A bill for an act

relating to state government; prohibiting contracts under competitive bidding process for certain offenses; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

Section 1. **[16C.261] COMPETITIVE BIDDING PROCESS; CRIMINAL OR CIVIL JUDGMENT.**

Subdivision 1. **Contract prohibited for certain criminal or civil judgments.** No commissioner or government agency shall enter into any agreement for the provision of equipment, products, or services, whether through any competitive bidding process or not, with any company or entity, including officers, directors, or beneficial owners that, within the five-year period preceding the agreement, has:

(1) been convicted or had a civil judgment rendered against the company or entity for the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a transaction or contract;

(2) violated any federal or state antitrust statutes;

(3) committed embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) paid any federal or state entity an amount in excess of $1,000,000 to settle any claims or allegations of improper billing, collusion, failure to disclose requisite information, or bid rigging.

Subd. 2. **Applicant to certify.** After January 1, 2008, in every agreement with the state of Minnesota for the provision of equipment, products, or services, whether through any competitive bidding process or not, and in every request for proposal, request for qualifications, request for services, or similar competitive bidding process, the state shall require each applicant to certify that the applicant, including its officers, directors, or beneficial owners has not, within the five-year period preceding such date:

(1) been convicted or had a civil judgment rendered against the applicant for the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a transaction or contract;

(2) violated any federal or state antitrust statutes;

(3) committed embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) paid any federal or state entity an amount in excess of $1,000,000 to settle any claims or allegations of improper billing, collusion, failure to disclose requisite information, or bid rigging.

Subd. 3. **Contract termination; notice requirement.** All commissioners and government agencies that have, as of the day of enactment of this section, any agreement for the provision of equipment, products, or services, whether through any competitive bidding process or not, with any company or entity, including officers, directors, or beneficial owners that, within the five-year period preceding the date of such agreement, has:

(1) been convicted or had a civil judgment rendered against the company or entity for the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a transaction or contract;

(2) violated any federal or state antitrust statutes;

(3) committed embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) paid any federal or state entity an amount in excess of $1,000,000 to settle any claims or allegations of improper billing, collusion, failure to disclose requisite information, or bid rigging, shall immediately terminate the agreement by providing a 30-day notice.

Subd. 4. **Repealer.** This section is repealed June 30, 2009.