2017 -- H 6197

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N   A C T

RELATING TO PUBLIC PROPERTY AND WORKS-STATE PURCHASES

Introduced By: Representatives Edwards, Cunha, O'Grady, and Coughlin

Date Introduced: May 05, 2017

Referred To: House Labor

It is enacted by the General Assembly as follows:

"State Purchases" are hereby amended to read as follows:

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

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

(b) Except for architectural, Architectural, engineering and consultant services which can
shall be evaluated and solicited by a selection committee, and awarded in accordance with the
requirements for competitive sealed offers set forth in §§ 37-2-18 -- 37-2-19 of this chapter, a A
selection committee shall select persons or firms to render such professional services. For state
agency contracts, the committee shall consist of the following individuals: the purchasing agent,
or his or her designee, as chairman; a representative of the user agency; and a public member,
appointed by the governor, subject to the advice and consent of the senate, who shall represent the
interests of the general public. The governor may appoint an alternate public member, subject to
advice and consent of the senate, who shall represent the interests of the general public who shall
serve in the absence of the public member. The term of the public member shall be concurrent
with that of the governor. Three (3) members, one being the purchasing agent or his or her
designee, shall constitute a quorum. A quorum must be present to conduct business.

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


(a) The committee shall evaluate:

(1) Statements that may be submitted in response to the solicitation of architectural,
engineering, or consultant services; and

(2) Statements of qualifications and performance data, if their submission was required.

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

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

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

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

(a) Federal requirements. In the procurement of architectural, engineering, and consulting
services and in the awarding of contracts, the state shall comply with federal law and regulations
including, but not limited to, the Brooks Architect-Engineers Act, 40 U.S.C. §1101 et seq., and
take all necessary steps to adapt its rules, specifications, policies, and procedures accordingly to
remain eligible for federal aid.

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

SECTION 3. This act shall take effect upon passage.

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This act would require the state to procure professional architectural, engineering, and consultants services through a Qualifications Based Selection (QBS) process as required by the federal government for federally funded projects under the Brooks Act.

This act would take effect upon passage.