



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:	Dept. of Professional & Financial Regulation		
Department Contract Administrator or Grant Coordinator:	Misty Robinson 207-624-8511		
(If applicable) Department Reference #:			
Amount: (Contract/Amendment/Grant)	\$ 125,000.00	Advantage CT / RQS #:	20190520*3485
CONTRACT	Proposed Start Date:		Proposed End Date:
AMENDMENT	Original Start Date:	5/30/2019	Effective Date:
	Previous End Date:	5/30/2025	New End Date:
GRANT	Project Start Date:		Grant Start Date:
	Project End Date:		Grant End Date:
Vendor/Provider/Grantee Name, City, State:	Rebekah Smith, Esq. PO Box 912 Union, ME 04862		
Brief Description of Goods/Services/Grant:	Hearing Officer 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 checked="" 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.

The underlying mission of state regulatory agencies is to provide meaningful due process to individuals who have a property interest in a license issued by the State. The adjudicatory hearing process is the outward sign of due process in action and forms the basis of due process in the administrative law process. The regulatory agencies and licensing programs within the Department of Professional and Financial Regulation conduct many adjudicatory hearings during the course of a year. The integrity of the PFR adjudicatory hearing process rests on the Department's ability to provide independent impartial hearing officers to preside over these adjudicatory hearings. The Department's process was questioned recently during discussions with stakeholders and legal counsel. It was noted that the Department had a single hearing officer to handle the 60 – 100 hearings conducted each calendar year. At that time, the Department agreed to make efforts to increase the number of available hearing officers. This justification addresses the need to add another individual with the required administrative law background to the existing roster of independent hearing officers available to the Department.

It is not an easy task to identify appropriate candidates for this specialized legal work. Although we have tried other ways of providing this service, the Department has found that attorneys with the required administrative law and procedural experience provide the highest quality service to state agencies. More importantly, we see an individual who is completely independent of any agency within the Department in order to reinforce the concept that regulatory matters must be resolved in a setting in which the presiding officer has no bias or allegiance to either party to the dispute.

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

To avoid the perception of a conflict of interest or lack of objectivity, a hearing officer must be independent of the Department and the regulatory agencies within it.

Although borrowing staff from another agency or department may have been an option in the past, current economic conditions and the streamlining of the state workforce make this option unrealistic even if it were determined that staff from other departments or agencies possessed the necessary legal background and experience.

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

The Department compared the costs over time since we entered into the first multiyear contract with the primary hearing officer. This contract is for two years and the hourly charge for the service is not unreasonable given the increases in overall expenses of licensing programs.

PART III: SUPPLEMENTAL INFORMATION

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

Although it may be desirable that all services provided to state agencies should be awarded on a competitive basis, our efforts to generate interest in this service have not been successful. This is not full-time work; as such, the compensation does not meet the needs of most practicing attorneys. We are fortunate, frankly, to have attracted a competent attorney with excellent experience who has been vetted by the Attorney General's Office and who has provided high quality services during the course of past contracts.

Ms. Smith has significant experience working under contract with other administrative/regulatory state agencies, having served as hearing officer for the Department of Education, Maine PERS and the Maine Labor Relations Board of Arbitration and Conciliation for several years

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 Cohen	Date:	06/12/2025
Signature of DAFS Procurement Official:	DocuSigned by:  249502C7B71A49A...		
Typed Name:	Thomas Paquette	Date:	6/16/2025