

2010 -- S 2487

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

Introduced By: Senators Maselli, Walaska, DaPonte, Jabour, and DiPalma

Date Introduced: February 11, 2010

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 37-2 of the General Laws entitled "State Purchases" is hereby
2 amended by adding thereto the following section:

3 **37-2-59.2. Set-aside program for Rhode Island businesses.** – (a) Notwithstanding any
4 provisions to the contrary and, in order to ensure Rhode Island small businesses are considered
5 for and awarded state contracts for the procurement of goods and/or services, including, but not
6 limited to, such contract awards as defined in section 37-2-7, and except as set forth herein, the
7 purchasing agent at each state agency and each political subdivision of the state, other than a
8 municipality, shall set aside in each fiscal year, purchases for goods and services for award to
9 Rhode Island small businesses, on the basis of the bidding procedures set forth in sections 37-2-
10 18 through 37-2-21, inclusive. Contracts for such goods and services as defined in section 37-2-7,
11 with the total value of such contracts being at least twenty-five percent (25%) of the total value of
12 all contracts awarded by the purchasing agent of such agency in each fiscal year, except as
13 provided in section 37-2-8.

14 (b) The chief purchasing officer, in lieu of setting aside any contract or portions of
15 contracts, may require any general or trade contractor or any other entity authorized by such
16 agency to award contracts, to set aside a portion of any contract for subcontractors who are
17 eligible for set-aside contracts under this section. Nothing in this section shall be construed to
18 diminish the total value of contracts which are required to be set aside by any state agency or
19 political subdivision of the state other than a municipality pursuant to this section.

1 (c) The purchasing agent shall notify the chief purchasing officer of all contracts to be set
2 aside pursuant to subsection (a) or (b) of this section at the time that bid documents for such
3 contracts are made available to potential contractors.

4 (d) In no case shall the chief purchasing officer recommend, nor shall any small
5 contractor be awarded, any contract or contracts, totaling more than ten million dollars
6 (\$10,000,000) in any one fiscal year.

7 (e) On or before January 1, 2011, the chief purchasing officer shall establish a process for
8 certification of Rhode Island small businesses eligible for set-aside contracts. Each certification
9 shall be valid for a period not to exceed two (2) years. Annually, the chief purchasing officer shall
10 print a directory of Rhode Island small businesses certified under this section. State agencies shall
11 be provided with updated directory information quarterly.

12 (f) On or before January 1, 2012 and annually thereafter, each state agency and each
13 political subdivision of the state other than a municipality setting aside contracts or portions of
14 contracts for Rhode Island small businesses shall prepare a report establishing set-aside program
15 goals for the twelve (12) month period beginning July first in the same year. Additionally, each
16 state agency and each political subdivision of the state other than a municipality shall prepare a
17 status report on the implementation and results of its small business and minority business
18 enterprise set-aside program goals during the year ending one month before the due date for the
19 report. Each such report shall be submitted to the chief purchasing officer, the governor, the
20 secretary of state, the president of the senate, and the speaker of the house of representatives.

21 **37-2-59.3. Use of federal money.** – (a) Money received by the state from the American
22 recover and reinvestment act, for the purposes of contracting for such goods and services, shall be
23 awarded in accordance with the provisions in section 37-2-59.2, to ensure that at least twenty-five
24 percent (25%) of the total value of all contracts be set aside for Rhode Island small businesses.

25 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

1 This act would require the state purchasing agent to award twenty-five percent (25%) of
2 state contracts to Rhode Island small businesses.

3 This act would take effect upon passage.

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