

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.

Department Office/Division/Program:		Maine Judicial Branch	
Department Contract Administrator or Grant Coordinator:		Matthew Pollack	
(If applicable) Department Reference #:			
Amount: (Contract/Amendment/Grant)	\$11,020.00	Advantage CT / RQS #:	rq5 20220920*0377
CONTRACT	Proposed Start Date:	August 1, 2022	Proposed End Date: August 31, 2022
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:		2022 Purchase of criminal and motor-vehicle statute compilations by Swan Island Press (2022-23 ed.) (formerly "the Ferdicos")	

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
X	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

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.

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

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condensed publications devoted to just these statutes, in two concise volumes, in print form, facilitates this, allowing easy reference to statutes 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 Aaron Chase. These publications are colloquially known as "the Ferdicos," named after the former editor and publisher, John Ferdico.

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) 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. Reference to an electronic database is slower and more difficult than reference to the condensed printed versions sold by Swan Island Press.

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

Although the judicial branch has been purchasing these books from Swan Island Press for decades, Swan Island Press is a very small publishing company and has expressed some hesitance to enter into a multi-year contract. This request is therefore for a one-time purchase.

At \$29 per copy, the "Ferdico" is priced well below any other remotely similar hard copy compilation purchased by the Maine Judicial Branch. For example, the Judicial Branch pays over \$200 per copy for Thomson Reuters's similar compilation of family law statutes.

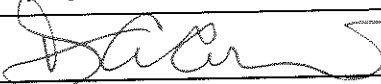
We are also not aware of any other source for this product available in this format. Given the need for this product, the cost is exceptionally reasonable.

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

It is extremely 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 that 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 product similar to the Ferdicos.

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

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



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Printed Name:	Dennis Corliss Chief of Finance and Administration	Date:	9/20/22
Signature of DAFS Procurement Official:	DocuSigned by: <i>Justin Franzose</i>		
Printed Name:	<small>AEEB9C7B3A8044E</small> Justin Franzose	Date:	9/27/2022