

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Laws Governing Competitive Bidding for School Construction and Repair

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §1743-A, as amended by PL 1989, c. 700, Pt. A, §17, is further amended to read:

§ 1743-A. Competitive bids; advertisement

Any contract for the construction, major alteration or repair of school buildings involving a total cost in excess of ~~\$100,000~~\$250,000, except contracts for professional, architectural and engineering services and contracts for energy conservation services in accordance with Title 20#A, section 15915, ~~shall~~must be awarded by competitive bids. 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 Public Improvements, seek sealed proposals. Sealed proposals ~~shall~~must be addressed to the responsible agency and ~~shall~~must remain sealed until publicly opened in the presence of the responsible agency or a committee thereof 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 Public Improvements and the Commissioner of Education.

When a contract requires that maintenance and service following completion of a project be provided by the person responsible for the construction, major alteration or repair of that project, the cost for the ongoing maintenance and service must be included in determining the total cost of the project and the need to award the project by competitive bid. When a school administrative unit enters into 2 or more contracts for construction, major alteration or repair of school buildings within a 6#month period and the total of those projects exceeds \$250,000, the contracts for those projects must be awarded by competitive bid.

Effective 90 days following adjournment of the 125th
Legislature, First Regular Session, unless otherwise indicated.