



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES  
BURTON M. CROSS BUILDING, 3<sup>RD</sup> FLOOR  
78 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0078

SERVING THE PUBLIC AND DELIVERING ESSENTIAL SERVICES TO STATE GOVERNMENT

JANET T. MILLS  
GOVERNOR

KIRSTEN LC FIGUEROA  
COMMISSIONER

*Testimony of Anya Trundy, Director of Legislative Affairs  
Department of Administrative and Financial Services  
testifying in opposition to*

**LD 1633, An Act To Require Responsible Contracting Practices for Public Construction Projects**

Sponsored by Rep. Benjamin Collins  
*Before the Joint Standing Committee on Labor and Housing*

Senator Hickman, Representative Sylvester, and honorable members of the Joint Standing Committee on Labor and Housing, my name is Anya Trundy, I am the Director of Legislative Affairs for the Department of Administrative and Financial Services (DAFS), and I am submitting written testimony in opposition to LD 1633, An Act To Require Responsible Contracting Practices for Public Construction Projects.

The Bureau of General Services primary concern with LD 1633 is it seems to shift the responsibility for all State construction projects to the Bureau of General Services. BGS is not currently responsible for all State construction, only construction pertaining to the building, renovation, and maintenance of State-owned facilities. Two major examples that account for many more projects and significantly larger spends than currently comes under BGS's purview, are 1) road and bridge construction under the Department of Transportation, and 2) school construction overseen by the Department of Education. BGS has neither the capacity nor the desire to serve as a central agency for contractor certification and oversight. In recent years, the Planning and Construction Division of BGS has been reduced from 7 to 3 licensed professional who are currently responsible for 560 ongoing projects for State agencies, as well as responding to myriad building issues that have arisen from COVID-19.

Secondly, LD 1633 inserts multiple lengthy periods of public and agency review into the contracting process. Current contract processes adhere to tight timelines to account for the fact that bids are typically only guaranteed for 30 days and that any delay is lost time that can't be afforded in Maine's already short construction season.

Finally, LD 1633 requires the use of Project Labor Agreements on all large-scale construction projects. As far as we're aware, the overwhelming share of Maine's construction industry is not interested in PLAs, nor could they easily incorporate PLAs into their existing business models. As a result, if this provision of LD 1633 were to become law, BGS worries that Maine contractors have more than enough work to choose from and that some contractors will simply decline the invitation to bid on State projects rather than submitting to new obligations. It is our believe that the State and the taxpayer is best served when there is robust competition in bidding.

LD 1633 makes no attempt to align with current State construction practices and processes. A complete overhaul of our well-established, efficient, smooth-running contracting procedures is infeasible and unnecessary. For these reasons, DAFS respectfully asks the Committee to vote LD 1633 ought not to pass.