

MAINE STATE LEGISLATURE

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DATE: April 28, 1997

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STATE AND LOCAL GOVERNMENT

Reported by: Majority

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT " A " to S.P. 361, L.D. 1220, Bill, "An Act to Require Economic Impact Criteria on State Procurement Procedures"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 5 MRSA §1825-B, sub-§7, as amended by PL 1991, c. 780, Pt. Y, §70, is further amended to read:

7. Awards to best-value bidder. Except as otherwise provided by law, orders awarded or contracts made by the Director of the Bureau of General Services or by any department or agency of the State must be awarded to the ~~lowest-responsible~~ best-value bidder, taking into consideration the qualities of the goods or services to be supplied, their conformity with the specifications, the purposes for which they are required, the date of delivery and the ~~ultimate-cost-to~~ best interest of the State. If the bidder that was initially awarded the order or contract does not perform, the Director of the Bureau of General Services may cancel the contract and award a new contract to the 2nd ~~lowest-responsible~~ best-value bidder. The order or contract may not be awarded to a bidder that the Director of the Bureau of General Services determined was not in compliance at the time the initial bid was submitted.

Sec. 2. 5 MRSA §1825-B, sub-§§9 and 10, as enacted by PL 1995, c. 387, §1, are amended to read:

9. Determination of best-value bidder. In determining the ~~lowest-responsible~~ best-value bidder, the Director of the Bureau of General Services or any department or agency of the State

COMMITTEE AMENDMENT

shall, for the purpose of awarding a contract, add a percent increase on the bid of a nonresident bidder equal to the percent, if any, of the preference given to that bidder in the state in which the bidder resides.

10. List of state preferences published. The Director of the Bureau of General Services on or before January 1st of each year shall publish a list of states that give preference to in-state bidders with the percent increase applied in each such state. The Director of the Bureau of General Services or any department or agency of the State may rely on the names of states and percentages as published in determining the lowest responsible best-value bidder without incurring any liability to any bidder.

Sec. 3. 5 MRSA §1825-D, sub-§1-A is enacted to read:

1-A. Request for information. For requesting information from bidders that includes, but is not limited to, the degree to which the bidder meets or exceeds various state and federal regulatory requirements and any other state fiscal impact;'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill may result in the State accepting bids for goods or services with a higher initial cost. The net impact on the cost of statewide purchases is expected to be insignificant.'

SUMMARY

This amendment replaces the original bill. The amendment allows the Director of the Bureau of General Services to accept the best-value bidder as opposed to the lowest responsible bidder. This change allows the State to consider other matters, such as compliance with state and federal laws as well as other fiscal impacts in determining a contract award.