

SEN. MICHAEL D. THIBODEAU
CHAIR

REP. MARK W. EVES
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



127TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. GARRETT P. MASON
SEN. ANDRE E. CUSHING
SEN. JUSTIN L. ALFOND
SEN. DAWN HILL
REP. JEFFREY M. MCCABE
REP. SARA GIDEON
REP. KENNETH W. FREDETTE
REP. ELEANOR M. ESPLING

LEGISLATIVE COUNCIL State House Facilities Committee

Wednesday, April 8, 2015
3:00 PM

Legislative Council Chamber
(Room 334)

Agenda

Old Business

Page #:

- | | | |
|---|----------|--|
| | Item #1: | Review of Security Screening Policy |
| 1 | Item #2: | Review of Bidding Process for State House Projects |
| | Item #3: | Optional tour of LIO office space |

New Business

Page #:

- | | | |
|----|----------|---|
| 4 | Item #1: | Review of Draft State House Portrait Policy |
| 8 | Item #2: | Relocation of the Robert Indiana painting |
| | Item #3: | Update on Copper Reuse Project |
| 19 | Item #4: | Floor Plan Room Number Inconsistencies |

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Legislative Council Policy on Procurement Guidelines for State House Facility Capital Improvement Projects

Introduction

Pursuant to Maine law and long standing State policy, the Legislative Council has jurisdiction over the State House and immediate grounds, all legislative areas in the Cross Building, and Capitol Park (collectively sometimes referred to as "State House and grounds"). These areas extend to legislative parking lots on the State House campus and the State House Common located immediately southwest of the State House. It is the policy of the Legislative Council to maintain these areas so as to keep the State House and grounds in excellent repair, in keeping with their distinction as Maine's Capitol. Toward that end, the Legislative Council's responsibilities for the State House and grounds extend to their maintenance and upkeep on a regular basis and capital improvements performed periodically. The Legislative Council, acting through its executive director, develops and implements a multi-year plan for maintenance and improvements and funds those projects using budgeted legislative funds. (Related statute: <http://mainelegislature.org/legis/statutes/5/title5sec1743.html>)

Construction Management and Architectural Services

The Legislative Council retains construction management and architectural firms by contract to assist the Legislative Council in planning for, designing, carrying out and overseeing maintenance and improvement projects for the State House and grounds to assure that: they are performed in accordance with all applicable codes and other requirements; workmanship and materials are suitable and are of high quality; projects are performed in a cost-effective manner and on schedule; the historic integrity of the State House and grounds, including applicable historic architectural plans, is maintained to the greatest extent feasible; and disruption of legislative use of the State House and grounds during construction activities is minimized to the greatest extent feasible.

Subcontractor Procurement Guidelines

It is the policy of the Legislative Council that the following subcontractor procurement guidelines be used for State House and grounds capital improvement projects:

1. Any trade or scope of work having an estimated value of \$35,000 or less may be procured directly by the construction manager to a subcontractor upon authorization from the Owner's representative;

2. Any trade or scope of work having an estimated value of more than \$35,000 up to \$125,000 requires the construction manager to obtain written pricing from at least three qualified subcontractors:
 - a. pricing from subcontractor must be delivered to the construction manager in accordance with the specified terms, specifications and deadlines developed for the project; and
 - b. the construction manager will provide copies of bids and a bid tabulation form to the Owner's representative for review and authorization to proceed;
3. Any trade or scope of work having an estimated value of more than \$125,000 requires the construction manager to prequalify subcontractors through a request for qualifications process that includes advertising and criteria for evaluating criteria:
 - a. public notice of request for qualifications must be given;
 - b. prequalification criteria include: projects of similar size and scope, firm's relevant experience, financial and technical capacity, and personnel qualifications and experience; and for projects involving structures or aspects of historical significance or other unique aspects of the project, experience with historic structures or those other unique aspects;
 - c. the construction manager and architect for the State House will evaluate the proposals and determine, subject to approval of the Owner's representative, which firms submitting a proposal, if any, are qualified to perform the work. A short list of 3 to 5 firms may be selected. The executive director may participate in such evaluation;
 - d. a detailed bid/specification package for prequalified subcontractors will be prepared and will form the basis for prequalified firms to prepare and submit a bid. Prequalified firms will be invited to submit a sealed, written proposal in accordance with specifications and deadlines established in the invitation; and
 - e. following the deadline for submission of bids, proposals that have been received by the deadline will be opened publicly by the executive director and awarded to the lowest, responsive eligible bid. The executive director may reserve the right to direct the construction manager to negotiate with the presumed bid winner and to reject any or all bids.
4. Application of the procurement guidelines is not required for routine annual or other minor maintenance projects, equipment rental & assembly agreements or for projects of an emergency nature.
5. The firm engaged as construction manager at-risk may perform all or a portion of the work on the project at the Owner's discretion if performing such work is cost-effective or otherwise in the best interests of the Legislature. Furthermore, the executive director may arrange for performance of some of all work without engaging the services of the

construction management firm if the executive director determines that doing so is cost-effective or otherwise in the best interests of the Legislature.

Administration

The Executive Director of the Legislative Council is authorized to act as the Owner's representative for facility maintenance and improvement projects and to implement this policy of the Legislative Council.

Effective Date

This policy is adopted by the Legislative Council this ____ day of _____.

BY: _____

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Legislative Council Policy on the Maine State House Portrait Collection

I. Care and Management of the Portrait Collection

1.1 Care and management of the Portrait Collection. The care and management of the Portrait Collection of the Maine State House are responsibilities of the Maine State Museum, which solely shall determine and satisfy the needs related to the storage, conservation, exhibition, public education and public placement of the portraits in the collection. All such decisions shall be based on sound and recognized professional principles of museum practice. Within professional and space constraints, the museum will display much of the Portrait Collection in the public spaces of the State House. Public spaces include hallways and corridors, rotunda areas, legislative committee rooms, Law and Legislative Reference Library, Senate and House chambers, Governor's office, and offices of the Speaker of the House and President of the Senate. Once the portrait locations have been determined by museum curatorial staff, the museum will try to minimize further movement of the paintings to limit the potential for damage and to conserve staff time. Legislative proposals for relocating portraits to places within the State House other than those established by the museum shall be made to the Executive Director of the Legislative Council who will then contact the museum director to determine the viability of the proposed relocation.

1.2 Museum to hold title to portraits. In keeping with the legislation creating the Maine State Museum and defining and regulating its activities, the Maine State Museum holds title to the portraits as trustee for the State (pursuant to Maine Revised Statutes Title 27, 86-A). In this context every portrait that comes into the Portrait Collection must be accompanied by a signed Deed of Gift or equivalent conveyance permanently transferring ownership to the museum.

1.3 Notification to Maine State Museum of decision affecting Portrait Collection. The museum must be notified in a timely and appropriate manner of authorized decisions made to commission, fund, transport, accept, receive or hang portraits so that it can respond to those matters as required and in a prompt and proper fashion.

1.4 Legislative Council funding. The Legislative Council shall pay up to \$3,000 annually for contracted services by the Maine State Museum for the purposes of care, maintenance or conservation related to the Portrait Collection.

II. Standards for Portraits to be included in Portrait Collection.

2.1 Eligible persons for Portrait Collection. Commissioned portraits may include Governors of Maine, U.S. Senators and Congressional Representatives, members of the judiciary, military figures,

and citizens of special distinction. Every portrait must be of a once-living or currently living individual.

2.2 Standards for Portraits to be included in the Portrait Collection. All portraits commissioned for or accepted into the Portrait Collection must meet the following standards:

- A. Portraits to be executed in oil pigments.** All portraits must be executed in oil pigments. The only allowed exceptions are original pastel portraits, watercolors, drawings, or other unique, original graphic depictions of early Governors of Maine or other distinguished individuals of the 19th century for whom no oil portraits are known to be available or exist.
- B. Portraits to be in traditional, representational style.** All portraits must be in a traditional, representational style in keeping with those portraits presently in the collection. Portraits should present qualities of high technical competence and achievement in recognition of the honor of inclusion in the collection and the special respect in which the State House is held by the citizens of Maine.
- C. Portrait size limitation.** No portrait may be larger than 40 inches in height by 30 inches in width, excluding the frame.
- D. Portrait frame requirements.** Every portrait shall be provided with a frame of dignified appearance, tasteful presentation and careful construction suitable for display among the many historical examples of the same.

III. Non-Gubernatorial Portraits

3.1 Sole Authority to approve the commissioning of portraits. The Legislative Council shall have the sole authority to approve any proposal to commission a portrait for the Portrait Collection and to initiate the process of commissioning it.

3.2 Artist selection panel. Upon approval by the Legislative Council of a potential subject for a portrait commission, the Executive Director of the Legislative Council shall notify the Maine State Arts Commission to convene a review panel to select a qualified artist to execute the portrait. That panel will consist of seven members, three from the Maine State Arts Commission (one of commission members shall chair the panel), two from the Maine State Museum, one member from the Maine Historic Preservation Commission, and one representative of the Legislative Council, to select by a majority vote a qualified artist. The review panel will then negotiate the cost of the portrait commission with the artist and report that to the Legislative Council.

3.3 Review panel for commissioned portraits, membership. The Maine State Arts Commission shall establish a review panel to assess and select artists once the Legislative Council has approved the commissioning of a portrait for the Portrait Collection. The review panel must include a representative of the Legislative Council, two representatives of the Maine State Museum and a representative of the Maine Historic Preservation Commission.

3.4 Approval of cost and funding. When the artist has been chosen, the Legislative Council must approve the portrait commission cost.

3.5 Cost sharing of portrait commission costs. Any portrait not of a Maine Governor must include funding for 25% of the total expense from the State. The remainder of the expense raised by private subscriptions or contributions. The intent of this provision is to strike a healthy balance between private and public commitment in the commissioning of any non-gubernatorial portrait intended for the Portrait Collection.

3.6 Executive of commission contingent on full funding being identified. No commission for a non-gubernatorial portrait may be executed until funding for the 25% State share and the remaining private subscriptions or contribution required pursuant to section 3.5 have been determined to be available and certified by the Legislative Council. Once funding is certified as available, the Executive Director of the Legislative Council shall notify the Maine State Arts Commission.

3.6 Contract administration. The Maine State Arts Commission will negotiate the terms of any contract with the artist selected, administer the contract to completion and transfer the completed portrait with its title to the Maine State Museum.

3.7 Organization of portrait presentation events. If there is to be a portrait dedication or public ceremony marking the official hanging or delivery of the portrait, it shall be organized by the Maine State Museum in concert with the Maine Historic Preservation Commission and other significant entities involved in the process. The cost of the public ceremony must be borne by those private entities chiefly responsible for the commissioning of the portrait.

IV. Gubernatorial Portraits

4.1 Gubernatorial portraits for each inaugurated Governor. It is long been a respected and honored custom that every inaugurated Governor of Maine should have a single portrait in oils commissioned at the public expense to be included in the State House Portrait Collection and join the rotation of portraits for periodic display in the State House.

4.2 Funding of gubernatorial portraits. Gubernatorial portraits are to be funded through a special executive appropriation by each Governor through the Governor's contingent account.

4.3 Commissioning of gubernatorial portraits. The Maine State Arts Commission shall have the chief responsibility for activating and overseeing the process of commissioning a gubernatorial portrait (see 8.1 below).

4.4 Museum to be provided title to portrait. Once a gubernatorial portrait has been completed and given to the Maine State Museum, the Maine State Museum will be provided with signed or equivalent formal title to it, and will have the sole responsibility for its care, storage, maintenance, conservation, use for public education, and placement for display.

4.5 Initiation of the commission process for gubernatorial portraits. Approximately one year before the completion of a Governor's first term in office, the Maine State Arts Commission shall notify the Governor's office of the beginning of the process of commissioning a gubernatorial portrait.

4.6 Artist Selection panel. After providing notice to the Governor's office, the Maine State Arts Commission shall convene a selection panel to recommend three qualified artists from whom the Governor may choose the painter of the portrait. The panel shall consist of five representatives, three from the Maine State Arts Commission, two from the Maine State Museum and one from the Maine Historic Preservation Commission. The Governor is not obliged to select one of the panel's recommended artists and may suggest other candidates. If the Governor chooses another artist, the selection panel must review the selection and agree on the final choice by a majority vote.

4.7 Contract administration. The Maine State Arts Commission will negotiate the terms of any contract with the artist selected, administer the contract to completion and transfer the completed portrait with its title to the Maine State Museum.

4.8 Dedication events for gubernatorial portraits. The dedication and public display of a recently commissioned gubernatorial portrait shall be organized by the Maine State Museum in coordination with the Governor's office. Any costs associated with the dedication event must be funded through the Governor's contingent account or through private sources.

THIS POLICY IS ADOPTED BY THE LEGISLATIVE COUNCIL AT AUGUSTA, MAINE ON _____.

BY: _____
Executive Director of the Legislative Council

Effective Date: _____

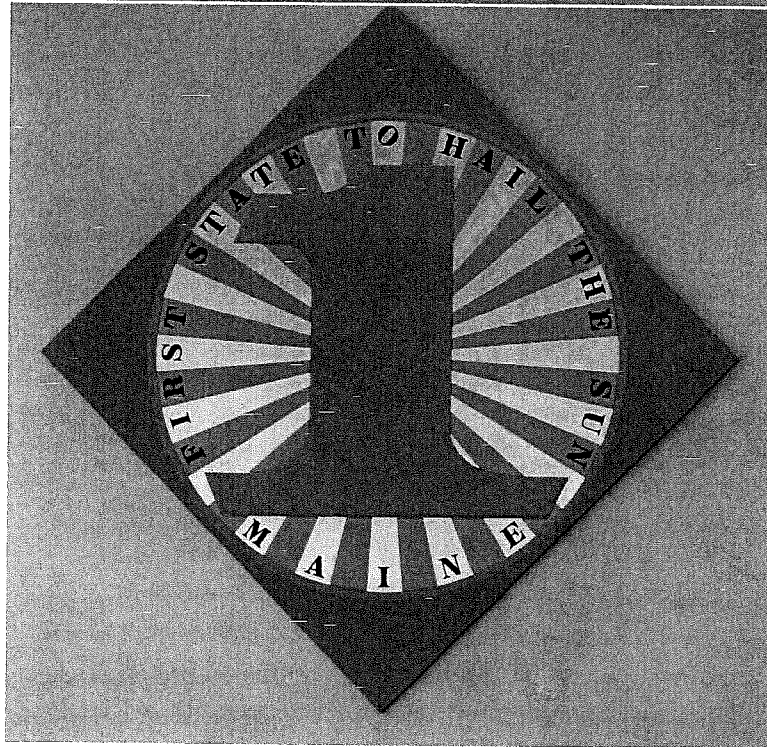
DRAFT



MAINE ARTS
COMMISSION

2015

Possible locations in the Capitol Building for the relocation of the Robert Indiana painting



Robert Indiana, *First State*, oil, 60" x 60"

-10/28/2011 Robert Indiana's *First State* painting was moved from the corridor off from Hall of Flags across from Press Office to the Cross Building.

-12/9/2014 – Kathleen Rodgers (Robert Indiana's Representative) meets with Julie Horn at the Capitol to discuss the Art in the Capitol Program. Asks to see where the *First State* painting is hung. Julie Horn takes her to Cross Building where it is currently hung.

-12/10/2014 – Kathleen Rodgers calls Julie Richard at the Commission to express her displeasure in finding out that the Robert Indiana painting had been moved from the Capitol to the Cross building and informs Julie that a contract exists spelling out the specifics on where the painting is to be hung.

-1/14/2015 - Julie Richard meets with Grant Pennoyer to inform him of the issue regarding where *First State* is currently being hung.

1/16/2015 - Grant follows up with records from Legislative Council meetings in 2012, indicating that Donna McNeil (former Policy and Program Director at the Maine Arts Commission) was involved in this transaction. The communication with the artist was through his attorney and not his artist representative (Kathleen Rodgers). At this point, it became clear that the attorney had not communicated with the artist or his representative. Communication with the attorney was left open-ended by Ms. McNeil. There was no further communication regarding this until December of 2014.

-3/31/2015 Meeting to request the piece be moved from its current location in the Cross Building back into the Capitol Building in a place that is open and accessible to the public during operating hours. MAC is offering these five locations as possibilities. Present at the meeting- Julie Richard, Grant Pennoyer, Julie Horn.

-Relocation of artwork is contingent upon approval by the Legislative Council, and the artist or his representative.

-MAC would be responsible for and provide a contracted preparator to remove and reinstall the painting in its new approved location.

-Added security would be provided by the Capitol facility?

-Original contract between artist and state is provided in the back of this packet.

-Any questions regarding this matter please contact:

Julie Richard
Executive Director, Maine Arts Commission
207-287-2710
julie.richard@maine.gov

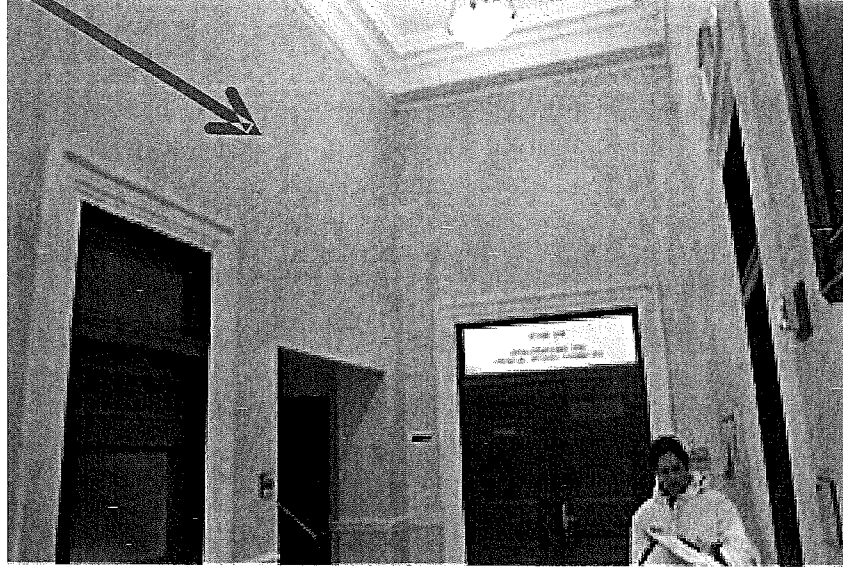
FIRST STATE

Robert Indiana of Vinalhaven, Maine

Oil-on-canvas, 60" x 60"

Burton M. Cross Building, Legislative Floor (Authorized by Legislative Council)

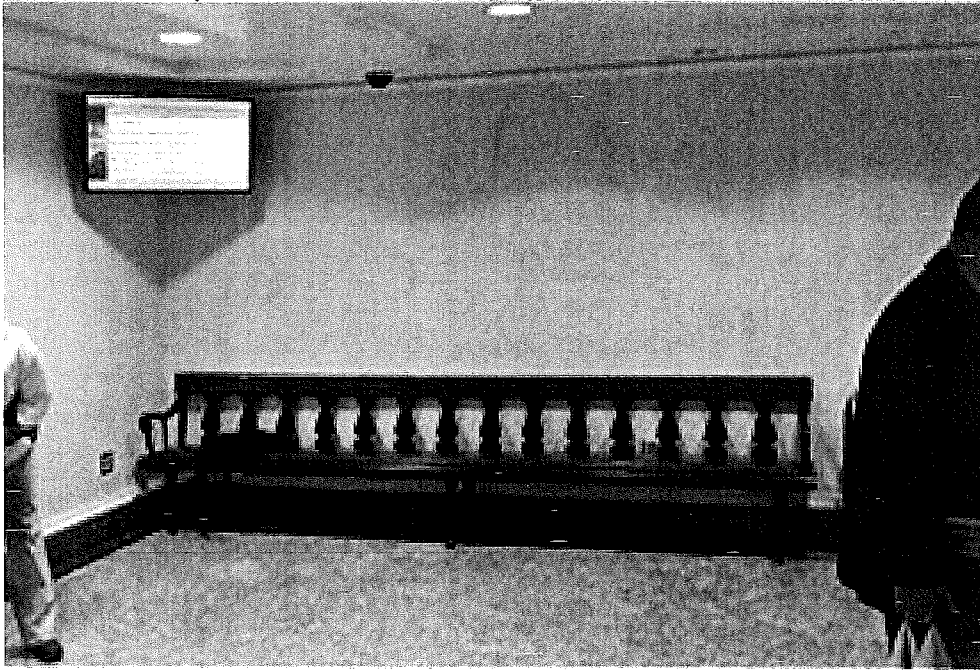
Mr. Indiana generously gifted *First State* to the State of Maine in May 2007
for exhibition to the public in perpetuity.



LOCATION 1

2nd Floor

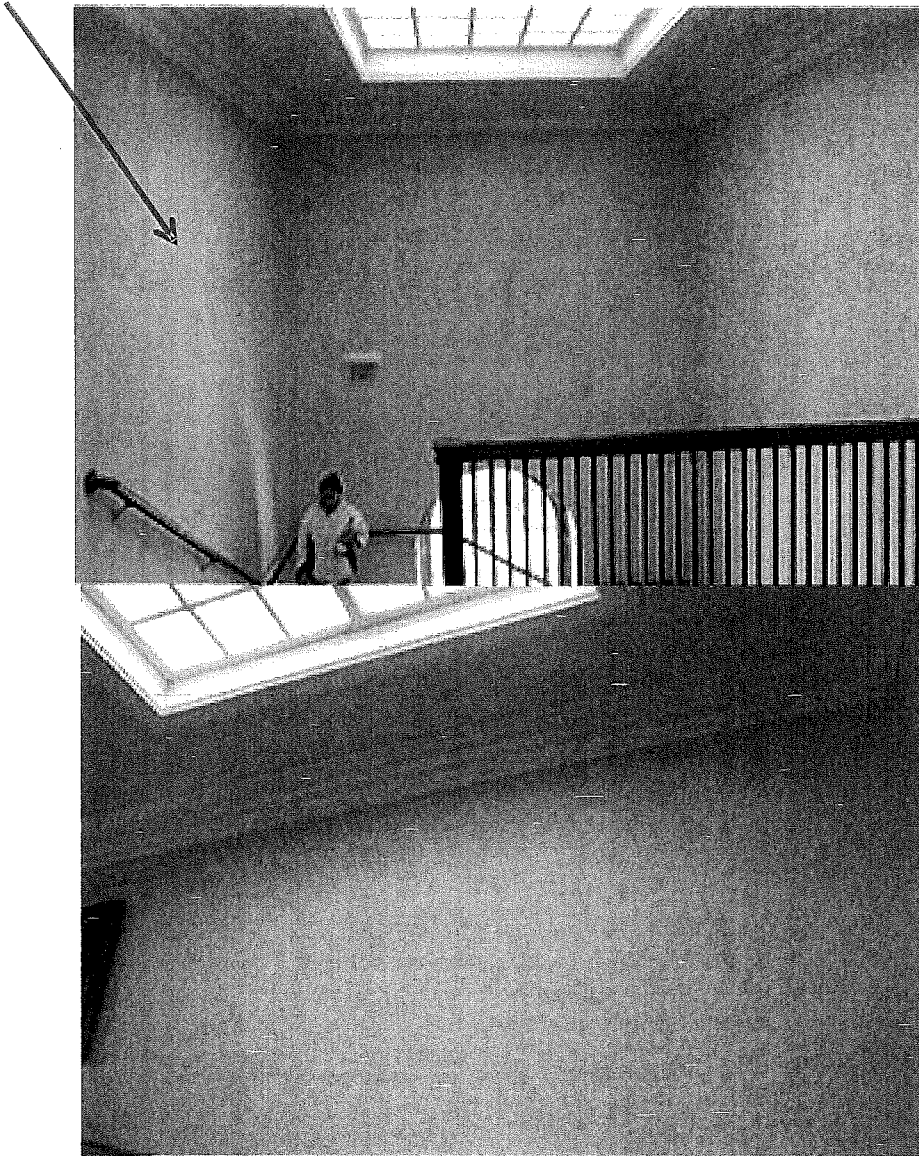
Hall outside of Appropriations and Financial Affairs Committee Room



LOCATION 2

1st Floor

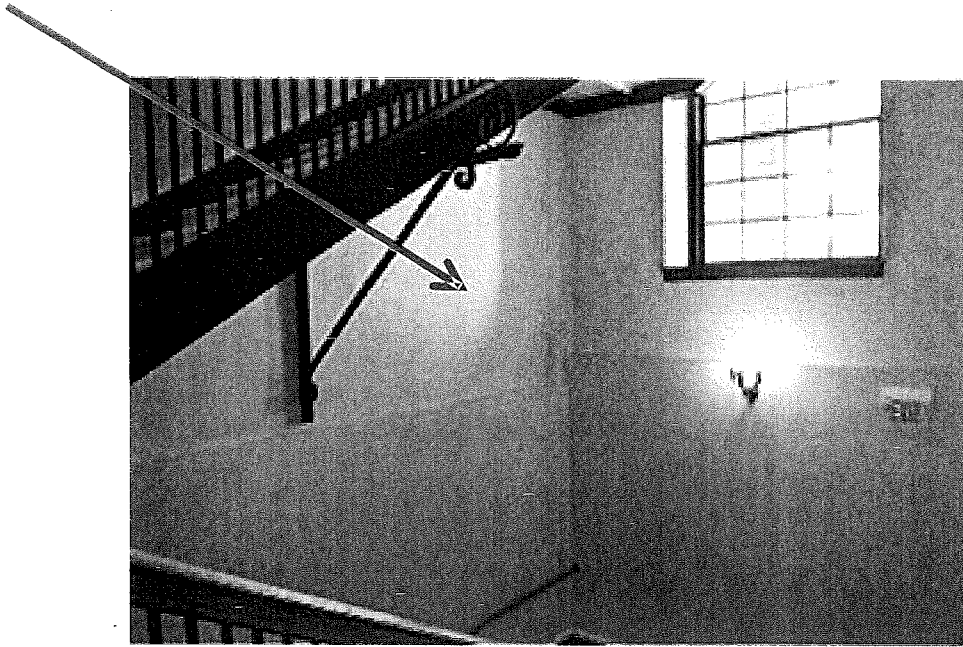
Wall to right, just past security



LOCATION 3

4th Floor

Top of stairwell at the 4th floor



LOCATION 4

2nd Floor

South stairwell between first and second floor



LOCATION 5

2/3rd Floor

Stairwell between second and third floor

Draft (JAH 5/1/07)

**AGREEMENT BETWEEN
ROBERT INDIANA AND THE STATE OF MAINE**

Agreement made this 7 day of May, 2007, by and between **Robert Indiana** of Vinalhaven, Maine, (called the "Artist" in this Agreement) and the **State of Maine** (called "Maine" or "State of Maine" in this Agreement).

WHEREAS, the Artist is a well-known and widely-recognized artist with an international reputation who is a long-time resident of Maine; and

WHEREAS, the Artist has strong affection for and gratitude toward Maine;

WHEREAS, the Artist has created a beautiful painting titled *First State*, which he wishes to donate to Maine under the terms and conditions contained in this Agreement.

NOW, THEREFORE, in consideration of the mutual promises made, the parties agree as follows:

1. ***Description and Current Location of the Painting***

First State is an oil-on-canvas painting (dimensions approximately 6'x 6') which is currently on loan from the Artist to Maine and hangs in the public hall adjacent to the Governor's Chambers in the State House in Augusta, Maine.

2. ***Deed of Gift for Painting***

Upon the execution of this Agreement by all parties, the Artist hereby **irrevocably gives, transfers, assigns and delivers** to Maine all right, title and interest he may own in and to *First State*, subject to the terms and conditions of this Agreement.

3. ***Uses and Restrictions***

The gift of *First State* to Maine is subject to the following conditions:

- (a) Except when on loan as described in paragraph 3(c), *First State* shall be exhibited to the public in perpetuity either in or adjacent to the Governor's Chambers on the second floor at the Augusta Maine State House, or wherever the Governor's office may be located in the future, so long as the exhibition location is at all times open and accessible to the public during normal governmental business hours.
- (b) *First State* shall not be sold or transferred to any individual, corporation or public or private entity but shall remain in perpetuity as an asset owned by the State of Maine in the custody of the Maine Arts Commission or any successor agency thereto.
- (c) *First State* may be loaned only upon the joint approval of both the Governor's Office and the chief executive officer of the Maine Arts Commission or any successor agency thereto, and any such loan shall not exceed one year in duration and shall be only to museums in the United States that are open to the public and comply with the security and climate control standards of the American Association of Museums.

4. ***Royalties and Reproduction Rights***

Reproduction rights to *First State* and royalties and profits relating to *First State* shall belong to the State of Maine and shall be used for such public purposes and in such manner as shall be determined by the chief executive officer of the Maine Arts Commission or any successor agency thereto.

Dated and witnessed on the day and year first above written.

K. Rogers

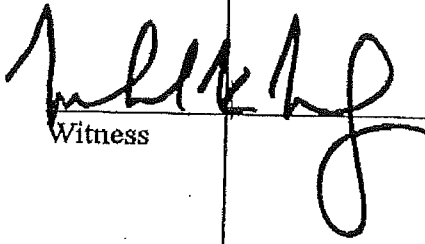
Witness

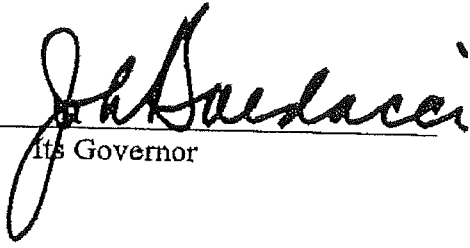
Kathleen Rogers

Robert Indiana

Robert Indiana

State of Maine


Witness

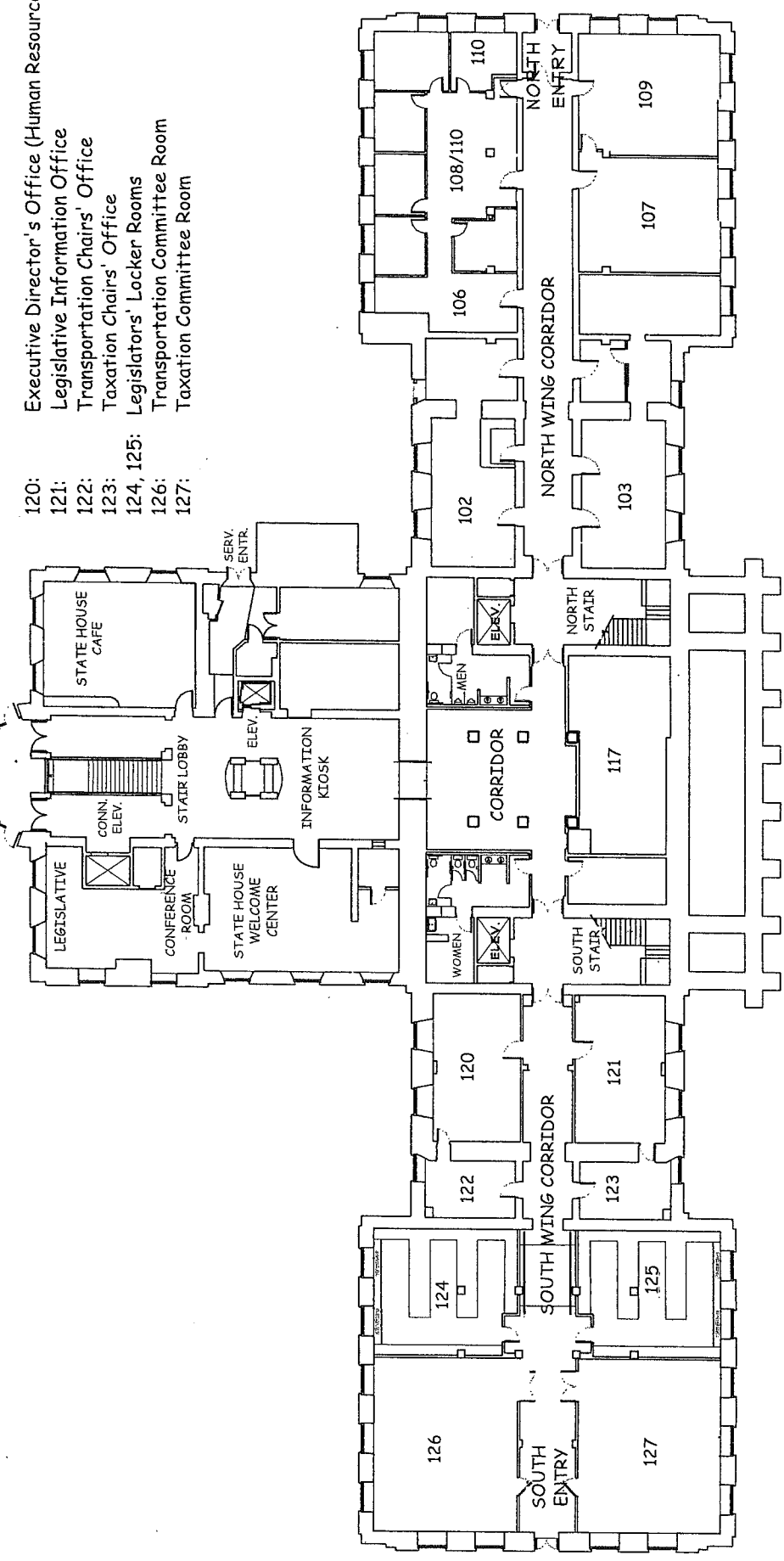
By: 
Its Governor

Part VI: State House Floor Plan

WEST
ENTRY FOYER
(PUBLIC ENTRANCE)
And ADA Access

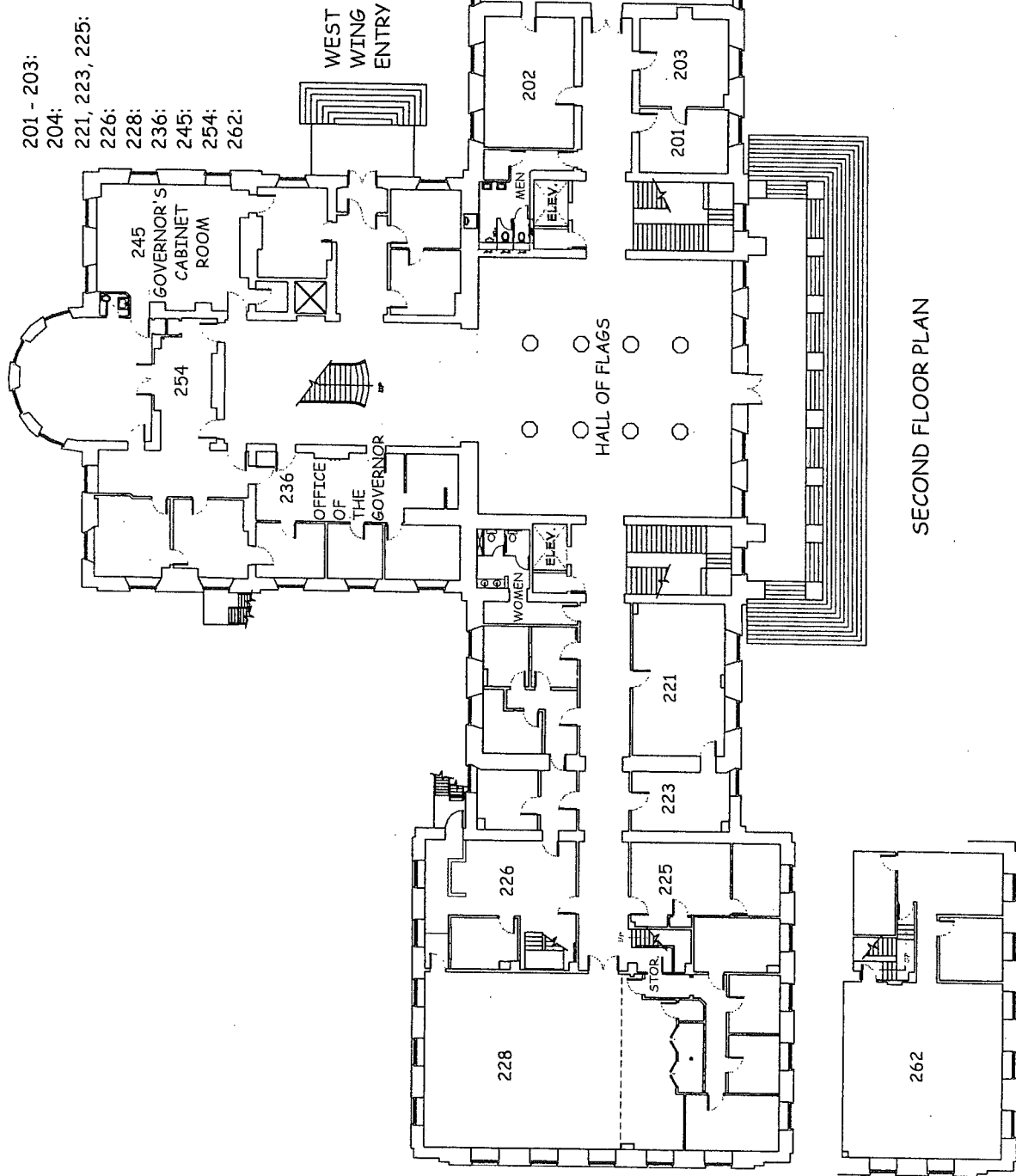
- 102: Legislative Document Room
- 103: Executive Director's Office
- 106 - 110: Revisor of Statutes

- 120: Executive Director's Office (Human Resources)
- 121: Legislative Information Office
- 122: Transportation Chairs' Office
- 123: Transportation Chairs' Office
- 124, 125: Legislators' Locker Rooms
- 126: Transportation Committee Room
- 127: Taxation Committee Room



FIRST FLOOR PLAN

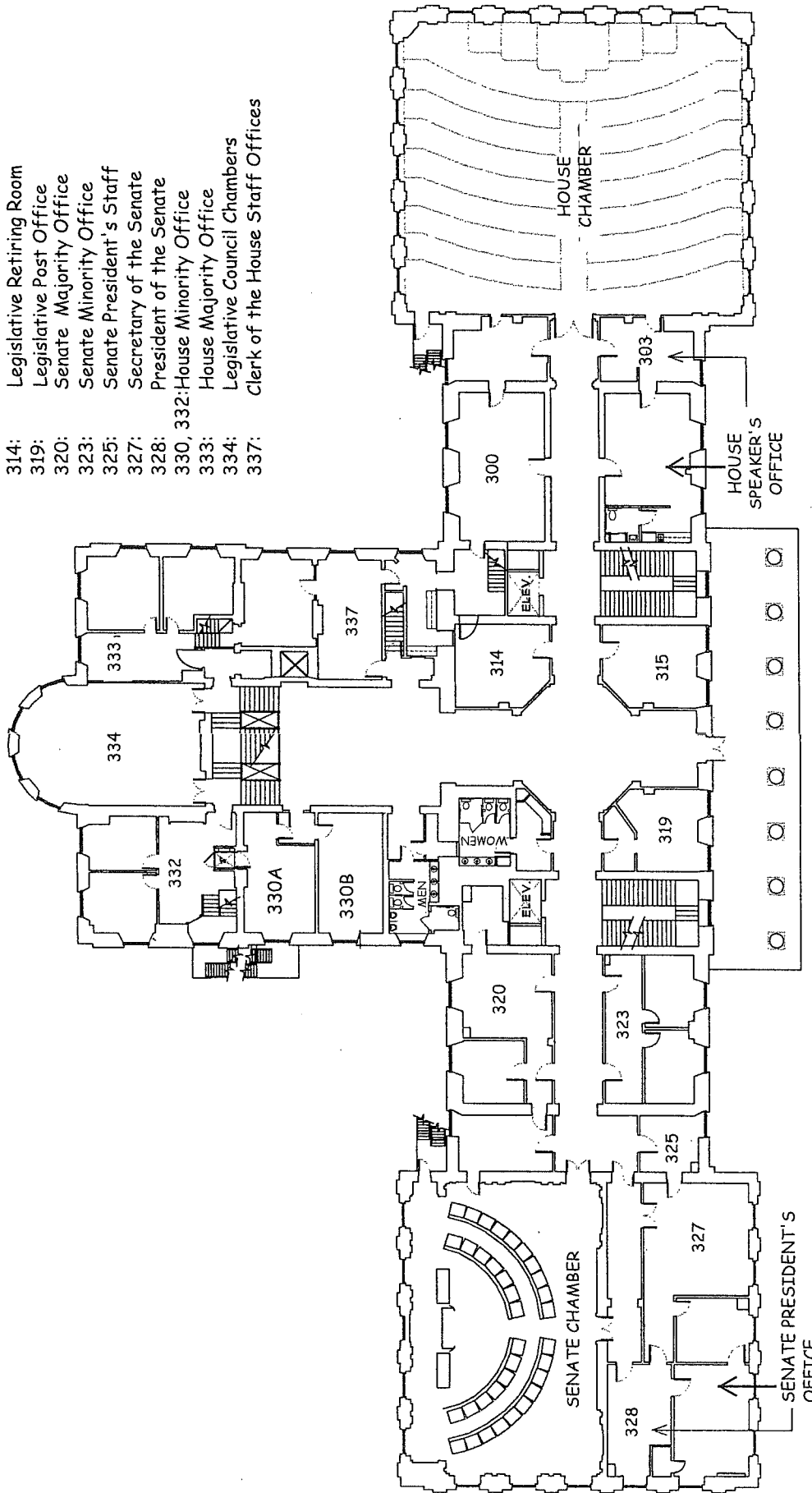
- 201 - 203: Law and Legislative Reference Library Staff
- 204: Law and Legislative Reference Library
- 221, 223, 225: Governor's Staff
- 226: Office of Fiscal and Program Review
- 228: Appropriations Committee Room and Chairs' Offices
- 236: Governor's Office
- 245: Governor's Cabinet Room
- 254: Governor's Suite
- 262: Legislative Information Technology Office



SECOND FLOOR PLAN

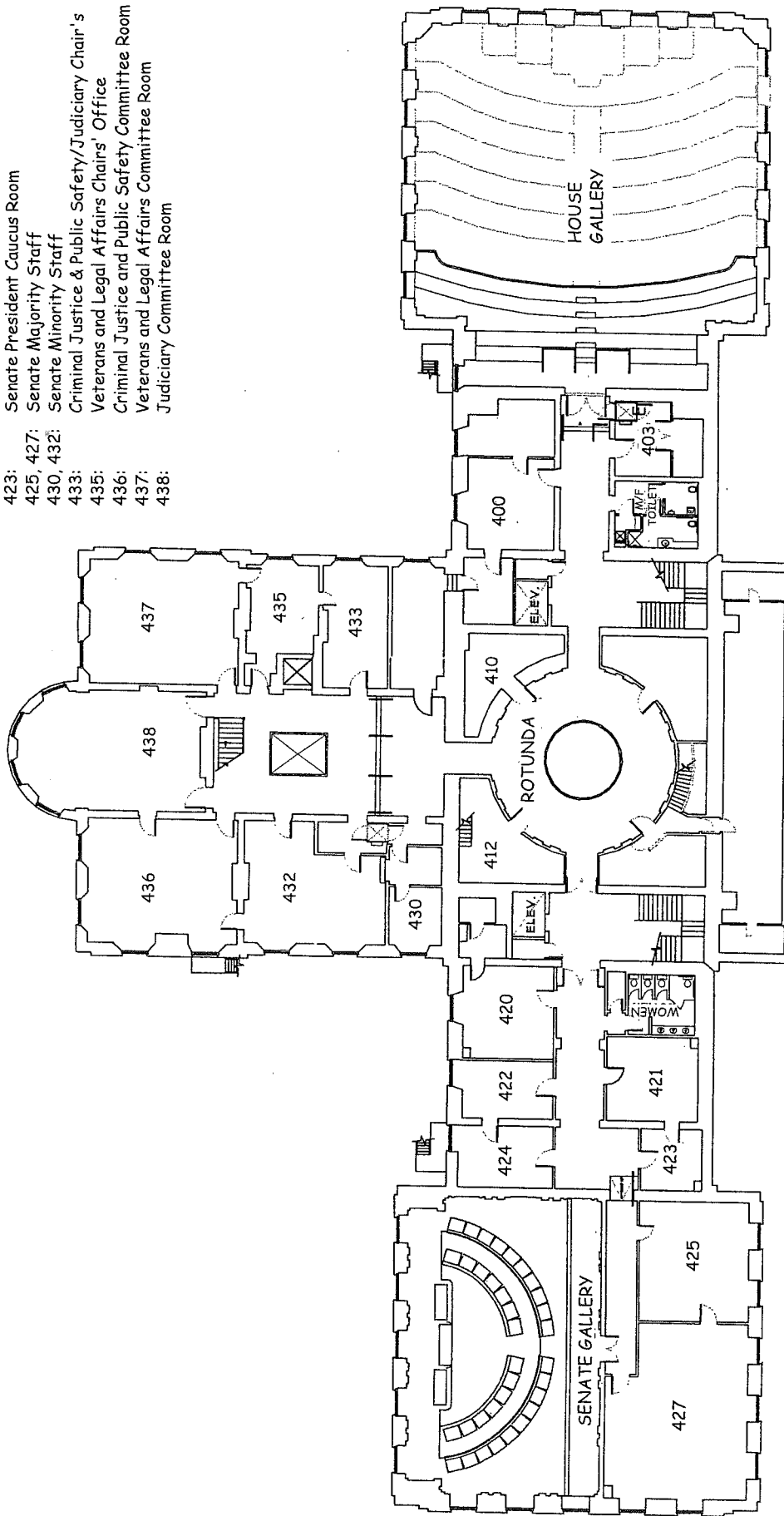
MEZZANINE (INFORMATION TECHNOLOGY)

- 300: Clerk of the House
- 303: Speaker of the House
- 315: House Chamber Staff
- 314: Legislative Retiring Room
- 319: Legislative Post Office
- 320: Senate Majority Office
- 323: Senate Minority Office
- 325: Senate President's Staff
- 327: Secretary of the Senate
- 328: President of the Senate
- 330, 332: House Minority Office
- 333: House Majority Office
- 334: Legislative Council Chambers
- 337: Clerk of the House Staff Offices



THIRD FLOOR PLAN

- 400: Speaker of the House Staff
- 403: Clerk of the House Staff & ADA to House Gallery
- 410: Speaker of the House Caucus Room
- 412: Copy Room
- 420: Legislative Retiring Room
- 421: Secretary of Senate Staff
- 422, 424: Senate President's Staff
- 423: Senate President Caucus Room
- 425, 427: Senate Majority Staff
- 430, 432: Senate Minority Staff
- 433: Criminal Justice & Public Safety/Judiciary Chair's
- 435: Veterans and Legal Affairs Chairs' Office
- 436: Criminal Justice and Public Safety Committee Room
- 437: Veterans and Legal Affairs Committee Room
- 438: Judiciary Committee Room



FOURTH FLOOR PLAN