

State of Maine  
 Waiver of Competitive Bidding Request Form

**Form Instructions:** Please provide the requested information in the white boxes below. This form is to precede all contract requests that are not the direct result of a competitive bid process.

<b>Requesting Department's Contract Administrator:</b>	Peter Schleck	<b>Office/Division/Program of Contract Administrator:</b>	Judicial Branch
<b>Est. Contract Amount:</b>	\$430,224	<b>Contract or RQS Number:</b>	20160108*2334
<b>Proposed Start Date:</b>	11/01/2015	<b>Proposed End Date:</b>	10/31/2020
<b>Vendor/Provider Name, City, State:</b>	Thomson Reuters (dba West Publishing Company) 610 Opperman Drive P.O. Box 64833 St. Paul, MN 55164-1803		
<b>Short Description of Good or Service:</b>	Annual Subscription to Maine Revised Statutes Annotated updates and Maine Revised Statutes Compact Edition (unannotated)		
<b>Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Procurement Services website for a period of seven consecutive calendar days.</b>	<p><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <i>Procurement Services</i> website:                  From: <b>07/11/2019</b> To: <b>07/17/2019</b></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# <b>0720191176</b>		
<p><b>1. Statutory Justification</b>                  State of Maine statute (5 M.R.S. §1825-B(2)) allows waivers of competitive bidding only for the specific reasons listed below. Please mark the appropriate box (X) next to the justification which applies to this specific request.</p>			
<input type="checkbox"/>	A. The procurement of goods or services by the State for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$2,500 or less, and the interests of the State would best be served;		
<input type="checkbox"/>	B. The Director of the Bureau of General Services is authorized by the Governor, or the Governor's designee, to make purchases without competitive bidding because, in the opinion of the Governor or the Governor's designee, an emergency exists that requires the immediate procurement of goods or services;		
	<p><i>If citing the above justification for this Waiver of Competitive Bidding request, please have the requesting Department's Commissioner or Chief Executive (as the Governor's "designee") sign and date on the right.</i></p>	<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p><b>Signature:</b></p>	
		<b>Printed Name:</b>	<b>Date:</b>
<input checked="" type="checkbox"/>	C. After reasonable investigation by the Director of the Bureau of General Services, it appears that any required unit or item of supply, or brand of that unit or item, is procurable by the		

**State of Maine  
Waiver of Competitive Bidding Request Form**

	State from only one source;
	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;
	E. The purchase is part of a cooperative project between the State and the University of Maine System, the Maine Community College System, the Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving: (1) An activity assisting a state agency and enhancing the ability of the university system, community college system, Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State to fulfill its mission of teaching, research, and public service; (2) A sharing of project responsibilities and, when appropriate, costs; <i>If citing the above justification for this sole source request, please note that the specific approval of the Governor's Office is required, in accordance with Executive Order 26 FY 11/12, "An Order to Enhance Competitive Bidding". The approval must be documented on DAFS/BGS/Division of Procurement Services "GOVCOOP" form, found here:  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i>
	F. The procurement of goods or services involves expenditures of \$10,000 or less, in which case the Director of the Bureau of General Services may accept oral proposals or bids;
	G. The procurement of goods or services involves expenditures of \$10,000 or less, and procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need.
	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:
<b>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</b>	
<b>2. Description of Specific Need</b> Please identify, and fully describe, the specific problem, requirement, or need the resulting non-competitive contract would address and which makes the goods or services necessary. Explain how the requesting Department determined that the goods or services are critical and/or essential to agency responsibilities or operations.	
<p>The judicial officers and staff of the Judicial Branch require accurate copies of the Maine Revised Statutes to ensure that Maine courts apply current and correct statutory law in cases before them. Thomson Reuters (dba West Publishing Company) is the only publisher that publishes complete sets of the statutes in cooperation with the Revisor of Statutes.</p>	

**State of Maine  
Waiver of Competitive Bidding Request Form**

**3. Availability of other Public Resources**

Please explain how the requesting Department concluded that sufficient staffing, resources, or expertise is not available within the State of Maine's government, or other governmental entities (local, other state, or federal agencies) external to the requesting Department, which would be able to address the identified need more efficiently and effectively than the identified vendor.

No office of state government publishes printed copies of the statutes. The Revisor of Statutes maintains a website with the statutes ([legislature.maine.gov/ros](http://legislature.maine.gov/ros)), but publishes a warning that it does not "warrant accuracy, reliability, completeness or timeliness" of the information it publishes. The Judicial Branch has noticed errors in the online statutes maintained by the Revisor. West receives information directly from the Revisor's Office and carefully checks the materials it publishes for accuracy.

**4. Cost**

Since a waiver of competitive bidding is being requested for this procurement, please explain how the requesting Department concluded the negotiated costs, fees, or rates are **fair and reasonable**.

The price for the contract is a 1% increase over the rate that the Judicial Branch paid for an identical subscription last year. The increases each year, under the contract, have indeed been approximately 1%.

In the general market for print legal publications, prices increase 5% to 10% per year.

The prices that the Judicial Branch is paying under this contract are at least about half of the published retail prices that West charges for the materials.

**5. Future Competition**

Please describe potential opportunities which may be available to foster competition for these goods or services in the future.

It is unlikely that any competition will develop in the future for these products. Most lawyers and firms purchase electronic legal research services and do not maintain print subscriptions, making it unlikely that any new publishers will enter the very small market for publication of the statutes. This is especially true given the enormous amount of work that goes into compiling, editing, checking, and printing the entire set of Maine Revised Statutes. West, having published the statutes for many decades, is required only to update the statutes each year, but a new publisher would have to start from scratch. In short, there is not enough of a likelihood of profit for any company to invest the large amount of resources that would be required to publish a new version of the statutes.

**State of Maine  
Waiver of Competitive Bidding Request Form**

Please note that only one of the two points below ("Uniqueness" or "Timeframe") requires a response. Requesting Departments are not required to respond to both points.

**6. Uniqueness**

Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

West is the only publisher of the complete set of Maine Revised Statutes. West has been in business since 1872, specializing in legal publications. It works with the Revisor of Statutes to obtain all new legislation, and carefully checks its publications for accuracy.

**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. Impact if delayed beyond this date). Also, provide information as to how it was determined this vendor is the best option to address this time-sensitive procurement.

Signature of requesting Department's  
Commissioner or Chief Executive  
(or designee within the  
Commissioner's Office):

*By signing below, I signify that my Department requests,  
and I approve of, this Waiver of Competitive Bidding.*

Printed Name:

*Peter Schleck*  
Peter Schleck

Date:

July 1, 2019

**State of Maine  
Waiver of Competitive Bidding Request Form**

--	--