

# 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>	Beth Swartz	<b>Office/Division/Program of Contract Administrator:</b>	Dept. of Inland Fisheries and Wildlife, Bureau of Resource Management, Wildlife Division
<b>Est. Contract Amount:</b>	\$ 8,000.00	<b>Contract or RQS Number:</b>	CT-09A- 20190219*2404
<b>Proposed Start Date:</b>	03/11/2019	<b>Proposed End Date:</b>	3/31/2021
<b>Vendor/Provider Name, City, State</b>	Biodrawversity LLC Ethan Nedeau, Principal 206 Pratt Corner Road Leverett, MA 01054		
<b>Short Description of Good or Service:</b>	Author, design and layout informational pamphlet/poster and kiosk panel on freshwater mussels, including all text, photos, original illustrations, and print-ready digital files.		
<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>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <b>Procurement Services</b> website: From: <u>12/23/2019</u> To: <u>12/30/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1220192104	
<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>	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. <b>Signature:</b>	
<input type="checkbox"/>		<b>Printed Name:</b>	<b>Date:</b>
<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 products;		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	<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: <a href="http://www.maine.gov/purchases/info/forms/qovcoop.doc">http://www.maine.gov/purchases/info/forms/qovcoop.doc</a>.</i>		
<input type="checkbox"/>	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;		
<input checked="" type="checkbox"/>	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.		

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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.

As partner in a Regional Competitive State Wildlife Grant award, MDIFW is responsible for developing outreach materials to increase public awareness of and appreciation for freshwater mussels and their conservation. There are 10 species native to Maine, three of which are listed as Threatened under the Maine Endangered Species Act. Freshwater mussels are important conservation targets because of their high rates of imperilment, complex life cycle, breadth of aquatic habitats used, and important ecosystem services provided by them.

Maine statute mandates it is the policy of the State to conserve all species of fish and wildlife found in Maine, and to maintain and enhance the numbers of species at risk of extirpation. Informing the public and building public support through outreach are important components of meeting MDIFW's mandate to conserve Maine's freshwater mussel fauna.

## 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.

Composing an effective and compelling message about freshwater mussels requires an in-depth knowledge of the biology, life history, ecosystem importance and conservation needs of both individual species and the taxonomic group as a whole. Because these outreach products will also be used as a template by other states, a comprehensive, range-wide understanding of freshwater mussels is essential. The ability to couple this knowledge with high-quality illustration, photography, and graphic design skills is key to creating effective final products. Staff resources with this level of combined expertise are limited at MDIFW and not available from any other in-state governmental agency.

## 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**.

*Biodrawversity* offers a significantly reduced labor rate for services to state, federal and private conservation agencies that is not available from other vendors of the same caliber and experience. MDIFW is able to further reduce overall costs by applying these reduced rates to meet its federal grant match requirements (25%), without any additional outlay of state funds. This vendor has an existing library of original, high-quality written materials, photographs, and illustrations from which to develop the requested deliverables, which reduces time and cost required to create novel materials. *Biodrawversity* also grants the Department non-exclusive use of its copyrighted materials (illustrations, photographs, and text), which reduces costs of future publications.

## 5. Future Competition

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

Unless other vendors develop or hire staff having expertise in freshwater mussels and their conservation, coupled with high-quality writing, illustration and graphic design skills, there will be few reliable or desirable options available for future competition.

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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.

Ethan Nedeau of *Biodrawversity* LLC (<http://www.biodrawversity.com/ethan.htm>) has extensive experience as a freshwater mussel biologist in Maine and the Northeast, including conducting survey, monitoring and relocation efforts for state and federally-listed species. Ethan is also an exceptional science communicator, illustrator, photographer, and graphics designer who specializes in freshwater mussels and other aquatic invertebrates, and who has produced a variety of public outreach and scientific materials for state, federal, private and non-profit agencies (<http://www.biodrawversity.com/communications.htm>) – including authoring and designing "The Freshwater Mussels of Maine" book. The quality and continuity of writing and design that these existing publications will bring to the current project, as well as future outreach products, will enhance the grant partners' goal to develop templates that can be used throughout the region with a common message and theme. The Department is unaware of any other single vendor who combines all these desired qualifications and expertise.

**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.

N/A

**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:**

*Joan Carnudo*  
*Joan Carnudo*

**Date:**

*2/26/19*