

CHAPTER 420—S.F.No. 2972

An act relating to state government; authorizing open bidding for state purchases; amending Minnesota Statutes 1998, sections 16C.03, subdivision 3; and 16C.10, by adding a subdivision.

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

Section 1. Minnesota Statutes 1998, section 16C.03, subdivision 3, is amended to read:

Subd. 3. **ACQUISITION AUTHORITY.** The commissioner shall acquire all goods, services, and utilities needed by agencies. The commissioner shall acquire goods, services, and utilities by requests for bids, requests for proposals, reverse auctions as provided in section 16C.10, subdivision 7, or other methods provided by law, unless a section of law requires a particular method of acquisition to be used. The commissioner shall make all decisions regarding acquisition activities. The determination of the acquisition method and all decisions involved in the acquisition process, unless otherwise provided for by law, shall be based on best value which includes an evaluation of price and may include other considerations including, but not limited to, environmental considerations, quality, and vendor performance. A best value determination must be based on the evaluation criteria detailed in the solicitation document. If criteria other than price are used, the solicitation document must state the relative importance of price and other factors. Unless it is determined by the commissioner that an alternative solicitation method provided by law should be used to determine best value, a request for bid must be used to solicit formal responses for all building and construction contracts. Any or all responses may be rejected. When using the request for bid process, the bid must be awarded to the lowest responsive and responsible bidder, taking into consideration conformity with the specifications, terms of delivery, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the request for bids. The commissioner may decide which is the lowest responsible bidder for all purchases and may use the principles of life-cycle costing, where appropriate, in determining the lowest overall bid. The duties set forth in this subdivision are subject to delegation pursuant to this section.

Sec. 2. Minnesota Statutes 1998, section 16C.10, is amended by adding a subdivision to read:

Subd. 7. **REVERSE AUCTION.** (a) For the purpose of this subdivision, "reverse auction" means a purchasing process in which vendors compete to provide goods at the lowest selling price in an open and interactive environment.

New language is indicated by underline, deletions by ~~strikeout~~.

(b) The provisions of section 16C.06, subdivisions 2 and 3, do not apply when the commissioner determines that a reverse auction is the appropriate purchasing process.

Presented to the governor April 14, 2000

Signed by the governor April 18, 2000, 10:35 a.m.

CHAPTER 421—S.F.No. 2615

An act relating to public health; child protection; providing procedures for leaving an unharmed newborn at a hospital with a hospital employee; providing for certain reporting; providing immunity from liability for hospitals and their personnel for receiving a newborn; modifying certain social service agency duties; providing immunity from prosecution for leaving an unharmed newborn at a hospital; proposing coding for new law in Minnesota Statutes, chapters 145; 260C; and 609.

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

Section 1. [145.902] SAFE PLACE FOR NEWBORNS; HOSPITAL DUTIES AND IMMUNITY FROM LIABILITY.

Subdivision 1. **GENERAL.** (a) A hospital licensed under sections 144.50 to 144.56 shall receive a newborn left with a hospital employee on the hospital premises, provided that:

(1) the newborn was born within 72 hours of being left at the hospital, as determined within a reasonable degree of medical certainty; and

(2) the newborn is left in an unharmed condition.

(b) The hospital must not inquire as to the identity of the mother or the person leaving the newborn or call the police, provided the newborn is unharmed when presented to the hospital. The hospital may ask the mother or the person leaving the newborn about the medical history of the mother or newborn but the mother or the person leaving the newborn is not required to provide any information. The hospital may provide the mother or the person leaving the newborn with information about how to contact relevant social service agencies.

Subd. 2. **REPORTING.** Within 24 hours of receiving a newborn under this section, the hospital must inform the local welfare agency that a newborn has been left at the hospital, but must not do so before the mother or the person leaving the newborn leaves the hospital.

Subd. 3. **IMMUNITY.** (a) A hospital with responsibility for performing duties under this section, and any employee, doctor, or other medical professional working at the hospital, are immune from any criminal liability that otherwise might result from their actions, if they are acting in good faith in receiving a newborn, and are immune from any civil liability that otherwise might result from merely receiving a newborn.

New language is indicated by underline, deletions by ~~strikeout~~.