

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES  
BUREAU OF GENERAL SERVICES  
BURTON M. CROSS BUILDING  
4<sup>TH</sup> FLOOR, 77 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0077

PAUL R. LEPAGE  
GOVERNOR

H. SAWIN MILLETT, JR.  
COMMISSIONER

M.F. CHIP GAVIN  
DIRECTOR

To: The Joint Standing Committee on State and Local Government  
From: Chip Gavin, Director, Bureau of General Services  
RE: Statutory Reports  
Date: January 26, 2011

The Bureau of General Services, pursuant to different sections of Title 5, is responsible for a variety of reports to the Joint Standing Committee on State and Local Government. The reports are provided together below for your convenience. More information is available in nearly all cases should the Committee require it.

**5 MRSA Ch. 155-A § 1830 Status of Current Fleet Vehicle Operations**

This law requires a general report on the Central Fleet Management Division (CFM). CFM was established by the Legislature in 1991 in the Department of Administrative and Financial Services, Bureau of General Services, for the purpose of acquiring, maintaining and managing light duty vehicles for use by State Government and its employees on official state business except the Department of Public Safety. CFM works with agencies to reduce transportation costs. Strategies include minimizing operational disruption by providing well-maintained vehicles, increasing the fuel efficiency of the fleet, right-sizing vehicles to the job that needs to be done to avoid needlessly costly vehicles, converting employees who are being reimbursed for mileage into using more cost-effective state vehicles, and other initiatives. For example, on the CFM 2009 vehicle order more than 70 vehicles were purchased by CFM for use by employees who previously were using their own vehicles and who were being reimbursed for their mileage. In FY10 these vehicles saved agencies over \$126,000 when compared to the paid mileage reimbursement rate of .44 cents per mile. An agency reimbursing an employee for 20,000 miles per year for paid mileage could save approximately \$3,000 per year if that employee used a compact sedan from Central Fleet Management, based on current paid mileage and CFM rates. The average cost for agencies to operate a CFM car during FY10 was \$0.323 per mile, well below the State paid mileage rate of the average of \$0.44 for the same time period. There were 1,977 vehicles in the fleet at the end of FY10. This is an increase of 381 vehicles over FY09. This is due to vehicles being purchased for employees previously on paid mileage and to more than 300 light-duty vehicles previously administered by the Department of Transportation being consolidated into Central Fleet Management pursuant to Public Law 2009, Chapter 213 and 214.

**5 MRSA Ch. 153 § 1742-D (8) Status of Current Leases**

The Division of Leased Space was established by law in 1991 to procure, administer and hold leases for space on behalf of all departments and agencies. The Division today administers approximately 225 leases statewide totaling approximately 1.5 million square feet of space, primarily office space. The acquisition of leased office space is effectively managed through an open and competitive process, effective negotiations and by having a broad perspective of leasing activities across all departments and various geographic regions of the State. The Division continues to consolidate and regionalize space, seeks to avoid sprawl and emphasizes downtown sites in accordance with the law. State agencies, working through the Division, lease space in approximately 80 municipalities, every county and in 35 downtown areas and 15 service center communities. The anticipated cost of leased space for the current fiscal year is approximately \$24.5 million. The cost is essentially flat compared with FY09 and FY10 and it reflects the Division's efforts to implement a special directive that has been in place since fall of calendar year 2008 to reduce or contain the cost of leased space. The Leased Space Division is an internal service fund and receives no general fund appropriation.

### **5 MRSA § 1825-B (10) List of State Preferences Published**

This law requires the Bureau of General Services to publish a list of states that give preference to in-state bidders with the percent increase applied in each such state. The Bureau of General Services or any department or agency of the State may rely on the names of states and percentages as published in determining the best-value bidder without incurring any liability to any bidder. Maine relies on the State of Oregon's Reciprocal Preference website, as do many states. The link to that list is shown below, and is published on the Bureau of General Services, Division of Purchases website. When on Oregon's site, the detailed preference information for each state can be obtained by clicking on "Details" under "Preference Conditions."

[http://www.oregon.gov/DAS/SSD/SPO/reciprocal\\_detail.shtml](http://www.oregon.gov/DAS/SSD/SPO/reciprocal_detail.shtml)

### **5 MRSA § 1825-P Code of Conduct Report**

The law requires a report to the Committee regarding the administrative and fiscal impact of the Code of Conduct law, and the degree of compliance with this law. The law aims to ensure certain standards are met by vendors who sell apparel, footwear or textiles to the state. In calendar year 2010, purchases totaling \$102,375.64 have been made against Master Agreements (MA), and \$ 222,126.70 in one-time "spot" purchases, for a total value of \$324,502.34. In calendar year 2010, Maine collected \$3,424.87 pursuant to a one percent vendor fee authorized by law and implemented in October 2009.

### **5 MRSA Ch. 15-A § 325 Historic Preservation of State House and Blaine House**

This law requires the commission to report to the Legislature on its accomplishments and recommendations relating to the work and needs of the commission. The Blaine House Commission was established by the Legislature in 1993 to review and approve proposed changes to the home of Maine's governors and its grounds. Consisting of four state agency directors and five public members with related professional expertise, the Commission meets periodically in response to specific proposals which affect this historic property. The Commission has worked closely with the non-profit support group, Friends of the Blaine House, to restore and maintain the 1920 New England Garden on the north side of the grounds and, in the past year, with the Bureau of General Services on the complete electrical re-wiring of the historic Blaine House to replace the knob and tube wiring which has been in place since 1920, while maintaining the appearance of the old fixtures. The active partnership of the First Family, the Blaine House Commission, the Friends of the Blaine House, and the Bureau of General Services assures the continuing preservation and enhancement of this state treasure.

### **5 MRSA Ch. 14-A § 305 Capitol Planning Commission**

The Capitol Planning Commission continues to meet at least quarterly each year, and operates with a Legislatively-approved master plan for the orderly development of state buildings and grounds in the Capitol Area of the City of Augusta. A number of projects have been completed under the master plan, including the removal of the Education Building, the completion of the Riverview Psychiatric Center, the renovation of the Williams Pavilion and more. Other pending or potential projects include the consolidation of state agencies into the Stone Building on the East Campus. A major accomplishment in the past year was the renovation on the West Campus of the 19 Union Street building. It formerly housed the Department of Labor and now houses the State Planning Office, the Department of Audit and the Maine Human Rights Commission. Buildings vacated by those agencies are scheduled for sale or re-use. It has now been almost 10 years since the underlying Master Plan for Augusta State Facilities has been completed. While constrained by resources, the Capitol Planning Commission has authorized the Chair to convene a committee and to solicit input in an effort to update the Master Plan, as well as to undertake an existing conditions assessment of the newly vacated Gannett House to support planning associated with that facility.

### **5 MRSA § 1825-B (3) Cooperative Agreement Report**

The law authorizes the state to enter into cooperative agreements with the University of Maine System and the Community College Systems when the agreement involves assisting a state agency and enhancing the ability of the University System or Community College System to fulfill its mission. The law providing for cooperative agreements allows competitive bidding to be waived. In calendar year 2010, 126 cooperative agreements were awarded pursuant to this law with a total value of \$21.1 million and a median value of \$31,607.

### **5 MRSA § 1753 (5) Employment of an Owner's Representative on School Construction Projects**

Per 5 MRSA §1753.5, we've received correspondence in the past from some of the school districts employing an Owner's Representative for their construction projects. Those past comments are summarized here.

The comments cite numerous advantages to having someone in this position as the school superintendent's "eyes and ears" on the project. This is noted to be of special importance with the complexity of today's construction projects and the reductions in school district support staff which result in the districts having fewer in house resources to manage large construction projects. These responses also present the range of tasks that owners' representatives perform, depending on the needs of the particular school district.

Advantages noted include:

- ◆ keeping detailed records of all project correspondence;
- ◆ researching issues, making suggestions, explaining options;
- ◆ ensuring the owner's input during the construction and post-construction phases;
- ◆ providing weekly reports, some of which include photographs, to the owner;
- ◆ helping resolve abutters' concerns;
- ◆ providing financial oversight, including assistance to reconcile construction expenditures to the budget;
- ◆ dealing with the administrative and legal details of the project;
- ◆ ensuring that all aspects of the project proceed in a timely manner;
- ◆ dealing with the details of moving into the new facility;
- ◆ facilitating resolutions to misunderstandings and disputes between the architect and the contractor;
- ◆ helping to keep open lines of communication and lines of responsibility;
- ◆ providing continuity in times of significant personnel changes on the owner's side;
- ◆ assisting in procuring the commissioning agent.

A number of the districts specifically comment that the level of success they have on their project is due to having an owner's representative - someone who can keep the superintendent informed and provide the necessary support to the project so that the superintendent can attend to their regular professional duties.

### **2009 Resolve, Chapter 102: Resolve, Regarding the Sale of Certain Real Property in the City of Hallowell**

This Resolve required a report to the Committee last year regarding status of all efforts toward the sale or transfer of Certain Real Property in the City of Hallowell. As the property has not yet been sold, this is an update of that prior report. The Legislatively-sanctioned stakeholder group has continued to meet and approved the advertisement of a Request for Qualifications in October 2010. Submissions were due from potential private developers on December 2, 2010. No submissions were received. The property is now being listed in the open market in an effort to sell the campus or some portion thereof prior to September 13, 2011. Unless further extended, the Legislatively-granted authority to sell or transfer the site expires September 13, 2011, pursuant to 2003 Resolve, Chapter 92. The state continues to seek a sale or redevelopment of the site consistent with prior Legislative action, which called for a portion of the site to be reserved for municipal use, a portion for use by the school unit, and for other various public interests to be pursued such as open space and historic preservation.