

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2002

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Remediation and Waste Management**

Initiative: Allocates funds to cover additional personal services costs for positions funded by the Ground Water Oil Clean-up Fund.

Other Special Revenue Funds	2001-02	2002-03
Personal Services	\$0	\$259,303

Remediation and Waste Management

Initiative: Allocates funds for the costs of contracting for consulting services needed to audit for compliance with requirements for the preparation and maintenance of aboveground oil storage facilities.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$12,500

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2001-02	2002-03
OTHER SPECIAL REVENUE FUNDS	\$0	\$271,803

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$271,803
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See title page for effective date.

CHAPTER 606

H.P. 1427 - L.D. 1865

An Act to Allow the Department of Administrative and Financial Services, Bureau of General Services to Make Direct Selection of Architects, Engineers and Other Professionals Whose Services Do Not Exceed \$25,000 in Value

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

Sec. 1. 5 MRSA §1742, sub-§6, as repealed and replaced by PL 1979, c. 223, is amended to read:

6. Approve selection of architects and engineers and other professionals. To approve the selection of architects and engineers registered in Maine and other professionals in the planning, design and monitoring of construction of public improvements consistent with the policy of this State that proposals for professional, architectural and engineering services for public improvements be publicly announced, and that contracts for architectural and engineering those services be negotiated by the contracting authority on the basis of evaluation of professional competency and qualifications required

for the type of services contemplated at fair and reasonable prices.

The bureau shall adopt procedures for the procurement of any professional, architectural and engineering services for public improvements as defined in section 1741. The procedures ~~shall~~ must be adopted pursuant to Title 5, chapter 375 and be deemed a rule.

The procedure ~~shall~~ must contain a provision that, prior to initiating the process of selecting an architect or engineer or other professional for any project, the contracting authority shall advertise in a daily newspaper that serves the area in which the project is likely to be located. The advertisement ~~shall~~ must state, at a minimum, that the selection is to take place and describe the procedures ~~which~~ that an engineer or architect or other professional may use to be considered as a candidate in the selection process.

~~The director of the bureau shall maintain a list of engineers and architects who have expressed an interest in providing service to the State or school administrative units.~~

Notwithstanding this subsection, the bureau may select a person or persons to perform professional, architectural or engineering services from the list described in this subsection without advertising or competitive selection if the cost of the services does not exceed \$25,000. The bureau shall solicit names for placement on a list by placing a general advertisement for professional, architectural or engineering services in newspapers that taken together have general circulation throughout the State. The bureau may substitute advertisement in professional journals or other publications that it finds equally effective in reaching the intended audience. The bureau may require persons responding to the advertisement to complete a qualifying questionnaire designed to address experience and expertise in performing the type of work advertised. The bureau shall prepare a list of respondents that it determines qualified and update the list at least every 2 years.

If the bureau determines that a person is not qualified for placement on the list of providers of professional, architectural or engineering services, the person may appeal that decision in writing to the Commissioner of Administrative and Financial Services within 15 days of the bureau's decision. The commissioner shall complete the appeal process and issue a decision within 15 days of the filing of the appeal. The decision of the commissioner is final.

See title page for effective date.
