

**HB 2094 B STAFF MEASURE SUMMARY**  
**Senate Committee On Business and General Government**

**Carrier:** Sen. Dembrow

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**Action Date:** 04/25/19  
**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)  
**Vote:** 5-0-0-0  
**Yeas:** 5 - Dembrow, Girod, Hass, Olsen, Riley  
**Fiscal:** Has minimal fiscal impact  
**Revenue:** No revenue impact  
**Prepared By:** Tyler Larson, LPRO Analyst  
**Meeting Dates:** 4/16, 4/25

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**WHAT THE MEASURE DOES:**

Authorizes contracting agency, when evaluating bid or proposal subject to Public Contracting Code, to consider whether bidder or proposer owes liquidated and delinquent debt to state. Takes effect 91 days following adjournment sine die. Becomes operative on January 1, 2020.

**ISSUES DISCUSSED:**

- Current Executive Order 17-09 direction for state agencies to consider liquidated and delinquent debt owed to the state when evaluating bids
- Relative merits of considering a bidder's ability to perform
- Need for amendments to allow agencies to consider only debt which is both liquidated and delinquent

**EFFECT OF AMENDMENT:**

Requires contracting agency to consider only debts that are both liquidated and delinquent.

**BACKGROUND:**

In the course of awarding public contracts, contracting agencies are required by the Public Contracting Code to make a determination of whether a bidder or proposer is "responsible." This determination requires the bidder or proposer to demonstrate a number of factors to the contracting agency, including that the bidder or proposer has the appropriate resources and skills to complete the contract, has a satisfactory record of integrity, and has complied with the tax laws in this state. The results of this determination may dictate whether a bidder or proposer is awarded a contract.

House Bill 2094-B authorizes contracting agencies to consider at any time before executing a public contract whether the bidder or proposer owes a liquidated and delinquent debt to the state.