

## IDAPA 38 - DEPARTMENT OF ADMINISTRATION

### 38.05.01 - RULES OF THE DIVISION OF PURCHASING

#### DOCKET NO. 38-0501-1601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 67-5717, Idaho Code (Section 67-9205, Idaho Code, effective July 1, 2016).

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 30, 2016.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

New legislation effective July 1, 2016 created the "State Procurement Act." This legislation requires the Administrator of the Division of Purchasing to promulgate rules regarding the process and factors influencing the decision to grant, continue, and revoke delegated purchasing authority; as well as rules establishing policies and procedures related to the administration, management, monitoring and oversight of contracts entered into by an agency.

In addition to addressing the requirements of the new State Procurement Act, as detailed above, the proposed rules will include additional minor modifications intended to clarify, consolidate and modernize existing language; including (but not limited to) establishing the form for preservation of records within the Division of Purchasing, updates to the definition section, as well as revisions to reflect minor modifications which were adopted in the State Procurement Act. Internal and agency comments may result in additional revisions to the existing rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, if available, contact Sarah Hilderbrand at (208) 332-1612 or at [sarah.hilderbrand@adm.idaho.gov](mailto:sarah.hilderbrand@adm.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division of Purchasing's web site at the following web address: <http://purchasing.idaho.gov/>.

DATED this 5th Day of May, 2016.

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