

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2172

H. P. 1980

House of Representatives, February 4, 1976

On Motion of Mrs. Najarian of Portland. Referred to Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Jensen of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT to Establish the Contract Review Committee
to Oversee the Bureau of Purchases.

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

Sec. 1. 5 MRSA § 1811, as last amended by PL 1967, c. 492, is repealed and the following enacted in place thereof:

§ 1811. Contract Review Committee

1. Membership. The Contract Review Committee shall consist of 7 members: The Commissioner of Finance and Administration, one purchasing agent appointed by the Maine Municipal Association from among purchasing agents employed by municipalities which are members of the Maine Municipal Association; the Treasurer of State; and 4 persons to be appointed by the Governor. Of the 4 persons appointed by the Governor, 2 shall not be employees of the State, of the University of Maine, of the Maine Maritime Academy nor of any other governmental or quasi-governmental agency. In no case shall any of these 4 appointees include anyone under the direction or control of the Department of Finance and Administration. Members of the Contract Review Committee shall be appointed for terms of 3 years. Four members of the committee shall constitute a quorum. Any vacancy in appointed membership of the committee shall be filled in the original manner within one month after the occurrence of the vacancy. The committee shall select a chairman from among its members who shall serve a term of one year.

2. Secretariat. The Department of Finance and Administration shall serve as the secretariat of the committee.

3. Duties.

A. The committee, shall, within 14 business days after any request by an aggrieved party, review the award by the State Purchasing Agent of any contract which has been submitted to the bidding process. The committee shall, as soon as practicable after completing its review, either approve or disapprove the award of the contract. In the event of disapproval, the committee shall take action to ensure proper awarding of the contract. This action may include the award of the contract pursuant to bids already received or the solicitation of new bids. The committee may permit the State Purchasing Agent to award the contract pursuant to its action, or may award the contract itself.

B. The committee shall review and approve all rules and regulations promulgated by the State Purchasing Agent before any rule and regulation shall become effective. Within 6 months after the effective date of this section, the committee shall review all rules and regulations presently in force which have been promulgated by the State Purchasing Agent and shall either approve or disapprove each of those rules and regulations.

Sec. 2. 5 MRSA § 1811-A is enacted to read:

§ 1811-A. Lowest bid not accepted

Whenever the State Purchasing Agent does not accept the lowest bid submitted pursuant to the bidding process for a state contract, he shall file a report with the Chairman of the Contract Review Committee within one week after his action. This report shall state, in writing, his reasons for refusing to accept the lowest bid. The chairman of the committee shall, within one week of receiving any report under this section from the State Purchasing Agent, furnish copies of this report to each member of the committee. The State Purchasing Agent shall maintain a copy of this report on file within his office and this report shall be available to the public.

Sec. 3. Transition. Of the members first appointed to the committee, the member appointed by the Maine Municipal Association shall serve a term of one year, 2 of the members appointed by the Governor shall serve a term of 2 years, and 2 of the members appointed by the Governor shall serve terms of 3 years. The Governor shall designate which of the persons appointed by him shall serve terms of 2 years and which shall serve terms of 3 years. All appointments made after the expiration of the initial terms shall be for terms of 3 years.

STATEMENT OF FACT

This bill will tighten up existing statutes as they relate to overview and control of state purchasing. Present law in this area ranges from weak to nonexistent.

This proposal will do a great deal to insure that the integrity of the state bidding process is maintainable and improved.