

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Adopted and Filed

Rule making related to procurement of state vehicles

The Department of Administrative Services hereby amends Chapter 117, “Procurement of Goods and Services of General Use,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 8A.104, 8A.311, 17A.3 and 17A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 8A.311(20) and 2018 Iowa Acts, Senate File 2416.

Purpose and Summary

2018 Iowa Acts, Senate File 2416, amends Iowa Code section 8A.311(20), eliminating life cycle costing as a determination in purchasing vehicles for the State of Iowa fleet. 2018 Iowa Acts, Senate File 2416, instead provides that the purchase of passenger vehicles; light, medium-duty, and heavy-duty trucks; passenger and cargo vans; and sport utility vehicles shall be awarded to the lowest responsive and responsible bidder based solely on bid price. These amendments comport with 2018 Iowa Acts, Senate File 2416.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 26, 2018, as **ARC 4018C**. A public hearing was held on October 17, 2018, at 2 p.m. in Conference Room 5, A Level, Hoover State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on October 31, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department’s rules concerning waivers.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on December 26, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 117.12(3) as follows:

117.12(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 except for passenger vehicles; light, medium-duty, and heavy-duty trucks; passenger and cargo vans; and sport utility vehicles.

ITEM 2. Amend subrule 117.12(6) as follows:

117.12(6) *Vehicle procurement.*

a. Specifications for procurement of all non-law enforcement, light-duty vehicles, excluding those purchased and used for off-road maintenance work or to pull loaded trailers, shall be for flexible fuel vehicles ~~(as defined by Iowa Code section 8A.362(5))~~ when an equivalent flexible fuel model is available.

b. Use of specifications for hybrid-electric or other alternative fuel vehicles ~~(as defined by Iowa Code section 8A.362(5))~~ is encouraged. Procurement of hybrid-electric or other alternative fuel vehicles may be dependent upon whether the ~~costs~~ cost of the vehicle's life cycle ~~are~~ vehicle is equivalent to a non-alternative fuel vehicle or non-flexible fuel vehicle (a vehicle with a gasoline E10 engine) ~~prior to the year 2010.~~

~~*c.* The life cycle costs of American motor vehicles shall be reduced by 5 percent in order to determine if the motor vehicle is comparable to foreign-made motor vehicles. The life cycle costs of a motor vehicle shall be determined on the basis of the bid price, the resale value, and the operating costs based upon a useable life of five years or 75,000 miles, whichever occurs first.~~

~~*d. c.* The average fuel efficiency for new passenger vehicles and light trucks, as defined in paragraph 117.12(6) "a," that are purchased in a year shall equal or exceed the average fuel economy standard for the vehicles' model years as published by the United States Secretary of Transportation.~~

[Filed 10/31/18, effective 12/26/18]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/21/18.