

PM-21485
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:	Adrienne Leppold (Brenda Lord, Secretary)	Office/Division/Program of Contract Administrator:	Maine Department of Inland Fisheries and Wildlife, Wildlife Division, Bird Group
Est. Contract Amount:	\$ 24,800	Contract or RQS Number:	CT-09A-20191218*1897
Proposed Start Date:	01/10/2020	Proposed End Date:	12/31/2020
Vendor/Provider Name, City, State:	Evan Adams c/o Biodiversity Research Institute, 276 Canco Rd., Portland, ME		
Short Description of Good or Service:	The provider will be the primary individual responsible for offering guidance on and conducting necessary data analyses for data collection methodology, outreach, and final reporting purposes related to the Maine Bird Atlas.		
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 <i>Procurement Services</i> website: From: <u>12/24/2019</u> To: <u>12/30/2019</u>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1220192120		
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:	
<input type="checkbox"/>		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;		

**State of Maine
Waiver of Competitive Bidding Request Form**

	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) 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.

State Wildlife Action Plans (SWAPs) provide the foundation for wildlife conservation in states and Maine's 2015 Wildlife Action Plan identified a contemporary bird atlas as a priority "Conservation Action". More than 420 species of birds occur in Maine during some point of their annual life cycle. In addition, of the 225 species of birds that nest in Maine, 150 of them are considered Species of Greatest Conservation Need (SGCN) (MDIFW 2015). To address the Department's mission to preserve, protect, and enhance bird populations, for use and enjoyment by current and future generations, we must improve our understanding of the abundance and distribution of Maine's birds. This bird atlas project will be invaluable for collecting data using "state-of-the-art" science to inform future wildlife action plans, both for common species and SGCN.

We anticipate a Maine Breeding and Wintering Bird Atlas will reveal changes in the distribution of breeding birds from the first atlas and systematically measuring breeding bird abundances will be invaluable in guiding future species status assessments and wildlife action plans. Furthermore, there has never been a systematic statewide effort to document the distribution of wintering birds, which can vary drastically from the composition of avifauna other times of the year. Given changes across our landscape that result in the loss or alteration of habitat, the abundance data collected as part of this atlas will provide critical baseline information for evaluating population changes of Maine's birds in the future.

Atlas efforts will result in two primary forms of data being collected. First, volunteers will be collecting presence/absence data with ancillary information describing the breeding status of the birds in survey grid cells across the state. Second, skilled observers will conduct point count surveys throughout the state to obtain estimates of abundance for breeding

State of Maine Waiver of Competitive Bidding Request Form

birds. With these two different types of surveys, it can be difficult to maximize the effectiveness of data collected in each survey, as well as combine data between surveys. Ultimately, we intend to address the following questions: 1) What are the range sizes (i.e., distributions) of each species breeding and wintering in the state? 2) Has the breeding range changed for species sampled during the first Maine atlas? And 3) What is the relative abundance of breeding and wintering species in the state?

To answer these questions effectively, utilizing correction factors (e.g., to account for observer detection differences, spatial and temporal autocorrelations, etc.) and data validation are among the essential tasks in completing analyses. Use of data simulations will be required to evaluate biases in the data and evaluate the data's predictive power. Predictive models may also be developed to help us better understand if changes in abundance or distribution could be related to land use practices. As such, quantitative ecologists are an important addition to the atlas team for ensuring effective surveys, quality data collection, and that the analyses meet the needs of the project.

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.

Searches for qualified quantitative ecologists within local, state, or federal government having extensive experience in ecological modeling and a familiarity with Maine's landscape and avifauna were unsuccessful. This combination of experience and expertise for an affordable rate is simply not available within government entities.

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 Department concluded the negotiated costs are fair and reasonable based on research into the average part-time investment of a professional quantitative ecologist. Annual average salary of a comparable position would be more than \$80,000/year. For a part-time work contract, this provider will be working for less than the national average.

5. Future Competition

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

If the Department becomes aware of new resources that may be able to complete the tasks associated with this contract in a cost-effective manner, we will seek competitive proposals in the future.

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.

State of Maine Waiver of Competitive Bidding Request Form

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 provider has a PhD in Ecology and Environmental Sciences with an emphasis on statistical modeling methodologies and has experience conducting complex ecological modeling projects. The provider will utilize both the abundance sampling data collected by hired survey staff and the presence/absence data collected by volunteers to map the distribution of Maine's breeding and wintering birds. This will require an advanced understanding and familiarity with sophisticated ecological modeling techniques and software coding languages (e.g., R and JAGS). The provider's experience with the analytical techniques, professional connections within the state of Maine, as well as knowledge of Maine's avifauna makes them ideally suited for this task. We are not aware of any other vendors that have the required statistical expertise, knowledge of bird ecology, and availability to complete this work.

The Bird Atlas is a collaborative effort involving multiple partners from across the birding community in Maine. Successful completion of the project is dependent on maintaining continuity among project partners, contractors, and MDIFW staff. This provider has been involved with the Bird Atlas since the project was initiated, helping to establish the study design and working with other partners to successfully implement data collection. He is the only individual that has the requisite statistical background and long-term history with the project to ensure data are interpreted and analyzed correctly.

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:

Date:

Josh Canuso
Josh Canuso
12/23/19