

the vendor, and other considerations imposed in the call for bids. The commissioner may decide which is the lowest responsible bidder for all contracts and may use the principles of life cycle costing, where appropriate, in determining the lowest overall bid. The head of the interested agency shall make the decision, subject to the approval of the commissioner. Any or all bids may be rejected. In a case where competitive bids are required and where all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law.

Subd. 2. ALTERATIONS AND ERASURES. A bid containing an alteration or erasure of any price contained in the bid which is used in determining the lowest responsible bid must be rejected unless the alteration or erasure is corrected under this subdivision. An alteration or erasure may be crossed out and the correction printed in ink or typewritten adjacent to it and initialed in ink by the person signing the bid.

Subd. 3. SPECIAL CIRCUMSTANCES. The commissioner may reject the bid of any bidder who has failed to perform a previous contract with the state. In the case of identical low bids from two or more bidders, the commissioner may use negotiated procurement methods with the tied low bidders for that particular transaction so long as the price paid does not exceed the low tied bid price. The commissioner may award contracts to more than one bidder in accordance with subdivision 1, if doing so does not decrease the service level or diminish the effect of competition.

Subd. 4. RECORD. A record must be kept of all bids, including names of bidders, amounts of bids, and each successful bid. This record is open to public inspection.

Subd. 5. PREFERENCES NOT CUMULATIVE. The preferences under sections 16B.121, 16C.06, subdivision 7, and 16C.16 apply, but are not cumulative. The total percentage of preference granted on a contract may not exceed the highest percentage of preference allowed for that contract under any one of those sections.

Sec. 5. [16C.29] CONTRACT MANAGEMENT AND REVIEW.

The commissioner must develop procedures to audit agency personnel to whom the commissioner has delegated contracting authority, in order to ensure compliance with laws and guidelines governing issuance of contracts, including laws and guidelines governing conflicts of interest.

Sec. 6. EFFECTIVE DATE.

This act is effective August 1, 2002.

Presented to the governor March 20, 2002

Signed by the governor March 22, 2002, 2:01 p.m.

CHAPTER 255—S.F.No. 1072

An act relating to state government; designating the photograph "Grace" as the state photograph; proposing coding for new law in Minnesota Statutes, chapter 1.

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

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

Section 1. [1.1498] STATE PHOTOGRAPH.

Subdivision 1. DESIGNATION. The world-renowned photograph "Grace," depicting an elderly man bowing his head and giving thanks, taken in Bovey, Minnesota, in 1918, by Eric Enstrom, is designated as the state photograph.

Subd. 2. PLACEMENT. A copy of the photograph "Grace" must be displayed in the office of the secretary of state.

Presented to the governor March 20, 2002

Signed by the governor March 22, 2002, 2:00 p.m.

CHAPTER 256—S.F.No. 2834

An act relating to Steele county; permitting the appointment of the county recorder.

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

Section 1. RECORDER MAY BE APPOINTED.

Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Steele county board of commissioners, the office of county recorder in the county is not elective but must be filled by appointment by the county board as provided in the resolution. Before the county board may adopt a resolution under this section, the board must hold a public hearing on the proposal to appoint the county recorder.

Sec. 2. BOARD CONTROLS, MAY CHANGE AS LONG AS DUTIES DONE.

Upon adoption of a resolution by the Steele county board of commissioners and subject to sections 3 and 4, the duties of the elected official required by statute whose office is made appointive as authorized by this act must be discharged by the board of commissioners of Steele county acting through a department head appointed by the board for that purpose. A reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Sec. 3. INCUMBENT TO COMPLETE TERM.

The person currently serving as county recorder must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the current term of office or until a vacancy occurs in the office, whichever occurs earlier.

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