

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)



**State of Maine
Department of Administrative and Financial Services
Bureau of General Services**

TO: Legislative Committee on State and Local Government
FROM: Ed Dahl, Director
SUBJECT: Reporting on State Purchases for Calendar Year 2014
DATE: 1/30/2015

Dear Members of the Legislative Committee on State and Local Government:

The information shown below is provided in accordance with the statutory references cited, in order to inform the Legislature on certain topics related to purchases by the State of Maine. The Department of Administrative and Financial Services, Bureau of General Services works with all State agencies to meet their purchasing needs for goods and services.

If you have any questions on any of this information, please do not hesitate to contact me at 624-7314.

5 MRSA § 1825-B (10) - Report on List of State Preferences Published

This law requires the Bureau of General Services to publish a list of states that give preference to in-state bidders with the percent increase applied in each such state. The Bureau of General Services or any department or agency of the State may rely on the names of states and percentages as published in determining the best-value bidder without incurring any liability to any bidder.

The State of Maine -- along with many other states -- relies on and publishes a link to the State of Oregon's "State by State Preference Data" website, for this exact purpose. This is more efficient than each state in the country maintaining its own separate list.

The link to the State of Oregon's list is shown below, and is published on the website of the Bureau of General Services, Division of Purchases. Once on Oregon's website, the detailed preference information for each state can be obtained by clicking on "Details" under "Preference Conditions Including Law Citation."

http://www.oregon.gov/DAS/EGS/ps/Pages/detail_a_main_page.aspx

5 MRSA § 1825-P - Report on State Purchasing Code of Conduct for Suppliers of Apparel, Footwear, and Textiles

This law requires a report to the State and Local Government Committee concerning the following:

- (i) the administrative and fiscal impact of the requirement that vendors comply with the state purchasing code of conduct;
- (ii) the degree of voluntary compliance with the state purchasing code of conduct;
- (iii) the number of vendors who agreed to and the number that declined to comply with the provisions of this subchapter; and
- (iv) any other information relevant to the state purchasing code of conduct.

The aforementioned information is provided below.

In regard to (i) the administrative and fiscal impact of the code of conduct for the supply of apparel, footwear, or textiles, this law has an administrative and fiscal impact upon the State and the vendor community for this industry. The Department of Administrative and Financial Services Rule Chapter 130, §7 ("Fee") requires that "any Vendor, who has been awarded a contract or purchase order for apparel, footwear or textiles from the State of Maine pursuant to the requirements of 5 MRSA §1825 shall be subject to a 1% fee of the total amount of the contract or purchase order." Therefore, it can be reasonably assumed that the cost of all relevant apparel, footwear, and textile purchases is approximately 1% higher than it would be under similar market conditions, but without having this statute in place. For Calendar Year 2014, this 1% cost would be equivalent to approximately \$8,480.

The following data is presented to show (ii) the degree of voluntary compliance with the state purchasing code of conduct, and (iii) the number of vendors who agreed to and the number that declined to comply with the provision of the code of conduct, the following data is presented.

The State of Maine expended \$1,014,838 on clothing-related items in Calendar Year 2014. Of that total, \$842,989 (83%) was expended with code of conduct compliant vendors.

The following is a list of vendors with which the State of Maine holds (or held in Calendar Year 2014) a Master Agreement for clothing-related items compliant with the code of conduct law. Please note, if a vendor is on the list below, it does not mean that the vendor's entire line of products is code of conduct compliant.

Vendor Name	City	State
Ben Zytnick (Concept Uniform)	Homestead	PA
Bob Barker Co.	Fuquay Varina	NC
Cintas Corp.	Westbrook	ME
DR Designs	Winthrop	ME
Granite State Police Supply (Body Armor Outlet)	Salem	NH
HAH Inc., Harry's Motor Sport	Presque Isle	ME
Howard Uniform Co.	Baltimore	MD
Johnson Woolen	Johnson	VT
LT's INC	Portland	ME
Maine-ly Tactical and Uniform	Brewer	ME
Masterman's LLP	Auburn	MA
Neptune Uniforms	Haverill	MA
Safeware Inc.	Landover	MD
Schnee's Inc.	Bozeman	MT
Tri-State Police & Fire Equip.	Winthrop	ME
Unifirst Corp	Bangor	ME
Uniforms Manufacturing	Scottsdale	AZ
W.S. Emerson	Brewer	ME

A total of \$842,989 was expended in Calendar Year 2014 with the vendors listed above. Of that total, \$268,091 was made using a State of Maine Procurement Card, \$223,895 was made via the more standard Master Agreement Delivery Order purchasing process, and \$351,003 was made through agency-initiated spot purchases.

In Calendar Year 2014, clothing related purchases of \$171,849 were made from vendors who do not have current code of conduct affidavits.

In regard to (iv) any other information relevant to the state purchasing code of conduct, nothing further is reported at this time.

5 MRSA § 1825-B (3) - Report on Cooperative Agreements

The law authorizes the State of Maine to enter into cooperative agreements with certain approved entities by waiving the competitive bidding process. The law also requires a report to the State and Local Government Committee concerning any such waivers. The entities that can enter into a cooperative agreement with the State of Maine are the University of Maine System, the Maine Community College System, the Maine Maritime Academy, or a private or nonprofit, regionally accredited institution of higher education with a main campus in the State of Maine.

Executive Order 26FY11/12, "An Order to Enhance Competitive Bidding", dated November 22, 2011, limits the aforementioned waiver authority by requiring the written approval of the Governor's Office in order to proceed with a non-competitive cooperative agreement.

In Calendar Year 2014, a total of 45 cooperative agreements were awarded or amended pursuant to this law with a total net value of \$7,898,291 and an average value of approximately \$175,517.