

MAINE STATE LEGISLATURE

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H. & S.

L.D. 946

DATE: January 31, 1996

(Filing No. S-418)

LABOR

Reported by: The Majority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 341, L.D. 946, Bill, "An Act Concerning Preference to Maine Workers and Contractors"

Amend the bill by striking out the title and substituting the following:

'An Act Concerning Notification to Maine Workers and Contractors'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA §1743-C is enacted to read:

§1743-C. Information to bidders on public improvement projects

A public improvement project for the construction, altering, repairing, furnishing or equipping of a building or public works must meet the requirements of this section.

1. Information to potential bidders. The Bureau of General Services or the procuring agency shall ensure that the bidding documents provided to potential bidders state that information concerning the availability of state subcontractors and suppliers, including women-owned businesses, is available from the Bureau of General Services or the Department of Economic and Community Development. The statement must indicate that the use of subcontractors and suppliers and women-owned businesses in the State in the procurement of its goods and services is encouraged where possible.

2. Notice to businesses. The Bureau of General Services shall adopt policies to promote the participation by enterprises doing business in this State and residents of this State in

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2 procurement contracts where possible. Policies must include, but
3 are not limited to, providing for the notification of enterprises
4 doing business in this State of opportunities to participate as
5 subcontractors and suppliers on procurement contracts in an
6 amount estimated to be equal to or greater than \$100,000.

7 3. Notice to economic development organizations. The
8 Bureau of General Services or the procuring state agency shall
9 provide notice of all anticipated competitive contracting
10 opportunities to an automated supplier matching service
11 identified as appropriate by the Department of Economic and
12 Community Development.

13 4. Annual education session. The Bureau of General
14 Services shall sponsor an annual education session on procedures
15 to procure contracts with the State. The Bureau of General
16 Services shall notify business enterprises in this State who have
17 demonstrated an interest in opportunities to participate as
18 contractors, subcontractors or suppliers on procurement contracts
19 of the time and place of this annual education session.

20 5. Annual report. On or before the first business day of
21 July of each year, each state agency or department shall report
22 to the Department of Economic and Community Development with
23 information pertaining to the procurement contracts entered into
24 in an amount equal to or greater than \$50,000 by that agency or
25 department during the previous year. The information must
26 include the subject matter and value of the contracts,
27 designation of each contractor as a business enterprise of this
28 State or a foreign business enterprise, the process used to
29 select the contractors and the status of each contract.

30 6. Federal funds. The provisions in this section apply to
31 contracts involving funds obtained from the Federal Government
32 unless expressly prohibited by federal law or regulations adopted
33 pursuant to those laws.

34 **Sec. 2. 26 MRSA §1301, 2nd ¶ is enacted to read:**

35 Any contract for public improvement that is awarded by the
36 State or any department or agency of the State is subject to the
37 competitive bidding process established under Title 5, chapter
38 155, subchapter I-A.'

39 Further amend the bill by inserting at the end before the
40 statement of fact the following:
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FISCAL NOTE

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The Bureau of General Services within the Department of Administrative and Financial Services can absorb the costs of adopting policies, providing notifications and sponsoring annual education sessions related to procedures to procure contracts with the State.

State departments and agencies will incur some minor additional costs to provide annual reports on procurement contracts. These costs can be absorbed within the various departments' and agencies' existing budgeted resources.

The additional costs to provide information to businesses on procurement of state contracts and to compile information on state-awarded contracts can be absorbed by the Department of Economic and Community Development utilizing existing budgeted resources.'

STATEMENT OF FACT

This amendment is the majority report of the committee. This amendment replaces the original bill with provisions intended to provide Maine businesses with timely information on opportunities to participate as subcontractors in contracts awarded by the State. Potential bidders are notified through the bidding documents of the availability of information on Maine subcontractors and suppliers. The State must notify the appropriate economic development organization of anticipated contracting opportunities and, if a contract is expected to exceed \$100,000, Maine businesses are also notified of the opportunity. The current statutory provision giving a preference to resident bidders for equally favorable bids is amended to reflect the requirements currently in the Maine Revised Statutes, Title 5 that apply to state public improvement projects.

R. & S.