

# MAINE STATE LEGISLATURE

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L.D. 1316

(Filing No. S-53)

STATE OF MAINE  
SENATE  
111TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to S.P. 437, L.D. 1316,  
Bill, "AN ACT Concerning the Guidelines for State  
Contract Process and Appeal of Decisions."

Amend the bill in that part designated "§1831."  
by striking out all of subsection 1 and inserting in  
its place the following:

'1. Adoption of rules. Every department or  
agency of State Government, subject to chapters 141  
to 152, purchasing services or awarding grants or  
contracts which are not subject to the authority of  
the Department of Finance and Administration, as de-  
fined in chapters 153 and 155, shall establish a  
procedure by which these services shall be purchased  
or by which grants or contracts shall be awarded.  
This procedure shall be adopted in accordance with  
the Maine Administrative Procedure Act, chapter 375,  
and shall be approved by the State Purchasing Agent  
prior to their adoption. The procedure shall  
include, among any other provisions deemed necessary  
by the State Purchasing Agent:

A. A notification process to inform prospective  
bidders about contracts for which bids are being  
requested;

B. A process by which bid applications shall be  
reviewed;

C. Criteria for the selection of bids for any  
additional review prior to any award of con-  
tracts;

D. Criteria for the award of a contract;

E. A definition of the procedure by which a

SENATE AMENDMENT " A " to S.P. 437, L.D. 1316

1 person, aggrieved by the decision of a department  
2 or agency under this chapter, may appeal the  
3 decision; and

4 F. Criteria for the review of any decision that  
5 has been appealed under this chapter.

6 2. Limitation. This section does not apply to  
7 purchase of supplies, services, materials and equip-  
8 ment or to public improvements, as described under  
9 chapters 153 and 155. This section does not apply to  
10 construction, improvement or repair of any and all  
11 ways, roads or bridges with appurtenances in accor-  
12 dance with section 1741.

13 3. Application. The procedure adopted by a  
14 department or agency in this section may be used by  
15 the department or agency for any qualifying purchase  
16 or award of a contract or grant. Nothing in this  
17 section may be construed to require the adoption of  
18 new procedures for every new purchase, contract or  
19 award. Nothing in this section may be construed to  
20 require the State Purchasing Agent or the Department  
21 of Finance and Administration to approve any con-  
22 tract, grant or award that is not presently approved  
23 by the State Purchasing Agent or the Department of  
24 Finance and Administration under chapters 153 and  
25 155.'

26 STATEMENT OF FACT

27 The purpose of this amendment is to clarify the  
28 intent of the bill. The intent is to require depart-  
29 ments and agencies of State Government to establish  
30 procedures by which services, contracts and grants  
31 which are not presently reviewed or approved by the  
32 Department of Finance and Administration shall be  
33 purchased or awarded. This amendment only requires  
34 that each department establish a general procedure by  
35 which services, contracts and awards shall be pur-  
36 chased or awarded. The procedure shall be approved

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1 by the State Purchasing Agent. This amendment does  
2 not require the State Purchasing Agent to approve any  
3 department contracts. This amendment does not sub-  
4 ject the State Purchasing Agent or the Bureau of  
5 Public Improvements to change the procedures in their  
6 respective operations.

7 3223040883

  
(Sen. Violette)

8  
9 NAME:

10 COUNTY: Aroostook

Reproduced and distributed pursuant to Senate Rule 11-A  
April 8, 1983 (Filing No. S-53)