source pollution data as soon as possible in order to analyze and incorporate it and products derived from it into the Action Plan.

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Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
Printed Name:	Gerald D. Reid
Date:	12/9/19