

2016 -- S 2343

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO TOWNS AND CITIES -- AWARD OF MUNICIPAL CONTRACTS

Introduced By: Senators Pagliarini, Lombardi, and Felag

Date Introduced: February 10, 2016

Referred To: Senate Finance

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.** -- (a) Contracts exceeding the amount provided by  
4 § 45-55-9 shall be awarded by competitive bidding unless they are professional  
5 engineering/architectural services pursuant to § 45-55-8.1 and it is determined in writing that this  
6 method is not practicable. Factors to be considered in determining whether competitive sealed  
7 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  
13 lowest bid price or the lowest evaluated or responsive bid price. If the latter basis is used, the  
14 objective 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  
6 designated in the invitation for bids. Each bid, together with the name of the bidder, shall be  
7 recorded and an abstract made available for public inspection. Subsequent to the awarding of the  
8 bid, all documents pertinent to the awarding of the bid shall be made available and open to public  
9 inspection and 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. Excepting, a contract for services or products less than or equal to five  
13 hundred thousand dollars (\$500,000), may be awarded to a bidder with an office or facility  
14 located within the municipality offering the bid, providing the bidder is current on all local tax  
15 levies and assessments, and providing the bid is within ten percent (10%) of the lowest bid price  
16 or lowest evaluated or responsive bid price, and the bidder is willing to match the lowest bid price  
17 or lowest evaluated or responsive bid price and terms.

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

20 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 allow municipalities to award sealed bids for contracts for services or  
2 products in an amount less than five hundred thousand dollars (\$500,000) to a business located  
3 within its municipality if the business is current on all tax levies, its bid is within ten percent  
4 (10%) of the lowest bid and it is willing to match the lowest bid.

5           This act would take effect upon passage.

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