

1.1 moves to amend H.F. No. 3283 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2016, section 16C.28, subdivision 1b, is amended to read:

1.4 Subd. 1b. **Best value; definition.** (a) Except as provided in paragraph (b), for the purposes
1.5 of construction, building, alteration, improvement, or repair services, "best value" describes
1.6 the result determined by a procurement method that considers price and other criteria, which
1.7 may include, but are not limited to:

1.8 (1) the quality of the vendor's or contractor's performance on previous projects;

1.9 (2) the timeliness of the vendor's or contractor's performance on previous projects;

1.10 (3) the level of customer satisfaction with the vendor's or contractor's performance on
1.11 previous projects;

1.12 (4) the vendor's or contractor's record of performing previous projects on budget and
1.13 ability to minimize cost overruns;

1.14 (5) the vendor's or contractor's ability to minimize change orders;

1.15 (6) the vendor's or contractor's ability to prepare appropriate project plans;

1.16 (7) the vendor's or contractor's technical capabilities;

1.17 (8) the individual qualifications of the contractor's key personnel; or

1.18 (9) the vendor's or contractor's ability to assess and minimize risks.

1.19 (b) For the purposes of highway construction, reconstruction, or maintenance, "best
1.20 value" describes the result determined by a procurement method that considers objective
1.21 and measurable criteria, which may include, but are not limited to (1) price, and (2) the
1.22 criteria listed in paragraph (a), clauses (1) to (9).

- 2.1 (c) "Performance on previous projects" does not include the exercise or assertion of a
- 2.2 person's legal rights. ~~This definition does~~ The definitions in this subdivision do not apply
- 2.3 to sections 16C.32, 16C.33, 16C.34, and 16C.35."