

MINNESOTA PROCUREMENT CODE

Fiscal Year End: June 30

1. **Prequalifications:** None.
2. **Auto-drop:** None.
3. **Life Cycle Costing (LCC): Evaluations** based on LCC may be used in order to determine the lowest overall bid.
 - a. **MS Chapter 16C.03 subd. 3** → ...A best value determination must be based on the evaluation criteria detailed in the solicitation document. If criteria other than price are used, the solicitation document must state the relative importance of price and other factors. Any or all responses may be rejected. When using the request for bid process, the bid must be awarded to the lowest responsive and responsible bidder, taking into consideration conformity with the specifications, terms of delivery, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the request for bids. The commissioner may decide which is the lowest responsible bidder for all purchases and may use the principles of life-cycle costing, where appropriate, in determining the lowest overall bid. The duties set forth in this subdivision are subject to delegation pursuant to this section.
4. **Piggybacking:** Allowed.
 - a. **MS Chapter 16C.03 subd. 10** → The commissioner is authorized to enter into a cooperative purchasing agreement for the provision of goods, services, and utilities with one or more other states or governmental units, as described in section [471.59, subdivision 1](#); entities defined in section [16C.23, subdivision 1](#); a registered combined charitable organization and its affiliated agencies as defined by section [43A.50](#); a charitable organization defined in section [309.50, subdivision 4](#), that is also a recipient of a state grant or contract; or a nonprofit community health clinic defined in section [145.9268](#). The commissioner is authorized to enter into cooperative purchasing agreements for the purchase of goods, services, and utilities with health care facilities that are required to provide indigent care or any entity recognized by another state's statutes as authorized to use that state's commodity or service contracts.
5. **Recycle Preferences:** 10% price preference for products made from recycled materials
 - a. **MS Chapter 16B.121** → The commissioner shall take the recycled content and recyclability of commodities to be purchased into consideration in bid specifications. When feasible and when the price of recycled materials does not exceed the price of nonrecycled materials by more than ten percent, the commissioner, and state agencies when purchasing under delegated authority, shall purchase recycled materials. In order to maximize the quantity and quality of recycled materials purchased, the commissioner, and state agencies when purchasing under delegated authority, may also use other appropriate procedures to acquire recycled materials at the most economical cost to the state.
[16B.121, 2010 Minnesota Statutes](#)

6. **Minority/Small/Disadvantaged Business Enterprise preferences:** 25% of business to small businesses, and small targeted group businesses (MBE, WBE) and small businesses located in economically disadvantaged areas may be awarded up to a six percent (6%) price preference in the procurement of goods or services. Some RFBs may be set aside for only small businesses or small-targeted group businesses.
- a. **MS Chapter 16C.16 subd. 1(a)** → The commissioner shall for each fiscal year ensure that small businesses receive at least 25 percent of the value of anticipated total state procurement of goods and services, including printing and construction. The commissioner shall divide the procurements so designated into contract award units of economically feasible production runs in order to facilitate offers or bids from small businesses
 - b. **MS Chapter 16C.16 subd. 6(a)** → The commissioner may award up to a six percent preference in the amount bid for specified goods or services to small targeted group businesses.
 - c. **MS Chapter 16C.16 subd. 6(b)** → The commissioner may designate a purchase of goods or services for award only to small businesses or small targeted group businesses if the commissioner determines that at least three small businesses or small targeted group businesses are likely to bid.
 - d. **MS Chapter 16C.16 subd. 7(b)** → ...The commissioner may award up to a four percent preference in the amount bid on state construction to small businesses located in an economically disadvantaged area.

7. **Cooperative Purchasing**

National IPA

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information <http://www.nationalipa.org/statutes.html>

National Joint Powers Alliance (NJPA)

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site. <http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

***** Minnesota Statues Chapter 16C (Procurement Code):**
[16C - STATE PROCUREMENT, 2010 Minnesota Statutes](#)