

1.1 ..... moves to amend H.F. No. 1943 as follows:

1.2 Page 2, line 3, delete "diverse" and insert "disadvantaged"

1.3 Page 2, line 4, after "enterprises," insert "hiring of minority persons, women, and  
1.4 qualified disabled individuals,"

1.5 Page 2, after line 11, insert:

1.6 "Sec. 2. Minnesota Statutes 2012, section 16C.28, subdivision 1, is amended to read:

1.7 Subdivision 1. **Award requirements.** (a) All state building and construction  
1.8 contracts entered into by or under the supervision of the commissioner or an agency for  
1.9 which competitive bids or proposals are required may be awarded to either of the following:

1.10 (1) the lowest responsible bidder, taking into consideration conformity with the  
1.11 specifications, terms of delivery, the purpose for which the contract is intended, the status  
1.12 and capability of the vendor or contractor, other considerations imposed in the call for  
1.13 bids, and, where appropriate, principles of life-cycle costing; or

1.14 (2) the vendor or contractor offering the best value, taking into account the  
1.15 specifications of the request for proposals, the price and performance criteria as set forth  
1.16 in section 16C.02, subdivision 4a, and described in the solicitation document.

1.17 (b) The vendor or contractor must secure bonding, commercial general insurance  
1.18 coverage, and workers' compensation insurance coverage under paragraph (a), clause  
1.19 (1) or (2). The commissioner shall determine whether to use the procurement process  
1.20 described in paragraph (a), clause (1), or the procurement process described in paragraph  
1.21 (a), clause (2), and paragraph (c). If the commissioner uses the method in paragraph  
1.22 (a), clause (2), and paragraph (c), the head of the agency shall determine which vendor  
1.23 or contractor offers the best value, subject to the approval of the commissioner. Any  
1.24 or all bids or proposals may be rejected.

1.25 (c) When using the procurement process described in subdivision 1, paragraph (a),  
1.26 clause (2), the solicitation document must state the relative weight of price and other  
1.27 selection criteria. The award must be made to the vendor or contractor offering the

2.1 best value applying the weighted selection criteria. If an interview of the vendor's or  
2.2 contractor's personnel is one of the selection criteria, the relative weight of the interview  
2.3 shall be stated in the solicitation document and applied accordingly.

2.4 (b) This paragraph applies when the commissioner is awarding a building and  
2.5 construction contract to the lowest responsible bidder or based on best value. When  
2.6 determining whether the lowest bidder is responsive and responsible, or when determining  
2.7 if a contractor or vendor offers the best value, the commissioner must consider the quality  
2.8 and timeliness of the bidder's past work and whether the bidder has not always complied  
2.9 with all laws, rules, and goals of the state, including but not limited to failure to pay  
2.10 employees all they are due and on time, including benefits, payroll tax, unemployment  
2.11 compensation, workers' compensation, payroll records, OSHA violations, taxes, prevailing  
2.12 wages, targeted group businesses and disadvantaged business enterprises, employment of  
2.13 minority persons, women, and qualified disabled individuals, apprenticeship programs,  
2.14 causing work stoppages or causing delays or disturbances by failure to pay subcontractors  
2.15 on time, and laws relating to independent contractors. The commissioner shall keep  
2.16 records for five years showing the considerations made regarding the determination of  
2.17 whether the bidder is responsive and responsible, or what is the best value, including why  
2.18 a bidder is awarded the bid if they have violations."