**18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

**554 BUREAU OF GENERAL SERVICES**

**Chapter 150: Chapter defining the means by which contractors and subcontractors are to provide certain records to the Bureau of General Services in the Department of Administrative and Financial Services, and to identify what information in those records is available to the public**

**Summary**: This chapter defines the way contractors and subcontractors are to provide specified records to the Maine Bureau of General Services and identifies the types of information in such records that may be made publicly available.

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**SECTION 1: PURPOSE & APPLICABILITY OF CHAPTER**

1. **Purpose.** The purpose of this Chapter is to define the manner in which specified records are to be provided by contractors and subcontractors to the Bureau of General Services, and to identify the information in those records that is and is not available to the public.
2. **Applicability.** This Chapter is applicable to public improvements for which proposals, plans, specifications, contracts, inspections, or renovations are subject to the approval of the Bureau of General Services in the Maine Department of Administrative and Financial Services, except for such improvements made by school administrative units, including construction, repair, or renovation of school buildings.

**SECTION 2: DEFINITIONS**

Unless stated otherwise in this Chapter, the terms below are defined as follows:

1. **Bureau.** “Bureau” means the Bureau of General Services in the Maine Department of Administrative and Financial Services.
2. **Construction.** “Construction” means any construction, reconstruction, demolition, improvement, enlargement, painting, decorating, or repair of any public works let to contract. Construction shall not be construed to include engineering or architectural services, temporary or emergency repairs, or any contract of less than $10,000.
3. **Non-personal information.** “Non-personal information” means information that cannot reasonably be expected to be useful, or actually be used, to invade the privacy of an individual. Such information includes, but is not limited to, the classification of contractors’ or subcontractors’ employees, the remuneration of such employees, their hours worked, job titles, and names, and hourly and actual wage information for each employee.
4. **Personal information.** “Personal information” means information that can reasonably be expected to be useful, or actually be used, to invade the privacy of an individual. Such information includes, but is not limited to, home address, home telephone number, home facsimile number, home e-mail address, personal cell phone number, personal pager number, and social security number.
5. **Public works.** “Public works” includes, but is not limited to, all buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, demolition, waterworks, airports, and all other structures upon which construction may be let to contract by the Bureau and which contract amounts to $50,000 or more.

**SECTION 3: DUTY OF CONTRACTORS AND SUBCONTRACTORS TO SUBMIT RECORDS WITH CERTAIN INFORMATION**

1. **Records of personnel**. Pursuant to 26 M.R.S.A. § 1311, a contractor, and each subcontractor thereof, in charge of construction of a public work for the Maine Bureau of General Services shall keep an accurate record of the following:
	1. The names and occupation of all the laborers, workers, and mechanics employed by them and all independent contractors working for them; and
	2. The hours worked, the job titles, the hourly rates or other remuneration, and the actual wages or other compensation paid to each of the laborers, workers, mechanics, and independent contractors.
2. **Record of personnel at job site**. A contractor, and each subcontractor thereof, of the Bureau must keep a monthly-updated copy of the record described in section 3(A) above at the job site and make the record open at all reasonable hours to the inspection of the Bureau of Labor Standards and the Bureau.
3. **Record of personnel to be filed with Bureau**. A contractor, and each subcontractor thereof, of the Bureau must submit to the Bureau’s Director of Construction or designee, a monthly-updated copy of the record described in section 3(A) above. Submission may be made electronically or in hard copy form, but in either case must be accompanied by a signed letter certifying the submitted record is true and accurate to the best knowledge of the contractor or subcontractor. Personal information must be excluded from the records prior to their submission to the Director of Construction.
4. **Violation for failure to keep or submit record**. A contractor, and each subcontractor thereof, of the Bureau that willfully and knowingly fails to either keep or file a monthly-updated report per sections 3(A) – 3(C), above, will be subject to a monetary forfeiture of no less than two hundred fifty dollars ($250) per violation.

**SECTION 4: NONDISCLOSURE OF PERSONAL INFORMATION BY THE BUREAU; DISCLOSURE OF NON-PERSONAL INFORMATION**

1. **Nondisclosure of personal information**. The Bureau shall not disclose any personal information contained in a record filed pursuant to 26 M.R.S.A. § 1311 and this Chapter provided by a contractor, or any subcontractor thereof, of the Bureau.
2. **Disclosure of non-personal information**. The Bureau may disclose non-personal information in a record filed pursuant to 26 M.R.S.A. § 1311 and this Chapter provided by a contractor or any subcontractor thereof, if such information is in the custody of the Bureau.

STATUTORY AUTHORITY: 26 M.R.S.A. §§ 1311, 1312

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