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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO TOWNS AND CITIES -- AWARD OF MUNICIPAL CONTRACTS

Introduced By: Representatives Cardillo, Vella-Wilkinson, Costantino, and Hull

Date Introduced: February 24, 2021

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-55-5 of the General Laws in Chapter 45-55 entitled "Award of
2 Municipal Contracts" is hereby amended to read as follows:

3 **45-55-5. Competitive sealed bidding.**

4 (a) Contracts exceeding the amount provided by § 45-55-9 shall be awarded by competitive
5 bidding unless they are professional engineering/architectural services pursuant to § 45-55-8.1 and
6 it is determined in writing that this method is not practicable. Factors to be considered in
7 determining whether competitive sealed bidding is practicable shall include whether:

8 (1) Specifications can be prepared that permit award on the basis of either the lowest
9 qualified bid price or the lowest qualified evaluated bid price; and

10 (2) The available sources, the time and place of performance, and other relevant
11 circumstances as are appropriate for the use of competitive sealed bidding.

12 (b) The invitation for bids shall state whether award shall be made on the basis of the lowest
13 bid price or the lowest evaluated or responsive bid price. If the latter basis is used, the objective
14 measurable criteria to be utilized shall be stated in the invitation for bids, if available.

15 (c) Adequate public notice of the invitation for bids shall be given a sufficient time prior
16 to the date stated in the notice for the opening of bids. Notice may include publication in a
17 newspaper of general circulation in the state as determined by the purchasing officer for the
18 municipality not less than seven (7) days nor more than twenty-one (21) days before the date set
19 for opening of the bids. The purchasing officer may make a written determination that the twenty-

1 one (21) day limitation needs to be waived. The written determination shall state the reason why
2 the twenty-one (21) day limitation is being waived and shall state the number of days, giving a
3 minimum and maximum, before the date set for the opening of bids when public notice is to be
4 given.

5 (d) Bids shall be opened publicly in full view of the public at the time and place designated
6 in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and an
7 abstract made available for public inspection. Subsequent to the awarding of the bid, all documents
8 pertinent to the awarding of the bid shall be made available and open to public inspection and
9 retained in the bid file.

10 (e) The contract shall be awarded with reasonable promptness by written notice to the
11 responsive and responsible bidder whose bid is either the lowest bid price, or lowest evaluated or
12 responsive bid price; provided, however, priority shall be given to those bidders whose businesses
13 are owned or operated by Rhode Island residents and are located in Rhode Island, if their bid is no
14 more than three percent (3%) higher than the lowest bid or the lowest evaluated or responsive bid.
15 This priority shall not apply to contracts that utilize federal funds.

16 (f) Correction or withdrawal of bids may be allowed only to the extent permitted by
17 regulations issued by the purchasing officer.

18 SECTION 2. 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 give Rhode Island businesses bidders on municipal contracts a priority if
2 their bid is within three percent (3%) of the lowest bidder as long as the contract is not funded by
3 federal money.

4 This act would take effect upon passage.

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