



## 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:		OFFICE OF THE PUBLIC ADVOCATE	
Department Contract Administrator or Grant Coordinator:		KRISTINA R. WINTHER, SENIOR COUNSEL	
(If applicable) Department Reference #:		SOLESOURCE CT RE NU&BNG MERGER, DOCKET NO 2024-00174	
Amount: (Contract/Amendment/Grant)	\$ 50,000.00	Advantage CT / RQS #:	2024080200000000225
<b>CONTRACT</b>	Proposed Start Date:	<b>8/7/2024</b>	Proposed End Date: <b>7/31/2025</b>
<b>AMENDMENT</b>	Original Start Date:		Effective Date:
	Previous End Date:		New End Date:
<b>GRANT</b>	Project Start Date:		Grant Start Date:
	Project End Date:		Grant End Date:
Vendor/Provider/Grantee Name, City, State:		Exeter Associates, Inc. Columbia, MD	
Brief Description of Goods/Services/Grant:		Expert Consulting Services to assist the OPA in litigating Unifil Corporation, et als, and Bangor Natural Gas Company (BNG) request for regulatory approvals related to a merger at the Maine Public Utilities Commission, Docket No. 2024-00174.	

### 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 type="checkbox"/>	B. Amendment	<input checked="" 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 checked="" 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 purpose of this contract is to provide subject matter expertise and testimony to assist and advise the OPA in litigating Unitil Corporation, et als, and Bangor Natural Gas Company (BNG) request for regulatory approvals related to a merger of BNG into Unitil and related debt and affiliate arrangements pursuant to 35-A M.R.S. §§ 707, 708, 901 & 902 at the Maine Public Utilities Commission (MPUC), Docket No. 2024-00174.

The Provider shall work closely with the OPA to identify specific needs as they relate to proceedings and processes. This may include, but is not limited to, review of Unitil’s filing and supporting workpapers and examine and determine the appropriate value of the Sempra Assets, consistent with the request of the Joint petitioners, providing advice, assisting in litigation, making discovery requests and review discovery responses, and preparing comments/testimony.

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

Due to the extent of the issues to reviewed (Joint Applicant’s filing and supporting workpapers relating to Sempra Assets), as part of the PUC’s current litigating proceeding, and the short timeline given, PUC Initial Case Conference is scheduled for August 19, 2024, an expert consultant is needed to begin immediately.

The selected vendor has unique expert experience in Natural Gas Company mergers, specifically evaluating Sempra Assets.

The OPA is authorized by statute ([35-A M.R.S. ch. 17 § 1702, § 1706](#)) to represent the interests of the ratepayers of Maine’s regulated utilities before state and federal agencies and courts; and may employ expert witnesses and pay appropriate compensation and expenses to employ the witnesses.

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


The vendor’s hourly rate compares favorably to other expert witness consultants that the Office has engaged in similar cases/matters.

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

The Office of the Public Advocate routinely puts contracts for expert consulting services for proceedings before the Maine PUC out to bid through the competitive RFP solicitation process. In this instance, the experience of the vendor, the reasonable price offered by the vendor, the lack of availability of other vendors contracted by the OPA, and the need to retain the consultant quickly supported the use of a single source contract.

PART IV: AMERICAN RESCUE PLAN ACT (ARPA) / MAINE JOBS & RECOVERY PLAN (MJRP)	
Does this request utilize ARPA/MJRP funds?	
<input type="checkbox"/> Yes, MJRP funds (023) – If Yes, please attach the approved Business Case(s).	
<input type="checkbox"/> Yes, ARPA funds (025) – If Yes, please be aware of the requirements from awarding federal agencies.	
<input checked="" type="checkbox"/> No – If No, proceed to Part V.	

PART V: CONFLICTS OF INTEREST (COI); CONTRACT WITH THE STATE	
<i>Maine law contains Conflict of Interest statutes directed to State Departments, State Officers, and Employees Generally under MRS <a href="#">Title 5, §18</a> and <a href="#">§18-A</a>, in harmony with MRS <a href="#">Title 17, §3104</a>.</i>	
<input checked="" type="checkbox"/> 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:	William S. Harwood, Public Advocate	Date:	8/5/2024
Signature of DAFS Procurement Official:	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <small>DocuSigned by:</small>    <small>41C2BA36FAF44CD...</small> </div>		
Typed Name:	kathy Paquette	Date:	8/16/2024