

2021 -- H 5822

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF STATE --
AWARD OF MUNICIPAL CONTRACTS

Introduced By: Representatives Nardone, Chippendale, Quattrocchi, Newberry, and Price

Date Introduced: February 24, 2021

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-8 of the General Laws entitled "Department of State" is hereby
2 amended by adding thereto the following section:

3 **42-8-25. Municipal sealed bidding registry.**

4 (a) The secretary of state shall establish a registry for the filing and publication of municipal
5 invitations for bids which are subject to the competitive sealed bidding provisions of § 45-55-5.

6 (b) The municipal invitations for bids registry established pursuant to the provisions of
7 subsection (a) of this section shall be published on the official website of the secretary of state, in
8 searchable format.

9 (c) The secretary of state shall promulgate rules, and may promulgate guidance documents,
10 governing the filing, format and publication of municipal invitations to bid.

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

13 **45-55-5. Competitive sealed bidding.**

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

18 (1) Specifications can be prepared that permit award on the basis of either the lowest

1 qualified bid price or the lowest qualified evaluated bid price; and

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

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

7 (c) Adequate public notice of the invitation for bids shall be given a sufficient time prior
8 to the date stated in the notice for the opening of bids. Notice may include publication in a
9 newspaper of general circulation in the state as determined by the purchasing officer for the
10 municipality not less than seven (7) days nor more than twenty-one (21) days before the date set
11 for opening of the bids. The purchasing officer may make a written determination that the twenty-
12 one (21) day limitation needs to be waived. The written determination shall state the reason why
13 the twenty-one (21) day limitation is being waived and shall state the number of days, giving a
14 minimum and maximum, before the date set for the opening of bids when public notice is to be
15 given. [In addition to any other notice, each public notice of an invitation for bids shall be filed and](#)
16 [published with the municipal invitations for bids registry pursuant to the provisions of § 42-8-25](#)
17 [and rules promulgated by the secretary of state.](#)

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

23 (e) The contract shall be awarded with reasonable promptness by written notice to the
24 responsive and responsible bidder whose bid is either the lowest bid price, or lowest evaluated or
25 responsive bid price.

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

28 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF STATE --
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1 This act would require the secretary of state to establish a registry for publication of
2 municipal invitations for bids. This act would further provide that municipalities publish notice of
3 invitations for bids with the registry.

4 This act would take effect upon passage.

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