

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 22-65—sHB 5453

Government Administration and Elections Committee

AN ACT REQUIRING THE ONLINE POSTING OF CERTAIN STATE CONTRACTS

SUMMARY: This act requires the Department of Administrative Services (DAS) to post on its website any goods or services contract or extension entered into without competitive bidding or competitive negotiation, including through emergency procurement authority. In doing so, it expands upon provisions in prior law that required the department to post on its website information about specified contracts and purchases meeting these criteria. It allows DAS, when posting these contracts, to redact information that is not subject to disclosure under the Freedom of Information Act.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2022

CONTRACTS ENTERED INTO WITHOUT COMPETITIVE BIDDING OR NEGOTIATION

Generally, the law requires the DAS commissioner, when possible, to use competitive bidding or negotiation when purchasing, and entering into contracts for, supplies, materials, equipment, and contractual services (i.e., goods or services). The law establishes exceptions for, among other things, (1) minor nonrecurring or emergency purchases of \$10,000 or less, (2) purchasing cars or light-duty trucks to comply with state and federal laws for purchasing alternative-fuel vehicles, and (3) certain public utility services. The act requires the commissioner to post on the department's website any contract entered into under these exceptions (or otherwise not subject to competitive bidding or negotiation).

The law also has a competitive bidding and negotiation exception for emergencies due to (1) extraordinary conditions or contingencies that could not be reasonably foreseen and guarded against or (2) unusual trade or market conditions. Prior law required that a statement of all purchases made using this authority be posted on DAS's website. The act additionally requires the posting of all contracts entered into using this authority.

The act similarly expands an existing requirement about contract extension information. Existing law generally prohibits state agencies from extending a goods and services contract without competitive bidding or negotiation unless the DAS commissioner makes a written determination that it is necessary for specified reasons (e.g., for a sole source procurement). Under prior law, the commissioner had to post the reasons for noncompliance on the department's website for any contract extended this way. The act requires her to post the actual contract as well.