

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 608

S.P. 217

In Senate, February 11, 2003

An Act to Support Domestic Businesses in Publicly Funded Construction Projects

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative WALCOTT of Lewiston and
Senators: DOUGLASS of Androscoggin, GILMAN of Cumberland, STANLEY of Penobscot,
Representatives: CLARK of Millinocket, CRAVEN of Lewiston, HOTHAM of Dixfield,
MURPHY of Kennebunk, O'BRIEN of Lewiston.

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

4 **Sec. 1. 5 MRSA §1754** is enacted to read:

6 **§1754. Bids by domestic manufacturers and fabricators**

8 The Department of Administrative and Financial Services
10 through the Bureau of General Services shall ensure fair
12 treatment of domestic manufacturers and fabricators in the
14 bidding and award of public improvement construction contracts,
16 including the construction or major alteration or repair of
18 school buildings, involving a total cost in excess of \$100,000 in
20 accordance with this section.

22 **1. Competitive bids.** Notwithstanding sections 1743 and
24 1743-A, a domestically produced or fabricated good may be
26 considered of comparable cost to a foreign-produced or
28 foreign-fabricated good if the cost of the good is within 15% of
30 the cost of the foreign-produced or foreign-fabricated good. For
32 purposes of this section, "domestically produced or fabricated
34 good" means a good manufactured or substantially fabricated in
36 the United States.

38 **2. Source disclosure.** Public improvement construction
40 contract proposals must disclose the source of value-added
42 materials to be used, whether fabricated or manufactured, whose
44 value exceeds \$100,000.

46 **3. Federal laws and treaties.** This section applies to the
48 extent it is not in conflict with laws or international treaties
of the United States.

4. Annual report. The Department of Administrative and
Financial Services, Bureau of General Services shall report
annually by February 1st on the number of bids involving the
preference in this section, on the number of contracts awarded
that involved the preference and on any other matters pertaining
to this section.

40 **SUMMARY**

42 This bill allows the Department of Administrative and
44 Financial Services in awarding public improvement construction
46 project contracts to give preference to domestic suppliers whose
48 bids are within 15% of a bid of a foreign supplier. This
preference applies only to the extent permitted under federal law
and international treaties signed by the United States.