

§1826-C. Work center purchases

1. Committee established.

[PL 2007, c. 395, §3 (RP).]

2. Appointments; terms; compensation.

[PL 2007, c. 395, §3 (RP).]

3. Powers and duties.

[PL 2007, c. 395, §3 (RP).]

4. Work center purchases schedule. The director shall develop and use a work center purchases schedule. The director shall:

A. Identify and develop a list of all products and services purchased or scheduled to be purchased by State Government; [PL 1985, c. 359, §3 (NEW).]

B. Identify and develop a list of all work centers in the State, including a description of the products and services work centers are currently providing or have recently provided and including an assessment of the products and services that work centers are capable of providing, but have not recently provided; and [PL 1985, c. 359, §3 (NEW).]

C. Develop from the information obtained in paragraphs A and B a work center purchases schedule that describes all products and services to be purchased by the State that, in the view of the director, could be provided by work centers. In developing this schedule, the director shall give consideration to the abilities of work centers to meet contract requirements and to meet generally accepted quality control standards and any potential technical assistance that may be required to enable a work center to compete fairly for contracts, pursuant to this subchapter. [PL 2007, c. 395, §3 (AMD).]

[PL 2007, c. 395, §3 (AMD).]

5. Competitive bidding. The director shall develop procedures for competitive bidding by eligible work centers only for products and services identified on the work center purchase schedule. If no bid is received from a work center for any product or service on the schedule, the director shall confer with the Department of Corrections to determine whether the Department of Corrections is able to provide the product or service at a fair price. If the director and the Department of Corrections do not come to agreement, the product or service must be put out to general bid by the director, in accordance with standard rules and procedures. If only one work center bid is received, the director shall review the bid and make a determination regarding the fairness of the price and terms of the proposed contract. If the director determines that the work center may not be awarded this bid, the director shall confer with the Department of Corrections to determine whether the Department of Corrections is able to provide the product or service at a fair price. If the director and the Department of Corrections do not come to agreement, the contract must be offered for standard competitive bid by the director in accordance with standard rules and procedures.

[PL 2007, c. 395, §3 (AMD).]

6. Award of contracts; fair price. The director has final determination in awarding contracts to work centers through the competitive bidding process. The director's judgment prevails in the determination that the price and contract terms are fair and reasonable both to the work center and to the State. In determining a fair price, the director shall ensure the ability of the work center to recover the costs of labor, material, equipment, overhead and delivery.

[PL 2007, c. 395, §3 (AMD).]

7. Assignment of contracts. The director shall ensure that contracts awarded to work centers may not be assigned to any other vendor, except as may be necessary to complete the contracts, because of

extraordinary events beyond the control of the work centers. Any additional costs incurred because of these assignments must be borne by the work center as a normal cost of doing business.

[PL 2007, c. 395, §3 (AMD).]

SECTION HISTORY

PL 1985, c. 359, §3 (NEW). PL 1991, c. 515, §2 (AMD). PL 1993, c. 708, §J5 (AMD). PL 1995, c. 560, §§F5,K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1999, c. 543, §2 (AMD). PL 2001, c. 354, §3 (AMD). PL 2003, c. 515, §§5-8 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 395, §3 (AMD).

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