



**PETITION FOR RELIEF FROM BIDDING AS A PROCUREMENT METHOD
(INDEPENDENT CONTRACTOR)**

Agency: **Mississippi Department of Marine Resources**

Agency Contact Name: **Rick Kinnard**

Agency Contact Email Address: procurement@dmr.ms.gov

Agency Contact Phone Number: **(228) 523-4147**

Date Form Submitted to PPRB's OPSCR staff: **2/3/2020**

Requested PPRB Meeting Date: **March 4, 2020**

Briefly describe the proposed scope of work for the procurement:

MDMR is requesting to issue a request for proposals (RFP) to establish a contract with an individual, entity, or firm to treat non-native, invasive vegetation on 152 acres of property within the National Estuarine Research Reserve (NERR). Invasive mapping conducted in 2019 identified Chinese tallow (*Triadica sebifera*) and cogongrass (*Imperata cylindrica*), Chinese privet (*Ligustrum sinense*), Camphor tree (*Cinnamomum camphora*), and Japanese climbing fern (*Lygodium japonicum*) as the primary harmful invasive species. Continued control methods are necessary to keep these harmful invasive species from spreading. Offerors will compete for a two-year contract requiring one treatment per year that shall result in a minimum rate of 95% of original infestation treated per parcel (*treated, not controlled).

1. Petition for relief from bidding (the use of Invitation for Bids) as a procurement method may be requested for one of the reasons listed below. Check the reason that prevents your agency from using Invitation for Bids (IFB) as a procurement method for this service:

- ☐ Federal and/or state law has established limitations on the use of competitive bidding for the personal or professional contracts the agency is seeking to procure;
- ☐ The agency is required to hire professionals whose members are prohibited from bidding by the rules of professional conduct promulgated by the regulating agency or agencies for that professional; or
- ☐ Competitive bidding through the use of an Invitation for Bids (IFB) is not practicable and advantageous to the business of the agency.

2. Provide a detailed explanation of the reason(s) why a procurement method other than bidding (IFB) is requested (attach supporting documentation including, but not limited to, any identified laws, orders, rules, or regulations issued by a governing body):

MDMR is requesting to competitively procure services for non-native invasive vegetation treatment through an RFP that will allow MDMR flexibility in awarding a contract by evaluating each Offeror's proposed treatment plans and capabilities. The intent of the contract resulting from this solicitation is to secure chemical and/or mechanical application and techniques during a period of time when environmental conditions and target species phenology are most favorable for ensuring elimination and/or control of designated non-native invasive vegetation, which requires skilled technicians with expertise in controlling invasive species throughout coastal wetlands. For this reason, a solicitation for price alone would be counterproductive to the business of the agency.

3. If petition for relief from bidding is granted, a competitive procurement procedure for selecting the vendor must be established. The PPRB may audit your records to ensure competitive



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procedures were used to procure the required service. If the request for petition for relief from bidding (IFB) is granted, please indicate the method of procurement that will be used:

- ☐ Request for Proposals
☐ Request for Qualifications
☐ Other (Please explain):

4. When will the procurement be issued and/or advertised? **March 11, 2020**
5. When will the vendor(s) be selected? **April 16, 2020**
6. How many contract(s) will be issued as a result of the procurement? **One, two-year contract**
7. What evaluation factors will be used and what is the weight/percentage of each factor?

The Evaluation Factors are as follows:

Price 35 points (35%)

The Offeror's price including all labor, materials, transportation and other costs necessary to successfully complete the proposed invasive vegetation treatment.

Technical Factors (Proposed Methodology) 30 points (30%)

The Offeror's treatment plan including the minimum requirements:

- Does the Offeror's proposal demonstrate a clear understanding of the scope of work and deliverables? **5 points**
- Is the Offeror's proposal complete and responsive to the specific RFP requirements? **10 points**
- Does the Offeror's proposal adequately explain the method(s) of treatment, herbicides and/or mechanical techniques and the equipment and/or transportation methods that will be used? **10 points**
- Does the Offeror's proposal contain an acceptable emergency spill and weather conditions plan? **2.5 points**
- Does the Offeror's proposal contain an acceptable biosecurity plan? **2.5 points**

Cost Factors 10 points (10%)

- Does the Offeror adequately demonstrate having sufficient financial resources, including the personnel, equipment and facilities to perform the service? **5 points**
- Is the price and its component charges, fees, etc. adequately explained or documented? **5 points**

Management Factors 25 points (25%)

- Does the Offeror present an acceptable representation in providing the required services as reflected/evidenced by qualifications? **5 points**
- Does the Offeror provide adequate general and specific experience for providing the required services? **5 points**
- Does the Offeror provide adequate qualifications and abilities of assigned personnel to perform the services? **5 points**
- Is the Offeror's record of past performance of similar work, such as capability to perform services within a relevant deadline, control of costs, and quality of work positively reflected by the references from two (2) prior projects? **5 points**
- Does the Offeror present best practices in providing a work product that is equal to or exceeds industry standards? **5 points**

Total possible score: 100 points

8. What is the anticipated term of the contract? **Two years**
9. Will the contract include renewal terms? If yes, how many? **No/None**
10. What is the anticipated total amount of funds expended under the contract? **Up to \$150,000.00**



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11. Will the contract negate the need for an existing PIN/WIN? If so, please explain how the contract is more cost effective: **No**
12. Please indicate whether procurement is associated with any new, continued, expanded, or terminated program(s): **This procurement will fulfill MDMR's Grand Bay Land Acquisition and Habitat Management grant program requirements by managing non-native invasive vegetation in targeted habitats within the boundaries of the Grand Bay National Estuarine Research Reserve.**
13. Please provide the names of the Evaluation Committee members. **Please see the Evaluation Committee Selection Form attached.**

14. Has relief from bidding of this service been previously requested? ☐ No ☐ Yes

MDMR has previously requested relief from bidding and was approved for this type of service, but was for a different project, on different property and was for the Office of Coastal Preserves. This project entails the same type of service on different property located and managed by MDMR's Grand Bay National Research Reserve. We have not previously requested relief for this particular project and/or property. Please see attached approval excerpted from the January 9, 2019 PPRB meeting minutes.

If "Yes" please explain and attach the previous approval or denial. If denied, please explain why this request is different. What was the date of the previous PPRB meeting when this was considered by the Board? **January 9, 2019**

Chief Procurement Officer Signature

Date

Evaluation Committee Selection Form



Project Title: Invasive Vegetation Treatment at the GBNERR

Evaluation Committee Chair (Non-Voting Member)
Title

Valerie McWilliams	Procurement Specialist
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Subject Matter Expert(s)

Title

Ayesha Gray

Director/GBNERR

Jennifer Wittmann

Coastal Preserves Bureau Director

Mike Pursley

Invasive Species Program Manager

Jonathan Pitchford

Stewardship Coordinator/GBNERR

Executive Director Approval:

Date Approved: 12-13-15

PPRB Meeting Minutes

Woolfolk Building, Room 145

January 9, 2019

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3. Requesting Agency: Mississippi Department of Marine Resources

RFx Number: 3180000618

Procurement Request: Request for Proposals **Anticipated Term:** One (1) year without renewals
Anticipated Contract Amount: \$100,000.00 total

Summary of Request: The agency has submitted a Petition for Relief from the use of an Invitation for Bids (IFB) as the procurement method, as allowed by Miss. Code Ann. §31-7- 403(4) for the competitive procurement of multiple vendors, to treat non-native, invasive vegetation, on fourteen (14) Coastal Preserve parcels. The agency contends the use of an Invitation for Bids is neither practicable nor advantageous, as the service requires skilled technicians with expertise in controlling invasive species throughout the coastal wetlands. The vendors will provide treatment plans for future environmental conditions when target species phenology is most favorable, to ensure elimination or control of designated non-native invasive vegetation. The respondents will be evaluated based on technical, cost, and management factors. Technical factors will be weighted at twenty-five percent (25%) or 25 points, cost factors will be weighted at fifty percent (50%) or 50 points (with price (relative cost) assigned an individual weight of thirty-five (35%) or 35 points, and management factors will be weighted at a combined twenty-five percent (25%) or 25 points.

Staff Recommendation: Granting of the Agency's Petition for Relief from competitive bidding requirements as allowed by Miss. Code Ann. §31-7-403(4) and approval of the Agency's request to use a Request for Proposals as the procurement method to select multiple vendors to provide control of non-native invasive species in order to restore and maintain the Coastal Preserves.

Action: A motion was made by Ms. Malatesta to approve the staff recommendation as presented with the noted correction of the management factors being weighted at a combined twenty-five percent (25%) or 25 points, and not the thirty-five percent (35%) as listed in the agenda. The motion was seconded by Mr. Morehead and unanimously approved by all members present.