

Bidder Disclosure Reform: Old Law vs. Proposed New Law

| Issue Area | Under Old Law | Under New Law | Rationale for Change |
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| Requires Disclosure of Which Contributions to Whom? | Applies to all contributions to all <i>candidates</i> , even if those candidates were not elected or no longer hold office, but only applies to contributions made within the previous 5 years. | Applies to all contributions to all current elected leaders, regardless of how long ago contributions were made to their campaigns. | Makes no sense to require disclosure of contributions to losing candidates or non-office holders - they have no power to award contracts. But also makes no sense to limit the "horizon of influence" to just 5 years - everyone knows who helped them, even if it was long ago. |
| Requires Disclosure of What from Which "Principals" of the Company? | Requires listing of all principals (officers, directors, owners, shareholders) as well as their spouses and under-age children, regardless of whether any have made political contributions. Also requires listing of all major sub-contractors and unions. | Requires disclosure only from all principals and spouses (but not under-age children) who have made political contributions. | Makes no sense to require public disclosure of identities of principals who have made no political contributions (especially under-age children who can't contribute by law). Requiring bidders to collect contribution information from sub-contractors and unions is onerous and puts contractors in jeopardy for wrong information over which they have no control. |
| Applies to Which Contracts? | Applies to all contracts and leases regardless if they have been awarded under open and competitive bidding. But does not apply to any contracts or leases below certain dollar amounts or time periods, and does not apply to contract extensions. | Applies only to contracts and leases that are <i>not</i> competitively bid, but applies to <i>all</i> such contracts, regardless of dollar amounts or time periods, and applies to contract extensions if not competitively bid. | Makes no sense to apply to contracts under open and competitive selection processes since there is no opportunity for pay-to-play awards. But also makes no sense to limit applicability above certain dollar or time limits, or to exclude contract extensions - even a small contract may mean a lot to a campaign contributor, and a contract extension may be the product of pay-to-play, even if original award was competitive. |
| Requires Disclosure from Which Bidders When? | Applies to all bidders <i>prior</i> to selection, regardless of whether the bidder is successful. | Applies only to those bidders actually awarded contracts, but disclosure must be made prior to execution of contract. | Makes no sense to require disclosure from those who get no award, but information from winners should be available to the public prior to execution of the contract. |