

MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document No. 1111

H.P. 862 House of Representatives, March 8, 1983

Submitted by the Department of Conservation pursuant to Joint Rule 24.
Referred to the Committee on State Government. Sent up for concurrence
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Nadeau of Lewiston.
Cosponsor: Representative Moholland of Princeton.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

**AN ACT to Amend the Competitive Bidding
Procedure to Allow Negotiation for Petroleum
Product Procurement.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the law pertaining to competitive bidding has been detrimental in the procurement of petroleum products in that it does not allow the State Purchasing Agent to take advantage of fluctuations in the market; and

Whereas, if the State Purchasing Agent had the authority to negotiate petroleum products, the State would be in a position to take advantage of price fluctuation; and

1 Whereas, if the present law is amended to nego-
2 tiate in the purchase of petroleum products, the
3 State Purchasing Agent could act quickly on behalf of
4 the State in taking advantage of special sales or
5 pricing strategy that may be offered; and

6 Whereas, if the State Purchasing Agent had more
7 flexibility in negotiating petroleum product procure-
8 ment, the State could deal with a greater number of
9 suppliers; and

10 Whereas, in the judgment of the Legislature,
11 these facts create an emergency within the meaning of
12 the Constitution of Maine and require the following
13 legislation as immediately necessary for the preser-
14 vation of the public peace, health and safety; now,
15 therefore,

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

18 Sec. 1. 5 MRSA §1816, sub-§2, ¶¶B and C are
19 amended to read:

20 B. In the opinion of the Governor an emergency
21 exists of a nature which requires the immediate
22 procurement of services, supplies, materials or
23 equipment, the State Purchasing Agent may be
24 authorized by the Governor to make purchases
25 without the formality of competitive bidding;

26 C. After reasonable investigation by the State
27 Purchasing Agent, it appears that any required
28 unit or item of supply, or brand of such unit or
29 item, is procurable by the State from only one
30 source; or

31 Sec. 2. 5 MRSA §1816, sub-§2, ¶D is enacted to
32 read:

33 D. It appears to be in the best interest of the
34 State to negotiate for the procurement of petro-
35 leum products.

36 **Emergency clause.** In view of the emergency
37 cited in the preamble, this Act shall take effect
38 when approved.

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STATEMENT OF FACT

The purpose of this bill is to allow the State Purchasing Agent to purchase petroleum products through negotiation when it is deemed to be the best method in procuring such commodity due to fast price fluctuation, time consideration or other reasons that would be a restraint in acting in a manner that may be an advantage to the State.

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