

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4397

(SENATE AUTHORS: CARLSON, Anderson, Lang and Frentz)

DATE
02/29/2024

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Introduction and first reading
Referred to State and Local Government and Veterans

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to state contracting; requiring the use of certain procedures in state agency
1.3 contracts involving the professional services of persons regulated by the Board of
1.4 Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience,
1.5 and Interior Design; amending Minnesota Statutes 2022, section 16C.087,
1.6 subdivisions 1, 3.

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

1.8 Section 1. Minnesota Statutes 2022, section 16C.087, subdivision 1, is amended to read:

1.9 Subdivision 1. **Professional services covered.** This section applies to an agency contract
1.10 for professional services of persons regulated by the Board of Architecture, Engineering,
1.11 Land Surveying, Landscape Architecture, Geoscience, and Interior Design ~~for which the~~
1.12 ~~agency, with the approval of the commissioner, decides to use procedures under this section.~~
1.13 ~~If the agency, with the approval of the commissioner, decides to use procedures under this~~
1.14 ~~section, it must comply with subdivisions 2, 3, and 4.~~ This section does not apply to an
1.15 agency contract that is subject to section 16B.33.

1.16 Sec. 2. Minnesota Statutes 2022, section 16C.087, subdivision 3, is amended to read:

1.17 Subd. 3. **Procedures.** Subject to subdivision 2, procedures for screening and selection
1.18 of contractors are within the sole discretion of the agency ~~and~~ but must be approved by the
1.19 commissioner ~~when the agency seeks approval to use this alternative.~~ Procedures may be
1.20 adjusted to accommodate the agency's cost, scope, and schedule objectives for a particular
1.21 project. Screening and selection procedures may include a consideration of each contractor's:

1.22 (1) specialized expertise, capabilities, and technical competence as demonstrated by the
1.23 proposed approach and methodology to meet the project requirements;

2.1 (2) resources available to perform the work, including any specialized services, within
2.2 the specified time limits for the project;

2.3 (3) record of past performance, including but not limited to price and cost data from
2.4 previous projects, quality of work, ability to meet schedules, cost control, and contract
2.5 administration;

2.6 (4) ownership status and employment practices regarding women, minorities, and
2.7 emerging small businesses or historically underutilized businesses;

2.8 (5) availability to the project locale;

2.9 (6) familiarity with the project locale;

2.10 (7) proposed project management techniques; and

2.11 (8) ability and proven history in handling special project constraints.

2.12 Sec. 3. **EFFECTIVE DATE.**

2.13 Sections 1 and 2 are effective January 1, 2025, and apply to solicitations for contracts
2.14 issued on or after that date.