

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 1715

02/27/2017 Authored by O'Neill and Garofalo
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act
1.2 relating to data practices; classifying data related to applicants for small business
1.3 procurement programs; amending Minnesota Statutes 2016, section 13.591,
1.4 subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2016, section 13.591, subdivision 3, is amended to read:

1.7 Subd. 3. **Business as vendor.** (a) Data submitted by a business to a government entity
1.8 in response to a request for bids as defined in section 16C.02, subdivision 11, are private
1.9 or nonpublic until the time and date specified in the solicitation that bids are due, at which
1.10 time the name of the bidder and the dollar amount specified in the response become public.
1.11 All other data in a bidder's response to a bid are private or nonpublic data until completion
1.12 of the selection process. For purposes of this section, "completion of the selection process"
1.13 means that the government entity has completed its evaluation and has ranked the responses.
1.14 After a government entity has completed the selection process, all remaining data submitted
1.15 by all bidders are public with the exception of trade secret data as defined and classified in
1.16 section 13.37. A statement by a bidder that submitted data are copyrighted or otherwise
1.17 protected does not prevent public access to the data contained in the bid.

1.18 If all responses to a request for bids are rejected prior to completion of the selection
1.19 process, all data, other than the name of the bidder and the dollar amount specified in the
1.20 response, remain private or nonpublic until a resolicitation of bids results in completion of
1.21 the selection process or a determination is made to abandon the purchase. If the rejection
1.22 occurs after the completion of the selection process, the data remain public. If a resolicitation
1.23 of bids does not occur within one year of the bid opening date, the remaining data become
1.24 public.

2.1 (b) Data submitted by a business to a government entity in response to a request for
2.2 proposal, as defined in section 16C.02, subdivision 12, are private or nonpublic until the
2.3 time and date specified in the solicitation that proposals are due, at which time the name of
2.4 the responder becomes public. All other data in a responder's response to a request for
2.5 proposal are private or nonpublic data until completion of the evaluation process. For
2.6 purposes of this section, "completion of the evaluation process" means that the government
2.7 entity has completed negotiating the contract with the selected vendor. After a government
2.8 entity has completed the evaluation process, all remaining data submitted by all responders
2.9 are public with the exception of trade secret data as defined and classified in section 13.37.
2.10 A statement by a responder that submitted data are copyrighted or otherwise protected does
2.11 not prevent public access to the data contained in the response.

2.12 If all responses to a request for proposal are rejected prior to completion of the evaluation
2.13 process, all data, other than the names of the responders, remain private or nonpublic until
2.14 a resolicitation of the requests for proposal results in completion of the evaluation process
2.15 or a determination is made to abandon the purchase. If the rejection occurs after the
2.16 completion of the evaluation process, the data remain public. If a resolicitation of proposals
2.17 does not occur within one year of the proposal opening date, the remaining data become
2.18 public.

2.19 (c) Financial data that a business submits to the commissioner of administration as part
2.20 of an application for the small business procurement programs authorized by section 16C.16
2.21 are private or nonpublic. Financial data includes, but is not limited to, the business's credit
2.22 reports, financial statements, net worth calculations, business plans, income and expense
2.23 projections, balance sheets or other lists of assets and liabilities, income data, customer lists,
2.24 tax returns, and design, market, and feasibility studies not paid for with public funds.