

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2090 - SB 2101

February 5, 2024

SUMMARY OF BILL: Establishes that the “procurement file”, as defined in this legislation, rather than “all data” must be made available for inspection to each respondent of a solicitation, upon request.

Increases, subject to agreement by all members of the Procurement Commission, the informal solicitations maximum threshold from \$50,000 to \$100,000, upon which the commission may establish informal procurement rules, regulations, policies, and procedures.

Increases, subject to agreement by all members of the commission, the small purchases maximum threshold, from \$10,000 to \$25,000, upon which the commission may establish small purchase rules, regulations, policies, and procedures.

Authorizes the chief procurement officer to solely determine whether a protest bond must be provided to the state by a protesting party. Establishes that, besides the record of a protest and any discovery relating thereto, all other records shall be prohibited from use as evidence, unless any such record is mutually agreed by both parties. Establishes evidential requirements for protesting parties and grounds upon which a filed protest is not actionable.

Requires the Protest Committee to resolve a request for consideration within 60 calendar days of receipt of such request.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- “Data”, relative to public purchases, is defined as any recorded information, regardless of its form or characteristic. The proposed legislation defines “procurement file” to mean the record of a solicitation, as set forth in the policies and procedures of the Central Procurement Office, which includes a list of specified records.
- Establishing that the “procurement file” instead of “all data” is available for inspection upon request by a respondent of a solicitation is anticipated to limit certain information from such disclosure. However, any such limitation will not significantly impact public purchases or result in a significant impact on state revenue or expenditures.

- Based on information provided by the Department of General Services (DGS), raising the thresholds for informal solicitations and small purchases will expedite the procurement process for certain informal or small purchases, but is not estimated to have a significant fiscal impact upon state government.
- Based on information provided by the DGS, the Protest Committee can meet the new requirement to resolve a request for consideration in a 60-day period extending from receipt of such request, utilizing existing resources.
- This legislation is not estimated to have a significant fiscal impact on the current procurement process of the state or any future purchases made thereby.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jb