MAINE STATE LEGISLATURE

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	L.D. 349
2	DATE: 5-5-97 (Filing No. H- 343)
4	MATORITY
6	STATE AND LOCAL GOVERNMENT
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.10	Reproduced and distributed under the direction of the Clerk of the House.
12	STATE OF MAINE
14	HOUSE OF REPRESENTATIVES 118TH LEGISLATURE
16	FIRST REGULAR SESSION
18	COMMITTEE AMENDMENT " \mathcal{H} " to H.P. 285, L.D. 349, Bill, "An
20	Act to Modify the Prequalification Laws to Allow the Disqualification of Contractors for a Time Not to Exceed One Year"
22	Amend the bill by striking out everything after the enacting
24	clause and before the summary and inserting in its place the following:
26	1500 1 5 MDCA 81747 as amounted by DI 1002 as 224 St.
28	'Sec. 1. 5 MRSA §1747, as amended by PL 1993, c. 324, §1, is further amended to read:
30	§1747. Questionnaire as prebid qualification
32	The public official may require, from anyperson a firm proposing to bid on public work duly advertised, a standard ferm
34	of-questionnaire-and-financial-statement,-containing-a-complete statement-of-the-person's-financial-ability-and-experience-in
36	performing-publie-work, qualification statement and a letter from a licensed bonding company confirming that the firm has the
3.8	financial capacity to perform the work before furnishing that person with plans and specifications for the proposed public work
40	advertised.
42	The Director of the-Bureau-ef-Public-Improvements General Services, after consultation with the appropriate department head
44	or superintendent of schools, may refuse to release plans and specifications to a contractor for the purpose of bidding on a
46	project:
48	1. Untimely completion. If, in the opinion of the
	director, there is evidence the contractor has not completed in a

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completion date and has created a hardship for the owner;

timely manner a prior construction project or projects and the resulting noncompletion clearly reflects disregard for the

COMMITTEE AMENDMENT



- 2. Incomplete work. If, in the opinion of the director, that there is evidence the contractor has a history of inability to complete similar work;
- 3. Insufficient resources. If, in the opinion of the director, there is evidence the contractor does not have sufficient resources to successfully complete the work; or
- 10 **4. Misconduct.** If the contractor has been convicted of collusion or fraud or any other civil or criminal violation relating to construction projects.
- 14 If a contractor is disqualified for any of the reasons stated in subsection 1, 2 or 4, the director may disallow the contractor from bidding on any similar public improvements for a period not to exceed one year.'

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20 SUMMARY

This amendment replaces the bill. The amendment clarifies that a firm may be required to use a standard qualification form and provide a letter from a bonding company attesting to the financial capacity of the firm. The amendment also inserts the phrase "there is evidence" as it relates to the refusal of the Director of General Services to release plans and specifications to the contractor. The amendment also includes the language from the original bill, which allows the Director of General Services to disqualify a general contractor for a period not to exceed one year, as opposed to current law that requires a denial on a project-by-project basis.

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