

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 8A.104(5), the Department of Administrative Services (DAS) proposes to amend Chapter 41, “Auditing Claims,” Chapter 42, “Accounting Procedures of Public Impact,” Chapter 54, “Recruitment, Application and Examination,” Chapter 56, “Filling Vacancies,” Chapter 64, “Benefits,” Chapter 117, “Procurement of Goods and Services of General Use,” and Chapter 119, “Uniform Terms and Conditions for Service Contracts,” Iowa Administrative Code.

The Department is continuing the effort to review its administrative rules in accordance with Iowa Code section 17A.7 by amending certain departmental rules to eliminate outdated provisions and conflicts with statute and by making other changes that reflect and clarify departmental practice.

The Department does not intend to grant waivers under the provisions of these rules, other than as may be allowed under the Department’s general rules concerning waivers.

Interested persons may make written comments on the proposed amendments until 4:30 p.m. on October 6, 2015. Comments should be directed to Caleb Hunter, Department of Administrative Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-6140 or by e-mail to Caleb.Hunter@iowa.gov.

A public hearing will be held on October 6, 2015, from 3 to 4 p.m. in Room 8, A Level, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of specific needs by calling (515)281-3351.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 8A.

The following amendments are proposed.

ITEM 1. Amend rule 11—41.4(8A) as follows:

11—41.4(8A) Authorization for travel.

41.4(1) *Approval by administrative head of the agency.* All official travel shall be authorized by the administrative head of the agency or the designated representative, prior to the travel whenever possible. ~~This applies to in-state travel which is not subject to executive council approval.~~

41.4(2) *Out of state.* Official travel out of the state for any executive branch employee must receive prior approval in writing from the executive council of the state except those employees exempt from executive council approval pursuant to Iowa Code Supplement section 8A.512 or other specific statutory exemptions electronic authorization on the Travel Department Authorization form from the administrative head of the agency.

41.4(3) *Requests for out-of-state travel.* All requests for out-of-state travel shall be on a form approved by the ~~executive council~~, administrative head of the agency and shall include information as ~~the council deems necessary~~ required by Iowa Code section 8A.512A.

41.4(4) No change.

ITEM 2. Amend paragraph **41.5(4)“b”** as follows:

b. Out of state. If the traveler desires to use a personally owned vehicle instead of common carrier and it is authorized by the ~~executive council~~ administrative head of the agency, the cost of mileage (not to exceed airfare) to the destination’s nearest air terminal, plus expenses incurred to final destination and

subsistence allowance en route will be allowed. Out-of-state subsistence allowance will be allowed only for the number of meals and nights lodging which would have been necessary had the traveler used the available public transportation to destination instead of a private vehicle. Taxi or mileage expenses will be allowed at the destination if the expenses are incurred while the traveler is on official business.

If two or more travelers on official business travel in one privately owned vehicle instead of common carrier, the use of one vehicle may be authorized on a mileage basis not to exceed the statutory limit per mile.

ITEM 3. Amend rule 11—42.1(8A), introductory paragraph, as follows:

11—42.1(8A) Scope and application. The department of administrative services, state accounting enterprise, is responsible for the payment of money due based on contracts with vendors for goods and services entered into by all state agencies and governmental subdivisions. Consequently, the department has implemented rules and policies to ease the administration of the payment of all obligations owed to third parties. The policies and procedures governing the payment of these obligations are set forth in the Department of Administrative Services, State Accounting Enterprise, Accounting Policies and Procedures Manual. This manual may be accessed ~~on the state of Iowa Web site located at http://das.sae.iowa.gov/internal_services/policy_manual.html~~ das.iowa.gov, or copies of the appropriate provisions may be requested and obtained by mail from State Accounting Enterprise, Department of Administrative Services, Hoover State Office Building, Third Floor, Des Moines, Iowa 50319. Provisions of the manual that affect persons outside state government are as follows:

ITEM 4. Adopt the following new paragraphs **54.5(2)“e”** and **“f”**:

e. Veterans’ preference points outlined in Iowa Code section 8A.413(22) shall be applied as a percentage of the grade or score attained in qualifying examinations.

f. The percentage points shall be given only upon a veteran’s passing the examination and shall not be the determining factor in passing. Veterans’ preference percentage points shall be applied once to the final scores used to rank applicants for selection for an interview.

ITEM 5. Amend rule 11—56.5(8A) as follows:

11—56.5(8A) Expiration of a list. The expiration of a list shall be ~~90~~ 120 calendar days following the date of issue unless otherwise approved by the director. All appointments or promotions must be reported to the director before the expiration date of the list. Effective dates of appointments or promotions must be no later than 60 days after the expiration date of the list unless otherwise authorized by the director, except that appointments or promotions “pending graduation” or “pending license” shall be allowed to be effective up to nine months following the expiration date of the list.

ITEM 6. Amend paragraph **64.10(2)“a”** as follows:

a. Assistance ~~may be approved~~ for meeting continuing education requirements may be approved when necessary to maintain the assistance is applied toward maintaining a professional registration, certification, or license and the workshop, seminar, or conference is related to the duties and responsibilities of the employee’s position.

ITEM 7. Amend paragraph **117.11(1)“b”** as follows:

b. With the exception of requests for proposals (RFPs) which are approved by the technology governance board, procurement of all information technology devices and services, projects and outsourcing of \$50,000 or more or a total involvement of 750 participating agency staff hours or more must receive prior approval from the ~~department of administrative services, information technology enterprise (DAS/ITE),~~ office of the chief information officer (OCIO) before a participating agency issues a competitive selection document or any other procurement document or otherwise seeks to procure information technology devices or services or both through the department or on its own purchasing authority. The participating agency’s approval request shall be in a form prescribed by the department.

ITEM 8. Rescind paragraph **117.11(2)“k.”**

ITEM 9. Amend subrule 117.15(1) as follows:

117.15(1) *Agency direct purchasing—basic level.* An agency may procure non-master agreement goods costing up to \$1,500 without competition. An agency shall procure non-master agreement goods ~~or services~~ costing between \$1,501 and \$5,000 in a competitive manner, using either informal or formal competition. If an informal process is chosen, the agency shall follow the process described in the definition of “informal competition” in rule 11—117.2(8A). The agency shall document the quotes, or circumstances resulting in fewer than three quotes, in an electronic file attached to the order or in another format.

ITEM 10. Amend subrule 117.17(1), introductory paragraph, as follows:

117.17(1) *Vendor on-line registration.* Vendors are encouraged to register electronically using the vendor on-line system ~~when it becomes available~~. Vendors that are registered on the vendor on-line system are eligible for all services at the site, including receiving electronic notices of solicitations and submitting an electronic response to a solicitation.

ITEM 11. Amend subrule 119.4(1), introductory paragraph, as follows:

119.4(1) *Payment clause.* The contract shall include a clause or clauses describing the amount or basis for paying consideration to the party based on the party’s performance under the service contract. The payment clause(s) should be designed to work in harmony with any monitoring clauses and any postcontract review procedures. All payment clauses shall be consistent with ~~2003~~ Iowa Code Supplement section 8A.514. The payment clause(s) should also be designed to work in harmony with the outputs, outcomes or any combination thereof desired by a department or establishment. The payment clause should be appropriate to the nature of the contract as determined by the department or establishment. Acceptable kinds of payment clauses include the following. However, these descriptions are not intended to be an exhaustive or prescriptive list; they are provided as examples.