

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1984

H.P. 1483

House of Representatives, December 20, 2001

**An Act to Modernize the Procurement Practices at the Department of
Transportation.**

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Received by the Clerk of the House on December 17, 2001. Referred to the Committee on
Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative FISHER of Brewer.
Cosponsored by Senator SAVAGE of Knox.

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

2 **Sec. 1. 23 MRSA §753**, as amended by PL 1989, c. 208, §20, is
4 further amended to read:

6 **§753. Contracts for construction**

8 The department ~~shall have~~ has full power in the letting of
10 all contracts for the construction of all state highways and
12 other work under its jurisdiction, except as otherwise provided.
14 The department shall make all surveys, plans, estimates,
16 specifications and contracts for all proposed work and shall,
18 except as otherwise provided in chapters 1 to 19, advertise for
20 bids for the same electronically through the department's
22 publicly accessible site on the Internet or through notices in
24 newspapers. If through newspaper notices, advertisements must
26 appear in 2 or more public newspapers printed wholly or in part
28 in the State, and in one public newspaper printed wholly or in
30 part in the county where the proposed work is to be done, if any
32 such newspaper is so printed in such that county. Such The
34 advertisement shall must state the place where the bidders may
36 examine the plans and specifications, and the time and place
38 where the bids for such the work will be received by the
40 department. Each bidder must accompany his that bidder's
42 bid with a deposit of a good and sufficient bid bond in favor of the
44 State for the benefit of the department, executed by a corporate
surety authorized to do business in the State, or certain
securities, as defined in Title 14, section 871, subsection 3,
payable to the Treasurer of State, for an amount which that
the department considers sufficient to guarantee that if the work is
awarded to him that bidder, he the bidder will contract with the
department for its due execution. All bids so submitted shall
must be publicly opened and read at the time and place stated in
such the advertisement. The department shall have has the right
to reject any and all bids, if in its opinion good cause exists,
but otherwise ~~it~~ the department shall award the contract to the
lowest responsible bidder. Any town may submit bids for state
highway construction within its limits, and ~~shall be~~ is subject
to all requirements prescribed for other contractors, except that
~~no a bond need be~~ is not required of ~~it~~ the town. The department
may construct state highways by day labor without advertising for
bids; and may, with the approval of the Governor, award contracts
for state highways without advertising for bids, if the same
~~shall be~~ is for the best interest of the State.

46 The department may adopt its own standard contract
48 specifications. ~~Notwithstanding any other federal or state law,~~
50 the The department's standard specifications shall must be
utilized in lieu of federally mandated contract clauses.

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SUMMARY

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This bill updates the procurement practices of the Department of Transportation by allowing for the posting of advertisements for bids on construction contracts on the Internet, instead of requiring the expense of legal notices in newspapers.

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