

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1669, L.D. 2345, Bill, "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State"

Amend the bill in section 1 in that part designated "~~§1816-A.~~" in subsection 1 by striking out all of the first paragraph (page 1, lines 7 and 8 in L.D.) and inserting in its place the following:

'1. Conditions; general. Except for contracts requiring specific legislative approval, personal services contracting is permissible when any of the following conditions occur.'

Further amend the bill in section 1 in that part designated "~~§1816-A.~~" in subsection 1 in paragraph A in the first line (page 1, line 10 in L.D.) by striking out the following: "or can not be made" and inserting in its place the following: 'currently'

Further amend the bill in section 1 in that part designated "~~§1816-A.~~" in subsection 1 in paragraph C by striking out all of the last sentence (page 1, lines 30 and 31 in L.D.)

Further amend the bill in section 1 in that part designated "~~§1816-A.~~" in subsection 2 in the 2nd line (page 2, line 3 in L.D.) by inserting after the following: "achieve" the following: 'actual'

Further amend the bill in section 1 in that part designated "~~§1816-A.~~" in subsection 2 in paragraph A by striking out all of subparagraphs (2) and (3) and inserting in their place the following:

COMMITTEE AMENDMENT

2 '(2) Any continuing state costs directly associated
4 with a contractor providing a contracted function are
6 included. These continuing state costs include, but
8 are not limited to, those costs for inspection,
 supervision, monitoring and any pro rata share of
 existing costs or expenses, including administrative
 salaries and benefits, rent, equipment costs, utilities
 and materials.'

10 Further amend the bill in section 1 in that part designated
12 "§1816-A." in subsection 2 by striking out all of paragraphs C
 and D

14 Further amend the bill in section 1 in that part designated
16 "§1816-A." in subsection 2 by inserting at the end the following:

18 'J. The contract does not violate existing state employee
20 collective bargaining agreements or contain standards of
 performance lower than existing state employee collective
 bargaining agreements.'

22 Further amend the bill in section 1 in that part designated
24 "§1816-A." in subsection 2 by relettering the paragraphs to read
 consecutively

26 Further amend the bill in section 1 in that part designated
28 "§1816-A." by striking out all of subsection 3.

30 Further amend the bill in section 1 in that part designated
32 "§1816-A." by striking out all of subsection 4 and inserting in
 its place the following:

34 '4. Procedure. Any state agency proposing to execute a
36 contract pursuant to this section shall notify the Commissioner
38 of Administrative and Financial Services of its intention. All
40 organizations that represent state employees who perform the type
42 of work to be contracted and the joint standing committee of the
44 Legislature having jurisdiction over appropriations and financial
46 affairs must be contacted immediately by the Commissioner of
48 Administrative and Financial Services upon receipt of this notice
 so that they may be given a reasonable opportunity to comment on
 the proposed contract. Departments or agencies submitting
 proposed contracts shall retain and provide all data, including
 written findings, and other information relevant to the contracts
 and necessary for a specific application of the standards set
 forth in subsections 1 and 2. Any employee organization may
 request, within 10 days of notification, the Commissioner of
 Administrative and Financial Services to review any contract

2 proposed or executed pursuant to this section. The review must
3 be conducted in accordance with the Maine Administrative
4 Procedure Act. Upon such a request, the Commissioner of
5 Administrative and Financial Services shall review the contract
6 for compliance with the standards specified in subsections 1 and
7 2.

8 Further amend the bill in section 1 in that part designated
9 "~~§1816-A.~~" in subsection 4 in the 8th line from the end (page 3,
10 line 33 in L.D.) by striking out the following: "10" and
11 inserting in its place the following: '5'

12 Further amend the bill by inserting before the statement of
13 fact the following:

14
15 '6. Report. The Bureau of General Services shall deliver a
16 report on personal services contracting by January 31, 1993 and
17 annually thereafter to the joint standing committee having
18 jurisdiction over state and local government affairs. The report
19 must include, at a minimum, the number of requests for personal
20 services contracts considered by the department, the number of
21 personal services contracts put out to bid, the cost of the
22 contracts, the estimated cost to the State if the personal
23 services had been accomplished within civil service, the number
24 and type of appeals, the estimated cost of administering the
25 appeals process and any suggestions for improvement.

26
27 **Sec. 2. Effective date.** The contracting provisions in the Maine
28 Revised Statutes, Title 5, section 1816-A apply to proposals for
29 new contracts on and after the effective date of this Act, and
30 the renewal process for existing contracts as they occur, on and
31 after the effective date of this Act.

32
33 **Sec. 3. Appropriation.** The following funds are appropriated
34 from the General Fund to carry out the purposes of this Act.

35
36
37 1992-93

38
39 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
40 **DEPARTMENT OF**

41 **Bureau of General Services**

42		
43	Positions - Legislative Count	(1.0)
44	Personal Services	\$34,943
45	All Other	1,000
46		

2 Provides funds for the salary, fringe
4 benefits and operating costs of an Auditor
6 II position to analyze proposed contracts
for personal services.

8 **DEPARTMENT OF ADMINISTRATIVE AND
FINANCIAL SERVICES
TOTAL**

\$35,943

12 **FISCAL NOTE**

1992-93

14 **APPROPRIATIONS/ALLOCATIONS**

16 General Fund

\$35,943

18 The Bureau of General Services within the Department of
20 Administrative and Financial Services will require a General Fund
22 appropriation of \$35,943 in fiscal year 1992-93 for the salary,
benefits and operating expense of an Auditor II position to
24 analyze proposed contracts for personal services.'

26 **STATEMENT OF FACT**

28 The amendment makes changes in the types of general
30 conditions and clarifies the cost savings conditions under which
personal services contracting is permissible and reduces the
32 notification procedures required when a request for a personal
services contract is made. The amendment also adds a reporting
34 requirement, an effective date, an appropriation and a fiscal
note.

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

3/23/92

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