

Committee on Governmental Oversight and Accountability

CS/CS/HB 1079 — Agency Contracts for Commodities and Contractual Services

by State Affairs Committee; Government Operations Subcommittee; and Rep. Mariano and others (CS/CS/SB 1616 by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senator Brodeur)

The bill includes several provisions for the evaluation, management, and oversight of competitively procured contracts for commodities and contractual services. Specifically, the bill:

- Prohibits an agency from initiating a competitive solicitation that would require a change in law or a change to the agency's budget, unless specifically authorized by the Legislature.
- Requires each agency contract to include authorization for the agency to inspect certain financial and programmatic records of the contractor relevant to the performance of the contract.
- Prohibits a contract by a state agency from containing a nondisclosure clause exempting certain information from disclosure by the contractor.
- For contract renewals or amendments that result in a longer contract term or increased payments, decreases from \$10 million to \$5 million the total contract threshold for when a report concerning contract performance must be submitted to the Governor and Legislature before executing the renewal or amendment.
- Requires the Secretary of Management Services to evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services and make a determination in writing that the contract will provide the best value to the state.
- Requires an agency issuing a request for quote for contractual services for any contract with 25 approved vendors or fewer, to issue a request for quote to all approved vendors. For any contract with more than 25 approved vendors, the agency must issue a request for quote to at least 25 of the approved vendors.
- Requires a description of the commodities or contractual services subject to a single source contract be electronically posted for at least 15 business days.
- Requires each agency inspector general to complete a risk-based compliance audit of all contracts executed by the agency for the preceding three fiscal years and requires the audit to identify and evaluate any trend in vendor preference.
- Requires the creation of a "continuing oversight team" for each contractual services contract of \$5 million or greater and establishes meeting and reporting requirements for the teams.
- Expands training requirements and delineates the roles and responsibilities of contract managers, contract negotiators, and contract administrators.
- Requires supervisors of certain contract managers and contract administrators to annually complete training in public procurement.
- Provides that a vendor who is placed on the suspended vendor list is disqualified from bidding on or renewing a contract with the state.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 118-0