

2017 -- H 6197

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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, O`Grady, and Coughlin

Date Introduced: May 05, 2017

Referred To: House Labor

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

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

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

5 **37-2-62. Evaluation of qualifications and performance data.**

6 (a) The committee shall evaluate:

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

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

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

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

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

18 **37-2-59.2. Federally funded contracts and prequalification.**

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

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

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

4           This act would take effect upon passage.

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