

Subject State solicitation process

Authors Nelson

Analyst Deborah A. Dyson

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Overview

Section one of this bill adds to the state solicitation process in emergency situations express authority to do design and construction as well as repair and rehabilitation. It also provides that it applies to publicly owned structures, not just state owned.

Section two clarifies that the best and final offer solicitation process may be used for building and construction contracts under the best value process, but not competitively bid contracts.

In 2007, the legislature authorized the use of best value contracting as an alternative to competitive bidding. The law applies to the state and to local governments under Minn. Stat. § 471.345 (Uniform Municipal Contracting Law).

“‘Best value’ describes a result intended in the acquisition of all goods and services. Price must be one of the evaluation criteria when acquiring goods and services. Other evaluation criteria may include, but are not limited to, environmental considerations, quality, and vendor performance. In achieving ‘best value’ strategic sourcing tools, including but not limited to best and final offers, negotiations, contract consolidation, product standardization, and mandatory-use enterprise contracts shall be used at the commissioner’s discretion.” Minn. Stat. § 16C.02, subd. 4 (emphasis added).

“‘Best and final offer’ means an optional step in the solicitation process in which responders are requested to improve their response by methods including, but not limited to, the reduction of cost, clarification or modification of the response, or the provision of additional information.” Minn. Stat. § 16C.02, subd. 3a.