H.F. No. 418, as introduced 84th Legislative Session (2005-2006) Posted on Jan 24, 2005

A bill for an act

relating to state government; requiring state service contracts and solicitations for state service contracts to contain information on where work will be performed; requiring state contractors to disclose certain information from people they contact; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 16C.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [16C.076] [LOCATION OF WORK PERFORMED UNDER SERVICE CONTRACTS.]

Subdivision 1. [WORK PERFORMED IN MINNESOTA.] An agency entering into a contract for services must attempt to arrange for work under the contract to be performed in Minnesota. If a contract for services results in work being done outside Minnesota, the agency entering into the contract must report to the commissioner and to the legislature why the work under the contract could not be performed in Minnesota.

Subd. 2. [INFORMATION IN SOLICITATION.] A solicitation for services to be performed under a contract for an agency must require a vendor's response to the solicitation to include the vendor's estimate of the number, location, and the cost of employees who will perform work under the contract, and under any subcontract:

(1) in Minnesota;

(2) in the United States, but outside Minnesota; and

(3) outside the United States.

Subd. 3. [INFORMATION REPORTED BY CONTRACTOR.] A contract for services entered into by an agency must require the contractor and any subcontractor performing work under the contract to report to the agency the number, location, and the cost of employees who perform work under the contract, and under any subcontract:

(1) in Minnesota;

(2) in the United States, but outside Minnesota; and

(3) outside the United States.

Subd. 4. [REPORTING.] Within 30 days of final completion of a contract for services, the head of the agency entering into the contract must submit a one-page report to the commissioner and to the Legislative Reference Library listing the number, location, and the cost of employees who performed work under the contract in Minnesota, in the United States outside Minnesota, and outside the United States.

Subd. 5. [APPLICATION.] This section applies both to a contract for professional or technical services, as defined in section 16C.08, and to a contract for nonprofessional or technical services. For purposes of this section, "agency" includes the Minnesota State Colleges and Universities.

Sec. 2. [16C.077] [CONTRACTOR TO DISCLOSE CERTAIN INFORMATION.]

(a) This section applies to a contract entered into by a state agency under which a contractor has, or is contacting an individual to obtain, private data on individuals or confidential data on individuals, as those terms are defined in

2.28 section 13.02. In addition to any other requirements in chapter
2.29 13 or other law, a contract covered by this section must require
2.30 the contractor or any subcontractor that contacts the individual
2.31 that is the subject of the private or confidential data that the
2.32 contractor has or is seeking to obtain, to disclose to the
2.33 individual:
2.34 (1) the name of the contractor making the contact;
2.35 (2) the name of the agency on whose behalf the contact is
2.36 made, and the name and telephone number of an agency employee
3.1 the person being contacted can reach for further information;
3.2 and
3.3 (3) if the contact is by telephone or by electronic mail
3.4 and if the contact is initiated from outside of Minnesota, the
3.5 name of the state where the contact is initiated, or if the
3.6 contact is initiated from outside the United States, the name of
3.7 the country where the contact is initiated.
3.8 (b) For purposes of this section:
3.9 (1) a "state contractor" is a person or entity that has
3.10 entered into a contract with an agency to provide professional
3.11 or technical services or nonprofessional or technical services;
3.12 (2) "contact" includes any form of written or oral
3.13 communication made on behalf of an agency, including but not
3.14 limited to telephone, facsimile, electronic mail, United States
3.15 mail, and in-person visit; and
3.16 (3) "agency" includes the Minnesota State Colleges and
3.17 Universities.
3.18 Sec. 3. [REPORT.]
3.19 By January 15, 2006, the commissioner of administration
3.20 must report to the legislature on agency service contracts in
3.21 effect on the effective date of section 1. To the extent
3.22 practicable, the report must list, for each contract: the name
3.23 of the agency entering into the contract; a general description
3.24 of the services to be performed under the contract; and the
3.25 number, location, and the cost of employees who have performed
3.26 or will perform work under the contract in Minnesota, in the
3.27 United States outside of Minnesota, and outside the United
3.28 States. The head of each agency that has entered into a service
3.29 contract in effect on the effective date of section 1 must
3.30 request this information from each of its contractors, and must
3.31 report the information to the commissioner in the time and
3.32 manner requested by the commissioner.
3.33 Sec. 4. [EFFECTIVE DATE.]
3.34 Sections 1 and 2 are effective the day following final
3.35 enactment and apply to a contract for which the solicitation
3.36 process begins on or after that date.

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