

351—6.10(68B) Prohibition on sales; when public bids required—disclosure of income. Pursuant to Iowa Code section 68B.3, an official or employee shall not sell, in any one occurrence, goods or services having a value in excess of \$2,000 to a state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding and the official or employee making the sale files Form Public Bid with the board within 20 days of making the sale. This prohibition includes sales to the state agency in which the official or employee serves or is employed.

6.10(1) Exceptions. The prohibition in Iowa Code section 68B.3 and this rule shall not apply to any of the following:

- a. Sales of goods or services done as part of the official's or employee's state duties.
- b. Sales of goods or services by a member of a board or commission to state executive branch agencies or subunits of departments or independent agencies that are not the subunit of the department or independent agency in which the person serves or are not a subunit of a department or independent agency with which the person has substantial and regular contact as part of the person's duties. "Board" and "commission" as used in this rule mean the same as defined in Iowa Code section 7E.4.
- c. The publication of resolutions, advertisements, or other legal propositions or notices in newspapers designated by law for the publication of such materials and for which publication rates are fixed by law.
- d. Instruction at an accredited educational institution if the official or employee meets the minimum education and licensing requirements established for other instructors at the educational institution.
- e. A contract for professional services that is exempt from competitive bidding requirements under any provision in the Iowa Code or Iowa Administrative Code.

6.10(2) Sales to political subdivisions. An official who sells goods or services to a political subdivision of the state shall disclose on the official's Form PFD as provided in 351—Chapter 7 if income was received from the sale.

6.10(3) Filing of report. An official or employee making a sale to a state agency pursuant to Iowa Code section 68B.3 shall file Form Public Bid within 20 days of making the sale. The form shall be filed with the board at 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319; by fax at (515)281-4073; or as an email attachment. The failure to timely file Form Public Bid with the board within 20 days of making the sale may subject the official or employee to board sanctions under Iowa Code chapter 68B and rule 351—9.4(68B).

This rule is intended to implement Iowa Code section 68B.3.

[ARC 7650B, IAB 3/25/09, effective 4/29/09; ARC 9036B, IAB 8/25/10, effective 9/29/10; ARC 5525C, IAB 3/24/21, effective 4/28/21]