

IOWA PROCUREMENT CODE

Fiscal Year End: June 30

1. **Pre-qualifications:** Vendor registration and approval required except emergency situations
 - a. **IAC 11-105.17(8A) → Vendor registration and approval.** Every vendor wishing to do business with the state shall register as a vendor. Every vendor shall register prior to submitting a response to a solicitation except in the case of an emergency procurement when the vendor shall register prior to filling an order or as soon as practicable. Only properly registered vendors are entitled to payment.
2. **Auto-drop:** Not listed in Iowa Administrative Code, listed for Iowa DOT: A vendor may be dropped from the Iowa DOT's bidders list for failing to respond to three (3) consecutive RFPs.
 - a. **Iowa DOT 761-20.4(1)C(1-5) →** Subject to concurrence of legal counsel, a bidder's name may be removed from a bidders list or lists for any of the following reasons:
 - (1) When the bidder has failed to respond to three consecutive requests for proposals.
 - (2) When the bidder has failed to meet the performance requirements of a previous procurement.
 - (3) When the bidder has attempted to improperly influence the decision of any state employee involved in the procurement process.
 - (4) When there are reasonable grounds to believe that there is a collusive effort by bidders to restrain competition by any means.
 - (5) Where there is a determination by the civil rights commission that the bidder conducts discriminatory employment practices.
3. **Life Cycle Costing (LCC):** Evaluations based on LCC are allowed.
 - a. **IAC 11-105.11(3) →** *Life cycle cost and energy efficiency.* The department and agencies shall utilize life cycle cost and energy efficiency criteria in developing standards and specifications for procuring energy consuming products.
 - b. **IAC 11-105.12(5) →** *Consideration of life cycle costs.* When appropriate to the procurement, life cycle costs shall be considered during the award process.
4. **Piggybacking:** Allowed.
 - a. **IAC 11-105.3(8A) → Competitive procurement.** It is the policy of the state to obtain goods and services from the private sector for public purposes to achieve value for the taxpayer through a competitive selection process that is fair, open, and objective. Where feasible, common use items will be purchased cooperatively with state agencies having independent procurement authority to leverage economies of scale, add convenience, standardize common items, and increase efficiencies.
5. **Recycle Preferences:** Recycled goods preferred when comparable in quality, performance and price, must include statement certifying amount of recycled material
 - a. **IAC 11-105.5(5) →** The department and agencies shall make every effort to protect Iowa's environment in the procurement of goods. *Recycled goods and goods that include recycled content shall be acquired when those goods are available and comparable in quality, performance, and price and there are not other mitigating factors.* As required

by Executive Order Number 56, the department and agencies shall whenever possible procure durable items that are readily recyclable when discarded, have minimal packaging, and are less toxic.

- b. **IAC 11-105.11(2)** → *Recycled content and products*. When appropriate, specifications shall include requirements for the use of recovered materials and products. The specifications shall require, at a minimum, that all responses to a solicitation include a product content statement that describes the percentage of the content of the item that is reclaimed material. The department shall revise specifications developed by agencies if the specifications restrict the use of alternative materials, exclude recovered materials, or require performance standards that exclude products containing recovered materials unless the agency seeking the product can document that the use of recovered materials will impede the intended use of the product.

Specifications shall support the following procurements:

- a) Products containing recovered materials, including but not limited to lubricating oils, retread tires, building insulation materials, and recovered materials from waste tires.
 - b) Bio-based hydraulic fluids, greases, and other industrial lubricants manufactured from soybeans in accordance with Iowa Code Supplement section 8A.316.
- c. **IAC 11-105.19(4)** → A vendor shall be required to include for all applicable procurements a product content statement providing the percentage of the content of the item that is reclaimed material.

6. **Minority/Small/Disadvantaged Business Enterprise preferences:** Targeted Small Business (TSB) program allows the state to directly purchase from certain TSBs for goods/services without competitive bidding if the total amount of the product is less than \$5,000

- a. **IAC 11-105.4(2)(a)** → Agencies may purchase from a TSB without competition for a purchase up to \$5,000.
- b. **IAC 11-105.5(7)** → The department and agencies may buy from a targeted small business if a targeted small business is able to provide the good or service, pursuant to Iowa Code section 73.20. When enterprise master agreements with targeted small businesses are available, purchases shall be made through these master agreements.

Preference to products made by persons with disabilities

- c. **IAC 11-105.5(6)** → *Products made by persons with disabilities*. The department and agencies shall make every effort to procure those products for sale by sheltered workshops, work activity centers, and other special programs funded in whole or in part by public moneys that employ persons with mental retardation, other developmental disabilities, or mental illness if the products meet the required specifications.

7. **Cooperative Purchasing**

National IPA

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information <http://www.nationalipa.org/statutes.html>

National Joint Powers Alliance (NJPA)

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

***** Iowa Purchasing Rules:**

<http://search.legis.state.ia.us/nxt/gateway.dll/ic?f=templates&fn=default.htm>