

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1730

H. P. 1419

House of Representatives, April 8, 1975

On motion of Mr. Carter of Winslow, referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Ault of Wayne.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Provide for the Selection of Architectural and Engineering Services by the State.

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

5 MRSA § 1749-A is enacted to read :

§ 1749-A. Contracts for architectural and engineering services

All agencies, boards, commissions, authorities, commissions and departments of the State, and all school administrative units, shall follow the procedure herein described when contracting for architectural and engineering services :

A description of the proposed project and required services shall be developed by the agency and published at least once in one or more newspapers of general circulation throughout the State. The publication shall request the submission of a resume of qualifications by a specified date from interested architectural or engineering firms. The date for submission shall be not less than 15 days after publication of the notice.

In addition to newspaper publications, the project description and request may be mailed directly to architectural or engineering firms ; provided, however, that all eligible Maine firms shall be included in the mailing.

Following the receipts of resumes of qualifications, the agency shall hold conferences with at least 3 firms submitting resumes. The purpose of the conferences shall be to provide such further information as may be required by the agency to fully acquaint itself with the relative qualifications of the several interest firms.

After reviewing and evaluating qualifications, the agency shall select the 3 which, in its judgment, are the most qualified, ranking the 3 in priority order.

The agency shall consider the ability of professional personnel, past performance, willingness to meet time and budget requirements, location, recent current and projected work loads of the firms, and the volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms; provided, however, that such distribution does not violate the principle of selection of the most highly qualified firms.

The agency shall negotiate a contract for services with the most qualified firm at a compensation which the agency determines is fair and reasonable to the State. Should the agency be unable to negotiate a satisfactory contract with this firm, negotiations shall be formally terminated. The agency shall then negotiate in the same manner with the 2nd and then the 3rd most qualified firms until a satisfactory contract has been negotiated. If no agreement is reached with the 3 firms, additional firms in order of their competence and qualifications, shall be selected and negotiations continued in the same manner until agreement is reached.

The agency shall submit the name of the selected firm and a tentative contract to the Director of the Bureau of Public Improvements for approval and shall submit a list of the other firms considered.

In addition to such submittal the agency shall provide a statement of construction projects undertaken in the preceding 2 years, showing the architectural or engineering firm involved, the nature of the project, and the amount of the construction contract; and a certification that the newspaper announcement required above was duly published.

After review of the data submitted, the Director of the Bureau of Public Improvements shall determine its position with respect to the particular firm recommended for approval by the agency. The director shall formally notify the agency of his approval or rejection. In event of approval, the agency is authorized to execute a contract with the selected firm. In the event of rejection, the agency shall submit the name of another firm for the director's consideration, selected in accordance with the procedure outlined herein. The agency shall not enter into a contract for architectural or engineering services without the approval of the director.

STATEMENT OF FACT

Current law does not provide a method for negotiating contracts between the State and design firms. This bill, modeled on similar legislation from other states, is an attempt to provide a workable method whereby the State will be assured of obtaining competent architects and engineers on public improvement projects.