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Office of Finance

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May 9, 2017

To: Iowa Association of Business Industry

From: Cheryl Williams, Director, Office of Finance

Re: Review of Iowa DOT Administrative Rule Chapter 20, Procurement of Equipment, Materials, Supplies and Services.

In compliance with Iowa Code section 17A.7(2), the Iowa Department of Transportation is conducting a five-year review of all of its administrative rule chapters, and we are asking for your assistance. Chapter 20, Procurement of Equipment, Materials, Supplies and Services, has been reviewed and a marked-up draft of the proposed changes is attached for your review and comment.

The following summarizes the proposed changes:

1. **Added wording to rule 761—20.1(307) Scope of chapter** to clarify that this rule chapter applies to all procurements, including those financed with program funds authorized for department use.
2. **Added definitions in rule 761—20.2(307) for “Solicitation,” “Response” and “Bidder”** to update language for situations involving quotations, bids and proposals. Current language addressed purchases only as an opportunity to bid. It did not include the opportunity to propose or offer. These changes carried through 761--20.3 to 20.5.
3. **Added definition of “Professional services”** to address procurements obtained through Purchasing (see rules 761—20.2 to 20.6) and those obtained by the Consultant Selection Committee (see renumbered rule 761—20.10).
4. **Updated terminology** to reflect current purchasing practices and to include electronic means of communication where applicable and remove outdated communication modes. Also updated terminology to include terms “solicitation”, “response” and bidder as defined in 761-20.2(307).

5. **Amended 20.4(1)a** to remove “department of inspection and appeals” and added Iowa economic development authority. This change is contingent upon signing of 2017 Iowa Acts, HF621.
6. **Amend renumbered paragraph 761—20.4(6)“d” concerning protests** to state that the protest must be in writing and must be received by the director of purchasing within seven days after the contract award has been posted.
7. **Added wording to renumbered paragraph 761—20.4(7)“g”** to state that the contract terms may provide for liquidated damages to be assessed for any other reason as specified in the contract.
8. **Added new rule 761--20.6(307) Professional and technical section** to include the professional and technical services procured through purchasing procurement process outlined in 761—20.3 thru 20.7.
9. **Moved subrule 761—20.8(7) Sole source or emergency selection to new rule 761—20.7(307) and 761—20.8(11) Conflicts with federal requirements to new rule 761—20.8(307)** as these requirements apply to all contracts covered by 761—Chapter 20. Also removed qualification wording and added wording related to work categories and satisfactory completion.
10. **Renumbered rule 761—20.8(307) to rule 761—20.10(307) and made some proposed changes to add other types of professional services** to the series of services listed and add wording to the introductory paragraph to clarify that the firm selection is based on qualifications and contract costs are negotiated after selection is determined based on qualifications. This rule has been updated to incorporate the registration of firms and documenting qualifications.
11. **Updated Iowa Code references in implementation sentence of 761— Chapter 20:**
 - a. “Duties of the Director’ (Iowa DAS) 18.3(1) changed to 8A.302.
 - b. “Competitive Bidding...” (Iowa DAS) 18.6(10) changed to 8A.311.

Please return your comments by June 2, 2017 to Cheryl Williams, Iowa Department of Transportation, Office of Finance, 800 Lincoln Way, Ames, IA 50010 or Cheryl.Williams@iowadot.us. Feel free to call me at 515-239-1474 if you have any questions.

Thank you for participating in our rules review process.

CW:lsg

Attachment: Chapter 20, Procurement of Equipment, Materials, Supplies and Services