

MAINE STATE LEGISLATURE

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R.F.F.

L.D. 1502

DATE: May 18, 2001

(Filing No. S-225)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 448, L.D. 1502, Bill, "An Act Regarding Contracts for Energy Conservation and Air Quality Improvements in School Buildings"

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

Sec. 1. 20-A MRSA §15915, sub-§1, as repealed and replaced by PL 1987, c. 402, Pt. A, §134, is amended to read:

1. Initial agreement. Any school administrative unit may enter into an agreement of up to 20 years with a private party, such as an energy service or 3rd-party financing company, for the design, installation, operation, maintenance and financing of energy conservation or combined energy conservation and air quality improvements at school administrative unit facilities. Such an agreement is deemed to be a professional service, which is not subject to the competitive bidding requirements of Title 5, section 1743-A, if the agreement:

A. Provides for operation or maintenance of the improvement for at least 5 years or the entire term of the financing agreement if longer than 5 years;

B. Requires a guaranty by the contractor that the improvement will meet performance criteria set forth in the agreement for at least 5 years or for the entire term of the financing agreement if longer than 5 years; and

C. Has a total contract cost, excluding interest and operating and maintenance costs, of less than \$1,000,000 for any school building.

COMMITTEE AMENDMENT

2 A school administrative unit may select contractors for these
4 professional services on the basis of a request for
6 qualifications or a request for proposals and it is not required
8 to use a competitive method set forth in this chapter and Title
10 5, section 1743-A and Private and Special Law 1999, chapter 79.
12 The selection process must include at a minimum a request for
14 qualifications or a request for proposals that is advertised in a
16 newspaper of general circulation in the school administrative
unit and a newspaper of general circulation in the City of
Augusta. The school administrative unit shall interview not less
than 3 service providers unless a smaller number of service
providers responds to the request for qualifications or requests
for proposals. The performance criteria in the agreement is
subject to approval by the Department of Administrative and
Financial Services, Bureau of General Services.'

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

22 **'FISCAL NOTE**

24 The Bureau of General Services within the Department of
26 Administrative and Financial Services will incur some minor
28 additional costs to approve performance criteria for certain
school administrative units' building improvements. These costs
can be absorbed within the bureau's existing budgeted resources.'

30 **SUMMARY**

32 This amendment rewrites the current law governing agreements
34 by school units for energy conservation improvements with
36 maintenance and performance guaranties to include combined energy
38 conservation and air quality improvements. School units may
select contractors by means of a request for qualifications or a
40 request for proposals. The selection process must be publicly
42 advertised and at least 3 firms must be interviewed unless a
smaller number responds. The Department of Administrative and
Financial Services, Bureau of General Services must approve the
performance criteria that are the basis of the contractor's
performance guaranty. It also adds a fiscal note to the bill.