

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES  
BUREAU OF GENERAL SERVICES  
BURTON M. CROSS BUILDING  
4<sup>TH</sup> FLOOR, 77 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0077

JOHN ELIAS BALDACCI  
GOVERNOR

RYAN LOW  
COMMISSIONER

M.F. CHIP GAVIN  
DIRECTOR

To: The Joint Standing Committee on State and Local Government  
From: Chip Gavin, Director, Bureau of General Services  
RE: Statutory Reports  
Date: January 15, 2009

The Bureau of General Services, pursuant to different sections of Title 5, is responsible for a variety of reports to the Joint Standing Committee on State and Local Government. I have bundled the reports below for your convenience. More information is available in nearly all cases should you require it.

**5 MRSA § 1825-P Code of Conduct Report**

The law requires a report to you regarding the administrative and fiscal impact of the Code of Conduct law, and the degree of compliance with this law. The law aims to ensure certain standards are met by vendors who sell apparel, footwear or textiles to the state. In calendar year 2008, purchases totaling \$559,046.93 were made against Master Agreements (MA), and \$19,708.28 in one-time "spot" purchases, for a total value of \$578,755.21. During 2008, one agreement was cancelled when we learned that the vendor's affidavit provided false information. Also, one spot purchase was awarded to the second-lowest bidder when the low bidder would not disclose the manufacturer at the point of assembly as required by the Code of Conduct law. The Citizens' Code of Conduct Working Group, an advisory body established by a law passed in 2007, convened for the first time in 2008. Also in 2008, we amended the Code of Conduct Rule, Chapter 130, to implement the assessment of a 1 percent fee pursuant to statute on relevant purchases to help fund compliance efforts under the law.

**5 MRSA Ch. 153 § 1742-D (8) Status of Current Leases**

The Division of Leased Space was established by law in 1991 to procure, administer and hold leases for space on behalf of all departments and agencies. The Division today administers 220 leases statewide totaling approximately 1,563,333 million square feet of space, primarily office space. The acquisition of leased office space is effectively managed through a highly open and competitive process, effective negotiations and by having a "global" perspective of leasing activities across all departments and various geographic regions of the State. The Division continues to effectively consolidate and regionalize space, seeks to avoid sprawl and emphasizes downtown sites in accordance with the law. State agencies, working through the Division, lease space in 35 downtown areas and 15 service center communities. The anticipated cost of leased space for the current fiscal year is approximately \$24.4 million. The Leased Space Division is an internal service fund and receives no general fund appropriation.

**5 MRSA § 1825-B (3) Cooperative Agreement Report**

The law authorizes the state to enter into cooperative agreements with the University of Maine System and the Community College System when the agreement involves assisting a state agency and enhancing the ability of the University System or Community College System to fulfill its mission. This law providing for cooperative agreements allows competitive bidding to be waived, and requires a report to you regarding those waivers. In calendar year 2008, 102 cooperative agreements were concluded pursuant to this law with a total value of \$17.8 million and a median value of \$50,000.

## **5 MRSA Ch. 155-A § 1830 Status of Current Fleet Vehicle Operations**

This law requires a general report on the Central Fleet Management Division (CFM). CFM was established by the Legislature in 1991 in the Department of Administrative and Financial Services, Bureau of General Services, for the purpose of acquiring, maintaining and managing light duty vehicles for use by State Government and its employees on official state business except the Department of Public Safety. CFM works with agencies to reduce transportation costs. Strategies include minimizing operational disruption by providing well-maintained vehicles, increasing the fuel efficiency of the fleet, right-sizing vehicles to the job that needs to be done to avoid needlessly costly vehicles, converting employees who are being reimbursed for mileage into using more cost-effective state vehicles, and other initiatives. Most recently, for example, on the CFM 2008 vehicle bid 18 large cars were replaced with mid size cars with a projected yearly savings to agencies of over \$10,000. The fuel efficiency of the passenger car fleet increased in FY08 to 27.94 mpg, a 5 % improvement since just FY05. The average cost for agencies to operate a CFM car during FY08 was \$0.338 per mile, well below the State paid mileage rate of \$0.40 per mile in effect for that time period. There were 1,665 vehicles in the fleet at the end of FY08.

## **5 MRSA § 1753 (5) Employment of an Owner's Representative on School Construction Projects**

This law requires a report to you on the employment of an owner's representative by school units, including the written comments of the school units. Per 5 MRSA §1753.5, we submit the attached correspondence from 3 of the 8 school districts employing an Owner's Representative for their construction project this calendar year.

The letters cite numerous advantages to having someone in this position to be the school superintendent's "eyes and ears" on the project. This is noted to be of special importance with the complexity of today's construction projects and the reductions in school district support staff which result in the districts having less ability to manage large projects.

Advantages noted include:

- ♦ reviewing requisition requests for accuracy;
- ♦ reviewing final design documents for cost effective construction approaches;
- ♦ assistance with negotiating final contract with construction company;
- ♦ providing quality control of documents and construction;
- ♦ evaluating change order requests and related fees, with the corresponding impacts on costs, schedule, and occupancy;
- ♦ being the liaison about the project with City officials;
- ♦ overseeing special inspections and commissioning;
- ♦ builds on positive relationship with contractor;
- ♦ enables Owner to stay on top of developments with the project.

A number of the districts specifically comment that the level of success they have on their project is due to having an owner's representative - someone who can keep the superintendent informed and provide the necessary support to the project so that the superintendent can attend to their regular professional duties. One district comments that "... an Owner's Representative is a solid investment that saves everyone time and money."

## **5 MRSA Ch. 15-A § 325 Historic Preservation of State House and Blaine House**

This law requires the commission to report to the Legislature on its accomplishments and recommendations relating to the work and needs of the commission. The Blaine House Commission was established by the Legislature in 1993 to review and approve proposed changes to the home of Maine's governors and its grounds. Consisting of four state agency directors and five public members with related professional expertise, the Commission meets periodically in response to specific proposals which affect this historic property. In the last two years, the Commission has worked closely with the non-profit support group, Friends of the Blaine House, to restore the 1920 New England Garden on the north side of the grounds and to hold a two day celebration of the 175th anniversary of the house in August, 2008. These initiatives were accomplished under the leadership of Maine's First Lady, Karen M. Baldacci. The active partnership of the First Family, the Blaine House Commission, the Friends of the Blaine House, and the Bureau of General Services assures the continuing preservation and enhancement of this state treasure.

**McLaughlin, Janet**

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**From:** Michael Kucsma [KucsmaM@westbrookschoools.org]  
**Sent:** Thursday, November 13, 2008 7:50 AM  
**To:** McLaughlin, Janet  
**Subject:** Owner's Representative Feedback

Janet McLaughlin  
Assistant Dir., Planning, Design, & Construction Division  
Bureau of General Services  
77 SHS  
Augusta, ME 04333-0077

Janet,

In reply to your request for information regarding the position of Owner's Representative:

The Westbrook School Department and citizens of Westbrook feel very fortunate to be selected as one of the school departments to construct a new school facility. The \$33 million project is very complex and requires an extreme amount of attention to detail. Both Superintendent Stan Sawyer and I have considerable experience with school construction projects but given the reduction in support staff and the increased level of responsibilities for daily operations would not have the ability to manage such a large project. The requirement for having an Owner's Representative on projects over \$10 million is very appropriate and necessary.

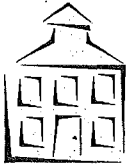
The Owner's Representative has been involved in the project as the Final Design phase was being finalized. Having him involved during this time allowed him to make suggestions that proved cost effective and beneficial. He was able to have a level of familiarity with the project that made his services invaluable when it came to negotiating a final contract with our construction company. (We needed to close a \$1.65 million shortfall) He has been the Owner's eyes and ears on the site and has provided input and options for the all of the parties involved. Our Owner's Representative has proved a valuable link between the city departments, utilities, and construction team. He has provided a large amount of oversight in the requisition process and has had the time to research the individual items and verify their level of completion or to assure the items are on site.

Having the Owner's Representative has helped the owner better understand and thus assure that the project is progressing correctly and that we are not spending funds goods or services not provided. Given the complexity of construction projects the Westbrook School Department feels fortunate to have an Owner's Representative and would recommend such for most state projects.

If you have any questions please contact Stan Sawyer or me.

**MICHAEL KUCSMA**  
*Business Office*  
*Westbrook School Department*  
*117 Stroudwater Street*  
*Westbrook, Maine 04092*

11/20/2008



**LEWISTON**  
PUBLIC SCHOOLS

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Lewiston, Maine 04240

November 17, 2008

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Janet McLaughlin  
Assistant Dir., Planning, Design, & Construction  
Bureau of General Services  
77 State House Station  
Augusta, ME 04333-0077

Dear Ms. McLaughlin,

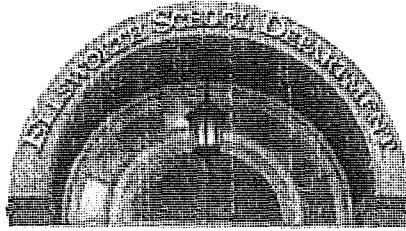
I'm sure you recognize school construction projects continue to be increasingly complex due to the changes in technology, the development of new products and systems related to sustainability and energy efficiency, and the impact of economic conditions. All the while the public demands greater transparency, accountability and fiscal restraint in the development of educational facilities. Taken together these influences converge and demand that unprecedented attention be given in the development of physical facilities by administration and staff already stretched by their professional duties.

During the development of both the Farwell Elementary and Raymond Geiger Elementary Schools, the Lewiston School Department decided to employ an Owner's Representative to assist us with project development. After interviewing several candidates we selected an experienced professional to be part of our team to interact with the building committee, architects, and city officials on items of design, details and public relations. Our representative reports directly to us on matters of contract performance of the contractor and design professional; quality assurance of documents; commissioning and special inspections; overviews of construction methodologies and quality control; evaluation of change orders; and the impacts on schedules, budgets and occupancy.

The experience and expertise brought to the project is invaluable, and the expense is minimal compared to the problems that could occur during the construction process. We fully believe an Owner's Representative is a solid investment that saves everyone time and money.

Sincerely,

Leon Levesque  
Superintendent of Schools



EXCELLENCE IN TEACHING AND LEARNING

December 03, 2008

Ms. Janet McLaughlin  
Assistant Director-  
Planning, Design & Construction Division  
Bureau of General Services  
77 State House Station  
Augusta, ME 04333-0077

Dear Janet,

As requested, I am forwarding comments to you about the impact of having an Owner's Representative on our project. The Owner's Representative on our project has only been employed as of July 2008. His services were not really needed during the planning phase of the project.

I can honestly say that having a person in that capacity has been a tremendous asset to me. Why?

- ↓ Because of the tremendous amount of work in Ellsworth guiding the consolidation planning.
- ↓ Negotiating a first-time contract with the Ellsworth School Department bus drivers.
- ↓ Managing budgets during an economic crisis.
- ↓ Temporarily closing a school and arranging temporary housing for approximately 275 Middle School students.
- ↓ Providing for the educational needs of our students and staff.

We are fortunate to have an outstanding Owner's Representative in Carl Lusby. With so much going on, it would be nearly impossible to adequately address all of the needs of the Ellsworth School Department without his services. Communication to and from the Owner's Representative made it possible to stay on top of developments concerning the project and to build on an outstanding relationship with our general contractor, JCN Construction.

I used to think that funding for an Owner's Representative was money that could well be spent on enhancements to the new facilities...not any more. There is no question that this position will make a huge difference in the construction process and the quality of the final "product".

Please contact me if you need additional information regarding the value of the Owner's Representative position.

Sincerely,

S. Wayne Inman  
Superintendent of Schools