

PM-42169

## 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:		Marine Resources, Commissioner's Office		
Department Contract Administrator or Grant Coordinator:		Meredith Mendelson/Marge Morissette		
(If applicable) Department Reference #:				
Amount: (Contract/Amendment/Grant)	\$ 230,000	Advantage CT / RQS #:	13A 20210812000000000341	
CONTRACT	Proposed Start Date:	8/17/21	Proposed End Date:	8/31/22
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:		Nossaman LLP, 777 So Figueroa St 34 <sup>th</sup> Floor Los Angeles, CA 90017		
Brief Description of Goods/Services/Grant:		Legal Services—outside 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
	C. Single Source/Unique Vendor		I. Federal Agency Directed
	D. Proprietary/Copyright/Patents		J. Willing and Qualified
X	E. Emergency		K. Client Choice
	F. University Cooperative Project		L. Other Authorization

PART III: SUPPLEMENTAL INFORMATION
Please respond to ALL of the following:
<b>1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.</b>

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### PART III: SUPPLEMENTAL INFORMATION

Due to staffing limitations, the Office of the Attorney General (OAG) is unable to provide legal services to the Department of Marine Resources on pending litigation related to right whale protections and management of the lobster fishery at this time. Due to the emergent nature of the issue and significant risk to the lobster fishery, the AG and Governor have authorized the Department to obtain outside counsel to represent the agency in the pending litigation.

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

Litigation related to the Endangered Species Act is a highly specialized and technical area of law. Nossaman LLP has the expertise to appropriately represent the state's interests in this litigation.

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

Costs are commensurate with legal representation in this field of law, and have been determined by the OAG to be reasonable under the terms of the engagement.

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

N/A

### PART IV: APPROVALS

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

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



**Printed Name:** Patrick Keliher

**Date:** 08/17/21

**Signature of DAFS  
Procurement Official:**

DocuSigned by:



**Printed Name:** Kathy Paquette

**Date:** 8/18/2021