

Red Tape Review Rule Report (Due: September 1, 2025)

Department Name:	IFA	Date:	1/31/25	Total Rule Count:	15
IAC #:	265	Chapter/ SubChapter/ Rule(s):	Chapter 15	Iowa Code Section Authorizing Rule:	16.5(1) "f"
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

To describe the authority's procedures for purchasing, including bids and requests for proposals for goods and services.

Is the benefit being achieved? Please provide evidence.

Yes, the authority is able to conduct competitive bidding and other appropriate purchasing procedures, as described in Iowa Code section 16.5(1)(f).

What are the costs incurred by the public to comply with the rule?

Potential vendors may incur costs associated with preparing responses to bid invitations and requests for proposals.

What are the costs to the agency or any other agency to implement/enforce the rule?

Authority staff time is required to issue bid requests and requests for proposals, to seek additional information if needed, and award contracts for goods and services.

Do the costs justify the benefits achieved? Please explain.

No additional costs are imposed by the rules chapter beyond the authority's statutory obligations described in Iowa Code section 16.5(1)(f).

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

No less restrictive alternatives were identified.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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Yes, this chapter contains language that duplicates statutory language and includes unnecessary language, as further described below.

15.1 Applicability of competitive bidding: Contains unnecessary language

15.2 Methods of obtaining bids or proposals used by the authority: Contains restrictive and unnecessary language

15.3 Items purchased through the department of administrative services: Contains unnecessary language

15.4 Posting solicitations: Contains unnecessary language

15.6 Blanket purchase agreements: Contains unnecessary language

15.7 Bids and proposals to conform to specifications: Contains unnecessary language

15.8 Time of delivery : Contains unnecessary language

15.9 Cash discounts: Contains unnecessary language

15.10 Ties: Contains unnecessary language

15.11 Time of submission: Contains unnecessary language

15.12 Modification or withdrawal of bids: Contains unnecessary language

15.14. Rejection of bids and proposals: Contains unnecessary language

15.15 Vendor appeals: Contains restrictive and unnecessary language

RULES PROPOSED FOR REPEAL (list rule number[s]):

IEDA proposes rescinding the rules below for the reasons stated above.

15.3

15.4

15.8

15.9

15.10

15.11

15.13

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

CHAPTER 15
PURCHASING

265—15.1(16) Applicability of competitive bidding. Goods or services expected to cost more than \$50,000 in the aggregate will be obtained through a formal or informal competitive bidding process conducted by the authority, or through the department of administrative services whenever such procurement is in the best interests of the authority, as determined by the authority. Goods or services expected to cost \$50,000 or less in the aggregate may be obtained in any manner deemed appropriate by the authority.

Notwithstanding the foregoing, the authority may exempt any item from competitive bidding if the item is noncompetitive or is purchased in quantities too small to be effectively purchased through competitive bidding; if there is an immediate or emergency need for the item; if the purchase of the item facilitates compliance with set-aside procurement provisions; or if the director of the authority determines, in the director's sole discretion, that the authority's best interests will be served by exemption from the bidding process.

265—15.2(16) Methods of obtaining bids or proposals used by the authority. Formal or informal bids or proposals may be obtained by one of the following methods.

15.2(1) Request for bids.

a. The authority may prepare a request for bids for providing the goods or services sought by the authority. The request may be shared on the state website for bid opportunities, on the authority's website, sent directly to vendors, or distributed in other means determined by the authority. The authority may use reverse auction methods to obtain goods and services.

b. The request for bids will include the due date and time of the bid opening, a description of the goods or services needed, and other information deemed necessary by the authority.

c. The authority will tabulate results as bids are opened.

d. The authority will make an award by the date identified in the request for bids. The price quoted by the vendors shall remain binding for the time period indicated in the request for bids. If an award is not made within the time frame indicated by the authority when requesting bids, all bids may be deemed rejected.

15.2(2) Informal bids.

a. The authority may obtain informal bids through use of a written bid form, in electronic format, or in other manners determined appropriate by the authority. The authority will describe the goods or services sought by the authority, the date by which bids must be submitted, the anticipated award date and other information deemed necessary by the authority. The authority may use reverse auction methods to obtain good and services.

b. The authority will tabulate results as bids are opened.

c. If an award is not made within the time frame indicated by the authority when requesting bids, all bids may be deemed rejected.

15.2(3) Request for proposals. The authority may issue a request for proposals when cost is not the sole criterion for selection.

a. The authority will prepare a written request for proposals and submit the request to the department of administrative service for submission on the state website for bid opportunities. The authority may publicize a request through other means, including the authority's website or sending the request for proposals to selected vendors.

b. Requests for proposals will generally include the purpose of the request, the scope of work to be performed, submission requirements and due date, terms and conditions of an award, review criteria and the anticipated time frame for awarding a contract.

c. The authority will evaluate and rank proposals according to review criteria identified in the request for proposals. If an award is not made within the applicable time frame indicated by the authority when requesting proposals, all proposals may be deemed rejected.

265—15.3(16) Contract purchases. The authority may enter into contract purchase agreements for items, groups of items, or services. Contract purchase agreements are subject to the competitive bidding requirements previously outlined, where applicable.

265—15.4(16) Blanket purchase agreements. The authority may establish blanket purchase agreements. Blanket purchase agreements are subject to the competitive bidding requirements previously outlined, where applicable.

265—15.5(16) Bids and proposals to conform to specifications. All bids and proposals must conform to the specifications provided by the authority, including deadlines for submission of bids or proposals. Bids and proposals that do not conform to

the specifications stated may be rejected. The authority reserves the right to waive deficiencies in the bids or proposals if the authority's best interests would be served by the waiver.

265—15.6(16) Modification or withdrawal of bids. Bids or proposals may be modified or withdrawn prior to the time and date set for the bid or proposal opening. Modifications or withdrawals must be submitted to the authority in writing. A bid or proposal may be withdrawn after opening with the approval of the authority.

265—15.7(16) Financial security. The authority may require bid security, litigation security, and performance security on formal bids or proposals if specified in the request for bids or request for proposals.

265—15.8(16) Rejection of bids and proposals. The authority reserves the right to reject any or all bids or proposals. Bids and proposals may be rejected because of faulty specifications, abandonment of the project, insufficient funds, evidence of unfair or flawed bidding procedures, failure of a vendor to meet the authority's requirements or follow submission instructions, or for any other reason if the authority determines that its best interests will be served by rejecting any or all bids. New bids may be requested by the authority at any time.

265—15.9(16) Vendor appeals. Any vendor whose bid or proposal has been timely filed may appeal the decision by filing a written notice of appeal before the Iowa finance authority board within three business days of the date of the award. The notice of appeal shall state the grounds upon which the vendor challenges the authority's award. Following receipt of a notice of appeal the board will notify the appealing vendor and the vendor who received the contract award of the procedures to be followed in the appeal. The board may appoint a designee to proceed with the appeal on its behalf.

These rules are intended to implement Iowa Code section 16.5(1) "f."

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	6
Proposed word count reduction after repeal and/or re-promulgation	941
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	52

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.