



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 Judicial Branch	
Department Contract Administrator or Grant Coordinator:		Matthew Pollack	
(If applicable) Department Reference #:			
Amount: (Contract/Amendment/Grant)	\$ 7,200.00	Advantage CT / RQS #:	20231208*0854
CONTRACT	Proposed Start Date:	10/27/2023	Proposed End Date: 8/31/2024
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:		Tower Publishing Co. 650 Cape Rd. Standish ME 04084	
Brief Description of Goods/Services/Grant:		2023 Purchase of Maine Court Rules (2023 State Edition)	

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 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.

The judicial officers, law clerks, administrators, and clerks of the Maine Judicial Branch require accurate and current copies of the Maine court rules to ensure that Maine courts apply current and correct law and procedures in cases before them. Having condensed publications devoted to the rules, in two concise volumes, in print form, facilitates this, with ease of reference on the bench or in chambers. Tower Publishing Co. is the courts' "official" publisher of these rules, and provides the rules at a price that no other publisher can compete with.

The only other publisher of Maine's court rules is Thomson Reuters. For 2023, Tower's rules cost us \$30 per set (two volumes). The retail price for Thomson Reuter's rule books is \$238. Assuming that Thomson Reuters would discount the books for us as they do for Maine Family Law (for which we pay 37% of the retail price in a 5-year contract), Thomson Reuters would charge us about \$90 per copy, or about three times what we pay Tower.

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

No office of state government publishes printed copies of just the rules. The rules are available as pdfs on the Judicial Branch website, but those versions are not easy to use. Given the fast-paced work of busy court dockets, the judges of the State of Maine have come to rely on this printed Tower 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 always given us a significant discount on the books. The retail price for the books is \$85 for the set. As mentioned above, we pay \$30 per set. 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 additional 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 rules. This is especially true given the enormous amount of work that goes into compiling, editing, checking, and printing the rules. Tower has published the rules for many years and must update the rules 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 rules.


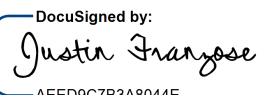
Nevertheless, the Judicial Branch will approach Swan Island Press and LexisNexis to inquire as to whether they would be interested in bidding on a rules publication in the future.

PART III: SUPPLEMENTAL INFORMATION**PART IV: AMERICAN RESCUE PLAN ACT (ARPA) / MAINE JOBS & RECOVERY PLAN (MJRP)**

Does this request utilize ARPA/MJRP funds?

 Yes, MJRP funds (023) – If Yes, please attach the approved Business Case(s). Yes, ARPA funds (025) – If Yes, please be aware of the requirements from awarding federal agencies. 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):				12/8/2023
Typed Name:	Connor Smith	Date:		
Signature of DAFS Procurement Official:				
Typed Name:	Justin Franzose	Date:	12/11/2023	