

Testimony of Common Cause Rhode Island on H 6173—An Act Relating to Public Property and Works—Rhode Island Bid Rigging Act

Position: Support

Common Cause Rhode Island supports H 6173 a bill that creates a new criminal statute for rigging bids for public contracts. We are grateful to Attorney General Peter Neronha for drafting this legislation.

State and local governments in Rhode Island procure tens of millions of dollars of goods and services every year. We have a web of public integrity laws and regulations that protect against a variety of behaviors that might prevent public officials and employees from violating the public trust during the procurement process. We have a bribery statute that makes criminal *quid pro quo* corruption. We have a statute that prohibits gift giving by actual and even potential vendors. Our Code of Ethics has a prohibition against the use of confidential information to benefit certain people.

What we lack is a statute that makes it illegal for potential vendors to try and rig a public bidding process, or for public employees or officials to share confidential information with someone who is not their family member or business associate, but may otherwise benefit from the information in a bidding process. H 6173 would close loopholes in the web of public integrity laws as they apply to public contracting.

Common Cause Rhode Island suggests two clarifications that we believe would improve the legislation.

In some instances review teams are used to score bids. We suggest the legislation state explicitly that members of review teams are subject to the provisions of § 37-27-4 if they are not otherwise.

We also suggest that § 37-27-4 be clarified to prohibit public employees or officials from deliberately cancelling a procurement process, or changing the type of procurement process used, if it is done to deliberately influence the award or attempted award of a contract to a particular bidder, prime contractor or subcontractor.

With those changes, we urge the committee to support H 6173.