

CHAPTER 25
COMPETITION WITH PRIVATE ENTERPRISE

761—25.1(23A) Interpretation. This chapter shall not be interpreted to mean that the department must provide a good or service or will provide a good or service without qualification, restriction, or charge.

761—25.2(23A) Exemptions. Activities related to the items listed in this rule are exempted from the provisions of Iowa Code section 23A.2, subsection 1.

25.2(1) Transportation-related printing, publications and electronically generated materials including, but not limited to: forms; brochures; booklets; manuals; directories; periodicals; county, city and state transportation maps; video and audio materials; computer tapes and discs; microfilm and other instructional and informative materials.

25.2(2) Copies of records or other services provided to meet the requirements of Iowa Code chapter 22.

25.2(3) Transportation-related studies, planning and research.

25.2(4) Disposal of surplus, obsolete or junked materials and supplies and equipment.

25.2(5) Matters of intergovernmental cooperation. Cooperating with other government bodies does not involve providing goods or services to the public except in the broadest sense. The term “government bodies” includes regional transit systems. Activities which involve intergovernmental cooperation include, but are not limited to, the following:

a. Use or consumption of departmental facilities, equipment, materials or supplies by other government bodies, including loans, rentals and sales of equipment, materials and supplies.

b. Services provided to or performed for other government bodies. These services include:

(1) Vehicle maintenance and repair services provided to other state agencies.

(2) Purchasing services provided to other government bodies.

(3) Purchases made by other government bodies through state contracts.

(4) Disposal of surplus, obsolete or junked materials and supplies and equipment belonging to other state agencies, counties or cities.

(5) Other services performed for government bodies. These services cover a wide range of activities and are performed primarily for county and city highway departments, agencies having park or institutional roads, county treasurers, public transit systems, publicly owned airports, law enforcement agencies, regional planning agencies, and transportation-related boards.

25.2(6) Acquisition and disposal of land and improvements acquired for highways or facilities use.

25.2(7) Lease of right-of-way.

25.2(8) Design, construction, reconstruction, inspection and maintenance of highways including, but not limited to, signs erected in the right-of-way and acknowledgment signs used in the adopt-a-highway and highway helper sponsorship programs.

25.2(9) Rescinded IAB 3/13/19, effective 4/17/19.

25.2(10) Use or consumption of specialized departmental equipment, materials, supplies or services to complete a contract with the department if the goods or services are not readily available on the open market and the department can provide the goods or services at a competitive price.

25.2(11) Use of departmental facilities to complete a contract with the department.

25.2(12) Activities related to emergencies including, but not limited to, providing assistance to the public.

25.2(13) Goods or services for use or consumption by the department.

25.2(14) Use of departmental facilities or services by persons providing services to or representing departmental employees including, but not limited to, the following services or persons: food, credit union and employee organizations.

25.2(15) Use of departmental conference rooms or grounds by civic groups and nonprofit organizations.

25.2(16) Personal protective items purchased by departmental employees through state contracts.

25.2(17) Goods or services promoting transportation or transportation safety.

25.2(18) Any other activity permitted or required by law.

[ARC 0187C, IAB 7/11/12, effective 8/15/12; see Delay note at end of chapter; ARC 4341C, IAB 3/13/19, effective 4/17/19; ARC 5256C, IAB 11/4/20, effective 12/9/20]

These rules are intended to implement Iowa Code sections 23A.1 and 23A.2.

[Filed 2/23/89, Notice 1/11/89—published 3/22/89, effective 4/26/89]

[Filed ARC 0187C (Notice ARC 0113C, IAB 5/2/12), IAB 7/11/12, effective 8/15/12]¹

[Filed ARC 4341C (Notice ARC 4236C, IAB 1/16/19), IAB 3/13/19, effective 4/17/19]

[Filed ARC 5256C (Notice ARC 5122C, IAB 8/12/20), IAB 11/4/20, effective 12/9/20]

¹ August 15, 2012, effective date of 25.2(8) [ARC 0187C] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2012. At its meeting held September 11, 2012, the Committee delayed the effective date until adjournment of the 2013 Session of the General Assembly.