

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1849

H. P. 1648

House of Representatives, June 6, 1977

Reported by Mr. Austin from Committee on Performance Audit. Sent up for concurrence and ordered printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT Pertaining to the Granting of Preference in the Letting of
State Contracts to State of Maine Resident Bidders.**

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

5 MRSA § 1816, sub-§ 10 is enacted to read:

10. Preference for in-state bidders. Notwithstanding inconsistent provisions of law, the State Purchasing Agent or other contracting officer may award a contract to an in-state bidder who has not submitted the lowest bid, pursuant to the following provisions.

A. For the purposes of this subsection, the words "in-state bidder" shall mean a bidder:

(1) Whose principal place of business or a branch thereof has been located in Maine for a period of 2 years; and

(2) Who will employ at least 90% Maine residents to carry out the contract.

B. Whenever the lowest responsible bidder is not an in-state bidder, the State Purchasing Agent or other contracting officer may award the contract to the next lowest responsible bidder, provided that the next lowest responsible bidder:

(1) Is an in-state bidder;

(2) Has submitted a bid which is no more than 2% higher than the bid of the lowest responsible bidder; and

(3) Agrees to accept the contract at the amount of the bid submitted by the lowest responsible bidder.

C. If this next lowest responsible bidder does not agree to accept the contract, the State Purchasing Agent or other contracting officer may award the contract to another responsible low bidder who meets the criteria specified in paragraph A. Whenever the State Purchasing Agent or other contracting officer offers a contract to such other low bidder or bidders, he shall do so in the order of the proximity of each bid to the bid of the lowest responsible bidder.

D. Nothing in this subsection shall be construed to effect or limit any power or duty relating to the awarding of contracts which the United States Government reserves to itself.

This subsection shall cease to be in effect on June 30, 1980.

STATEMENT OF FACT

The purpose of this new draft is to authorize the State Purchasing Agent to award contracts to responsible bidders other than the lowest responsible bidder, when the other low bidders:

1. Are in-state bidders;
2. Submit bids which are no more than 2% higher than the lowest bid; and
3. Agree to accept the contract at the amount of the bid submitted by the lowest bidder.

For the purposes of this legislation, an "in-state bidder" is defined as a bidder whose place of business has been in Maine for 2 years and who will employ at least 90% Maine residents to carry out the contract.

This legislation will cease to be in effect on June 30, 1980.