

## 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>	Adrienne Leppold (Brenda Lord, Secretary)	<b>Office/Division/Program of Contract Administrator:</b>	Maine Department of Inland Fisheries and Wildlife, Wildlife Division, Bird Group
<b>Est. Contract Amount:</b>	\$ 34,800	<b>Contract or RQS Number:</b>	CT-09A-20191218*1896
<b>Proposed Start Date:</b>	01/10/2020	<b>Proposed End Date:</b>	12/31/2020
<b>Vendor/Provider Name, City, State:</b>	Maine Audubon 20 Gilsland Farm Road, Falmouth, Maine 04105		
<b>Short Description of Good or Service:</b>	The provider will be responsible for overseeing and coordinating all volunteer outreach efforts related to the Maine Breeding and Wintering Bird Atlas and lead in the promotion of the project to the birding community to recruit and train volunteers.		
<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 style="text-align: center;"><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>12/27/2019</u> To: <u>1/2/2020</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 1220192123		
<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 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		
<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> <b>Signature:</b>  <b>Printed Name:</b> _____ <b>Date:</b> _____	

## State of Maine Waiver of Competitive Bidding Request Form

	State from only one source;
	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.
	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.

The success of the Maine Bird Atlas is dependent on contributed records from volunteers. Thousands of citizen scientists will provide presence/absence data with ancillary information describing the breeding status of the birds in survey grid

## State of Maine Waiver of Competitive Bidding Request Form

cells across the state. Therefore, to successfully implement the Maine Bird Atlas we require a dedicated coordinator to recruit, train, coordinate, and retain volunteers.

### 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.

Completing a statewide project of this scale will require a combination of dedicated project specific staff and *thousands* of volunteers. MDIFW biologists have a full work load and cannot devote additional time to the tasks that will be managed by this contractor. In addition, successfully coordinating bird atlas volunteers requires personnel with involvement in the birding community and schedule flexibility without attention being divided among other responsibilities.

Other governmental resources are not available to perform this service because of a lack of network connections and resources to devote to such a time intensive project.

### 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 national salary of an outreach coordinator. Annual average salary for a comparable, full-time position would be more than \$40,000/year, plus overhead. For a part-time work contract, this is on par with 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.

The completion of this project will be largely dependent upon volunteers. As such, the opportunity exists for the contractor to recruit additional volunteers and even other individuals from partnering agencies who could lend their time and skills on a part-time basis.

**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.

## State of Maine Waiver of Competitive Bidding Request Form

Maine Audubon is uniquely qualified and positioned to successfully manage volunteer data collection for the Bird Atlas. Outside of the few paid coordinator and abundance sampling staff, this project will be completely reliant on data contributions from citizen scientists. The immense need for volunteer involvement and the fact that about 90% of Maine lands are privately owned demands we collaborate with established and connected entities in the state. Maine Audubon has an established volunteer network and landowner outreach program that will be a critical component for the success of this project.

Maine Audubon's established outreach and educational program is active year-round and they have a strong history of engaging citizen science volunteers to make meaningful contributions to conservation research. For example, Maine Audubon founded the Maine Loon Project (>900 volunteers), organizes Christmas Bird Counts statewide, and has successful volunteer-based projects for monitoring amphibians, butterflies, and bats statewide. They also have a history of working collaboratively with various organizations to achieve state recovery goals for species of special concern, identify important bird areas, and assist in conservation driven research.

Additionally, Maine Audubon has experience engaging citizens and training individuals in the use of eBird, the specialized citizen science database portal being used for Maine Bird Atlas data entry. The contractor has experience with the Maine bird records committee in reviewing reports of rare or uncommon species in the state, which is especially valuable for quality control of volunteer-collected data.

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. To date, over 1,200 volunteers have submitted close to 27,500 checklists of birds and documented 232 species of breeding birds in the state. They are the only provider with the requisite expertise, connections, and background to successfully coordinate volunteer data collection for the Bird Atlas.

**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:**

*Joel Corn  
Joel Corn*

**Date:**

*12/23/19*