

MAINE PROCUREMENT CODE

Fiscal Year End: June 30

1. **Pre-qualifications:** May request to be on registry of suppliers.
 - a. **ME Code 5-4-155-1825B(4)** → Suppliers desiring to have their names entered on a registry of suppliers must submit a request to the Director of the Bureau of General Services in writing. The Director of the Bureau of General Services may prescribe the manner and form in which such a request must be submitted and may limit the number of names of out-of-state bidders on any registry. The name of any supplier entered in such a registry who fails to submit a bid on 3 consecutive proposals or invitations to bid may be removed from the registry at the discretion of the Director of the Bureau of General Services, except that the Department of Corrections remains on any registry until the Department of Corrections requests that the department be removed from that registry.
2. **Auto-drop:** Suppliers may be dropped from Maine's registry of suppliers if they fail to bid on three consecutive ITBs.
 - a. **ME Code 5-4-155-1825B(4)** → Suppliers desiring to have their names entered on a registry of suppliers must submit a request to the Director of the Bureau of General Services in writing. The Director of the Bureau of General Services may prescribe the manner and form in which such a request must be submitted and may limit the number of names of out-of-state bidders on any registry. The name of any supplier entered in such a registry who fails to submit a bid on 3 consecutive proposals or invitations to bid may be removed from the registry at the discretion of the Director of the Bureau of General Services, except that the Department of Corrections remains on any registry until the Department of Corrections requests that the department be removed from that registry.
3. **Life Cycle Costing (LCC):** Evaluations based on LCC are allowed if stated in the ITB.
 - a. **ME Code 5-4-155-1825B(7)** → Except as otherwise provided by law, orders awarded or contracts made by the Director of the Bureau of General Services or by any department or agency of the State must be awarded to the best-value bidder, taking into consideration the qualities of the goods or services to be supplied, their conformity with the specifications, the purposes for which they are required, the date of delivery and the best interest of the State. If the bidder that was initially awarded the order or contract does not perform, the Director of the Bureau of General Services may cancel the contract and award a new contract to the 2nd best-value bidder. The order or contract may not be awarded to a bidder that the Director of the Bureau of General Services determined was not in compliance at the time the initial bid was submitted.
4. **Piggybacking:** Allowed.
 - a. **ME Code 5-4-155-1811(8)** → To permit any political subdivision or school administrative district in the State or nonprofit free health care clinic that provides free primary or preventative services to make purchases of foodstuffs, materials, equipment and supplies through the Bureau of General Services, subject to such procedures, rules and regulations as may be prescribed by the director. This subsection applies to a municipality notwithstanding any provision in its municipal charter to the contrary.
5. **Recycle Preferences:** No state preference; municipalities may revise procedures to ensure bid preference to equipment made from recycled material.

- a. **30-A§5656.1 → Review of standards** Each municipality shall review its procurement procedures and specifications to identify procedures and specifications that explicitly discriminate against goods, supplies, equipment, materials and printing with recycled content. Each municipality may revise its procedures and specifications to:
 - i. Encourage the use of goods, supplies, equipment, materials and printing with recycled content; and [1989, c. 585, Pt. C, §15 (NEW).]
 - ii. Ensure, to the maximum extent economically feasible, that it purchases goods, supplies, equipment, materials and printing that may be recycled or reused when such goods, supplies, equipment, materials and printing are discarded.
- b. **30-A§5656.2 → Preferences for recycled goods.** In revising its procurement procedures and specifications under subsection 1, each municipality may:
 - i. Establish a preference for paper with recycled content consistent with the standards established for state agencies under Title 5, section 1812-B; and [1989, c. 585, Pt. C, §15 (NEW).]
 - ii. Establish specifications for bids for public contracts that require all bidders to propose that a stated minimum percentage of goods, supplies, equipment or materials to be used for the contract be made from recycled material.

<http://www.mainelegislature.org/legis/statutes/30-A/title30-Asec5656.html>

6. **Minority/Small/Disadvantaged Business Enterprise preferences:** Preference to products made by the Blind & Visually Impaired.
 - a. **§1824 →** Products manufactured by the blind and offered for sale by the Maine Center for the Blind and Visually Impaired, meeting specifications prescribed by the State Purchasing Agent, that the State or any political subdivision, governmental agency or public benefit corporation of the State requires for its purposes, must be purchased, when and where possible, from the Maine Center for the Blind and Visually Impaired and offered to the State or any political subdivision, governmental agency or public benefit corporation of the State at the agreed-upon price and according to the rules and regulations as made by the committee.

7. **Cooperative Purchasing**

National IPA

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information <http://www.nationalipa.org/statutes.html>

National Joint Powers Alliance (NJPA)

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

*****Maine Purchasing Rules:**

<http://www.mainelegislature.org/legis/statutes/5/title5ch155sec0.html>