



**PROCUREMENT JUSTIFICATION FORM (PJF)**

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Division of 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 Division of Procurement Services intranet site (Forms page) for additional instructions.

| PART I: OVERVIEW  |                      |   |                      |           |
|---|----------------------|---|----------------------|-----------|
| Department Office/Division/Program:                     |                      | Office of the Attorney General                                  |                      |           |
| Department Contract Administrator or Grant Coordinator: |                      | Mark Toulouse/Jane Gregory                                      |                      |           |
| (If applicable) Department Reference #:                 |                      |   |                      |           |
| Amount:<br>(Contract/Amendment/Grant)                   | \$29,000.00          | Advantage CT / RQS #:   | CT 26A 20220203*1801 |           |
| CONTRACT  | Proposed Start Date: | 3/18/2022   | Proposed End Date:   | 3/17/2023 |
| 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:              |                      | Thomas C. Bradley<br>122 Starbird Road<br>Portland, Maine 04102 |                      |           |
| Brief Description of Goods/Services/Grant:              |                      | Specialized Legal Counsel                                       |                      |           |

| PART II: JUSTIFICATION FOR VENDOR SELECTION   |                                   |  |                                  |
|---|-----------------------------------|--|----------------------------------|
| Mark an "X" before the justification(s) that applies to this request. (Check all that apply.) |                                   |  |                                  |
|   | A. Competitive Process            |  | G. Grant                         |
|   | B. Amendment                      |  | H. State Statute/Agency Directed |
| X   | C. Single Source/Unique Vendor    |  | I. Federal Agency Directed       |
|   | D. Proprietary/Copyright/Patents  |  | J. Willing and Qualified         |
|   | E. Emergency                      |  | K. Client Choice                 |
|   | F. University Cooperative Project |  | 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.

The purpose of this Contract is to procure specialized contracted legal counsel.

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

The Office of the Attorney General has a need for specialized contracted legal counsel. Attorney Bradley will represent the State of Maine Department of Health and Human Services in the Four Electronic Health Records (EHR) cases (Franklin Memorial Hospital, Penobscot Bay Medical Center, Waldo County General Hospital and Maine Medical Center). The Franklin case is in Superior Court. The other three hospital cases are in various stages of the administrative hearing process. The EHR program was authorized by the CMS several years ago and allowed by state Medicaid programs to issue federal grant money to hospitals for the purpose of updating their electronic health records programs. CMS required state Medicaid programs to perform audits of the grant-receiving hospitals to ensure the federal dollars were properly utilized.

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

Private attorneys charge \$200/hour and up for their services. Mr. Bradley is being paid \$80/hour for work and related expenses.

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

There is little/no competition for Mr. Bradley's specialized knowledge. The person contracted must be an attorney licensed to practice in Maine and must be under the direction of the Office of the Attorney General. Contracted legal counsel will likely always be a person known to the Office of the Attorney General and vetted prior to being offered a contract opportunity. Mr. Bradley has extensive experience with the Office of the Attorney General.

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

Does this request utilize ARPA/MJRP funds?

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

No – If No, proceed to Part VI

### PART V: APPROVALS

Signature of requesting  
Department's Commissioner (or  
designee):

*By signing below, I signify that I approve of this procurement request.*

*Mark J. Toulouse*

|   |   |       |           |
|---|---|-------|-----------|
| Printed Name:                           | Mark A. Toulouse                                      | Date: | 3/25/2022 |
| Signature of DAFS Procurement Official: | <small>DocuSigned by:</small><br><i>Sue H. Garcia</i> |       |           |
| Printed Name:                           | <small>E5DB92AC0F8D490...</small><br>Sue H. Garcia    | Date: | 3/25/2022 |