

SENATE BILL 1713

By Yager

AN ACT to amend Tennessee Code Annotated, Title 62,
Chapter 6, Part 1, relative to requirements given in
invitations to bidders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-6-119, is amended by deleting the section in its entirety and substituting the following:

(a) Any person or entity preparing plans, specifications or any other documentation for inclusion in an invitation to bid or comparable bid document including any electronic bidding documents, shall reference this chapter in such documentation and include a specific statement informing the invited bidder that it is necessary for such bidder to provide evidence of compliance with the applicable provisions of this chapter before such bid may be considered.

(b) The person or entity involved in the preparation of the invitation to bid or comparable bid documents, including any electronic bid documents, shall require that the following information be furnished with the bid or within the bid document:

(1) The name, license number, expiration date thereof, and license classification of the contractors applying to bid for the prime contract;

(2) The name, license number, expiration date thereof, and license classification of the contractors applying to bid for the masonry contract where the total cost of the materials and labor for the masonry portion of the project exceeds one hundred thousand dollars (\$100,000);

(3) The name, license number, expiration date thereof, and license classification of the contractors applying to bid for the electrical, plumbing,

heating, ventilation, and air conditioning contracts except when their portion of the contract is less than twenty-five thousand dollars (\$25,000);

(4) For each vertical closed loop geothermal heating and cooling project, the company name, department of environment and conservation license number, classification (G, L or G,L) and the expiration date, except when the bid is in an amount less than twenty-five thousand dollars (\$25,000); and

(5) Prime contractor bidders who are to perform the masonry portion of the construction project which exceeds one hundred thousand dollars (\$100,000), materials and labor, the electrical, plumbing, heating, ventilation and air conditioning or the geothermal heating and cooling must be so designated.

(c) Failure of any bidder to furnish the required information shall void such bid and such bid shall not be considered. Upon opening of the bid envelope or acceptance of an electronic bid, the names of all contractors listed shall be read aloud at the official bid opening and incorporated into the bid. Prior to awarding a contract, the awarding person or entity and its authorized representatives shall verify the accuracy, correctness and completeness of the required information, and any mistakes found may be corrected within twenty-four (24) hours after the bid opening excluding weekends and state-recognized holidays.

(d) No invitation to bid may require that:

(1) Any subcontractor be identified, listed or designated until the final bid submission by the prime contractor; and

(2) Any prime contractor accept the bid of any subcontractor until the final bid submission by the prime contractor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.