

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 electronic originals
(may include minor formatting differences from printed original)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 226

H.P. 189

House of Representatives, January 22, 2019

**An Act To Require the Use of Preapproved Subcontractors for
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 "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SYLVESTER of Portland.
Cosponsored by Representatives: HANDY of Lewiston, KESSLER of South Portland,
MAXMIN of Nobleboro, McCREA of Fort Fairfield, PLUECKER of Warren, RYKERSON of
Kittery.

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

2 **Sec. 1. 5 MRSA §1743-D** is enacted to read:

3 **§1743-D. Preapproved subcontractors**

4 **1. Subcontractor chosen from preapproved list.** A proposer, as defined in section
5 1743, that is awarded a capital improvement contract subject to competitive bidding in
6 accordance with this subchapter with a value greater than \$100,000 and that included in
7 its bid the use of a subcontractor must be assigned a subcontractor from a list of approved
8 subcontractors compiled by the Director of the Bureau of General Services as described
9 in this section. If the work of the subcontractor included in the proposer's bid has a
10 good-faith estimate value of \$10,000 or less, the proposer may use a subcontractor of the
11 proposer's choosing.

12 **2. Compilation of preapproved subcontractor list.** The Director of the Bureau of
13 General Services shall submit, at regular intervals, a general request for proposals for the
14 components of future capital improvement projects listed in subsection 3. The form for a
15 general request for proposals may be determined by the director. The request for
16 proposals must indicate that the bidder is seeking to be included on a list of preapproved
17 subcontractors to be selected to complete a component of capital improvement projects,
18 as listed in subsection 3, for which future contracts may be awarded. The subcontractor's
19 bid must be submitted in a manner that allows the director to estimate the cost to
20 complete the subject component of a capital improvement project. A subcontractor that
21 submits a bid to be included on the preapproved list may indicate any general contractors
22 with whom the subcontractor prefers to work and any general contractors with whom the
23 subcontractor chooses not to work.

24 **3. Project components subject to selection from preapproved list.** The Director
25 of the Bureau of General Services shall compile a list of approved subcontractors for the
26 following components of capital improvement projects:

- 27 A. Roofing and flashing;
- 28 B. Waterproofing, damp-proofing and caulking;
- 29 C. Lathing and plastering;
- 30 D. Marble;
- 31 E. Terrazzo;
- 32 F. Heating, ventilation and air conditioning;
- 33 G. Painting;
- 34 H. Masonry;
- 35 I. Glass and glazing;
- 36 J. Plumbing;
- 37 K. Electrical;

- 1 L. Elevators;
- 2 M. Metal windows;
- 3 N. Ornamental iron or metal work;
- 4 O. Acoustical tile; and
- 5 P. Resilient floors.

6 **4. Rules.** The Director of the Bureau of General Services shall adopt rules to
7 administer this section. Rules adopted pursuant to this subsection are routine technical
8 rules as defined in Title 5, chapter 375, subchapter 2-A.

9 **SUMMARY**

10 This bill requires the use of preapproved subcontractors for certain components of
11 work included in bids awarded to general contractors for public improvement
12 construction projects subject to competitive bidding.