

MAINE STATE LEGISLATURE

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New Draft of : H. P. 759, L. D. 939
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1578

H. P. 1331

House of Representatives, April 24, 1979

Reported by Mrs. Reeves from the Committee on State Government. Printed
Under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning Public Agencies Contracting for Architectural Services.

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

5 MRSA § 1742, sub-§ 6, is repealed and the following enacted in its place:

6. Approve selection of architects and engineers. To approve the selection of architects and engineers registered in Maine in the planning, design and monitoring of construction of public improvements consistent with the policy of this State that proposals for architectural and engineering services for public improvements be publicly announced, and that contracts for architectural and engineering services be negotiated by the contracting authority on the basis of evaluation of professional competency and qualifications required for the type of services contemplated at fair and reasonable prices;

The bureau shall adopt procedures for the procurement of any professional architectural and engineering services for public improvements as defined in section 1741. The procedures shall be adopted pursuant to Title 5, chapter 375 and be deemed a rule.

The procedure shall contain a provision that, prior to initiating the process of selecting an architect or engineer for any project, the contracting authority shall advertise in a daily newspaper that serves the area in which the project is likely to be located. The advertisement shall state, at a minimum, that the selection is to

take place and describe the procedures which an engineer or architect may use to be considered as a candidate in the selection process.

The director of the bureau shall maintain a list of engineers and architects who have expressed an interest in providing service to the State or school administrative units.

STATEMENT OF FACT

The purposes of this new draft are to require the Bureau of Public Improvements to adopt rules regulating the procurement of architectural and engineering services for public improvements, and to establish standards for the rules, requiring:

1. Adoption of the rules pursuant to the Administrative Procedure Act;
2. Negotiation for architectural and engineering services on the basis of professional competency and qualifications, at fair and reasonable prices; and
3. Advertisement prior to initiating the selection process.

In addition, the director of the bureau is required to maintain a list of engineers and architects who have expressed an interest in providing services to the State or school districts.