

2010 -- S 2190

LC00454

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES

Introduced By: Senator Maryellen Goodwin

Date Introduced: February 09, 2010

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 37-2-9 of the General Laws in Chapter 37-2 entitled "State  
2 Purchases" is hereby amended to read as follows:

3 **37-2-9. Authority and duties of the chief purchasing officer.** -- (a) The chief  
4 purchasing officer shall have power and authority over, and may, except as otherwise expressly  
5 provided in this chapter, adopt regulations pursuant to section 42-35-2 and consistent with this  
6 chapter governing the purchasing, management, and control of any and all supplies, services,  
7 construction, and other items required to be purchased by the state. The chief purchasing officer  
8 shall consider and decide matters of policy with regard to state procurement. The chief  
9 purchasing officer shall have the power of review with respect to the implementation of  
10 regulations and policy determinations.

11 (b) Regulations shall be adopted governing the following:

12 (1) Conditions and procedures for delegations of purchasing authority;

13 (2) Prequalification, suspension, debarment, and reinstatement of prospective bidders;

14 (3) Small purchase procedures;

15 (4) Conditions and procedures for the purchase of perishables and items for resale;

16 (5) Conditions and procedures for the use of source selection methods authorized by this  
17 chapter including emergency purchases;

18 (6) Opening and rejection of bids or offers, consideration of alternate bids, and waiver of  
19 informalities in offers;

- 1 (7) Confidentiality of technical data and trade secrets information submitted by actual or  
2 prospective bidders or offerors;
- 3 (8) Partial, progressive, and multiple awards;
- 4 (9) Supervision of storerooms and inventories, including determination of appropriate  
5 stock levels and the management, transfer, sale, or other disposal of state owned property;
- 6 (10) Definitions and classes of contractual services and procedures for acquiring them;
- 7 (11) To sell, trade, or otherwise dispose of surplus supplies and services for the state;
- 8 (12) To exercise general supervision and control over all warehouses, storerooms, stores,  
9 and all inventories of supplies, services, and construction belonging to the state;
- 10 (13) To establish and maintain programs for the development and use of purchasing  
11 specifications, and for the inspection, testing, and acceptance of supplies, services, and  
12 construction;
- 13 (14) To develop a program which involves and/or utilizes small business and small  
14 disadvantaged business as contractors;
- 15 (15) To develop standards of conduct which supplement the provisions of chapter 14 of  
16 title 36, as amended, for personnel involved in the state of Rhode Island purchasing process;
- 17 (16) For all contracts for supplies and services exceeding ten thousand dollars (\$10,000),  
18 contractors must comply with the requirements of federal executive order no. 11246, as amended,  
19 section 28-5.1-10, and other regulations as issued by the purchasing agent, and administered by  
20 the state equal opportunity office of the department of administration. Failure to comply will be  
21 considered a substantial breach of the contract subject to penalties prescribed in the regulations.
- 22 (17) Add a percent increase to the bid of a nonresident bidder equal to the percent, if any,  
23 of the preference given to the bidder in the state in which the bidder resides. For the purposes of  
24 this section “Nonresident bidder” means a bidder who is not a resident bidder. “Resident bidder”  
25 means a bidder that has paid unemployment taxes or income taxes in this state during the twelve  
26 (12) calendar months immediately preceding submission of the bid, has a business address in this  
27 state and has stated in the bid whether the bidder is a “resident bidder” under this paragraph.  
28 Commencing on January 1, 2010, the department of administration shall annually publish a list of  
29 states that give preference to in-state bidders with the percent increase applied in each state. A  
30 contracting agency may rely on the names of states and percentages so published in determining  
31 the lowest responsible bidder without incurring any liability to any bidder.

1           (c) The chief purchasing officer may adopt such other regulations as deemed advisable to  
2 carry out the purposes of this chapter.

3           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would add a percent increase to the state purchase bids of nonresident bidders  
2 equal to the percent, if any, of the preference given to the bidder in the state in which the bidder  
3 resides.

4           This act would take effect upon passage.

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