

SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION

S.F. No. 3853

(SENATE AUTHORS: HALL)

DATE  
03/29/2018

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OFFICIAL STATUS  
Introduction and first reading  
Referred to State Government Finance and Policy and Elections

1.1 A bill for an act  
1.2 relating to government contracting; modifying best value contract requirements;  
1.3 amending Minnesota Statutes 2016, section 16C.28, subdivision 1b.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2016, section 16C.28, subdivision 1b, is amended to read:

1.6 Subd. 1b. **Best value; definition.** For the purposes of construction, building, alteration,  
1.7 improvement, or repair services, "best value" describes the result determined by a  
1.8 procurement method that considers ~~price and other~~ objective criteria, ~~which may include,~~  
1.9 ~~but are not limited to~~ which have been communicated to the bidders in the solicitation  
1.10 document and assigned a weight consistent with all of the following:

1.11 ~~(1) the quality of the vendor's or contractor's performance on previous projects;~~

1.12 ~~(2) the timeliness of the vendor's or contractor's performance on previous projects;~~

1.13 ~~(3) the level of customer satisfaction with the vendor's or contractor's performance on~~  
1.14 ~~previous projects;~~

1.15 ~~(4) the vendor's or contractor's record of performing previous projects on budget and~~  
1.16 ~~ability to minimize cost overruns;~~

1.17 ~~(5) the vendor's or contractor's ability to minimize change orders;~~

1.18 ~~(6) the vendor's or contractor's ability to prepare appropriate project plans;~~

1.19 ~~(7) the vendor's or contractor's technical capabilities;~~

1.20 ~~(8) the individual qualifications of the contractor's key personnel; or~~

2.1 ~~(9) the vendor's or contractor's ability to assess and minimize risks.~~

2.2 ~~"Performance on previous projects" does not include the exercise or assertion of a person's~~  
2.3 ~~legal rights. This definition does not apply to sections 16C.32, 16C.33, 16C.34, and 16C.35.~~

2.4 (1) price, which must be at least 85 percent of the total weight assigned;

2.5 (2) schedule;

2.6 (3) risk mitigation plans;

2.7 (4) cost savings;

2.8 (5) construction means and methods;

2.9 (6) technical qualifications;

2.10 (7) key personnel;

2.11 (8) quality control;

2.12 (9) safety programs;

2.13 (10) financial capability;

2.14 (11) past performance;

2.15 (12) quality of prior projects; and

2.16 (13) other criteria the commissioner determines by rule. This criteria may not include  
2.17 union or nonunion status, change order history, assertion of legal or contract rights, customer  
2.18 satisfaction, geographic benefit, public relations, or contractor's inventory of construction  
2.19 equipment.