

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT 'A' to H.P. 1427, L.D. 1865, Bill, 'An Act to Allow the Department of Administrative and Financial Services, Bureau of General Services to Make Direct Selection of Architects and Engineers Whose Services Do Not Exceed \$25,000'

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

'An Act to Allow the Department of Administrative and Financial Services, Bureau of General Services to Make Direct Selection of Architects, Engineers and Other Professionals Whose Services Do Not Exceed \$25,000 in Value'

Further amend the bill in section 1 by striking out all of subsection 6 and inserting in its place the following:

'6. Approve selection of architects and engineers and other professionals. To approve the selection of architects and engineers registered in Maine and other professionals in the planning, design and monitoring of construction of public improvements consistent with the policy of this State that proposals for professional, architectural and engineering services for public improvements be publicly announced, and that contracts for architectural--and--engineering those services be negotiated by the contracting authority on the basis of evaluation of professional competency and qualifications required for the type of services contemplated at fair and reasonable prices.

The bureau shall adopt procedures for the procurement of any professional, architectural and engineering services for public improvements as defined in section 1741. The procedures shall must be adopted pursuant to Title 5, chapter 375 and be deemed a rule.

COMMITTEE AMENDMENT

2 The procedure shall must contain a provision that, prior to
4 initiating the process of selecting an architect or engineer or
6 other professional for any project, the contracting authority
8 shall advertise in a daily newspaper that serves the area in
10 which the project is likely to be located. The advertisement
shall must state, at a minimum, that the selection is to take
place and describe the procedures which that an engineer or
architect or other professional may use to be considered as a
candidate in the selection process.

12 ~~The director of the bureau shall maintain a list of engineers and~~
14 ~~architects who have expressed an interest in providing service to~~
~~the State or school administrative units.~~

16 Notwithstanding this subsection, the bureau may select a person
18 or persons to perform professional, architectural or engineering
20 services from the list described in this subsection without
22 advertising or competitive selection if the cost of the services
24 does not exceed \$25,000. The bureau shall solicit names for
26 placement on a list by placing a general advertisement for
28 professional, architectural or engineering services in newspapers
30 that taken together have general circulation throughout the
32 State. The bureau may substitute advertisement in professional
34 journals or other publications that it finds equally effective in
36 reaching the intended audience. The bureau may require persons
38 responding to the advertisement to complete a qualifying
40 questionnaire designed to address experience and expertise in
performing the type of work advertised. The bureau shall prepare
a list of respondents that it determines qualified and update the
list at least every 2 years.

32 If the bureau determines that a person is not qualified for
34 placement on the list of providers of professional, architectural
36 or engineering services, the person may appeal that decision in
38 writing to the Commissioner of Administrative and Financial
40 Services within 15 days of the bureau's decision. The
commissioner shall complete the appeal process and issue a
decision within 15 days of the filing of the appeal. The
decision of the commissioner is final.'

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

46 **·FISCAL NOTE**

48 The Department of Administrative and Financial Services'
50 Bureau of General Services will realize some minor savings from a
change regarding the selection process for certain services. In
addition, the costs associated with soliciting names for a

2 certain list can be absorbed by the bureau utilizing existing
budgeted resources.'

4
6 **SUMMARY**

8 This amendment expands application of the bill that
10 authorizes the Department of Administrative and Financial
12 Services, Bureau of General Services to contract for
14 architectural or engineering services on public improvement
16 projects without advertising or competitive selection if the cost
18 of the services is less than \$25,000. Under the amendment, the
20 bureau would also be able to contract in the same circumstances
22 with other professionals such as land surveyors, real estate
appraisers, landscape architects, interior designers, soil
scientists and land use planners. The amendment clarifies the
process for establishment of a list of qualified individuals to
provide professional, engineering and architectural services to
the bureau in the planning, design and monitoring of public
improvement projects and establishes an appeal process for those
not selected for placement on the list. The amendment also adds
a fiscal note to the bill.