

MAINE STATE LEGISLATURE

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March 15, 1968

Linwood F. Ross, State Pur. Agent

Bureau of Purchases

Leon V. Walker, Jr., Assistant

Attorney General

Procurement of Supplies and Equipment by M.E.S.C. from G.S.A.

This is in reply to your memorandum of March 13, 1968. Since a reply to the Bureau of Employment Security's memorandum of March 1, 1968 was requested by March 15, and your memorandum was received on March 14, we have had little time to study the legality in Maine of the supplies and equipment procedures set forth in the March 1 memorandum.

It is apparent that the procedures involve direct non-competitive purchasing by Maine Employment Security Commission from General Services Administration's General Supplies Schedules. This we consider to violate the general law. 5 M.R.S.A. § 1816 provides that, with some exceptions therein stated and not here pertinent, purchases of services, supplies, materials and equipment needed by the State or any department or agency thereof shall be by competitive bidding. Several copies of this section are enclosed.

Should you consider the BES method of procurement to be desirable, in the interest of effecting savings, we believe that under 5 M.R.S.A. § 1813, subsection 1, you can authorize M.E.S.C. to make direct purchases of articles on the G.S.A.'s General Supply Schedules by issuing a regulation with a copy of the schedule attached. Copies of § 1813 are attached.

LVWJr:H

Leon V. Walker, Jr.
Assistant Attorney General