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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 176, L.D. 244, Bill, "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 5 MRSA §1743-A, first ¶, as amended by PL 2011, c. 691, Pt. B, §11, is further amended to read:

Any contract for the construction, major alteration or repair of school buildings involving a total cost in excess of \$250,000, except contracts for professional, architectural and engineering services and contracts for energy conservation services in accordance with Title 20-A, section 15915, must be awarded by competitive bids, which must include the preapproval process set forth in section 1743-D. The school district directors, school committee, building committee or whatever agency has responsibility for the construction, major alteration or repair shall, after consultation with the Director of the Bureau of General Services, seek sealed proposals. Sealed proposals must be addressed to the responsible agency and must remain sealed until publicly opened in the presence of the responsible agency or a committee of the responsible agency at such time as the responsible agency may direct. Competitive bids may be waived in individual cases involving unusual circumstances with the written approval of the Director of the Bureau of General Services and the Commissioner of Education.'

Amend the bill in section 1 in §1743-D in subsection 1 in the 3rd line (page 1, line 6 in L.D.) by striking out the following: "\$100,000" and inserting the following: '\$250,000'

Amend the bill in section 1 in §1743-D in subsection 2 in the 3rd line (page 1, line 14 in L.D.) by striking out the following: "listed in" and inserting the following: 'listed pursuant to'

COMMITTEE AMENDMENT

1 Amend the bill in section 1 in §1743-D in subsection 2 in the 6th line (page 1, line 17
2 in L.D.) by striking out the following: "listed in" and inserting the following: "listed
3 pursuant to'

4 Amend the bill in section 1 in §1743-D by striking out all of subsection 3 (page 1,
5 lines 23 to 37 and page 2, lines 1 to 4 in L.D.) and inserting the following:

6 **'3. Project components subject to selection from preapproved list.** The Director
7 of the Bureau of General Services shall compile a list of approved subcontractors for the
8 components of capital improvement projects based on a list of components maintained by
9 the Bureau of General Services.'

10 Amend the bill by adding after section 1 the following:

11 **'Sec. 2. Appropriations and allocations.** The following appropriations and
12 allocations are made.

13 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
14 **Central Services - Purchases 0004**

15 Initiative: Provides funds for one Management Analyst II position and one limited-period
16 Management Analyst I position through June 2016 and related costs to establish a
17 preapproved subcontractor list.

18	GENERAL FUND	2015-16	2016-17
19	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
20	Personal Services	\$108,920	\$77,854
21	All Other	\$4,500	\$3,000
22			
23	GENERAL FUND TOTAL	<u>\$113,420</u>	<u>\$80,854</u>
24			

25 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
26 section number to read consecutively.

27 **SUMMARY**

28 This amendment is the majority report of the committee and requires the use of
29 preapproved subcontractors for certain components of work included in bids awarded to
30 general contractors for the construction, major alteration or repair of school buildings
31 over \$250,000. It also increases the threshold proposed in the bill for the use of
32 preapproved subcontractors from \$100,000 to \$250,000 for capital improvement
33 contracts subject to competitive bidding that included the use of subcontractors in its bid.
34 It also removes the list of components of capital improvement projects in the bill and
35 instead makes reference to a list of components to be maintained by the Department of
36 Administrative and Financial Services, Bureau of General Services. The amendment also
37 adds an appropriations and allocations section.

38 **FISCAL NOTE REQUIRED**
39 **(See attached)**

