

# MAINE STATE LEGISLATURE

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R. O. S.

L.D. 453

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MAJORITY  
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 332, L.D. 453, 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 inserting after paragraph G the following:

'H. The contracting agency demonstrates a quantifiable improvement in services that can not be reasonably duplicated within existing resources.'

Further amend the bill in section 1 in that part designated "~~§1816-A.~~" in subsection 2 by striking out all of paragraphs G and I.

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

Further amend the bill in section 1 in that part designated "~~§1816-A.~~" by striking out all of subsections 3, 4 and 5 and inserting in their place the following:

3. Procedure. Any state agency proposing to execute a contract exceeding \$15,000 pursuant to this section shall notify the Commissioner of Administrative and Financial Services of its intention. All organizations that represent state employees who perform the type of work to be contracted must be contacted

**COMMITTEE AMENDMENT**

2 immediately by the Commissioner of Administrative and Financial  
3 Services upon receipt of this notice so that they may be given a  
4 reasonable opportunity to comment on the proposed contract.  
5 Departments or agencies submitting proposed contracts shall  
6 retain and provide all data, including written findings, and  
7 other information relevant to the contracts and necessary for a  
8 specific application of the standards set forth in subsections 1  
9 and 2. Within 3 business days of notification, any employee  
10 organization may request that the Commissioner of Administrative  
11 and Financial Services review any contract proposed or executed  
12 pursuant to this section. The review must be conducted in  
13 accordance with the Maine Administrative Procedure Act. Upon  
14 such a request, the Commissioner of Administrative and Financial  
15 Services shall review the contract for compliance with the  
16 standards specified in subsections 1 and 2.'

17 Further amend the bill by inserting at the end before the  
18 statement of fact the following:

19 **FISCAL NOTE**

20 The additional costs to administer a review process for  
21 certain state contracts can be absorbed by the Division of  
22 Purchases within the Department of Administrative and Financial  
23 Services utilizing existing budgeted resources.'

24 **STATEMENT OF FACT**

25 This amendment:

26 1. Adds a new paragraph that allows contracting agencies to  
27 demonstrate "quantifiable improvement" as an eligibility  
28 criterion for contracting;

29 2. Removes the requirement for a specific number of  
30 occupational safety or labor law violations;

31 3. Removes the reference to collective bargaining  
32 agreements;

33 4. Changes the procedure for notification of state  
34 employees for pending contracts to those greater than \$15,000;

35 5. Removes the provision for a state agency to seek  
36 legislative approval for denial of contract and eliminates the  
37 reporting requirement; and

38 6. Adds a fiscal note.