

2025 -- S 0945 SUBSTITUTE A

LC002535/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- RHODE ISLAND ANTI-BID-RIGGING ACT

Introduced By: Senators DiPalma, Lauria, de la Cruz, Raptakis, McKenney, LaMountain, Bissaillon, Lawson, Sosnowski, and Murray
Date Introduced: April 04, 2025

Referred To: Senate Judiciary
(Attorney General)

It is enacted by the General Assembly as follows:

- 1
- SECTION 1. Title 37 of the General Laws entitled "PUBLIC PROPERTY AND WORKS"
- 2
- is hereby amended by adding thereto the following chapter:
- 3
- CHAPTER 27
- 4
- RHODE ISLAND ANTI-BID-RIGGING ACT
- 5
- 37-27-1. Short title.**
- 6
- This chapter shall be known and may be cited as the “Rhode Island Anti-Bid-Rigging Act.”
- 7
- 37-27-2. Definitions.**
- 8
- For the purposes of this chapter, unless the context clearly requires otherwise:
- 9
- (1) “Bid rigging” means an intentional and concerted activity of two (2) or more persons
- 10
- to predetermine the winning bidder of a contract proposed, offered, or otherwise submitted for
- 11
- competitive bidding by a government entity including, but not limited to, a contract proposed,
- 12
- offered, or otherwise submitted for competitive bidding in violation of processes set forth pursuant
- 13
- to law, regulation or ordinance including, but not limited to, procurement processes established
- 14
- pursuant to chapter 2 of title 37 or chapter 55 of title 45, or regulations promulgated thereto:
- 15
- (i) “Bid rigging” includes, but is not limited to, any one or more of the following:
- 16
- (A) Price fixing;
- 17
- (B) Submitting identical bids;
- 18
- (C) Rotating bids;

1 (D) Sharing profits with a contractor who does not submit the low bid;

2 (E) Submitting prearranged bids, agreed-upon higher or lower bids or other complementary
3 bids;

4 (F) Dividing up territories to restrict competition; and/or

5 (G) Not submitting a bid;

6 (ii) Notwithstanding other provisions of this chapter, it is not unlawful for the same person
7 to simultaneously submit bids for the same work, or a portion thereof, as a proposed prime
8 contractor and subcontractor.

9 (2) “Debarment” means the exclusion from all state procurements and termination of
10 existing or outstanding contracts.

11 (3) “Person” means an individual or a firm, association, organization, business trust,
12 company, corporation, joint venture, partnership, proprietorship, or other business entity, whether
13 or not for profit, and any government or public entity.

14 (4) “Government entity” means any department, commission, council, board, bureau,
15 committee, institution, legislative body, agency, or government corporation of the executive,
16 legislative, or judicial branches of state, and/or local governments including, but not limited to,
17 those entities defined in § 37-2-7 relating to state governmental entities, public agencies, state
18 agencies, and governmental entities.

19 (5) “Prime contractor” means any person who has entered into a public contract.

20 **37-27-3. Bid rigging prohibited.**

21 It is unlawful for any person to knowingly conspire, collude, combine, or agree with
22 another to commit or attempt to commit bid rigging involving:

23 (1) A contract for the purchase of equipment, goods, services or materials or a contract for
24 construction or repair proposed, offered, or otherwise submitted by a government entity; or

25 (2) A subcontract for the purchase of equipment, goods, services or materials or for
26 construction or repair with a prime contractor or proposed prime contractor for a government entity.

27 **37-27-4. Intentional interference with contract submission and award by public**
28 **official.**

29 (a) It is unlawful for any person who is an official of or employed by any unit of state or
30 local government, or any public officers who are subject to the code of ethics set forth in § 36-14-
31 4, to knowingly and willfully convey, outside of any official procurement process adopted pursuant
32 to law, regulation or ordinance by that unit of government including, but not limited, to
33 procurement processes established pursuant to chapter 2 of title 37 or chapter 55 of title 45, or
34 regulations promulgated thereto, to any person any information concerning the specifications for

1 such contract or the identity of any particular potential subcontractors, when conveyance of such
2 information concerning the specifications or contractors in the bid or offer is intended to improperly
3 influence acceptance of such bid or offer in contravention of the official procurement process. It
4 shall not constitute a violation of this subsection to convey information intended to clarify plans or
5 specifications regarding a public contract where such disclosure of information is also made
6 generally available to the public.

7 (b) It is unlawful for any person who is an official of or employed by any unit of state or
8 local government, or any public officers who are subject to the code of ethics set forth in § 36-14-
9 4, to knowingly and willfully take any action to deliberately and improperly influence the award in
10 favor of a particular bidder, prime contractor or subcontractor in contravention of official
11 procurement processes set forth pursuant to law, regulation or ordinance including, but not limited,
12 to procurement processes established pursuant to chapter 2 of title 37 or chapter 55 of title 45, or
13 regulations promulgated thereto, when such invitation to bid is required by law, regulation, or
14 ordinance.

15 **37-27-5. Penalties.**

16 (a) Unless otherwise specified, any violation of §§ 37-27-3 or 37-27-4 shall be deemed a
17 felony punishable by imprisonment not exceeding three (3) years and by a fine of up to one million
18 dollars (\$1,000,000) or three (3) times the value of the submitted award or bid, whichever is greater.
19 Any criminal proceeding brought pursuant to this chapter must be commenced within three (3)
20 years after the alleged criminal act occurred.

21 (b) It shall not constitute a violation of this chapter when any person who is an official of
22 or employed by any unit of state or local government follows procedures established by federal,
23 state or local laws or regulations including, but not limited, to processes established pursuant to
24 chapter 2 of title 37 or chapter 55 of title 45, or regulations promulgated thereto.

25 (c) It shall not constitute a violation of this chapter for any person who is an official of or
26 employed by any unit of state or local government to provide to any person a copy of the transcript
27 or other summary of any pre-bid conference when such transcript or summary is also made
28 generally available to the public.

29 **37-27-6. Debarment.**

30 (a) Any vendor debarred pursuant to this chapter shall not perform work as a prime
31 contractor, consultant, subcontractor or subconsultant for the state and shall be excluded from all
32 state procurements and any contract between the state and the vendor shall be terminated.

33 (b) Any person who is found to be in violation of any provision of this chapter shall be
34 subject to debarment, pursuant to chapter 2 of title 37 or any regulations promulgated thereto, from

1 state contracting for a period of up to five (5) years.

2 (c) A government entity that proposes, offers, or otherwise submits a contract for
3 competitive bidding shall maintain a current list of persons excluded or ineligible, by reason of
4 debarment, for participation in contracts or subcontracts with that government entity.

5 **37-27-7. Severability.**

6 Should any part of this chapter be declared invalid or unenforceable, or the enforcement or
7 compliance with it is suspended, restrained, or barred, either by the state or by the final judgment
8 of a court of competent jurisdiction, the remainder of this chapter shall remain in full force and
9 effect.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC PROPERTY AND WORKS -- RHODE ISLAND ANTI-BID-
RIGGING ACT

- 1 This act would establish the Rhode Island Anti-Bid-Rigging Act.
- 2 This act would take effect upon passage.

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