

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-75)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 224, L.D. 261, Bill, "AN ACT to Establish a Maine Set-aside Program under the State Purchasing Law to Expand Work Opportunities for Multiple Handicapped Citizens."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'5 MRSA §1816, sub-§11 is enacted to read:

11. Preference for Maine Sheltered Workshop. Notwithstanding inconsistent provisions of law, the State Purchasing Agent or other contracting officer shall award a contract for the purchase of goods or services made or manufactured by handicapped individuals to an in-state bidder that is a responsible sheltered workshop who has not submitted the lowest bid pursuant to the following provisions.

A. For the purposes of this subsection, the following words have the following meanings.

(1) ←

"Goods or services made or manufactured by handicapped individuals" means goods or services for which not less than 75% of the man-hours of direct labor required for production are performed by handicapped individuals.

(2) ←

"Sheltered workshop" means a facility, certified by the United States Department of Labor regulations covering employment of handicapped clients, engaged in production or service operation for the primary purpose of providing gainful employment

for those who cannot be readily absorbed in the competitive labor market, or of providing interim employment during such time as employment opportunities for them in the competitive labor market do not exist.

B. Whenever the lowest responsible bidder is not a sheltered workshop, the State Purchasing Agent or other contracting officer shall award the contract to the next lowest <sup>responsible</sup> bidder which is a sheltered workshop, provided that it has submitted a bid which is no more than 5% higher than the bid of the lowest responsible bidder.

C. If this next lowest responsible sheltered workshop bidder does not agree to accept the contract, the State Purchasing Agent or other contracting officer shall award the contract to another responsible sheltered workshop low bidder who meets the criteria specified in paragraphs A and B. Whenever the State Purchasing Agent or other contracting officer offers a contract to such other sheltered workshop 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 may be construed to affect or limit any power or duty relating to the awarding of contracts which the United States Government reserves to itself.

Statement of Fact

This amendment changes the State Government purchasing law by requiring that the State purchase goods and services from sheltered workshops for the handicapped when the bid of a workshop is within 5% of the bid of the lowest responsible bidder.

Reported by the Committee on State Government.  
Reproduced and distributed under the direction of the Clerk of the House.

3/5/81

(Filing No. H-75)