

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 895, L.D. 2277, Bill, "An Act to Create an Appeals Procedure for the State Bidding Process"

Amend the bill in section 2 in that part designated "~~§1825-A.~~" in subsection 1 in the first line (page 1, line 40 in L.D.) by inserting after the following: "any person" the following: 'who bids on a contract and who is' and in the last line (page 1, line 42 in L.D.) by striking out the following: "a" and inserting in its place the following: 'that'

Further amend the bill in section 2 in that part designated "~~§1825-A.~~" in subsection 5 in the next to the last line (page 2, line 12 in L.D.) by striking out the following: "for profit or not for profit" and inserting in its place the following: 'profit or nonprofit' and in the last 2 lines (page 2, lines 12 and 13 in L.D.) by striking out the following: ", but does not include the State or any agency of the State"

Further amend the bill in section 2 in that part designated "~~§1825-B.~~" in subsection 2 in paragraph D in the last line (page 3, line 10 in L.D.) by striking out the following: "or" and in paragraph E in subparagraph (2) in the last line (page 3, line 20 in L.D.) by striking out the following: "costs." and inserting in its place the following: 'costs; or'

Further amend the bill in section 2 in that part designated "~~§1825-B.~~" in subsection 2 by inserting after paragraph E the following:

'F. The procurement of goods or services involves expenditures of \$2,500 or less, in which case the State Purchasing Agent may accept oral proposals or invitations to bid.'

Further amend the bill in section 2 in that part designated "~~§1825-B.~~" in subsection 3 in the last line (page 3, line 26 in L.D.) by inserting after the following: "subsection 2" the following: ', paragraph E'

B. 313.

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2 Further amend the bill in section 2 in that part designated
3 "§1825-B." in subsection 7 in the 8th and 9th lines (page 4,
4 lines 21 and 22 in L.D.) by striking out the following: "The
5 bidding process must be reopened if" and inserting in its place
6 the following: 'If'

8 Further amend the bill in section 2 in that part designated
9 "§1825-B." in subsection 7 in the 10th line (page 4, line 23 in
10 L.D.) by inserting after the following: "perform" the
11 following: 'the State Purchasing Agent may cancel the contract
12 and award a new contract to the 2nd lowest responsible bidder'

14 Further amend the bill in section 2 in that part designated
15 "§1825-B." in subsection 7 in the 10th line (page 4, line 23 in
16 L.D.) by striking out the following: "Unless the bidding process
17 is reopened, the" and inserting in its place the following: 'The'

18 Further amend the bill in section 2 in that part designated
19 "§1825-B." in subsection 8 in the first line (page 4, line 28 in
20 L.D.) by striking out the following: "Preference for in-state
21 bidders" and inserting in its place the following: 'Tie bids'

24 Further amend the bill in section 2 in that part designated
25 "§1825-C." in the first paragraph in the last line (page 4, line
26 44 in L.D.) by striking out the following: "chapter 153 and"

28 Further amend the bill in section 2 in that part designated
29 "§1825-D." in subsection 1 in the last line (page 5, line 2 in
30 L.D.) by striking out the following: "bids" and inserting in its
31 place the following: 'proposals'

32 Further amend the bill in section 2 in that part designated
33 "§1825-D." in subsection 3 in the next to the last line (page 5,
34 line 10 in L.D.) by inserting after the following: "decision"
35 the following: 'made pursuant to a request for proposals'

38 Further amend the bill in section 2 in that part designated
39 "§1825-E." in subsection 3 in the first paragraph in the 3rd line
40 (page 6, line 36 in L.D.) by striking out the following: "State
41 Controller" and inserting in its place the following:
42 'Commissioner of Finance'

44 Further amend the bill in section 2 in that part designated
45 "§1825-E." in subsection 3 in the first blocked paragraph in the
46 first line (page 6, line 42 in L.D.) by striking out the
47 following: "by the State Controller" and inserting in its place
48 the following: 'under this section'

50 Further amend the bill in section 3 in that part designated
51 "§1831." in subsection 1 in the first paragraph in the next to
52 the last line (page 8, line 17 in L.D.) by inserting after the

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2 following: "I-A." the following: 'Any department or agency of
3 State Government that does not adopt rules under this section by
4 January 1, 1991, is subject to rules adopted by the State
5 Purchasing Agent under chapter 155, subchapter I-A.'

6 Further amend the bill by inserting at the end before the
7 statement of fact the following:

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9 **FISCAL NOTE**

10 The Bureau of Purchases within the Department of
11 Administration will be able to implement the required rulemaking,
12 appeals process and notification provisions within existing
13 budget resources.'

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17 **STATEMENT OF FACT**

18 This amendment clarifies the intent of the bill in several
19 areas, and requires the Commissioner of Finance, rather than the
20 State Controller, to appoint the members of the appeal committee.
21
22

Reported by Senator Carpenter for the Committee on State
and Local Government. Reproduced and Distributed Pursuant
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