

**Minutes
of the
March 11, 2005
Legislative review
Committee meeting 1:00 pm**

Location: City of Bloomington City Hall Conference Room

Attendees:

Bill Davison, Stearns County
Mary Pittelko, MN State Fair
Jay McCleary, City of Red Wing
Beverly Rausch, City of Bloomington
Jim Slavik, Scott County
Don Olson, MAC
Gary Warnberg, City of Mpls.

Meeting was called to order by Don Olson.

The chair recognized Jim Slavik for putting the committee minutes from the last two meetings on line to NIGP members.

Don reviewed the process of introducing the changes in statutes we identify. We will hand off our recommendations to the Association of Minnesota Counties (AMC) and League of Cities (LC's) which will then have the text prepared, locate sponsors and contact professional organizations that might be affected by any changes we recommend. This committee may want to volunteer to contact these professional organizations or at a minimum keep in close contact with AMC and LC's as they make the contacts. We should be thinking about what organizations to recommend they contact.

Stearns County recommended that we not look only at small pieces of legislation but also consolidate existing statutes into the current Municipal Contract Law 471.345 section of statutes to make the statutes more consistent.

Reason: It would give vendors and purchasing professionals one place to look for laws pertaining to contracts. It appears for example in one section of law pertaining to advertising of construction contracts two (2) weeks are required for advertising while another statute three (3) weeks are required for publishing a construction bid.

The committee agreed, after discussion, that it is a good idea to consolidate and make statutes more consistent. It would be a positive when instructing a vendor how to do business with entities that fall under the Municipal Contract statute.

It was also discussed that whatever we might recommend, to include text that would include: **“The Government Body or designee shall have**

responsibility for compliance of these statutes.” There was concern by Stearns County that we might be offering small towns and counties purchasing options that they do not have experience using. As a group we decided that every entity is subject to audit and Auditors would be the ones to bring entities back in line with municipal contract law as they would today. Our adding a few options won’t change that. At the next meeting we need a decision to add this text or not.

We listed various recommendations to chapter 471.345 Uniform Municipal contracting Law and gave them a priority from high to low.

High priority:

- RFP text must be added to 471.345
- Consolidation for consistency of existing Statues
- Clarification with elimination of duplication in existing statutes
- Best Value: Bev and Jay put forward the suggestion. We need to be certain the text contains the requirement to publish the evaluation criteria and price always being one of those criteria.

The City of Red Wing will have their story available as a testimony to the reason this is needed.

Lower priority: Add the ability to use Federal Contracts: GSA today allows states and municipal government to use schedule 70 (IT purchases) and the 1122 program related to drug law enforcement. But the committee agreed that having the flexibility to use a Federal Contract (which would include GSA) would be beneficial as another tool to use when the opportunity presents itself.

Lower priority: Multiple Awards

- More than one entity indicated the desire to have this option.
- A few members brought out the fact again that we might be giving options to municipalities not trained in using this tool effectively.
- Comment: Because there are contracts awarded to multiple vendors that the state makes available to municipalities some attorneys interpret these as not having gone through the bid process and as a result some counties cannot use them.

Lower priority: Electronic bidding

471.345 subd 18 seems to conflict with 471.345 sub 4

- The issue is **sealed** bidding vs. the electronic bidding text. It seemed to some that we have a conflict in statutory text when subd 4 begins by saying

“Notwithstanding any other procedural requirements of this section”, vendors may submitelectronically. We need to run this past a few of our attorney’s before the next meeting

Some felt that we need to remove the text :“Notwithstanding any other procedural requirements of this section” and keep the remaining text , we are then consistent with subd 4. We certainly want to keep the electronic bidding opportunity. We need to review this with our local attorneys to see if they interpret the text as we did at the meeting.

- Jay mentioned that if a mailbox is set up correctly, that it can be secure until an appointed time and then released.
- The opening date can be tracked electronically by IT personnel

Lower priority 471.35 and 471.36

.35 talks about writing a specification that does not exclude all but one type or kind of supplies or equipment being bought.

. 36 mentions that .35 shall not apply to noncompetitive types and kinds of supplies and equipment.

We discussed these two but did not come up with any suggested changes.

It was determined that we should meet again on April 12 at 1:00 location to be determined. It was also suggested we invite the AMC and LC’s to attend. Discussion would be limited to the above items unless an entity has a strong desire to add other text.

Unfortunately we were not able to do a teleconference with those that could not attend. I apologize for this. At the next meeting we will do what we can to connect with those that can’t make the meeting.

Respectfully:

Don Olson, Purchasing Manager
Metropolitan Airports Commission