

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1504

H.P. 1097

House of Representatives, April 1, 2003

An Act To Clarify the Work Center Purchases Committee Requirements for Work Centers and Competitive Bidding

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McLAUGHLIN of Cape Elizabeth.
Cosponsored by Senator ROTUNDO of Androscoggin and
Senator: WESTON of Waldo.

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

4 **Sec. 1. 5 MRSA §1826-A**, as corrected by RR 2001, c. 1, §9, is amended to read:

6 **§1826-A. Purpose and intent**

8 The Legislature finds that the goal of integrating disabled persons with disabilities into all aspects of community life is enhanced by providing expanded markets for products and services of work centers. The Legislature further believes that work centers provide a valuable means of transitional employment for the State's disabled population and for some, such as the most severely disabled persons, they may offer the only opportunities available for long-term, gainful employment.

16 In order to assure continued opportunities for disabled persons with disabilities to obtain this employment through work centers, it is the intent of the Legislature to provide reliable and steady income and job opportunities to work centers. It is the purpose of this section and sections 1826-B to 1826-D to ensure that some portion of state purchases for commodities and services be available to work centers.

24 **Sec. 2. 5 MRSA §1826-B, sub-§1**, as enacted by PL 1985, c. 359, §3, is repealed and the following enacted in its place:

28 **1. Persons with disabilities.** "Persons with disabilities" means individuals who have physical or mental impairments that substantially limit one or more major life activities, have a record of those impairments or are perceived to have those impairments.

34 **Sec. 3. 5 MRSA §1826-B, sub-§2, ¶C**, as enacted by PL 1985, c. 359, §3, is amended to read:

36 C. Employs during the fiscal year in commodity production or service provision disabled persons with disabilities at a quota of not less than 66% of the total hours of direct labor on all production, whether or not government related; and

42 **Sec. 4. 5 MRSA §1826-B, sub-§2, ¶D**, as amended by PL 1999, c. 543, §1, is further amended to read:

46 D. Has, ~~or~~ is part of, or demonstrates a formal relationship for support with an ongoing placement program that includes at least preadmission evaluation and annual review to determine each worker's capability for normal competitive employment and maintenance of liaison with the

2 appropriate community services for the placement in the
employment of any of its workers who may qualify for that
4 placement.

6 **Sec. 5. 5 MRSA §1826-C, sub-§1**, as amended by PL 1999, c. 543,
§2 and PL 2001, c. 354, §3, is further amended to read:

8 **1. Committee established.** There is established the Work
Center Purchases Committee, consisting of the ~~State-Purchasing~~
10 Agent Director of the Bureau of General Services within the
Department of Administrative and Financial Services or the
12 director's designee, the Director of the Bureau of Rehabilitation
Services within the Department of Labor, a representative of the
14 Department of Behavioral and Developmental Services, a
representative of work centers, a representative of the business
16 community and persons with disabilities. The total number of
members with disabilities on the committee must be a minimum of 5.

18 **Sec. 6. 5 MRSA §1826-C, sub-§3, ¶C**, as enacted by PL 1985, c.
20 359, §3, is amended to read:

22 C. Award Develop procedures to be used in the award and
extension of contracts, pursuant to subsection 6;

24 **Sec. 7. 5 MRSA §1826-C, sub-§3, ¶D**, as enacted by PL 1985, c.
26 359, §3, is repealed and the following enacted in its place:

28 D. Incorporate the Department of Administrative and
Financial Services, Bureau of General Services rules of
30 appeal of contract awards to resolve disputes related to
Work Center Purchases Committee decisions;

32 **Sec. 8. 5 MRSA §1826-C, sub-§5**, as amended by PL 1991, c. 515,
34 §2, is further amended to read:

36 **5. Competitive bidding.** The Work Center Purchases
Committee shall develop procedures for competitive bidding by
38 eligible work centers only for products and services identified
on the work center purchase schedule. If no bid is received from
40 a work center for any product or service on the schedule, the
~~State-Purchasing-Agent~~ Director of the Bureau of General Services
42 within the Department of Administrative and Financial Services
shall confer with the Department of Corrections to determine
44 whether the Department of Corrections is able to provide the
product or service at a fair price. If the ~~State-Purchasing~~
46 ~~Agent~~ Director of the Bureau of General Services and the
Department of Corrections do not come to agreement, the product
48 or service must be put out to general bid by the ~~State-Purchasing~~
~~Agent~~ Director of the Bureau of General Services, in accordance
50 with standard rules and procedures. If only one work center bid

2 is received, the committee shall review the bid and make a
determination regarding the fairness of the price and terms of
4 the proposed contract. If the committee determines that the work
center may not be awarded this bid, the ~~State-Purchasing-Agent~~
6 Director of the Bureau of General Services shall confer with the
Department of Corrections to determine whether the Department of
8 Corrections is able to provide the product or service at a fair
price. If the ~~State-Purchasing-Agent~~ Director of the Bureau of
10 General Services and the Department of Corrections do not come to
agreement, the contract must be offered for standard competitive
12 bid by the ~~State-Purchasing-Agent~~ Director of the Bureau of
General Services in accordance with standard rules and procedures.

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SUMMARY

18 This bill clarifies the Work Center Purchases Committee
requirements for work Cnters and competitive bidding.