

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 7 FY 94/95
DATE January 5, 1995

AN ORDER CONCERNING THE STATE PURCHASES REVIEW COMMITTEE

WHEREAS, the economic condition of the region has significantly reduced State revenues; and

WHEREAS, it is the intention of the Administration to bring the State's budget into structural balance as rapidly as possible;

WHEREAS, it is necessary and prudent to reduce the authorized expenditures of State agencies in the purchase of goods and services, without unreasonably disrupting public services; and

WHEREAS, it is essential that all State agency purchases of goods and services be implemented in as efficient and cost-effective manner as possible, consistent with applicable State and Federal laws and guidelines; and

WHEREAS, administrative review by the expert State procurement agencies and the Governor's Office of all major purchases of goods and services by State agencies is necessary in order to ensure prudent financial and operations management;

NOW, THEREFORE, I, Angus S. King, Jr., Governor of the State of Maine, do hereby order that the State Purchases Review Committee is established for the administrative review and authorization of all major State agency purchases of goods and services, as follows:

The Contract Review Committee shall be composed of the Governor's Chief Operating Officer, or his designee, and the following members of the Department of Administrative and Financial Services: The Director of the Division of Purchases, or his designee, who shall serve as Committee Chairman; the State Budget Officer, or his designee; the State Controller, or his designee. The Director of the Bureau of Information Services, or his designee, shall advise the Committee with respect to contracts related to data processing subject to his authority under 5 M.R.S.A. Chapter 158, Subchapter II.

IT IS FURTHER ORDERED that the Committee shall act upon all State agency requests for proposals, contracts and contract renewals for special services valued at \$100,000 or more, as well as any request for grant proposals or grant awards greater than \$100,000. Grant awards and special services contracts of less than \$100,000 in value may be approved solely by the Director of the Division of Purchases, who is authorized to require additional review by one or more additional Committee members, at the Director's discretion.

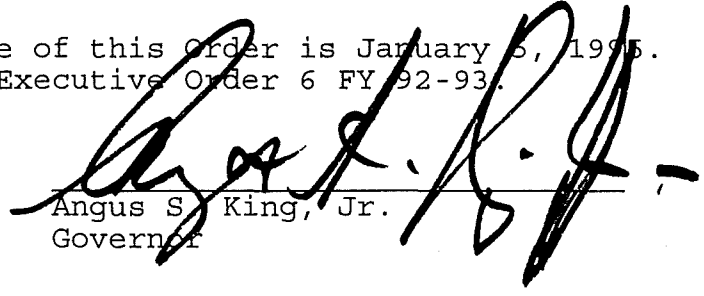
IT IS FURTHER ORDERED that the Committee and the Director of the Division of Purchases shall not approve the award of any grant or contract unless the Committee is satisfied that: (1) the service to be performed under the grant or contract cannot be economically provided by State Government; (2) that the award of the grant or contract is the most economical, effective and appropriate means of fulfilling a demonstrated need; and (3) that the award of the grant or contract will not impair the ability of the department or agency to meet its statutory duties and responsibilities under other State laws.

IT IS FURTHER ORDERED that single source special services contracts be awarded only when the Committee is satisfied that the service needed by the department or agency: (1) is available only from a sole source; (2) is of such narrow scope or constraint that the need can be met satisfactorily only by a single source; (3) is of such compelling urgency that government operations would be seriously impaired by delay inherent in following competitive procedures; or (4) otherwise is the most economical, effective and appropriate means of fulfilling a demonstrated need.

IT IS FURTHER ORDERED that prior to any State agency award of any special services contract or grant to an independent party, the awarding agency must receive the approval of the Purchases Review Committee or the Director of the Division of Purchases, as required by this Order. The awarding agency shall submit all requests for proposal, proposed contracts, contract amendments, related contract bid documents for special services, as well as any requests for grant proposals or grant awards to the Purchases Review Committee for certification of need as well as for documentation of compliance with applicable State and Federal law and financial guidelines. The Committee may, in its sole discretion, require additional information from the agency, reject the contract or grant, or require modification of the contract or grant in order to meet the requirements and objectives this Executive Order.

This Order is not intended to modify the ability of the heads of State agencies to make open market purchases for goods and services valued at less than \$1,000 without prior approval, as recommended by the Total Quality Management Pilot Project.

The effective date of this Order is January 5, 1995.
This Order supersedes Executive Order 6 FY 92-93.

A large, stylized handwritten signature in black ink, appearing to read "Angus S. King, Jr.", is written over the printed name and title.

Angus S. King, Jr.
Governor