



PROCUREMENT JUSTIFICATION FORM (PJF)

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Office of State Procurement Services.

INSTRUCTIONS: Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Procurement Services intranet site (Forms page) for additional instructions.

PART I: OVERVIEW			
Department Office/Division/Program:		DPRF / Insurance	
Department Contract Administrator or Grant Coordinator:		Timothy N. Schott 207-624-8403	
(If applicable) Department Reference #:			
Amount: (Contract/Amendment/Grant)	\$ 150,000	Advantage CT / RQS #:	20250127 1813
CONTRACT	Proposed Start Date:	1/1/2025	Proposed End Date: 6/30/2026
AMENDMENT	Original Start Date:		Effective Date:
	Previous End Date:		New End Date:
GRANT	Project Start Date:		Grant Start Date:
	Project End Date:		Grant End Date:
Vendor/Provider/Grantee Name, City, State:		Davis, Malm & D'Agostine, P.C. One Boston Place, 37 th Floor Boston, MA 02108	
Brief Description of Goods/Services/Grant:		Insurance Company Consultation Services	

PART II: JUSTIFICATION FOR VENDOR SELECTION			
Check the box below for the justification(s) that applies to this request. (Check all that apply.)			
<input type="checkbox"/>	A. Competitive Process	<input type="checkbox"/>	G. Grant
<input type="checkbox"/>	B. Amendment	<input type="checkbox"/>	H. State Statute/Agency Directed
<input checked="" type="checkbox"/>	C. Single Source/Unique Vendor	<input type="checkbox"/>	I. Federal Agency Directed
<input type="checkbox"/>	D. Proprietary/Copyright/Patents	<input type="checkbox"/>	J. Willing and Qualified
<input type="checkbox"/>	E. Emergency	<input type="checkbox"/>	K. Client Choice
<input type="checkbox"/>	F. University Cooperative Project	<input type="checkbox"/>	L. Other Authorization

Please respond to ALL of the questions in the following sections.

PART III: SUPPLEMENTAL INFORMATION

1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.

This arrangement is necessary in order to provide specialized skill sets, beyond that of Maine Bureau of Insurance (“MBOI”) staff, which is crucial in the delivery of insurance company regulatory oversight. The frequency of the need for these services is not possible to predict. As such, it is not economically feasible nor is it practical for the MBOI to maintain staff with these skill sets.

2. Provide a brief justification for the selected vendor to supplement the response in Part II. Reference the RFP number, if applicable.

Davis, Malm & D’Agostine, P.C. (“DMD”) employs unique individuals with qualifications and experience not easily replicated, namely J. David Leslie. An example of DMD’s skill set follows: Earlier in the past decade, DMD’s predecessor firm Rackemann Sawyer & Brewster (“RSB”) performed an examination on Unum Life Insurance Company of America (“ULA”), a ME domiciled insurer. The RSB examination, led by J. David Leslie, was performed after a full scope comprehensive claim handling review performed by a leading examination firm. The leading examination firm concluded that ULA adjudicated claims properly. RSB performed its examination shortly after the leading firm concluded their review with no findings. RSB identified significant claim handling issues in an extremely short period of time. The RSB examination resulted in significant findings and an unprecedented multi-state regulatory settlement.

Since the ULA market conduct examination, the regulators of ME and MA have examined other ULA competitors to ensure that claims handling practices are not resulting in a competitive advantage. As such, the experience and expertise that DMD now has with J. David Leslie, allows for the MBOI to ensure that ULA competitors handle claims in a manner similar to the practices required of ULA.

J. David Leslie is the DMD contact person. Mr. Leslie has extensive insurance industry knowledge. Mr. Leslie represented the Commonwealth of Massachusetts in the Harvard rehabilitation and the Minuteman receivership.

Mr. Leslie has led several ongoing MBOI projects including Maine Community Health options administrative oversight. Mr. Leslie has also completed targeted market conduct examinations recently, including an examination of Anthem Life. Other projects that he has recently led include State of Maine legal representation in the Senior Health Insurance Company of Pennsylvania court case. The Senior Health Insurance Company of Pennsylvania court case was a complex multi-state case involving the financial status of a Pennsylvania Long Term Care insurer.

Mr. Leslie has a specialized skill set in important areas, including insurer solvency, and this skill set is not readily available elsewhere in the marketplace.

3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

PART III: SUPPLEMENTAL INFORMATION

The MBOI used the DMD predecessor firm VDL in the past. VDL rates were extremely competitive. DMD rates are unchanged from VDL rates. The contractor is extremely efficient and knowledgeable and can deploy resources effectively.

4. Describe the plan for future competition for the goods or services.

None.

This contract is an insurance company market conduct/legal consultation contract. The MBOI wishes to contract with DMD to receive a wide variety of insurance company consultation services.

Presently, DMD as successor to VDL is engaged in significant, specialized work, including the Community Health Options matter.

PART IV: AMERICAN RESCUE PLAN ACT (ARPA) / MAINE JOBS & RECOVERY PLAN (MJRP)

Does this request utilize ARPA/MJRP funds?

Yes, MJRP funds (023) – If Yes, please attach the approved Business Case(s).

Yes, ARPA funds (025) – If Yes, please be aware of the requirements from awarding federal agencies.

No – If No, proceed to Part V.

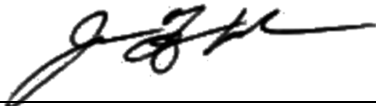
PART V: CONFLICTS OF INTEREST (COI); CONTRACT WITH THE STATE

Maine law contains Conflict of Interest statutes directed to State Departments, State Officers, and Employees Generally under MRS [Title 5, §18](#) and [§18-A](#), in harmony with MRS [Title 17, §3104](#).

The requesting department signatory understands and acknowledges Maine’s Conflict of Interest statutes.

PART VI: APPROVALS

The signatures below indicate approval of this procurement request.

Signature of requesting Department’s Commissioner (or designee):			
Typed Name:	Joan F. Cohen, Commissioner	Date:	01/28/2025
Signature of DAFS Procurement Official:	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> DocuSigned by: <i>Thomas Paquette</i> 249502C7B71A49A... </div>		
Typed Name:	Thomas Paquette	Date:	1/29/2025