

# 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:		Maine Judicial Branch			
Department Contract Administrator or Grant Coordinator:		Peter Schleck			
(If applicable) Department Reference #:					
Amount: (Contract/Amendment/Grant)		\$ 10920.00	Advantage CT / RQS #:		20210817*0181
CONTRACT	Proposed Start Date:	October 1, 2021	Proposed End Date:	September 30, 2021	
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:		Swan Island Press LLC 14 Read Street Portland, Maine 04103			
Brief Description of Goods/Services/Grant:		2021 Purchase of Criminal and Motor Vehicle Statute Compilations by Swan Island Press (2021-22) (aka "the Ferdicos")			

## 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
<b>X</b>	C. Single Source/Unique Vendor		I. Federal Agency Directed
	D. Proprietary/Copyright/Patents		J. Willing and Qualified
	E. Emergency		K. Client Choice
	F. University Cooperative Project		L. Other Authorization

## PART III: SUPPLEMENTAL INFORMATION

Please respond to ALL of the following:

- Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.

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**PART III: SUPPLEMENTAL INFORMATION**

The judicial officers of the Maine Judicial Branch require accurate and current copies of the Maine Criminal Law Statutes and Motor Vehicle Law Statutes, including while presiding on the bench to ensure that Maine courts apply current and correct law in relevant cases before them. Having condensed publications devoted to just these statutes, in two concise volumes, in print form, facilitates this, with ease of reference on the bench or in chambers. Swan Island Press is the only publisher that publishes these statutes in this particular format as compiled and indexed by John N. Ferdico and Aaron Chase. These publications are colloquially known as “the Ferdicos”.

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

No office of state government publishes printed copies of just these statutes in this format. Maine’s 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 Maine Judicial Branch has noticed errors in the online statutes maintained by the Revisor.

Moreover, given the fast paced work of busy court dockets, the judges of the State of Maine have come to rely on this special publication over many years to serve as a ready and quick bench reference.

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

This vendor operates a very small publishing company, and has expressed some hesitation to enter into a multi-year contract. Due to contracting requirements, pricing now requires the execution of a contract, but will be done one year at a time.

At \$28 per copy, the “Ferdico” is priced well below any other remotely similar hard copy compilation purchased by the Maine Judicial Branch. We are also not aware of any other source for this particular product available in this format. Given the need for this product, the cost is exceptionally reasonable.


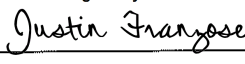
**4. Describe the plan for future competition for the goods or services.**

It is unlikely that any competition will develop in the future for this product. 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 statutes, let alone such a specialty compilation which the Ferdicos represent. This is especially true given the enormous amount of work that goes into compiling, editing, checking, and printing the Ferdicos. Swan Island Press LLC, having published the Ferdicos for many years, 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 a profit for any company to invest the large amount of resources that would be required to publish a new version of the Ferdicos.

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**PART III: SUPPLEMENTAL INFORMATION**

**PART IV: APPROVALS**

<b>Signature of requesting Department's Commissioner (or designee):</b>	<i>By signing below, I signify that I approve of this procurement request.</i>		
			
<b>Printed Name:</b>	<b>Dennis Corliss Chief of Finance and Administration</b>	<b>Date:</b>	9/24/21
<b>Signature of DAFS Procurement Official:</b>	DocuSigned by: 		
<b>Printed Name:</b>	AEED9C7B3A8044E... Justin Franzose	<b>Date:</b>	9/29/2021