

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 362

H.P. 298

House of Representatives, January 23, 1997

**An Act to Revise the Procurement of Products and Services from
Rehabilitation Facilities and Work Centers.**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BUMPS of China.

Cosponsored by Representatives: BODWELL of Brunswick, CROSS of Dover-Foxcroft, McELROY of Unity, VIGUE of Winslow, Senator: BENNETT of Oxford.

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

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3 **Sec. 1. 5 MRSA §1826-B, sub-§2**, as enacted by PL 1985, c. 359,
4 §3, is amended to read:

6 **2. Work center.** "Work center" means a ~~rehabilitation~~
7 ~~facility or that part of a rehabilitation facility~~ business or
8 entity engaged in a production or service operation ~~for the~~
9 ~~primary purpose of providing~~ that provides gainful employment as
10 an interim step in the rehabilitation process for those who
11 ~~cannot~~ can not be absorbed readily in the competitive labor
12 market or during such time as employment opportunities for them
13 in the competitive labor market do not exist. For the purposes of
14 sections 1826-A to 1826-D, a work center ~~shall~~ must meet the
15 following conditions:

16 A. Is certified as a regular work program or work activity
17 center by the wage and hour division of the United States
18 Department of Labor or by the State Department of Labor;

19 B. Has complied with occupational health and safety
20 standards required by the laws of the United States or this
21 State;

22 C. Employs during the fiscal year in commodity production
23 or service provision disabled persons at a quota of not less
24 than 66% of the total hours of direct labor on all
25 production, whether or not government related; and

26 D. Has, or is part of, an ongoing placement program which
27 that includes at least preadmission evaluation and annual
28 review to determine each worker's capability for normal
29 competitive employment and maintenance of liaison with the
30 appropriate community services for the placement in the
31 employment of any of its workers who may qualify for that
32 placement.

33 **Sec. 2. 5 MRSA §1826-C, sub-§5**, as amended by PL 1991, c. 515,
34 §2, is repealed and the following enacted in its place:

35 **5. Competitive bidding.** All goods and services on the work
36 center purchases schedule must be competitively bid for under the
37 standard competitive bidding process. The Work Center Purchases
38 Committee shall offer all eligible work centers an opportunity to
39 bid, make a determination regarding the fairness of the price
40 and terms of the bid and award a contract to the lowest,
41 responsible bid from a work center except where the cost exceeds
42 the lowest responsible bid from a nonwork center by 15% or more.
43 Work center bids with a cost 15% higher than the lowest
44 responsible nonwork center bidder must be rejected.

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SUMMARY

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6 Current law does not require competition between work
centers. This bill allows expanded work opportunities for
persons with disabilities by allowing businesses and other
8 entities to qualify for work center status.

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This bill also provides a maximum cost percentage preference
to minimize the impact on agency budgets when a work center is
awarded a contract. When a work center bid exceeds a low bid by
12 15% or more, the contract would not be awarded to the work center.

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