



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
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SERVING THE PUBLIC AND DELIVERING ESSENTIAL SERVICES TO STATE GOVERNMENT

JANET T. MILLS
GOVERNOR

ELAINE CLARK
COMMISSIONER

February 9, 2026

Senator Matthew Harrington
3 State House Station
Augusta, ME 04333-0003

Dear Senator Harrington,

Governor Mills has forwarded your December 8, 2025 letter to the Department of Administrative and Financial Services (DAFS) for response, as the Office of State Procurement Services is part of DAFS.

We welcome the opportunity to correct some of the information reported to you by your constituents and alleviate their concerns.

Notices of Intent (NOIs)

First, of the three Notices of Intent cited in your letter, one never made it to the contract stage and the other two complied with waiver-of-procurement criteria:

[NOI 0620240674](#) – Keynote Speaker MOOSE Program conference, \$23,500. The NOI did not lead to a contract, and funds were not expended.

[NOI 0920241082](#) – Maine Trust for Local News – \$117,300 to the local media sources as part of a DOE marketing campaign to educate the public on the use of federal education dollars; Maine Trust for Local News: funding through *ARP Elementary and Secondary School Emergency Relief Fund*.

- Guidance from the federal government emphasizes the importance of making information about emergency relief efforts accessible and transparent to the public.
- These newspaper publications have served that purpose—by providing information about statewide Maine DOE projects to a wider audience than just those who typically seek it out on the Maine DOE’s website, social media, etc.

The articles demonstrated the DOE’s accountability for expenditure of federal funds in support of recognized school programs and kept DOE in compliance with federal guidance requiring transparency.

[NOI 0420220287](#) – Bedside Manor – \$722,950 from DHHS was expended to provide specialized assisted living services over the course of a 5-year period for a person with special needs. DHHS contacted 15 facilities for a placement, and only Bedside Manor could accommodate the person. The statutory authority for long term care assisting older and disabled adults is [Title 22, §5106: Powers and duties](#).

All NOIs are posted on the Office of State Procurement Services website to give the public the opportunity to object and none of the three was challenged.

FY 24 Audit Findings

Although the entire annual portfolio of contracts is in the \$2.1 billion range, the contracts involved in the FY 24 audit totaled \$7.4 million. One contract alone represented \$5 million dedicated to economic aid for farmers; however, it was mistakenly characterized as a public procurement instead of the grant program that it was and as a result was erroneously included in a finding.

DAFS vigorously disagreed with seven of the eight findings, yet the State Auditor did not make any modifications.

The audit did not indicate any evidence of wrongdoing, fraud, waste or abuse; nothing was referred to the Office of the Attorney General or State Controller as would have been required by statute for waste, fraud or abuse. The auditor, in fact, overlooked established processes that provide additional documentation including cost analysis and did not recognize other controls in place as part of the overall procurement process.

This was conveyed to the Auditor in DAFS' formal response to the findings.

Your Questions 1 and 2

- 1. Why was the format of the cover page used in the no-bid contract (non-competitive procurement) process changed? It was previously titled the "State of Maine Waiver of Competitive Bidding Request Form" and is now titled the "State of Maine Procurement Justification Form." Can you provide the current and previous versions of the cover page template that was used under the prior Administration and the current version your Administration is using?*
- 2. Who authorized the change in form? More specifically, who directed that the cover page format be altered and when (date and position) the authorizer did so? According to our information, the change appears to have been implemented in the beginning of 2020.*

As part of a process improvement initiative during 2018 and 2019, the Procurement Justification Form (PJF) consolidated several legacy documents to improve efficiency and agency understanding of procurement requirements. A single, standardized coversheet that captured all required information regardless of procurement approach or justification was created. The PJF replaced several separate forms, as follows (links provided): BP37CA ([Competitive Award Authorization](#)), BP37WCB ([Waiver of Competitive Bidding Request Form](#)), BP37AM ([Contract Amendment](#)), BP37PA ([Participating Addendum Authorization](#)), and BP37Dues ([Dues and Subscriptions](#)), while retaining the qualitative and contextual narrative and data elements necessary for compliance, transparency, and effective oversight.

Your Question 3

3. *On the revised cover page, why was the box requiring a signature stating “by signing below, I signify as the Governor’s designee there is an emergency that necessitates this non-competitive procurement” removed (or altered)?*

There are seven criteria for waivers of competitive procurement in statute (see Attachment A) and only one allows purchases to be made on an “emergency” basis: “The Director of the Bureau of General Services is authorized by the Governor or the Governor's designee to make purchases without competitive bidding because in the opinion of the Governor or the Governor's designee an emergency exists that requires the immediate procurement of goods or services.” 5 MRS §1825-B (2)(B). In these cases, only the Department Commissioner or their pre-authorized designee has authority to sign the PJF form.

The language you have quoted required Procurement staff to independently verify that the signatory was authorized to sign for emergencies per 5 MRS §1825-B (2)(B). Last year, the form was modified to include the following language below the signature line: “The signature below indicates approval by the Department’s Commissioner, or the designee specifically authorized to approve emergency procurement requests.” The change added assurance that the signatory was designated to sign for emergency procurement requests in compliance with the relevant statute.

Your Questions 4 and 5

4. *Can you provide a comprehensive, up-to-date list of all no-bid (non-competitive or sole-sourced) contracts awarded under your Administration, including the State of Maine Procurement Justification Form for each contract?*
5. *If the Administration cannot, why not?*

The Office of Procurement Services [recently published an archive of all available NOIs](#) to eliminate further questions about the transparency of no-bid contracts. Records from early 2019 to the present, representing nearly all NOI activity that transpired throughout the Mills Administration, are posted for public view.

[All procurement contracts](#) including those resulting from NOIs are readily available via self-service on Procurement’s website.

Research into the history of NOIs confirms that the number has reduced substantially during the current Administration:

2016 – 2,035
2017 – 2,092
2018 – 2,109
2019 – 2,142*
2020 – 1,171
2021 – 1,056
2022 – 1,286
2023 – 1,420
2024 – 1,512
2025 – 1,134

Increases in 2022-2025 are attributable to initiatives funded under the Maine Jobs and Recovery Fund Plan. You will note that the number of NOIs in 2025 is 44% lower than 2016. Of note, in 2024, 5 MRS § 1825 (G) was amended to raise the cap for single source procurement to \$10,000. After system reconfigurations were completed in 2025, the need for a PJF for purchases under \$10,000 was eliminated.

We trust that this information provides you with the clarification you requested.

Sincerely,



Elaine Clark, Commissioner
Department of Administrative and Financial Services

**In 2019, OSPS transitioned mid-year from a manual posting system to a fully automated system, and due to issues with auto numbering during testing, the number may be overstated.*

Attachment A

2. Waiver. The requirement of competitive bidding may be waived by the Director of the Bureau of General Services when:

A. The procurement of goods or services by the State for county commissioners pursuant to [Title 30-A, section 124](#), involves the expenditure of \$2,500 or less, and the interests of the State would best be served; [PL 1999, c. 105, §1 (AMD).]

B. The Director of the Bureau of General Services is authorized by the Governor or the Governor's designee to make purchases without competitive bidding because in the opinion of the Governor or the Governor's designee an emergency exists that requires the immediate procurement of goods or services; [PL 1995, c. 119, §1 (AMD).]

C. After reasonable investigation by the Director of the Bureau of General Services, it appears that any required unit or item of supply, or brand of that unit or item, is procurable by the State from only one source; [PL 1991, c. 780, Pt. Y, §70 (AMD).]

D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products; [PL 1989, c. 785, §2 (NEW).]

E. The purchase is part of a cooperative project between the State and the University of Maine System, the Maine Community College System, the Maine Maritime Academy or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving:

(1) An activity assisting a state agency and enhancing the ability of the university system, community college system, Maine Maritime Academy or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State to fulfill its mission of teaching, research and public service; and

(2) A sharing of project responsibilities and, when appropriate, costs; [PL 2011, c. 555, §1 (AMD).]

F. The procurement of goods or services involves expenditures of \$25,000 or less, in which case the Director of the Bureau of General Services may accept informal written quotes or bids; or [PL 2023, c. 516, Pt. A, §1 (AMD).]

G. The procurement of goods or services involves expenditures of \$10,000 or less, and procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need. [PL 1999, c. 105, §3 (AMD).]