

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>	Thomas Linscott, Director	<b>Office/Division/Program of Contract Administrator:</b>	Bureau of Parks and Lands- Boating Facilities Division
<b>Est. Contract Amount:</b>	\$ 129,050	<b>Contract or RQS Number:</b>	CT01A20191007*1229
<b>Proposed Start Date:</b>	9/5/19	<b>Proposed End Date:</b>	9/5/21
<b>Vendor/Provider Name, City, State:</b>	Town of Rumford		
<b>Short Description of Good or Service:</b>	Design, Bidding, Permitting and Construction of a trailered boat launch facility on the Androscoggin River in Rumford.		
<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><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website:                  From: <u>12/24/2019</u> To: <u>12/30/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# <b>1220192121</b>		
<p><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.</p>			
<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"/>	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;		
<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><b>Signature:</b></p>	
		<b>Printed Name:</b>	<b>Date:</b>

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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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.	
<b>X</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	12 MRSA, Section 1899

**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 Town of Rumford applied to the Boating Facilities Division for a grant to provide public recreation boating access to the Androscoggin River. The town currently owns the property and must be the recipient of the funds from the Boating Facilities Competitive Grant Program. The current access was not constructed to accommodate safe launching of trailered boats in a flowing river setting. This new boat launch will be constructed using the latest guidelines for construction of trailered boat launches.**

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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 Town of Rumford owns the site, however, they do not possess the expertise or staff to complete the type of engineering and construction required to make the site safe for the general public, while meeting ADA requirements.

**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**.

Staff in the Boating Facilities Division have extensive experience with the development and bidding of boating facilities across the State of Maine. The Town of Rumford has chosen a pre-approved engineering firm with boat launch development experience. By reviewing the plans provided by the engineering firm and available cost data, we were able to develop accurate cost estimates for the proposed scope of work.

**5. Future Competition**

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

The Boating Facilities Division currently manages the yearly competitive grant program, which accepts application for funding which are then rated and scored for approval by department employees.

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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 Town of Rumford owns the sites and was the applicant for the competitive grant. The proposed launch location will offer access to the Androscoggin River that eases trailered launching, is developed to current standards and meets ADA specifications for parking and access at this type of facility.

### 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.*

*Amanda E. Beal*

**Printed Name:**

Amanda E. Beal

**Date:**

12/23/19

*RLH  
12-19-2019*