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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1943

02/25/2014 Authored by Mullery

The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to state government; changing a provision for state procurement;
1.3 amending Minnesota Statutes 2012, section 16C.03, subdivision 3.

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

1.5 Section 1. Minnesota Statutes 2012, section 16C.03, subdivision 3, is amended to read:

1.6 Subd. 3. **Acquisition authority.** The commissioner shall acquire all goods, services,
1.7 and utilities needed by agencies. The commissioner shall acquire goods, services, and
1.8 utilities by requests for bids, requests for proposals, reverse auctions as provided in
1.9 section 16C.10, subdivision 7, or other methods provided by law, unless a section of law
1.10 requires a particular method of acquisition to be used. The commissioner shall make all
1.11 decisions regarding acquisition activities. The determination of the acquisition method
1.12 and all decisions involved in the acquisition process, unless otherwise provided for by law,
1.13 shall be based on best value which includes an evaluation of price and may include other
1.14 considerations including, but not limited to, environmental considerations, quality, and
1.15 vendor performance. A best value determination must be based on the evaluation criteria
1.16 detailed in the solicitation document. If criteria other than price are used, the solicitation
1.17 document must state the relative importance of price and other factors. Any or all responses
1.18 may be rejected. When using the request for bid process, the bid must be awarded to the
1.19 lowest responsive and responsible bidder, taking into consideration conformity with the
1.20 specifications, terms of delivery, the purpose for which the contract or purchase is intended,
1.21 the status and capability of the vendor, and other considerations imposed in the request
1.22 for bids. When determining whether the lowest bidder is responsive and responsible, the
1.23 commissioner must consider the quality and timeliness of the bidder's past work and
1.24 whether the bidder has not always complied with all laws, rules, and goals of the state,

2.1 including but not limited to failure to pay employees all they are due and on time, including
2.2 benefits, payroll tax, unemployment compensation, workers' compensation, payroll
2.3 records, OSHA violations, taxes, prevailing wages, targeted group businesses and diverse
2.4 business enterprises, apprenticeship programs, causing work stoppages or causing delays
2.5 or disturbances by failure to pay subcontractors on time, and laws relating to independent
2.6 contractors. The commissioner shall keep records for five years showing the considerations
2.7 made regarding the determination of whether the bidder is responsive and responsible,
2.8 including why a bidder is awarded the bid if they have violations. The commissioner may
2.9 decide which is the lowest responsible bidder for all purchases and may use the principles
2.10 of life-cycle costing, where appropriate, in determining the lowest overall bid. The duties
2.11 set forth in this subdivision are subject to delegation pursuant to this section.