



DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

DIVISION OF PROCUREMENT SERVICES

STATE OF MAINE

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:		Maine Revenue Services	
Department Contract Administrator or Grant Coordinator:		Brock DeRaps	
(If applicable) Department Reference #:		Click or tap here to enter text.	
Amount: (Contract/Amendment/Grant)	\$ 7,000	Advantage CT / RQS #:	CT18F20211202*1347
CONTRACT	Proposed Start Date:	01/01/2021	Proposed End Date: 12/31/2023
AMENDMENT	Original Start Date:	01/01/2021	Effective Date:
	Previous End Date:	12/31/2023	New End Date:
GRANT	Project Start Date:		Grant Start Date:
	Project End Date:		Grant End Date:
Vendor/Provider/Grantee Name, City, State:		Shaw & Corcoran, P.C. 17 Storrs Avenue Braintree, MA 02184	
Brief Description of Goods/Services/Grant:		Legal representation in the courts of other states for the collection of overdue taxes.	

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.

Requesting the amount of the current contract be increased from \$20,000 to \$27,000. The previous contract value was based on past performance by our Massachusetts collection attorney. Since the start of the current contract in January 2022, Shaw and Corcoran P.C. has increased its resolution of older debts through Offer-in-Compromise agreements per directives of the State Tax Assessor thus resulting in increased tax collections and thereby associated attorney commissions to increase during the 2 year contract period. Requesting additional funds in anticipation of continued significant debt resolution.

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

The law firm has represented the State in collection cases in Massachusetts for approximately 22 years. They currently have 28 cases under negotiation, in litigation or being collected. The contract, the vendor, and the methodology used by MRS have been approved by the Attorney General. Cases are sent throughout the period of the contract and required one of more years to resolve. The continuity of legal services in any given state has been maintained through sole-source contracting usually with the same law firm selected repeatedly. MRS requires representation in about 20 states which makes having more than one firm per state extremely burdensome if not totally unworkable. Also, there can be efficiencies in having one firm cover a Disclosure Hearing for more than one tax debtor.

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

The Department has determined that the cost of these services is fair and reasonable. Through the bureau's investigation it was determined the average contingency fee of an attorney ranges from 33% to 40%. The costs specified in the contract are the standard amounts paid to all out-of-state attorneys under contract with the State of Maine.

If this contract is put out for competitive bidding with a subsequent change in law firms, the State must expect to pay Shaw and Corcoran, P.C. for the withdrawal of cases at the rate of \$250 per billable hour. It is likely the total will exceed 28*8*350 for the current inventory. In addition to the costs for withdrawal, reassignment of cases will unnecessarily disrupt ongoing negotiations and litigation.

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

Cases placed for collection with attorneys in other states must be litigated by attorneys licensed to practice in those states. Since MRS currently pursues debtors in more than 20 states, it appears impractical to conduct competitive bidding in each state where a significant number of tax debtors reside. If circumstances related to these services should change, the department will obtain said services by the most appropriate means, including a competitive process such as releasing a RFP.

PART III: SUPPLEMENTAL INFORMATION

Maine Revenue Services continues to monitor the successfulness and case load with the above-mentioned law firm.

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 V.

PART V: APPROVALS

The signatures below indicate approval of this procurement request.

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



Typed Name:

Jenny Boyden
Associate Commissioner

Date:

8-8-23

Signature of DAFS Procurement Official:

DocuSigned by:



Typed Name:

Michelle Fournier

Date:

8/23/2023