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Testimony of Rep. David Boyer introducing

## **LD 857, An Act to Increase Government Transparency in the Procurement of Goods and Services**

*Before the Joint Standing Committee on State and Local Government*

April 2, 2025

Senator Baldacci, Representative Salisbury, and esteemed members of the Committee on State and Local Government, my name is Rep. David Boyer, and I am proud to introduce LD 857, An Act to Increase Government Transparency in the Procurement of Goods and Services. I appreciate the Republicans and Democrats who signed on as sponsors.

This bill would require all records and documents related to the procurement process in our state to be preserved and publicly available. This is primarily aimed at the noncompetitive bidding process and notices of intent to waive competitive bidding.

Currently, to my knowledge, there is no archive of the state's use of Notices of Intent to Waive Competitive Bidding (NOIs), and the only publicly available information is what is currently on the state's website. The state's website only shows active NOIs, but they are removed from the site after a week.

Maintaining and preserving these important documents is essential for government transparency. According to a report released by Maine's State Auditor, the State expended approximately \$2.1 billion in contract-related payments in fiscal year 2024. Our government must be good stewards of our tax dollars.

The bill should be expanded to include Procurement Justification Forms (PJFs), which describe the required services and minimum qualifications for contracts. These forms remain active on the state's website but only during the duration of the contract.

The most recent report from the Office of the State Auditor highlighted concerns with our procurement process. Specifically, the audit found that of the 31 Procurement Justification Forms (PJFs) tested, 18 were signed after the contract start date. Additionally, 16 of the 31 PJFs were designated as sole-source, but there was no documentation to support that a reasonable investigation by the Director had occurred, as required.

LD 857 is a vital step toward a more accountable procurement process. By requiring that all related records, especially those tied to competitive bidding, waivers, and project justifications, be preserved and publicly available, we can root out misconduct and restore trust in our government. This is a very simple change and I think it would cost minimal time and tax dollars. I urge this committee to support this bill and protect the interests of all Maine residents. Thank you for your time and consideration.