

2022 -- H 8102

LC005091

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

Introduced By: Representatives Serpa, Noret, C Lima, Casimiro, and Solomon

Date Introduced: April 06, 2022

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 37-2-54 of the General Laws in Chapter 37-2 entitled "State
2 Purchases" is hereby amended to read as follows:

3 **37-2-54. Chief purchasing officer -- Purchases.**

4 (a) The chief purchasing officer, except as otherwise provided by law, shall purchase, or
5 delegate and control the purchase of, the combined requirements of all spending agencies of the
6 state including, but not limited to, interests in real property, contractual services, rentals of all types,
7 supplies, materials, equipment, and services, except that competitive bids may not be required:

8 (1) For contractual services where no competition exists such as sewage treatment, water,
9 and other public utility services;

10 (2) When, in the judgment of the department of administration, food, clothing, equipment,
11 supplies, or other materials to be used in laboratory and experimental studies can be purchased
12 otherwise to the best advantage of the state;

13 (3) When instructional materials are available from only one source;

14 (4) Where rates are fixed by law or ordinance;

15 (5) For library books;

16 (6) For commercial items that are purchased for resale;

17 (7) For professional, technical, or artistic services;

18 (8) For all other commodities, equipment, and services which, in the reasonable discretion
19 of the chief purchasing officer, are available from only one source;

1 (9) For interests in real property.

2 (10) For works of art for museum and public display;

3 (11) For published books, maps, periodicals, newspaper or journal subscriptions, and
4 technical pamphlets;

5 (12) For licenses for use of proprietary or patented systems; and

6 (13) For services of visiting speakers, professors, performing artists, and expert witnesses.

7 (b) Nothing in this section shall deprive the chief purchasing officer from negotiating with
8 vendors who maintain a general service administration price agreement with the United States of
9 America or any agency thereof or other governmental entities, provided, however, that no contract
10 executed under this provision shall authorize a price higher than is contained in the contract
11 between the general service administration and the vendor affected.

12 (c) The department of administration shall have supervision over all purchases by the
13 various spending agencies, except as otherwise provided by law, and shall prescribe rules and
14 regulations to govern purchasing by or for all spending agencies, subject to the approval of the
15 chief purchasing officer; and shall publish a manual of procedures to be distributed to agencies and
16 to be revised upon issuance of amendments to the procedures. No purchase or contract shall be
17 binding on the state or any agency thereof unless approved by the department or made under general
18 regulations which the chief purchasing officer may prescribe.

19 (d) The chief purchasing officer shall adopt regulations to require agencies to take and
20 maintain inventories of plant and equipment. The department of administration shall conduct
21 periodic physical audits of inventories. The following shall apply with respect to requests for
22 proposals:

23 (1) The chief purchasing officer shall require all requests for proposals include approval:
24 for the request for proposal from the agency director with authority over the funds to be spent on
25 the contracted goods or services; the primary contact person for any request for proposal issued;
26 and the employee of the spending agency who shall manage any resulting contract; and

27 (2) The chief purchasing officer shall confirm there is no conflict of interest, nor an
28 appearance of a conflict, between the interests of an individual appointed to the technical evaluation
29 committee for a request for proposal and the interests of the state.

30 (e) The department of administration shall require all agencies to furnish an estimate of
31 specific needs for supplies, materials, and equipment to be purchased by competitive bidding for
32 the purpose of permitting scheduling of purchasing in large volume. It shall establish and enforce
33 schedules for purchasing supplies, materials, and equipment. In addition, all agencies shall submit
34 to the department of administration, prior to the beginning of each fiscal year, an estimate of all

1 needs for supplies, materials, and equipment during that year which will have to be acquired
2 through competitive bidding.

3 (f) The director of the department of administration shall have the power: to transfer
4 between departments; to salvage; to exchange; and to condemn supplies and equipment.

5 (g) Unless the chief purchasing officer deems it is in the best interest of the state to proceed
6 otherwise, all property (including any interest in real property) shall be sold either by invitation of
7 sealed bids or by public auction; provided, however, that the selling price of any interest in real
8 property shall not be less than the appraised value thereof as determined by the department of
9 administration or the department of transportation for the requirements of that department.

10 (h) Subject to the provisions of this chapter, the chief purchasing officer shall purchase, or
11 otherwise acquire, all real property determined to be needed for state use, upon the approval of the
12 state properties committee as to the determination of need and as to the action of purchase or other
13 acquisition, provided that the amount paid shall not exceed the appraised value as determined by
14 the department of transportation (for such requirements of that department) or value set by eminent
15 domain procedure.

16 (i) The department of administration shall maintain records of all purchases and sales made
17 under its authority and shall make periodic summary reports of all transactions to the chief
18 purchasing officer, the governor, and the general assembly. The chief purchasing officer shall also
19 report trends in costs and prices, including savings realized through improved practices, to the
20 governor and general assembly.

21 (j) The chief purchasing officer shall attempt in every practicable way to insure that the
22 state is supplying its real needs at the lowest possible cost. Further, to assure that the lowest possible
23 cost is achieved, the chief purchasing officer may enter into cooperative purchasing agreements
24 with other governmental entities.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

1 This act would establish requirements with respect to requests for proposals submitted to
2 the chief purchasing officer for review and ensure that the chief purchasing officer confirms that
3 there are no conflicts or appearances of conflicts of interest between the interests of any individual
4 appointed to the technical evaluation committee and the interests of the state.

5 This act would take effect upon passage.

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