

2024 -- S 3139

LC006235

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

Introduced By: Senator Louis P. DiPalma

Date Introduced: June 04, 2024

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 37-2-13.1 of the General Laws in Chapter 37-2 entitled "State
2 Purchases" is hereby amended to read as follows:

3 **37-2-13.1. Procurement regulations — Request for proposal.**

4 (a) No request for proposal shall change to a master-price agreement unless the request for
5 proposal is cancelled and reissued as a master price agreement.

6 (b) No vendor, parent corporation, subsidiary, affiliate, or subcontractor of any state vendor
7 may bid on a request for proposal if that person or entity has ~~or had any contractual, financial,~~
8 ~~business, or beneficial interest with the state or~~ a conflict of interest as defined in chapter 14 of title
9 36 with any official, officer, or agency in charge of the request or if they materially participated or
10 were consulted with respect to the requirements, technical aspects, or any other part of the
11 formation and promulgation of the request for proposals except for the situations outlined in
12 subsection (f) of this section.

13 (c) Further, no person or entity who or that acts as an operator or vendor for the state may
14 participate in any request for proposal relating to any audit, examination, independent verification,
15 review, or evaluation of any of the person's or entity's work, financials or operations performed
16 for or on behalf of the state, or any official, officer, or agency.

17 ~~(d)~~ Persons or entities certified as "sole source" providers under § 37-2-21 shall be
18 exempt from the requirements of subsection (b) of this section.

19 ~~(e)~~ Any person or entity submitting a proposal in response to a request for proposal shall

1 make a written certification attesting under the penalty of perjury that the terms of subsection (b)
2 of this section have been complied with or that the person or entity is exempt under subsection (c)
3 of this section.

4 (f) Requests for information formally issued by the division of purchases and emergency
5 procurements as defined in § 37-2-21 shall be exempt from subsection (b) of this section. Feasibility
6 studies and preliminary evaluations shall also be exempt from subsection (b) of this section if the
7 purchasing agent certifies in writing to the director of administration that a request for feasibility
8 studies or preliminary evaluations resulted in no responsive bids. However, the division of
9 purchases shall publicly disclose any final prior feasibility studies and/or evaluation reports
10 completed in a subsequent procurement regarding a project.

11 (g) All potential suppliers shall be given a fair opportunity to present their capabilities and
12 products. Reasonable effort shall be made to provide fair bidding opportunities to all qualified and
13 interested suppliers.

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

=====
LC006235
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

1 This act would provide that vendors, parent corporations, subsidiaries, affiliates, or
2 subcontractors of the state are prohibited from bidding on requests for proposals if the person or
3 entity has a conflict of interest as defined by the code of ethics.

4 This act would take effect upon passage.

=====
LC006235
=====