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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES

Introduced By: Representatives Edwards, Cunha, Price, Coughlin, and Blazejewski

Date Introduced: April 27, 2017

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 37-2-59 and 37-2-62 of the General Laws in Chapter 37-2 entitled  
2 "State Purchases" are hereby amended to read as follows:

3 **37-2-59. Professional services -- Architectural, engineering, and consultant services -**  
4 **- Committee.**

5 (a) Qualifications Based Selection. It shall be the policy of this state to publicly announce  
6 requirements for architectural, engineering, and consultants services, which are reasonably  
7 estimated to exceed twenty thousand dollars (\$20,000), and to negotiate contracts for such  
8 professional services on the basis of demonstrated competence and qualifications and at fair and  
9 reasonable prices.

10 (b) ~~Except for architectural, engineering and consultant services which can be solicited~~  
11 ~~and awarded in accordance with the requirements for competitive sealed offers set forth in §§ 37-~~  
12 ~~2-18 — 37-2-19 of this chapter, Architectural engineering and consultant services shall be~~  
13 ~~evaluated and selected by the selection committee.~~ \* The selection committee shall select persons  
14 or firms to render such professional services. For state agency contracts, the committee shall  
15 consist of the following individuals: the purchasing agent, or his or her designee, as chairman; a  
16 representative of the user agency; and a public member, appointed by the governor, subject to the  
17 advice and consent of the senate, who shall represent the interests of the general public. The  
18 governor may appoint an alternate public member, subject to advice and consent of the senate,  
19 who shall represent the interests of the general public who shall serve in the absence of the public

1 member. The term of the public member shall be concurrent with that of the governor. Three (3)  
2 members, one being the purchasing agent or his or her designee, shall constitute a quorum. A  
3 quorum must be present to conduct business.

4 (c) The procurement of auditing and accounting services shall continue to be subject to  
5 the provisions of §§ 22-13-6 and 35-7-13.

6 **37-2-62. Evaluation of qualifications and performance data.**

7 (a) The committee shall evaluate:

- 8 (1) Statements that may be submitted in response to the solicitation of architectural,  
9 engineering, or consultant services; and  
10 (2) Statements of qualifications and performance data, if their submission was required.

11 (b) All statements and statements of qualifications and performance data shall be  
12 evaluated in light of the criteria set forth in the solicitation for architectural, engineering, or  
13 consultant services.

14 (c) In no case shall the state, prior to selecting a firm for negotiation under §37-2-63, seek  
15 formal or informal submission of verbal or written estimates of costs or proposals in terms of  
16 dollars, hours required, percentage of construction cost, or any other measure of compensation.

17 SECTION 2. Chapter 37-2 of the General Laws entitled "State Purchases" is hereby  
18 amended by adding thereto the following section:

19 **37-2-59.2. Federally funded contracts and prequalification.**

20 (a) Federal requirements. In the procurement of architectural, engineering, and consulting  
21 services and in the awarding of contracts, the state shall comply with federal law and regulations  
22 including, but not limited to, Pub. L. 92-582 (Federal Architect-Engineer Selection Law, Brooks  
23 Law, 40 U.S.C. 541), and take all necessary steps to adapt its rules, specifications, policies, and  
24 procedures accordingly to remain eligible for federal aid.

25 (b) Prequalification. The state shall establish procedures to prequalify firms seeking to  
26 provide architectural, engineering, and consultant services, or may use prequalification lists from  
27 other state agencies to meet the requirements of this section.

28 SECTION 3. 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 allow all architectural, engineering, and consultant services contracts in  
2 excess of twenty thousand dollars (\$20,000) to be evaluated and selected by the selection  
3 committee without verbal or written estimates or proposals prior to selection, and mandate  
4 compliance with federal law regarding federally funded contracts and prequalification.

5           This act would take effect upon passage.

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