

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 969

S. P. 306

In Senate, February 21, 1973

Referred to the Committee on Education. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Cianchette of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Authorizing Municipalities and School Administrative Districts to Secure Competitive Bids in the Construction of School Buildings.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 5, § 1741, amended. The first sentence of the first paragraph of section 1741 of Title 5 of the Revised Statutes, as amended by section 1 of chapter 542 of the public laws of 1971, is further amended to read as follows:

Whenever the words "public improvement" or "public improvements" shall appear in chapters 141 to 155 they shall be held to mean and include the construction, major alteration or repair of buildings or public works now owned or leased or hereafter constructed, acquired or leased by the State of Maine or any department, officer, board, commission or agency thereof, or constructed, acquired or leased, in whole or in part with state funds, and including the construction, major alteration or repair of school buildings, **in excess of \$25,000**, by any school administrative unit and for which state school construction aid is to be paid, **provided that sections 1743 and 1745 shall not be applicable to construction, major alteration or repair of school buildings.**

Sec. 2. R. S., T. 5, § 1742, sub-§ 7, amended. Subsection 7 of section 1742 of Title 5 of the Revised Statutes, as amended, is further amended to read as follows:

7. Approve plans for public improvements. To approve all proposals, plans, specifications and contracts for public improvements which the State of Maine or any of its agencies hold in fee or by leasehold interest and for school administrative unit projects costing in excess of ~~\$10,000~~ **\$25,000**;

Sec. 3. R. S., T. 5, § 1743-A, additional. Title 5 of the Revised Statutes is amended by adding a new section 1743-A, to read as follows:

§ 1743-A. Competitive bids; advertisement; bonds

Any contract for the construction, major alteration or repair of school buildings involving a total cost in excess of \$25,000, except contracts for professional, architectural and engineering services, shall be awarded by competitive bids. The school district directors, school committee, building committee or whatever agency has responsibility for the construction, major alteration or repair shall, after consultation with the State Director of Public Improvements, seek sealed proposals. Sealed proposals shall be addressed to the responsible agency and shall remain sealed until publicly opened in the presence of the responsible agency or a committee thereof at such time as the responsible agency may direct. Competitive bids may be waived in individual cases involving unusual circumstances with the written approval of the Director of Public Improvements and the Commissioner of Educational and Cultural Services.

Sec. 4. R. S., T. 20, § 3461, additional. Title 20 of the Revised Statutes is amended by adding a new section 3461, to read as follows:

§ 3461. State subsidies withheld

The State may withhold or disallow a portion of the subsidies for construction, major alterations or repairs of school buildings, defined as payments for capital outlay purposes in section 3457, in the event the administrative unit elects to award a contract to other than the lowest qualified bidder who has been declared acceptable by the Director of Public Improvements and the Commissioner of Educational and Cultural Services, providing that the portion of subsidy withheld does not exceed the State's share of the difference between the lowest qualified bid and the amount bid by the firm awarded the contract; or in the event the administrative unit fails to follow the procedures set forth in sections 3458, 3460 and 3623 and Title 5, sections 1741, 1742 and 1743-A.

STATEMENT OF FACT

The purpose of this bill is to require competitive bids for construction, major alterations or repairs of school buildings costing in excess of \$25,000 except under unusual circumstances.