



## Director's Office

One Capitol Hill | Providence, RI 02908 | (401) 222-2280

Jonathan Womer, Director

March 19, 2024

The Honorable Representative Evan P. Shanley  
Chairperson, House Committee on State Government and Elections  
Rhode Island House of Representatives  
82 Smith Street, Providence, RI 02903

**Re: House Bill No. 7846 – An Act Relating to Public Records – Access to Public Records**

Dear Chairman Shanley,

Thank you for providing the Division of Purchases within the Department of Administration the opportunity to submit comments in response to House Bill No. 7846, which proposes new amendments to access to public records law, specifically relating to state contracts.

This legislation would require public disclosure of trade secrets, confidential, commercial and financial proprietary information of vendors who bid on State contracts. This significant change from current practice will result in vendors refusing to submit bids altogether, or the State not being able to sufficiently evaluate a vendor's capability and capacity when they refuse to provide this proprietary information in their bid. This will result in less competition and higher pricing, which is not in the best interest of the State.

Similarly, the language on Page 5, Lines 16-26 would further designate vendors' confidential, proprietary business information as public information. Disclosure will immediately put vendors at a competitive disadvantage in the local, regional, and national markets, the downstream effect of which will be reduced competition for state contracts.

Lastly, the language on Page 6, Lines 5-9 may have unintended consequences. Here, State agencies would need to provide a list containing all records, including proprietary material, trade secrets, commercial and/or financial information by any vendor who performed legal, medical, accounting, engineering and other services, specifically. In addition to the direct chilling effect on bids that is described above, this may also cause attorney client records, medical records and other specially protected information to be made public. Such a change could immediately put the State in conflict with federal laws, creating significant legal liability. At a minimum, this language is unclear, vague and overly broad.

The Department appreciates the opportunity to share our concerns over this legislation with the Committee. If there are any questions, please feel free to contact my office at your convenience.



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Jonathan Womer, Director

Sincerely,

**Nancy R.  
McIntyre**

Digitally signed by Nancy  
R. McIntyre  
Date: 2024.03.19  
16:52:23 -04'00'

Nancy McIntyre  
State Purchasing Agent, State of Rhode Island  
Division of Purchases

cc:

The Honorable Representative Charlene Lima  
The Honorable Members of the House Committee on State Government and Elections  
Steven Sepe, Clerk  
Nicole McCarty, Chief Legal Counsel to the Speaker of the House