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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2293

03/09/2017 Authored by Neu by request The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to state government; requiring a contracting agency to meet with vendors
1.3 prior to issuing a notice of proposed contract; amending Minnesota Statutes 2016,
1.4 sections 15.061; 16C.08, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2016, section 15.061, is amended to read:

1.7 15.061 PROFESSIONAL OR TECHNICAL SERVICES.

1.8 In accordance with sections 16C.03 and 16C.08, the head of a state department or agency
1.9 may, with the approval of the commissioner of administration, contract for professional or
1.10 technical services in connection with the operation of the department or agency. A contract
1.11 negotiated under this section is not subject to the competitive bidding requirements of
1.12 chapter 16C. Before issuing a notice of a proposed contract for professional or technical
1.13 services in excess of \$25,000, the agency must issue an invitation to meet under section
1.14 16C.08, subdivision 3, paragraph (b).

1.15 Sec. 2. Minnesota Statutes 2016, section 16C.08, subdivision 3, is amended to read:

1.16 Subd. 3. **Review of professional or technical services transactions.** (a) Before issuing
1.17 notice of a proposed contract for professional or technical services in excess of \$25,000,
1.18 the agency must provide the solicitation document along with the following for review and
1.19 approval by the commissioner:

1.20 (1) a certification that all provisions of subdivision 2 and section 16C.16 have been
1.21 verified or complied with;

2.1 (2) a description demonstrating that the work to be performed under the contract is
2.2 necessary to the agency's achievement of its statutory responsibilities and there is statutory
2.3 authority to enter into the contract;

2.4 (3) a description of the agency's plan to notify firms or individuals who may be available
2.5 to perform the services called for in the solicitation;

2.6 (4) a description of the performance measures or other tools that will be used to monitor
2.7 and evaluate contractor performance; and

2.8 (5) a description of the procurement method to be utilized to address accessibility
2.9 standards for technology services.

2.10 (b) Before issuing a notice of a proposed contract for professional or technical services
2.11 in excess of \$25,000, the agency must issue a notice of invitation to meet to discuss the
2.12 proposed contract. The notice of invitation to meet must include a draft of the requirements
2.13 for the contract. The notice of invitation to meet must set a deadline not less than 28 days
2.14 later for interested vendors to request a meeting. The agency head or a designee must meet
2.15 individually with each vendor who requests a meeting within 14 days of the vendor's request.
2.16 The meeting shall take place in person at the agency head's office, or if the vendor so chooses,
2.17 by telephone. At the meeting, the vendor and the agency may discuss and clarify the
2.18 requirements for the contract and the assumptions that the vendor may make in developing
2.19 a proposal.