

State of Maine Procurement Justification Form

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 website (Forms page) for additional instructions.

PART I: OVERVIEW				
Department Office/Division/Program:		Maine Judicial Branch		
Department Contract Administrator or Grant Coordinator:		Peter Schleck Manager of Operations Penobscot County Courts Maine Judicial Branch		
(If applicable) Department Reference #:				
Amount: (Contract/Amendment/Grant)		\$ 65,973.60	Advantage CT / RQS #:	20200409000000002823 ^{DS} KP
CONTRACT	Proposed Start Date:	06/01/2020	Proposed End Date:	05/31/2023
AMENDMENT	Original Start Date:		Effective Date:	06/01/2020
	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:		RELX Inc. dba LexisNexis P.O. Box 9584 New York, NY 10087-4584		
Brief Description of Goods/Services/Grant:		Patron Access to Legal Electronic Research Services for Cleaves (Portland/Cumberland County) and Penobscot County (Bangor) Regional Law Libraries		

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

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PART III: SUPPLEMENTAL INFORMATION

Please respond to ALL of the following:

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

The Judicial Branch provides access to electronic legal research services for attorneys and the public at the regional law libraries in Cumberland and Penobscot Counties. See 4 M.R.S. § 193 (2019) (establishing regional court law library centers). Because of the rising costs of books, the libraries are unable to continue subscribing to and purchasing the range of books that they have historically carried. The libraries therefore depend on electronic legal research services to provide comprehensive services and materials to their patrons.

The electronic legal research services that the Judicial Branch makes available must provide a substantial range of materials (cases, statutes, regulations, trial court orders, administrative agency decisions, treatises, law reviews, uniform laws, American Law Reports, legal encyclopedias, etc.) and powerful functionality to assist researchers in finding the information (powerful search engines, ability to narrow search results with many filters, editorial headnotes and summaries, citation services, searches across multiple databases, etc.).

The purpose of the regional law libraries is to provide access to comprehensive materials and services that might not otherwise be available to a person researching the law. The Judicial Branch itself uses the law libraries for research, especially for materials that are not available in its single electronic research service. Access to adequate legal research materials is necessary to the Judicial Branch's functions and to allow lawyers and unrepresented parties to obtain the information necessary to advocate to judicial officers and to assist the judicial officers in reaching just results. As a result, the Judicial Branch must provide the libraries with the most comprehensive set of materials and services as possible.

2. Provide a brief justification for the selected vendor to supplement the response in Part II.

RELX Inc. (dba LexisNexis) is one of only two providers that can provide access to the sources and functionality necessary to meet the Judicial Branch's and the libraries' needs. The other is Westlaw (by Thomson Reuters). Each of these providers, however, suffers from limitations in the sources that it can provide access to. The limitations result from each one's ownership of certain materials and the licensing practices of other publishers. Each provider provides unique access to certain materials and functionality that the other does not.

Although either provider alone provides a service adequate for attorneys practicing alone or in small- to medium-sized firms, neither one alone provides a service that is adequate to library-level research. As a result of the limitations of each one, the only way to provide a truly comprehensive set of materials to researchers is to have both services available. Many larger firms buy both services, and attorneys—including Judicial Branch employees—often use libraries for access to sources and services that are unavailable in the services to which they subscribe.

The Judicial Branch therefore has determined, with the agreement of the regional law libraries, that providing patron access to both services is necessary to provide access to a truly comprehensive set of materials and services. To this end, the Judicial Branch has obtained agreements from both providers to provide the services within the Judicial Branch's budget, and each provider approves of the Judicial Branch's arrangement of subscribing to both providers' services.

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PART III: SUPPLEMENTAL INFORMATION

The Judicial Branch is therefore submitting a request for approval of the contract with each provider. Except for the identification of the provider in each case, and a modest price differential, the requests are identical.

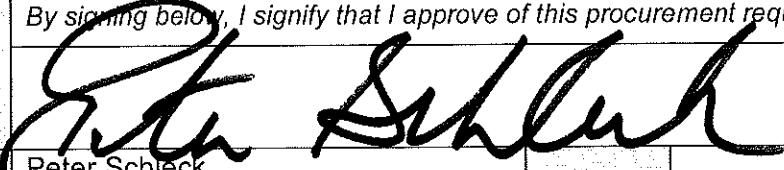

3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

The Judicial Branch was informed of the usual prices of equivalent services from each vendor. The prices that the vendors are providing are well below their usual prices.

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

The Judicial Branch will continue to observe the market to determine if any other providers are able to incorporate the functionality and to obtain the sources/materials that are necessary to provide a library-level research service.

PART IV: APPROVALS

Signature of requesting Department's Commissioner (or designee):	<i>By signing below, I signify that I approve of this procurement request.</i>		
			
Printed Name:	Peter Schleck Manager of Operations Penobscot County Courts Maine Judicial Branch	Date:	4. 8. 2020
Signature of DAFS Procurement Official:	<small>DocuSigned by:</small>  <small>41C2BA36FAF44CD...</small>		
Printed Name:	Kathy Paquette	Date:	4/16/2020