



Division of Purchases

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New Purchasing Regulations FAQs for RIGL § 37-2-13.1

What is new about R.I. Gen. Laws § 37-2-13.1?

RIGL § 37-2-13.1 states that no Request for Proposals (RFP) can be changed to a Master Price Agreement (MPA) unless the RFP is first cancelled and reissued as an MPA.

It also makes clear that vendors who have a conflict of interest or who participated or were consulted with respect to an RFP cannot then bid on that same RFP. Sole source providers are exempt from this requirement.

How will agencies ensure compliance with RIGL § 37-2-13.1?

When an agency issues an RFP, all employees involved in creating the RFP will sign written attestations that they either did not consult with or receive input from an external party with respect to the RFP or, if they did consult with or receive input from an external party, that the party would be named and excluded from bidding.

As required by the statute, vendors responding to an RFP shall make a written certification that they do not have a conflict of interest and that they were neither involved nor consulted with respect to the RFP.

The Division of Purchases has created forms for both the Agency and the Vendor; the Agency Attestation Form is located [HERE](#), and Vendor Attestation Forms are published with all RFP solicitations.

All employees are asked to review the policy in full to ensure understanding and compliance.
[DoP Vendor Attestation Policy 7-27-22.pdf \(rigov-policies.s3.amazonaws.com\)](#)

Does this law apply to RFPs that have already been awarded?

RIGL § 37-2-13.1 went into effect upon passage on June 29, 2022.

The Department's policy implementing the requirements of the legislation does not retroactively apply to any RFP with a submission date and/or opening date prior to June 29, 2022.

For RFPs that were posted prior to the law's passage but have not yet been submitted or opened, the Divisions of Purchases has issued addenda requiring vendor attestations.

For RFPs that required submission after June 29, 2022, but before this policy's implementation, the Department is requiring the successful vendor to sign an attestation prior to and as a condition of an award.

If a vendor responded to a Request for Information (RFI) related to a project or initiative, does that bar the vendor from responding to an RFP related to that project or initiative?

The Department uses a formal RFI process, which is publicly posted on the Division of Purchases' website, to allow all vendors in the marketplace to submit information to the State. This information helps the State to understand what products and services are in the marketplace.

The Department's position is that formal responses to a Request for Information (RFI) do not constitute "participation" or "consultation" with respect to a future RFP and do not disqualify vendors submitting a response to an RFI from future participation in a subsequent RFP process.

What are the next steps for an agency with additional questions about interpreting RIGL § 37-2-13.1?

Agencies requiring further interpretation of RIGL § 37-2-13.1 should consult with their chief legal counsels. Vendor's inquiring about the requirements of the statute or interpretation of the statute should be directed to their own legal counsel.