

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 324

S.P. 138

In Senate, January 31, 1995

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### An Act to Make Procedural Changes to the Maine Turnpike Authority.

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator HARRIMAN of Cumberland.

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

Sec. 1. 23 MRSA §1965-A and 1965-B are enacted to read:

§1965-A. Chief engineer

1. Appointment. The authority shall employ a professional engineer to hold the full-time staff position of chief engineer. The authority shall provide an office for the chief engineer at the authority's main headquarters. The person appointed to this position must be a resident of this State and must be registered with the State Board of Registration for Professional Engineers as required under Title 32, section 1351.

2. Duties. The chief engineer is responsible for all planning, design, maintenance and construction activities of the authority. The chief engineer shall award contracts for engineering as provided in section 1965-B.

§1965-B. Contracts for engineering

All contracts for engineering not performed by the authority must be awarded in compliance with this section.

1. Procedures. The authority shall adopt procedures for awarding engineering contracts that are consistent with procedures recommended by a recognized professional civil engineering association. The chief engineer shall solicit and review engineering proposals in accordance with the adopted procedures. Prior to awarding a contract for engineering, the authority must receive proposals from a minimum of 3 professional engineering firms.

2. Awarding of contracts. The chief engineer for the authority shall award the contract to the firm whose proposal contains the lowest reasonable cost and has the right to reject a proposal based on the qualifications of the submitting firm.

3. Long-term contracts. A contract for engineering services may not exceed 3 years. The authority must follow the procedures established under subsection 1 prior to renewing a contract.

Sec. 2. 23 MRSA §1966, sub-§2, as amended by PL 1991, c. 435, §1, is further amended to read:

2. Contracts for construction or reconstruction. All contracts and agreements relating to the construction or reconstruction of the turnpike and the construction or

2 reconstruction of connecting tunnels and bridges, overpasses,  
underpasses, interchanges and toll facilities must be approved by  
4 the Department of Transportation and the turnpike and connecting  
tunnels and bridges, overpasses, underpasses, interchanges and  
6 barriers must be constructed or reconstructed under the  
supervision of the department.

8 The authority shall use the standard contract specifications  
10 adopted by the Department of Transportation in accordance with  
section 753. Deviations from these specifications must be  
12 specific to the project and approved by the Department of  
Transportation.

14 The authority shall adopt and include in all construction  
contracts a procedure for contract dispute resolution. The  
16 procedure must include provisions for independent mediation.

18 Contractors and subcontractors on all authority construction and  
reconstruction projects must be equal opportunity employers and,  
20 in connection with contracts in excess of \$250,000, also pursue  
in good faith affirmative action programs designed to remedy  
22 underrepresentation of minorities, women and persons with  
disabilities. The authority may by rule provide for the  
24 enforcement of this requirement. To the extent practical, the  
authority may use program and technical information developed by  
26 and available through the Department of Transportation to carry  
out this subsection.

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## STATEMENT OF FACT

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This bill establishes the position of chief engineer with  
the Maine Turnpike Authority. It directs the Maine Turnpike  
34 Authority to establish procedures for contracting engineering  
services. It directs the authority to adopt the standard  
36 contract specifications used by the Department of Transportation  
for construction contracts.