

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

NO. 350

H. P. 872

House of Representatives, Feb. 1, 1933.

Referred to Committee on Legal Affairs and 500 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Valley of Sanford

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-
THREE

AN ACT Providing for a Purchasing Agent for the Town of Sanford.

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

Section 1. Purchasing agent; appointment of. The board of selectmen of the town of Sanford, after its election and qualification, may at any time appoint a purchasing agent, and such appointee shall be immediately notified of his appointment and shall appear before the town clerk within 3 days thereafter and qualify by taking his oath of office, which oath shall be recorded by the town clerk. The board of selectmen may appoint any one of its members as such purchasing agent, and until such appointment and qualification, or in the event of a failure to appoint, or in the event of the failure to qualify by the appointee, then the chairman of the board of selectmen shall be the purchasing agent by virtue of his chairmanship.

Sec. 2. Supplies, purchase of. The purchasing agent shall purchase all supplies for the town and for the several officers and boards thereof, except the supplies for the schools, which school supplies he shall purchase only upon requisition of the superintending school committee.

Sec. 3. Delivery of supplies; sale of property. The purchasing agent shall see to the delivery of supplies to each officer and department to whom they belong and take and file receipts therefor. He shall conduct all sales of the property belonging to the town which is unfit or unnecessary for the

town's use, but only after such sale is authorized by said town and subject to such restrictions as the town may provide.

Sec. 4. Expenditures. All expenditures for supplies, material or equipment, the estimated cost of which is over \$500, shall be awarded on written contract. Notices inviting sealed competitive bids shall be published at least once in a newspaper published in said town of Sanford, or if no newspaper is published in the town of Sanford, in a newspaper published in the county of York, and at least 3 calendar days must intervene between the date of the last publication and the final date for submitting the bids.

Sec. 5. Bids; filing of bond. All bids shall be submitted sealed to the town purchasing agent and shall be opened in public at the time and place stated in the newspaper notices. The town purchasing agent may, with the approval of the board of selectmen, reject any or all bids when the public interest will be served thereby. When all bids received are for the same total amount or unit price, and when the public interest will not permit the delay of re-advertising for bids, the purchasing agent may purchase the commodities in the open market, provided the price paid in the open market shall not exceed any bid price submitted for the same commodity. Otherwise the contract shall be awarded to the lowest and best bidder; quality offer with bid, delivery terms and service reputation of the vendor may be taken into consideration in determining the successful bidder. The purchasing agent may, if he considers it necessary, require the successful bidder to file a bond, certified check or cash, for the faithful performance of the contract, if such requirement is specified in the advertisement for bids.

Sec. 6. Purchases may be made in open market, when. All expenditures for supplies, material or equipment, the estimated cost of which is less than \$500, may be purchased in the open market without advertising, and in case of an emergency which requires the immediate purchase of supplies, materials or equipment, the board of selectmen may authorize the purchasing agent to secure the same in the open market, regardless of the amount of the expenditures, providing, however, that the records of the board of selectmen shall show the circumstances under which such authorization is made.

Sec. 7. Direct purchase by using agency in case of emergency. In case of emergency, any using agency may purchase directly any supplies of materials and equipment, whose immediate procurement is essential to the continuance of the work of the using agency concerned. The head of such using agency, under such emergency, shall send to the purchasing agent a copy of such emergency purchases, together with a full explanation of the circumstances of the emergency. The purchasing agent shall by rules

and regulations prescribe the procedure under which such emergency purchases may be made.

Sec. 8. Inconsistent acts repealed. All ordinances of the town of Sanford inconsistent with this act are hereby repealed.

Sec. 9. Referendum. This act shall be submitted for approval or rejection to the qualified voters of the town of Sanford at an election to be held within four months after the final adjournment of this legislature, and a warrant shall be issued for such election in the manner now provided by law for the holding of municipal elections in the town of Sanford, notifying and warning the qualified voters of said town to meet and cast their ballots concerning this act. The vote shall be taken by ballot at said election in answer to the question, "Shall an act passed by the Legislature in the year 1933 entitled 'An Act to Provide for a Purchasing Agent for the Town of Sanford' be accepted?", which shall be printed on the official ballots, and at said election the voters of said town in favor of accepting this act shall vote "Yes" and those opposed shall vote "No". Otherwise said ballots shall be in the form provided by law when a constitutional amendment is submitted to the vote of the people. Provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election, and said election shall in all other respects be conducted by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of municipal officers. If a majority of the ballots deposited as aforesaid shall favor accepting the same, then this act shall become a law and shall take effect on the day of the following annual meeting for the election of municipal officers of said town of Sanford.