

**751—5.7(8D) Prospective vendor selection.**

**5.7(1)** Any firm or business legally transacting business within Iowa at the time the contract for goods or services is executed, may request placement on the approved vendor list for a particular service or commodity by filing a vendor application form with the commission. The commission may mail copies of solicitation documents to vendors on the list for a particular item or to any other vendor which the commission chooses to contact. A vendor may be refused placement on the list or suspended or permanently removed from the list for any of the following reasons:

- a.* Failure to respond to three consecutive solicitations;
- b.* Failure to deliver within specified delivery dates;
- c.* Failure to deliver in accordance with specifications;
- d.* Attempts to influence the decision of any state employee involved in the procurement process;
- e.* Evidence of agreements by the vendor to restrain trade or impede competitive bidding;
- f.* Any other activities of the vendor which the commission determines would render the vendor unsuitable; and
- g.* Failure to pay subcontractors.

**5.7(2)** The executive director shall notify a vendor in writing prior to refusing placement on the list, suspending the vendor from the list, or permanently removing the vendor from the list. The vendor shall be provided a reasonable opportunity to explain and cure any misconduct identified by the executive director. If the executive director ultimately refuses placement on the list or removes the vendor from the list, the vendor may appeal the executive director's action to the commission pursuant to the criteria for vendor appeals contained in these rules.

**5.7(3)** The commission shall select vendors to receive solicitation documents based on the commission's knowledge of the vendors in the particular market. The initial vendor selection shall be designed to promote the competitive bidding process, the set-aside procurement programs, and the best interests of the commission. The commission shall also provide solicitation documents to qualified vendors upon request when the request is made during the solicitation period. The vendor is solely responsible for ensuring that solicitation documents are received by the vendor.