

Senate Study Bill 216

Bill Text

PAG LIN

1 1 Section 1. Section [2B.1](#), subsection 3, Code 1997, is
1 2 amended to read as follows:
1 3 3. The Iowa Code and administrative code divisions are
1 4 responsible for the editing, compiling, and proofreading of
1 5 the publications they prepare, as provided in this chapter

~~and~~

1 6

~~notwithstanding section 18.76~~

1 7 The Iowa Code division is
1 8 entitled to the temporary possession of the original enrolled
1 9 Acts and resolutions as necessary to prepare them for
1 9 publication.

1 10 Sec. 2. Section [18.1](#), subsection 2, Code 1997, is amended
1 11 to read as follows:

1 12 2. "Competitive bidding

~~procedures~~

~~procedure" means the~~

1 13 advertisement for, solicitation of, or the procurement of
1 14 bids; the manner and condition in which bids are received; and
1 15 the procedure by which bids are opened, accessed, accepted,

~~or~~

1 16 rejected, or awarded. A "competitive bidding procedure" may
1 17 include a transaction accomplished in an electronic format.

1 18 Sec. 3. Section [18.3](#), Code 1997, is amended by adding the
1 19 following new subsections:

1 20 NEW SUBSECTION. 10. Developing and implementing
1 21 procedures to conduct transactions, including purchasing,
1 22 authorized by this chapter in an electronic format to the
1 23 extent determined appropriate by the department. The
1 24 department shall adopt rules establishing criteria for
1 25 competitive bidding procedures involving transactions in an
1 26 electronic format, including criteria for accepting or
1 27 rejecting bids which are electronically transmitted to the
1 28 department, and for establishing with reasonable assurance the
1 29 authenticity of the bid and the bidder's identity.

1 30 NEW SUBSECTION. 11. Insuring motor vehicles owned by the
1 31 state. Insurance coverage may be provided through a self-
1 32 insurance program administered by the department or purchased
1 33 from an insurer. If the department utilizes a self-insurance
1 34 program, the department shall maintain loss and exposure data
1 35 for vehicles under the jurisdiction of the state fleet
2 1 administrator. Upon request, state agencies shall provide all
2 2 loss and exposure information to the department.

2 3 NEW SUBSECTION. 12. Organizing the department by
2 4 divisions or other subunits to promote the effective and
2 5 efficient administration of the department.

2 6 Sec. 4. Section [18.6](#), subsections 2, 3, 4, and 9, Code
2 7 1997, are amended to read as follows:

2 8 2. The director may also exempt the purchase of an item or
2 9 service from a competitive bidding procedure when the director

2 10 determines that the best interests of the state will be served
2 11

~~due to an~~
- by the exemption which shall be based on one of the
2 12 following:

2 13 a. An immediate or emergency need existing for the item or
2 14 service.

2 15 b. A need to protect the health, safety, or welfare of
2 16 persons occupying or visiting a public improvement or property
2 17 located adjacent to the public improvement.

2 18 c. An opportunity to procure an item or service in another
2 19 reasonable manner.

2 20 3. The director shall have the power to contract for the
2 21 purchase of items or services by the department.

~~Contracts~~

2 22

~~for the purchase of items shall be awarded on the basis of the~~

2 23

~~lowest competent bid. Contracts~~

- In awarding a contract, the

2 24 director may consider the price of the item or service, the
2 25 bidder's competence, the bidder's specialized expertise, the
2 26 quality of the item or service, and any other factors that the
2 27 director determines are relevant and that are included in the
2 28 bid specifications. Notwithstanding section 72.3, in any
2 29 procurement made under this chapter, the director, following
2 30 the submittal and evaluation of bids, may enter into best and
2 31 final offer negotiations with qualified bidders as provided in
2 32 the bid specifications in order to obtain the lowest price
2 33 possible for the item or service. A contract which is not
2 34 based on a competitive bidding procedure shall be awarded on
2 35 the basis of

~~bidder~~

- a bidder's competence

~~and reasonable~~

~~, the~~

3 1 reasonableness of the price, and any other factors that the
3 2 director determines are relevant.

3 3 The director may enter into an agreement with the
3 4 government of another state or with the federal government to
3 5 provide for the cooperative purchase of an item or service of
3 6 general use in this state.

3 7 4. The director may refuse all bids on any item or service
3 8 and institute a new bidding procedure.

3 9 9. a. When the estimated total cost of construction,
3 10 erection, demolition, alteration, or repair of a public
3 11 improvement exceeds twenty-five thousand dollars, the
3 12 department shall advertise for bids on the proposed
3 13 improvement by publishing the advertisement either in an
3 14 electronic or print format. If the advertisement is published
3 15 in an electronic format, it shall be accessible at least
3 16 fifteen days prior to the date set for receiving bids. If the
3 17 advertisement is published in a print format, it shall be in
3 18 two publications in a newspaper published in the county in
3 19 which the work is to be done. The first advertisement for
3 20 bids appearing in a newspaper shall be not less than fifteen
3 21 days prior to the date set for receiving bids.

~~The~~

~~-~~
3 22 b. In awarding a contract, the department
~~- shall let the~~
~~-~~
3 23
~~- work to the lowest responsible bidder submitting a sealed~~
~~-~~
3 24
~~- proposal~~
~~- may consider the price bid, the bidder's competence,~~
3 25 the bidder's specialized expertise, the quality of the item or
3 26 service to be provided, and any other factors that the
3 27 director determines are relevant and that are included in the
3 28 bid specifications. However, if the department considers the
3 29 bids received not to be acceptable, all bids may be rejected
3 30 and new bids requested. A bid shall be accompanied
~~- , in a~~
~~-~~
3 31
~~- separate envelope,~~
~~- by a~~
~~- deposit of money or a~~
~~- certified check~~
3 32 or
~~- credit union certified share draft~~
~~- bid bond~~ in an amount
~~- to~~
~~-~~
3 33
~~- be named~~
~~- designated~~ in the advertisement for bids as security
3 34 that the bidder will enter into a contract for the doing of
3 35 the work requested. The department shall
~~- fix~~
~~- establish~~ the
4 1 bid security in an amount equal to at least five percent, but
4 2 not more than ten percent of the estimated total cost of the
4 3 work. The certified checks
~~- , share drafts~~
~~- or~~
~~- deposits of money~~
~~-~~
4 4 bid bonds of
~~- the~~
~~- unsuccessful bidders shall be returned as~~
4 5 soon as the successful bidder is determined
~~- , and the~~
~~- . The~~
4 6 certified check
~~- , share draft~~
~~- or~~

~~deposit of money~~

- bid bond of

4 7 the successful bidder shall be returned upon execution of the
4 8 contract

~~documents~~

- This section does not apply to the

4 9 construction, erection, demolition, alteration, or repair of a
4 10 public improvement when the contracting procedure for

~~the~~

-
4 11

~~doing of~~

- the work requested is otherwise provided for in

4 12

~~another provision of~~

- law.

4 13 Sec. 5. Section 18.6, subsection 12, Code 1997, is amended
4 14 by striking the subsection.

4 15 Sec. 6. Section 18.8, unnumbered paragraph 1, Code 1997,
4 16 is amended to read as follows:

4 17 The director shall provide necessary

~~voice or data~~

-
4 18

~~communications, including telephone and telegraph~~

-
4 19 telecommunications cabling, lighting, fuel, and water services
4 20 for the state buildings and grounds located at the seat of
4 21 government, except the buildings and grounds referred to in
4 22 section 216B.3, subsection 6.

4 23 Sec. 7. Section 18.12, subsection 8, Code 1997, is amended
4 24 by adding the following new paragraph:

4 25 NEW PARAGRAPH. c. The director may dispose of presses,
4 26 printing equipment, printing supplies, and other machinery or
4 27 equipment used in the printing operation, as provided in
4 28 section 18.59.

4 29 Sec. 8. Section 18.12, subsection 9, Code 1997, is amended
4 30 to read as follows:

4 31 9. a. Lease all buildings and office space necessary to
4 32 carry out the provisions of this chapter or necessary for the
4 33 proper functioning of any state agency at the seat of
4 34 government, with the approval of the executive council if no
4 35 specific appropriation has been made. The cost of any lease
5 1 for which no specific appropriation has been made shall be
5 2 paid from the fund provided in section 7D.29.

5 3 b. When the general assembly is not in session, the
5 4 director

~~of general services~~

- may request

~~funds~~

- moneys from the

5 5 executive council for moving state agencies located at the
5 6 seat of government from one location to another. The request
5 7 may include moving costs,

~~telephone~~

- telecommunications costs,

5 8 repair costs, or any other costs relating to the move. The
5 9 executive council may approve and shall pay the costs from

5 10 funds provided in section 7D.29 if it determines the agency or
5 11 department has no available funds for these expenses.

5 12 c. Coordinate the leasing of buildings and office space by
5 13 state agencies throughout the state and develop cooperative
5 14 relationships with the state board of regents in order to
5 15 promote the colocation of state agencies.

5 16 Sec. 9. Section 18.12, subsection 12, Code 1997, is
5 17 amended by striking the subsection.

5 18 Sec. 10. Section 18.16, subsection 2, Code 1997, is
5 19 amended to read as follows:

5 20 2. The director shall pay the lease or rental fees to the
5 21 renter or lessor and submit a monthly statement to each state
5 22 agency for which building and office space is rented or
5 23 leased.

~~The~~

~~- If the director pays the lease or rental fees on~~
5 24 ~~behalf of a state agency, the state agency's payment to the~~
5 25 ~~department shall be credited to the rent revolving fund~~
5 26 ~~established by this section. With the approval of the~~
5 27 ~~director, a state agency may pay the lease or rental cost~~
5 28

~~shall be paid by the state agency to the department of general~~

~~-~~
5 29

~~services in the same manner as other expenses of the state~~

~~-~~
5 30

~~agency are paid and the payment shall be credited to the rent~~

~~-~~
5 31

~~revolving fund~~

~~- directly to the person who is due the payment~~
5 32 ~~under the lease or rental agreement.~~

5 33 Sec. 11. Section 18.18, subsection 1, paragraphs a through
5 34 c, Code 1997, are amended to read as follows:

5 35 a.

~~By July 1, 1991, one~~

~~- One hundred percent of the~~
6 1 purchases of inks which are used for newsprint printing
6 2 services performed internally or contracted for by the
6 3 department shall be soybean-based.
6 4 b.

~~By July 1, 1993, one~~

~~- One hundred percent of the~~
6 5 purchases of inks, other than inks which are used for
6 6 newsprint printing services, and which are used internally or
6 7 contracted for by the department, shall be soybean-based to
6 8 the extent formulations for such inks are available.
6 9 c.

~~By July 1, 1995, a~~

~~- A minimum of ten percent of the~~
6 10 purchases of garbage can liners made by the department shall
6 11 be plastic garbage can liners with recycled content. The
6 12 percentage shall increase by ten percent annually until fifty
6 13 percent of the purchases of garbage can liners are plastic
6 14 garbage can liners with recycled content.

6 15 Sec. 12. Section 18.18, subsection 5, Code 1997, is
6 16 amended to read as follows:

6 17 5. Information on recycled content shall be requested on

6 18 all bids for paper products issued by the state and on other
6 19 bids for products which could have recycled content such as
6 20 oil, plastic products, including but not limited to

~~starch~~

6 21

~~based plastic products,~~

~~compost materials, aggregate,~~

6 22 solvents, soybean-based inks, and rubber products.

6 23 Sec. 13. Section [18.18](#), subsection 8, Code 1997, is

6 24 amended by striking the subsection.

6 25 Sec. 14. NEW SECTION. 18.19 RECYCLING REVOLVING FUND.

6 26 A recycling revolving fund is created within the state

6 27 treasury under the control of the department. The fund shall

6 28 consist of any moneys appropriated by the general assembly and

6 29 any other moneys available to and obtained or accepted by the

6 30 department from the federal government or private sources for

6 31 placement in the fund. The assets of the fund shall be used

6 32 by the department only for supporting recycling operations.

6 33 Moneys in the fund, which may be subject to warrants written

6 34 by the director of revenue and finance, shall be drawn upon

6 35 the written requisition of the director or an authorized

7 1 representative of the director. The fund is subject to an

7 2 annual audit by the auditor of state. Section 8.33 does not

7 3 apply to any moneys in the fund. Notwithstanding section

7 4 12C.7, subsection 2, interest or earnings on moneys deposited

7 5 in the fund shall be credited to the fund.

7 6 Sec. 15. Section [18.20](#), unnumbered paragraph 1, Code 1997,

7 7 is amended to read as follows:

7 8 The department in accordance with recommendations made by

7 9 the department of natural resources shall require all state

7 10 agencies to establish an agency wastepaper recycling program

7 11

~~by January 1, 1990~~

~~The director shall adopt rules which~~

7 12 require a state agency to develop a program to ensure the

7 13 recycling of the wastepaper generated by the agency.

~~Each~~

7 14

~~agency shall submit a report to the general assembly meeting~~

7 15

~~in January 1990, which includes a description of the program~~

7 16

~~plan and the agency's efforts to use recycled products.~~

~~All~~

7 17 state employees shall practice conservation of paper

7 18 materials.

7 19 Sec. 16. Section [18.28](#), unnumbered paragraph 2, Code 1997,

7 20 is amended by striking the unnumbered paragraph.

7 21 Sec. 17. Section [18.32](#), Code 1997, is amended to read as

7 22 follows:

7 23 18.32 ADVERTISEMENTS FOR BIDS.

7 24 The director shall advertise for bids for

~~the doing of the~~

7 25 public printing.

7 26 Sec. 18. Section 18.33, Code 1997, is amended to read as
7 27 follows:

7 28 18.33 REQUIREMENTS.

7 29 Advertisements shall state where and how specifications and
7 30 other necessary information may be obtained, the time during
7 31 which the director will receive bids, and the day, hour, and
7 32 place when bids will be publicly opened or accessed and the
7 33 manner by which the contracts will be awarded.

7 34 Sec. 19. Section 18.36, Code 1997, is amended to read as
7 35 follows:

8 1 18.36 FORM OF BIDS.

8 2 Bids must be:

8 3 1. Secured in writing, by telephone,

~~or~~

- by facsimile, or

8 4 in a format prescribed by the director as indicated in the bid

8 5 specifications

~~, and only on the blanks furnished with the~~

8 6

~~specifications~~

8 7 2. Signed by the bidder, or if a telephone or electronic
8 8 bid, confirmed

~~in writing~~

- by the bidder in a manner prescribed

8 9 by the director.

8 10 3.

~~If submitted~~

- Submitted in

~~writing, submitted in a~~

8 11

~~sealed envelope which shall be properly endorsed~~

- a format

8 12 prescribed by the director which reasonably assures the

8 13 authenticity of the bid and the bidder's identity.

8 14 4.

~~In the hands of the director~~

- Submitted to the

8 15 department as specified by the date and time

~~fixed~~

- established

8 16 in the advertisements for bids.

8 17 Sec. 20. Section 18.37, Code 1997, is amended to read as

8 18 follows:

8 19 18.37 DEPOSIT WITH BID OR YEARLY BOND.

8 20

~~A bidder shall deposit with the director at the time the~~

8 21 When a bidder

~~files~~

- submits a bid to the department, the

8 22 director may require the bidder to file a bid

~~- bond or a~~
8 23 certified check
.
~~- or credit union certified share draft~~
- payable
8 24 to the state treasurer
.
~~- for~~
- in an amount to be fixed in the bid
8 25 specifications, either covering all classes or items or
8 26 services, or separate certified checks
.
~~- or drafts~~
- for each bid
8 27 in case the bidder makes more than one bid. In lieu of
.
~~- checks~~
-
8 28
.
~~- or share drafts~~
- a certified check, the bidder may furnish a
8 29 yearly bond in an amount to be established by the director.
8 30
.
~~- Checks or share drafts~~
- Certified checks deposited by
8 31 unsuccessful bidders, and by successful bidders when they have
8 32 entered into the contract, shall be returned to them.
8 33 Sec. 21. Section 18.38, Code 1997, is amended to read as
8 34 follows:
8 35 18.38 OPENING AND ACCESSING OF BIDS - AWARD.
9 1 All bids shall be publicly opened or accessed and read and
9 2 the contracts
.
~~- let at the time and place fixed therefor, or on~~
-
9 3
.
~~- the adjourned day or days named by the director, of which~~
-
9 4
.
~~- adjournment all parties shall take notice~~
- awarded in the
9 5 manner designated in the bid specifications. In the award of
9 6
.
~~- contracts~~
- a contract, due consideration shall be given
.
~~- not~~
-
9 7
.
~~- only~~
- to the price bid,
.
~~- but to the~~
- mechanical and other
9 8 equipment proposed to be used by the bidder,
.
~~- and~~
- the financial
9 9 responsibility of the bidder,
.
~~- and~~

- the bidder's ability and
9 10 experience in the performance of

~~like or~~

- similar contracts,

9 11 and any other factors that the department determines are
9 12 relevant and that are included in the bid specifications.

9 13 Sec. 22. Section [18.43](#), Code 1997, is amended to read as
9 14 follows:

9 15 18.43 DUTY TO ENTER INTO CONTRACT - FORFEITURE.

9 16

~~A~~

- If the department requires a bid bond or certified check

9 17 as provided in section 18.37, a successful bidder shall,
9 18 within ten days after the award, enter into a contract in
9 19 accordance with the bid. Unless this is done, or the delay is
9 20 for reasons satisfactory to the director, the bid bond or
9 21 certified check

~~or credit union certified share draft~~

-
9 22 submitted with the bid shall be forfeited to the state. The
9 23 bid specifications on which the bid is made constitute a part
9 24 of the contract.

9 25 Sec. 23. Section [18.44](#), unnumbered paragraph 1, Code 1997,
9 26 is amended to read as follows:

9 27 The department shall enter into contracts which the
9 28 department determines are reasonable. The department may
9 29 ensure that the contracts

~~shall, among other provisions,~~

-
9 30 provide

~~that~~

- for the following:

9 31 Sec. 24. Section [18.45](#), Code 1997, is amended to read as
9 32 follows:

9 33 18.45 BOND.

9 34

~~A~~

- The department may require that a bidder provide a bond
9 35 for the faithful performance of

~~the~~

- a contract

~~shall be~~

-
10 1

~~required in connection with each contract, in an~~

~~amount~~

10 2

~~to~~

- of the bond shall be

~~fixed~~

- established by the director.

10 3 The bond shall be filed with the department as specified and
10 4 approved by the director.

10 5 Sec. 25. Section [18.46](#), Code 1997, is amended to read as
10 6 follows:

10 7 18.46

~~WRITTEN~~

~~AUTHORIZATON OF ORDERS.~~

10 8

~~No printing~~

~~Printing shall not be performed under any~~

10 9 contract except

~~on written orders therefor, on detailed forms~~

10 10

~~prescribed~~

~~as authorized~~ by the director

~~, and signed by the~~

10 11

~~director or by some person authorized by the director~~

~~Every~~

10 12 Each order shall designate the contract under which the order

10 13 is given

~~and the class, quantity, and kind of the required~~

10 14 printing

~~, the definite quantity and kind thereof, and be~~

10 15

~~issued in duplicate with a stub copy preserved~~

~~A separate~~

10 16

~~series of stubs and duplicates shall be used for each class of~~

10 17

~~printing.~~

10 18 Sec. 26. Section [18.48](#), Code 1997, is amended to read as

10 19 follows:

10 20 18.48 ACCEPTANCE OF PRINTING - PENALTY.

10 21

~~No printing shall be accepted as in compliance with the~~

10 22

~~contract when not of the grade of skill which is usually~~

10 23

~~employed by first class printers on printing of this class,~~

10 24

~~nor when the printing is not of the full quality contracted~~

10 25

~~for.~~

- The director may reject or refuse delivery on printing
10 26 which is not of the quality for which the contract was
10 27 awarded. If immediate necessity

~~and~~

- or lack of time to
10 28 procure printing elsewhere

~~compel~~

- compels the use of defective
10 29 printing furnished by a contractor,

~~it~~

- the defective printing
10 30 shall be accepted without approval, and one-half of the
10 31 contract price

~~thereon~~

- shall be deducted as liquidated damages
10 32 for breach of contract. The amount of the liquidated damages
10 33 may be deducted from any payment to the contractor under any
10 34 state contract.

10 35 Sec. 27. Section [18.49](#), Code 1997, is amended to read as
11 1 follows:

11 2 18.49 CONTRACTS BY INSTITUTIONAL HEADS.

11 3 The director may authorize the managing board, or head, or
11 4 chief executive officer of any institution or department of
11 5 the state located outside

~~the city of Des Moines~~

- Polk county

11 6 to secure, under the specifications of the director,
11 7 competitive bids for printing needed by the institution or
11 8 department, and submit the bids to the director. If the
11 9 director approves any of the bids, the authorized board, head,
11 10 or officer may contract for the printing, but the contract
11 11 shall not be valid until

~~a duplicate copy is filed with and~~

11 12

~~approved by~~

- the director approves the contract. The director
11 13 shall prescribe the manner by which the director is notified
11 14 of and approves the contract.

11 15 Sec. 28. Section [18.50](#), Code 1997, is amended to read as
11 16 follows:

11 17 18.50 EMERGENCY CONTRACTS.

11 18 The director may at any time award a

~~special~~

- separate

11 19 printing contract or may authorize

~~assistants~~

- an assistant to

11 20 award a

~~special~~

- separate printing contract for any work

~~or~~

-
11 21

~~material coming~~
- ~~and materials or printing supplies~~ within the
11 22 provisions of chapter 7A and sections 18.26 to 18.103

~~but~~

-
11 23 ~~which are~~ not included in ~~current printing~~ contracts

~~already~~

-
11 24

~~in existence,~~
- or which cannot properly be made the subject of
11 25 a general contract

~~, if the amount of each contract shall not~~

-
11 26

~~exceed the amount of five thousand dollars, and if special~~

-
11 27

~~bids~~

- ~~A separate printing contract must~~ have been duly
11 28 solicited by the director from

~~persons or firms~~

- ~~vendors~~

11 29 engaged in the kind of work under consideration who have
11 30 indicated a desire to bid on the class of work to be

~~done~~

-
11 31 ~~performed.~~

11 32 Sec. 29. Section [18.51](#), Code 1997, is amended to read as
11 33 follows:

11 34 18.51 PAPER, PRINTING SUPPLIES, AND ACCOUNTING.

11 35 1. The director may contract for paper and other printing
12 1 supplies as part of

~~the~~

- ~~a printing~~

~~or~~

- ~~contract.~~ The director

12 2 may purchase paper and other printing supplies and furnish

~~the~~

-
12 3

~~same~~

- ~~them~~ to

~~the~~

- ~~a contractor.~~

~~All paper purchased for use of~~

-
12 4

~~the state shall, when practicable, have a distinguishing mark~~

12 5

~~or water line by which it can be identified.~~

12 6 2. The director shall keep an accurate account with any
12 7 person doing printing for the state. The director shall
12 8 charge the person the value of all paper drawn, credit the
12 9 person with all paper used on behalf of the state, and compel
12 10 an accounting for all paper which is not used.

12 11 Sec. 30. Section [18.59](#), subsection 1, Code 1997, is
12 12 amended to read as follows:

12 13 1. To

~~hold possession of~~

~~possess~~ all presses and other

12 14 printing equipment, inventory all of the described equipment,
12 15 and

~~with the approval of the executive council sell~~

~~the~~

~~above~~

12 16

~~described~~

~~dispose of the~~ machinery and equipment that is no

12 17 longer necessary or is unfit for use. Receipts from the sale
12 18 of presses, printing equipment, printing supplies, and other
12 19 machinery or equipment used in the printing operation shall be
12 20 deposited in the centralized printing revolving fund
12 21 established in section 18.57.

12 22 Sec. 31. Section [18.60](#), Code 1997, is amended to read as
12 23 follows:

12 24 18.60 COST SYSTEMS MAINTAINED BY DEPARTMENTS.

12 25 Each official, board, department, commission, or agency
12 26 located outside

~~the city of Des Moines~~

~~Polk county~~, who

12 27 maintains printing equipment, or does any printing for the
12 28 state or its departments shall likewise keep an accurate cost
12 29 system and

~~make~~

~~report~~ each June 30 to the director of the
12 30 amounts

~~, and these~~

~~These reports~~ shall be included in the

12 31 annual, fiscal, or calendar report of the director.

12 32 Sec. 32. Section [18.63](#), unnumbered paragraph 1, Code 1997,
12 33 is amended to read as follows:

12 34

~~No~~

~~A~~ department or commission of state located in

~~the city~~

12 35

~~of Des Moines~~

~~Polk county~~ shall not expend

~~any funds~~

- moneys

13 1 for the publication or distribution of books,

~~or~~

- pamphlets, or

13 2 reports unless the publication

~~thereof be~~

- is expressly

13 3 required by law or approved by the director.

~~A violation of~~

-
13 4

~~this section shall constitute misfeasance in office.~~

- The

13 5 state printing administrator may exempt minimal single

13 6 printing projects from the requirements of this section in

13 7 order to permit a state agency to timely procure printing, if

13 8 a state contract is not currently available. The department

13 9 shall adopt rules establishing criteria for exemption of

13 10 minimal printing projects under this section.

13 11 Sec. 33. Section [18.82](#), Code 1997, is amended to read as

13 12 follows:

13 13 18.82 CUSTODY OF DOCUMENTS AND STORAGE ROOMS.

13 14 The

~~superintendent~~

- state printing administrator shall

13 15 receive and have the custody of

~~the Iowa documents, reports,~~

-
13 16

~~and~~

- all

~~other~~

- printed matter

~~and~~

- including all documents and

13 17 reports, for which the state printing administrator is

13 18 responsible under this chapter. The state printing

13 19 administrator shall make and supervise the distribution of the

13 20

~~same~~

- printed matter in such manner as will be most economical

13 21 and useful to the public. The

~~superintendent~~

- state printing

13 22 administrator shall have charge of the state storage building

13 23 or rooms, in which the

~~superintendent~~

- state printing

13 24 administrator shall keep the

~~reports and documents~~

- printed

13 25 matter.

13 26 Sec. 34. Section [18.115](#), Code 1997, is amended to read as

13 27 follows:

~~VEHICLE DISPATCHER~~

~~STATE FLEET ADMINISTRATOR -~~

13 29 EMPLOYEES - POWERS AND DUTIES - FUEL ECONOMY REQUIREMENTS.

13 30 The director of the department of general services shall

13 31 appoint a state

~~vehicle dispatcher~~

~~fleet administrator~~ and

13 32 other employees as necessary to administer this division. The

13 33 state

~~vehicle dispatcher~~

~~fleet administrator~~ shall serve at

13 34 the pleasure of the director and is not governed by the merit

13 35 system provisions of chapter 19A. Subject to the approval of

14 1 the director, the state

~~vehicle dispatcher~~

~~fleet administrator~~

14 2 has the following duties:

14 3 1. The

~~dispatcher~~

~~state fleet administrator~~ shall assign

14 4 to a state officer or employee or to a state

~~office,~~

14 5

~~department, bureau, or commission~~

~~agency~~, one or more motor

14 6 vehicles which may be required by the state officer or

14 7 employee or

~~department~~

~~state agency~~, after the state officer

14 8 or employee or

~~department~~

~~state agency~~ has shown the necessity

14 9 for such transportation. The state

~~vehicle dispatcher shall~~

14 10

~~have the power to~~

~~fleet administrator may~~ assign a motor

14 11 vehicle either for part time or full time. The

~~dispatcher~~

14 12

~~shall have the right to~~

~~state fleet administrator may~~ revoke

14 13 the assignment at any time.

14 14 2. The state

~~vehicle dispatcher~~

~~fleet administrator~~ may

14 15 cause all state-owned motor vehicles to be inspected

14 16 periodically. Whenever the inspection reveals that repairs

14 17 have been improperly made on the motor vehicle or that the

14 18 operator is not giving it the proper care, the

~~dispatcher~~

14 19 state fleet administrator shall report this fact to the head
14 20 of the

~~department~~

- state agency to which the motor vehicle has
14 21 been assigned, together with recommendation for improvement.
14 22 3. The state

~~vehicle dispatcher~~

- fleet administrator shall
14 23 install a record system for the keeping of records of the
14 24 total number of miles state-owned motor vehicles are driven
14 25 and the per-mile cost of operation of each motor vehicle.
14 26 Every state officer or employee shall keep a record book to be
14 27 furnished by the state

~~vehicle dispatcher~~

- fleet administrator
14 28 in which the officer or employee shall enter all purchases of
14 29 gasoline, lubricating oil, grease, and other incidental
14 30 expense in the operation of the motor vehicle assigned to the
14 31 officer or employee, giving the quantity and price of each
14 32 purchase, including the cost and nature of all repairs on the
14 33 motor vehicle. Each operator of a state-owned motor vehicle
14 34 shall promptly prepare a report at the end of each month on
14 35 forms furnished by the state

~~vehicle dispatcher~~

- fleet
15 1 administrator and

~~forward the same~~

- forwarded to the

~~dispatcher~~

15 2

~~at the statehouse~~

- state fleet administrator, giving the
15 3 information the state

~~vehicle dispatcher~~

- fleet administrator
15 4 may request in the report.

~~The~~

- Each month the state

~~vehicle~~

15 5

~~dispatcher~~

- fleet administrator shall

~~each month~~

- compile the
15 6 costs and mileage of state-owned motor vehicles from the
15 7 reports and keep a cost history

~~card on~~

- for each motor vehicle

15 8 and the costs shall be reduced to a cost-per-mile basis for
15 9 each motor vehicle.

~~It shall be the duty of the~~

~~The state~~

15 10

~~vehicle dispatcher to~~

~~fleet administrator shall call to the~~

15 11 attention of an elected official or the head of any

~~department~~

~~state agency~~ to which a motor vehicle has been assigned any

15 13 evidence of the mishandling or misuse of

~~any~~

~~a state-owned~~

15 14 motor vehicle which is called to the

~~dispatcher's~~

~~state fleet~~

15 15 administrator's attention.

15 16 PARAGRAPH DIVIDED. A motor vehicle operated under this
15 17 subsection shall not operate on gasoline other than gasoline
15 18 blended with at least ten percent ethanol, unless under
15 19 emergency circumstances. A state-issued credit card used to
15 20 purchase gasoline shall not be valid to purchase gasoline
15 21 other than gasoline blended with at least ten percent ethanol,
15 22 if commercially available. The motor vehicle shall also be
15 23 affixed with a brightly visible sticker which notifies the
15 24 traveling public that the motor vehicle is being operated on
15 25 gasoline blended with ethanol. However, the sticker is not
15 26 required to be affixed to an unmarked vehicle used for
15 27 purposes of providing law enforcement or security.

15 28 4. The state

~~vehicle dispatcher~~

~~fleet administrator shall~~

15 29 purchase all motor vehicles for all branches of the state
15 30 government, except the state department of transportation,
15 31 institutions under the control of the state board of regents,
15 32 the department for the blind, and any other

~~agencies~~

~~state~~

15 33 agency exempted by law.

~~Before purchasing any new motor~~

15 34

~~vehicle the dispatcher shall make requests for public bids by~~

15 35

~~advertisement and shall purchase the vehicles from the lowest~~

16 1

~~responsible bidder for the type and make of motor vehicle~~

16 2

~~designated.~~

~~The state fleet administrator shall purchase new~~

16 3 vehicles in accordance with competitive bidding procedures for

16 4 items or services as provided in this chapter. The

~~vehicle~~

16 5

~~dispatcher~~

~~state fleet administrator~~ may purchase used or

16 6 preowned vehicles at governmental or dealer auctions if the

16 7 purchase is determined to be in the best interests of the

16 8 state.

16 9

~~In conjunction with the requirements of section 18.3,~~

16 10

~~subsection 1, effective January 1, 1991, the~~

~~The state~~

~~vehicle~~

16 11

~~dispatcher~~

~~fleet administrator,~~ and any other state agency.

16 12 which for purposes of this paragraph includes but is not

16 13 limited to community colleges and institutions under the

16 14 control of the state board of regents, or local governmental

16 15 political subdivision purchasing new motor vehicles

~~for other~~

16 16

~~than law enforcement purposes,~~

~~shall purchase new passenger~~

16 17 vehicles and light trucks

~~such~~

~~so~~ that the average fuel

16 18 efficiency for the fleet of new passenger vehicles and light

16 19 trucks purchased in that year

~~by the state vehicle dispatcher~~

16 20

~~or other state agency or local governmental political~~

16 21

~~subdivision~~

~~equals or exceeds the average fuel economy~~

16 22 standard for the vehicles' model year as established by the

16 23 United States secretary of transportation under 15 U.S.C. }

16 24 2002. This paragraph does not apply to vehicles purchased for

16 25

~~any of the following:~~

~~law enforcement purposes~~

~~, school buses,~~

16 26 or primarily used for off-road maintenance work

~~, or work~~

~~-~~
16 27

~~vehicles used to pull loaded trailers~~

~~-~~
~~The group of~~

~~-~~
16 28

~~comparable vehicles within the total fleet purchased by the~~

~~-~~
16 29

~~state vehicle dispatcher, or any other state agency or local~~

~~-~~
16 30

~~governmental political subdivision purchasing motor vehicles~~

~~-~~
16 31

~~for other than law enforcement purposes, shall have an average~~

~~-~~
16 32

~~fuel efficiency rating equal to or exceeding the average fuel~~

~~-~~
16 33

~~economy rating for that model year for that class of~~

~~-~~
16 34

~~comparable vehicles as defined in 40 C.F.R. } 315.82. As used~~

~~-~~
16 35

~~in this paragraph, "fuel economy" means the average number of~~

~~-~~
17 1

~~miles traveled by an automobile per gallon of gasoline~~

~~-~~
17 2

~~consumed as determined by the United States environmental~~

~~-~~
17 3

~~protection agency administrator in accordance with 26 U.S.C. }~~

~~-~~
17 4

~~4064(c). For purposes of this paragraph, "state agency"~~

~~-~~
17 5

~~includes, but is not limited to, a community college or an~~

~~-~~
17 6

~~institution under the control of the state board of regents.~~

~~-~~
17 7

~~The~~

~~Not later than February 15 of each year, the state~~
17 8

~~vehicle dispatcher~~
- fleet administrator shall

~~annually~~
- report
17 9 compliance with the corporate average

~~combined~~
- fuel economy
17 10 standards published by the United States secretary of
17 11 transportation for

~~all~~
- new motor vehicles

~~purchased by~~

-
17 12

~~classification~~
- other than motor vehicles purchased by the
17 13 state department of transportation, institutions under the
17 14 control of the state board of regents, the department for the
17 15 blind, and any other state agency exempted from the
17 16 requirements of this subsection. The report of compliance
17 17 shall classify the vehicles purchased for the current vehicle
17 18 model year using the following categories:

~~(~~
-passenger
17 19 automobiles, enforcement automobiles, vans, and light trucks

~~)~~
-
17 20

~~no later than January 31 of each year to the department of~~

-
17 21

~~management and the energy and geological resources division~~

-
17 22

~~of~~
- The state fleet administrator shall deliver a copy of the
17 23 report to the department of natural resources. As used in
17 24 this paragraph, "

~~combined~~
- corporate average fuel economy"
17 25 means the

~~combined~~
- corporate average fuel economy as defined
17 26 in

~~40~~
- 49 C.F.R. }

~~600.002~~
- 533.5.
17 27 a.

~~Effective January 1, 1993, the~~

~~The state~~

~~vehicle~~

17 28

~~dispatcher, after consultation with the department of~~

17 29

~~management and the various state agencies exempted from~~

17 30

~~obtaining vehicles for use through the state vehicle~~

17 31

~~dispatcher, shall adopt by rule pursuant to chapter 17A, a~~

17 32

~~system of uniform standards for assigning~~

~~fleet administrator~~

17 33 shall assign motor vehicles available for use to maximize the
17 34 average passenger miles per gallon of motor vehicle fuel
17 35 consumed.

~~The standards should~~

~~In assigning motor vehicles,~~

18 1 the state fleet administrator shall consider standards
18 2 established by the state fleet administrator, which may
18 3 include but are not limited to the number of passengers
18 4 traveling to a destination, the fuel economy of and passenger
18 5 capacity of vehicles available for assignment, and any other
18 6 relevant information, to assure assignment of the most energy
18 7 efficient vehicle or combination of vehicles for a trip from
18 8 those vehicles available for assignment. The standards
18 9

~~adopted by the state vehicle dispatcher~~

~~shall not apply to~~

18 10 special work vehicles

~~and law enforcement vehicles. The~~

18 11

~~rules when adopted~~

~~standards shall apply to the following~~

18 12 agencies:

18 13 (1) State

~~vehicle dispatcher~~

~~fleet administrator.~~

18 14 (2) State department of transportation.

18 15 (3) Institutions under the control of the state board of
18 16 regents.

18 17 (4) The department for the blind.

18 18 (5) Any other state agency exempted from obtaining

18 19 vehicles for use through the state

~~vehicle dispatcher~~

~~fleet~~

18 20 administrator.

18 21 b. As used in paragraph "a", "fuel economy" means the

18 22 average number of miles traveled by an automobile per gallon
18 23 of gasoline consumed as determined by the United States
18 24 environmental protection agency administrator in accordance
18 25 with 26 U.S.C. } 4064(c).
18 26 5. Of all new passenger vehicles and light pickup trucks
18 27 purchased by the state

~~vehicle dispatcher~~

- fleet administrator,

18 28 a minimum of ten percent of all such vehicles and trucks
18 29 purchased shall be equipped with engines which utilize
18 30 alternative methods of propulsion including but not limited to
18 31 any of the following:

18 32 a. A flexible fuel, which is any of the following:

18 33 (1) A fuel blended with not more than fifteen percent
18 34 gasoline and at least eighty-five percent ethanol.

18 35 (2) A fuel which is a mixture of diesel fuel and processed
19 1 soybean oil. At least twenty percent of the mixed fuel by
19 2 volume must be processed soybean oil.

19 3 (3) A renewable fuel approved by the office of renewable
19 4 fuels and coproducts pursuant to section 159A.2.

19 5 b. Compressed or liquefied natural gas.

19 6 c. Propane gas.

19 7 d. Solar energy.

19 8 e. Electricity.

19 9 The provisions of this subsection do not apply to vehicles
19 10 and trucks purchased and directly used for law enforcement or
19 11 purchased and used exclusively for off-road maintenance work.
19 12

~~It is the intent of the general assembly that the members~~

19 13

~~of the midwest energy compact promote the development and~~

19 14

~~purchase of motor vehicles equipped with engines which utilize~~

19 15

~~alternative methods of propulsion.~~

19 16 6. All used motor vehicles turned in to the state

~~vehicle~~

19 17

~~dispatcher~~

- fleet administrator shall be disposed of by public

19 18 auction, and the sales shall be advertised in a newspaper of

19 19 general circulation one week in advance of sale, and the

19 20 receipts from the sale shall be deposited in the depreciation

19 21 fund to the credit of that

~~department or~~

- state agency turning

19 22 in the vehicle; except that, in the case of a used motor

19 23 vehicle of special design, the state

~~vehicle dispatcher~~

- fleet

19 24 administrator may, with the approval of the director, instead

19 25 of selling it at public auction, authorize the motor vehicle

19 26 to be traded for another vehicle of similar design. If a

19 27 vehicle sustains damage and the cost to repair exceeds the
19 28 wholesale value of the vehicle, the state

~~vehicle dispatcher~~

19 29 fleet administrator may dispose of the motor vehicle by
19 30 obtaining two or more written salvage bids and the vehicle
19 31 shall be sold to the highest responsible bidder.
19 32 7. The state

~~vehicle dispatcher~~

- fleet administrator may
19 33 authorize the establishment of motor pools consisting of a
19 34 number of state-owned motor vehicles under the

~~dispatcher's~~

19 35 state fleet administrator's supervision

~~and which the~~

20 1

~~dispatcher~~

- The state fleet administrator may

~~cause to be~~

20 2

~~stored~~

- store the motor vehicles in a public or private garage.

20 3 If the state fleet administrator establishes a motor pool

~~is~~

20 4

~~established by the state vehicle dispatcher~~

- , any state officer

20 5 or employee desiring the use of a state-owned motor vehicle on
20 6 state business shall notify the state

~~vehicle dispatcher~~

- fleet

20 7 administrator of the need for a vehicle within a reasonable
20 8 time prior to actual use of the motor vehicle. The state
20 9

~~vehicle dispatcher~~

- fleet administrator may assign a motor

20 10 vehicle from the motor pool to the state officer or employee.

20 11 If two or more state officers or employees desire the use of a

20 12 state-owned motor vehicle for a trip to the same destination

20 13 for the same length of time, the state

~~vehicle dispatcher~~

20 14 fleet administrator may assign one vehicle to make the trip.

20 15 8. The state

~~vehicle dispatcher~~

- fleet administrator shall

20 16

~~cause to be marked~~

- require that a sign be placed on

~~every~~

- ~~each~~

20 17 state-owned motor vehicle

~~a sign~~

- in a conspicuous place which

20 18 indicates its ownership by the state

~~except cars~~

- ~~This~~

20 19 requirement shall not apply to motor vehicles requested to be
20 20 exempt by the commissioner of public safety or the director of
20 21 the department of general services. All state-owned motor
20 22 vehicles shall display registration plates bearing the word
20 23 "official" except

~~cars~~

- motor vehicles requested to be

20 24 furnished with ordinary plates by the commissioner of public
20 25 safety or the director of the department of general services
20 26 pursuant to section 321.19. The state

~~vehicle dispatcher~~

-

20 27 fleet administrator shall keep an accurate record of the
20 28 registration plates used on all

~~state cars~~

- state-owned motor

20 29 vehicles.

20 30 9. The state

~~vehicle dispatcher shall have the authority~~

-

20 31

~~to make such~~

- fleet administrator may adopt other rules

20 32 regarding the operation of state-owned motor vehicles, with
20 33 the approval of the director of the department of general
20 34 services, as may be necessary to carry out the purpose of this
20 35 chapter. All rules adopted by the vehicle dispatcher shall be
21 1 approved by the director before becoming effective.
21 2 10. All

~~gasoline~~

- fuel used in state-owned automobiles

21 3 shall be purchased at cost from the various installations or
21 4 garages of the state department of transportation, state board
21 5 of regents, department of human services, or state

~~car~~

- motor

21 6 pools throughout the state, unless

~~such purchases are exempted~~

-

21 7

~~by the vehicle dispatcher. The vehicle dispatcher shall study~~

-

21 8

~~and determine the reasonable accessibility of these state~~

-

21 9

~~owned sources for the purchase of gasoline. If these~~

~~the~~

21 10 state-owned sources for the purchase of

~~gasoline~~

~~fuel~~ are not

21 11 reasonably accessible

~~If~~ the

~~vehicle dispatcher~~

~~state fleet~~

21 12 administrator determines that state-owned sources for the

21 13 purchase of fuel are not reasonably accessible, the state

21 14 fleet administrator shall authorize the purchase of

~~gasoline~~

21 15 fuel from other sources. The

~~vehicle dispatcher~~

~~state fleet~~

21 16 administrator may prescribe a manner, other than the use of

21 17 the revolving fund, in which the purchase of

~~gasoline~~

~~fuel~~

21 18 from state-owned sources

~~shall be~~

~~is~~ charged to the

~~department~~

21 19

~~or~~

~~state~~ agency responsible for the use of the

~~automobile~~

21 20 motor vehicle. The

~~vehicle dispatcher~~

~~state fleet~~

21 21 administrator shall prescribe the manner in which oil and

21 22 other normal

~~automobile~~

~~motor vehicle~~ maintenance for state-

21 23 owned

~~automobiles~~

~~motor vehicles~~ may be purchased from private

21 24 sources, if they cannot be reasonably obtained from a state

21 25

~~car~~

~~motor~~ pool. The state

~~vehicle dispatcher~~

~~fleet~~

21 26 administrator may advertise for bids and award contracts in

21 27 accordance with competitive bidding procedures for items and

21 28 services as provided in this chapter for

~~the~~
- furnishing

~~of~~
-
21 29

~~gasoline~~
- fuel, oil, grease, and vehicle replacement parts for
21 30 all state-owned motor vehicles. The state

~~vehicle dispatcher~~
-

21 31 fleet administrator and other state agencies, when advertising
21 32 for bids for gasoline, shall also seek bids for ethanol-
21 33 blended gasoline.
21 34

~~11. The state vehicle dispatcher is responsible for~~
-

21 35

~~insuring motor vehicles owned by the state. Insurance~~
-

22 1

~~coverage may be through a self insurance program administered~~
-

22 2

~~by the department or purchased from an insurer. If the~~
-

22 3

~~determination is made to utilize a self insurance program the~~
-

22 4

~~vehicle dispatcher shall maintain loss and exposure data for~~
-

22 5

~~the vehicles under the dispatcher's jurisdiction. Each agency~~
-

22 6

~~shall provide to the department all requested motor vehicle~~
-

22 7

~~loss and loss exposure information.~~
-

22 8 Sec. 35. Section [18.117](#), Code 1997, is amended to read as
22 9 follows:

22 10 18.117 PRIVATE USE PROHIBITED - RATE FOR STATE BUSINESS.

22 11 1. A state officer or employee shall not use a state-owned
22 12 motor vehicle for personal private use

~~, nor shall the~~
-

~~A~~

22 13 state officer or employee shall not be compensated for driving
22 14 a privately owned motor vehicle unless it is done on state
22 15 business with the approval of the state

~~vehicle dispatcher,~~
-

22 16

~~and in~~

- ~~fleet administrator.~~ In that case the state officer or
22 17 employee shall receive an amount to be determined by the

~~state~~

-
22 18

~~which may be~~

- ~~director in consultation with the director of the~~
22 19 department of personnel and the director of revenue and
22 20 finance. The amount shall not exceed the maximum allowable
22 21 under the federal internal revenue service rules per mile,
22 22 notwithstanding established mileage requirements or
22 23 depreciation allowances. However, the director may authorize
22 24

~~per mile reimbursement~~

- private motor vehicle rates in excess
22 25 of the rate allowed under the federal internal revenue service
22 26 rules for state business use of substantially modified or
22 27 specially equipped privately owned vehicles required by
22 28 persons with disabilities. A statutory provision

~~stipulating~~

-
22 29 establishing reimbursement for necessary mileage, travel, or
22 30 actual expenses

~~reimbursement~~

- to a state officer falls under
22 31 the

~~mileage reimbursement~~

- private motor vehicle mileage rate
22 32 limitation provided in this section unless specifically
22 33 provided otherwise. Any peace officer employed by the state
22 34 as defined in section 801.4 who is required to use a private
22 35 motor vehicle in the performance of official duties shall
23 1 receive

~~reimbursement for mileage expense~~

- the private vehicle
23 2 mileage rate at the rate

~~specified~~

- provided in this section.
23 3 However, the state

~~vehicle dispatcher~~

- fleet administrator may
23 4 delegate authority to officials of the state, and department
23 5 heads, for the use of private vehicles on state business up to
23 6 a yearly mileage figure established by the director

~~of general~~

-
23 7

~~services~~

- If a state motor vehicle has been assigned to a
23 8 state officer or employee, the officer or employee shall not
23 9 collect mileage for the use of a privately owned motor vehicle
23 10 unless the state motor vehicle assigned is not usable.

23 11 2.

~~This section~~

- Subsection 1 does not apply to

~~officials~~

23 12 any of the following:

23 13 a. Officials and employees of the state whose mileage is
23 14 paid

~~by~~

- other than by a state

~~agencies and this section does~~

23 15

~~not apply to elected~~

- agency.

23 16 b. Elected officers of the state

~~, judicial~~

23 17 c. Judicial officers

- or court employees.

23 18 d. Members and employees of the general assembly who shall
23 19 be governed by policies relating to motor vehicle travel,
23 20 including but not limited to reimbursement for expenses, as
23 21 established by the general assembly.

23 22 Sec. 36. Section 421.40, unnumbered paragraph 3, Code
23 23 1997, is amended to read as follows:

23 24 The departments, the general assembly, and the courts shall
23 25 pay their claims in a timely manner. If a claim for services,
23 26 supplies, materials, or a contract which is payable from the
23 27 state treasury remains unpaid after sixty days following the
23 28 receipt of the claim or the satisfactory delivery, furnishing,
23 29 or performance of the services, supplies, materials, or
23 30 contract, whichever date is later, the state shall pay
23 31 interest at the rate of one percent per month on the unpaid
23 32 amount of the claim. This paragraph does not apply to claims
23 33 against the state under chapters 25 and 669 or to claims paid
23 34 by federal funds. The interest shall be charged to the
23 35 appropriation or fund to which the claim is certified.

24 1 Departments may enter into contracts for goods or services on
24 2 payment terms of less than sixty days if the state may obtain
24 3 a financial benefit or incentive which would not otherwise be
24 4 available from the vendor. The department of revenue and
24 5 finance, in consultation with the department of general
24 6 services and other affected agencies, shall develop policies
24 7 to promote consistency and fiscal responsibility relating to
24 8 payment terms authorized under this paragraph. The director
24 9 of the department of revenue and finance shall adopt rules
24 10 under chapter 17A relating to the administration of this
24 11 paragraph.

24 12 Sec. 37. NAME CHANGES - DIRECTIONS TO CODE EDITOR.

24 13 1. The Iowa Code editor shall change references to
24 14 "superintendent of printing" to "state printing administrator"
24 15 wherever the references appear in the Code.

24 16 2. The Iowa Code editor shall change references to "state
24 17 vehicle dispatcher" to "state fleet administrator" wherever
24 18 the references appear in the Code.

24 19 Sec. 38. REPEALS. Sections 18.41, 18.52, 18.55, 18.56,
24 20 18.76, 18.77, 18.78, 18.79, and 18.118, Code 1997, are
24 21 repealed.

24 22

EXPLANATION

24 23 This bill amends a number of provisions relating to the
24 24 administration of state government, by providing for the
24 25 administration of the department of general services and
24 26 particularly provisions affecting procurement, state-owned
24 27 motor vehicles, and state printing. The bill amends the
24 28 following sections:

24 29 Code section 2B.1 is amended to eliminate a reference to
24 30 Code section 18.76 which is repealed later in the bill.

24 31 Code section 18.1 is amended to provide that the definition
24 32 of "competitive bidding procedure" includes transactions
24 33 accomplished in an electronic format.

24 34 Code section 18.3 is amended to require that the department
24 35 develop and implement procedures to conduct transactions,
25 1 including purchasing, in an electronic format. The section is
25 2 amended to require that the department insure motor vehicles
25 3 owned by state through a self-insurance program or through a
25 4 private insurer. A similar provision is eliminated from Code
25 5 section 18.115. The section is also amended to allow the
25 6 department to organize by divisions or other subunits to
25 7 promote the effective and efficient administration of the
25 8 department.

25 9 Code section 18.6 is amended to provide that the director
25 10 may contract for the purchase of services as well as items.
25 11 It provides that the department may exempt from ordinary
25 12 competitive bidding procedures, the purchase of an item or
25 13 service based on a determination that it is necessary to
25 14 protect the health, safety, or welfare of persons occupying or
25 15 visiting a public improvement or property located adjacent to
25 16 the public improvement; or that an item or service may be
25 17 procured in another reasonable manner. The bill provides that
25 18 the department is not obligated to award a contract based on
25 19 the lowest competent bid. The bill lists a number of factors
25 20 that the director may consider, including price, bidder
25 21 competence, and the item's or service's quality. The bill
25 22 allows the director to enter into best and final offer
25 23 negotiations with qualified bidders in order to obtain the
25 24 lowest price possible for the item or service. The bill
25 25 provides that the director may enter into an agreement with
25 26 the government of another state or the federal government to
25 27 provide for the cooperative purchase of an item or service of
25 28 general use in the state. The bill provides that the
25 29 department may advertise for bids in an electronic format.
25 30 The bill eliminates provisions regarding share drafts and
25 31 deposits of moneys which are used by bidders to provide
25 32 evidence of financial security. The bill provides that the
25 33 evidence of financial security is limited to a certified check
25 34 and a bid bond. The bill eliminates a requirement that a
25 35 person submitting the proposed contract for the purchase of
26 1 items must receive information regarding the availability of a
26 2 waste management review.

26 3 Code section 18.8 is amended to provide that the director
26 4 may provide telecommunications cabling to state agencies and
26 5 eliminates a reference to voice and data communications.

26 6 Code section 18.12 is amended to provide that the
26 7 department may dispose of presses, printing equipment,
26 8 printing supplies, and other machinery or equipment used in
26 9 the department's printing operation. The bill moves a
26 10 provision within chapter 18 requiring that the department
26 11 coordinate the leasing of buildings and office space by state
26 12 agencies throughout the state and develop cooperative
26 13 relationships with state agencies and the state board of
26 14 regents.

26 15 Code section 18.16 is amended to provide that a state
26 16 agency may directly pay the price of a lease or rental costs
26 17 incurred by the state agency in lieu of the department paying
26 18 the price of the lease or rental costs on behalf of the state
26 19 agency.

26 20 Code section 18.18 is amended to remove dates for
26 21 compliance of recycling mandates which have expired. The bill
26 22 provides that information regarding recycled content for
26 23 products that could be starch-based is no longer required to
26 24 be included on bids. The bill also eliminates a requirement
26 25 providing for agreements with the states of Minnesota and
26 26 Wisconsin for the purchase of general use items by January 1,
26 27 1993. The bill otherwise authorizes the department to enter
26 28 into such agreements with any state and the federal
26 29 government.

26 30 Code section 18.19 is a new section which establishes a
26 31 recycling revolving fund under the control of the department.
26 32 The bill provides that the assets of the fund must be used by
26 33 the department for supporting recycling operations.

26 34 Code section 18.20 is amended to eliminate a January 1,
26 35 1990, deadline for state agencies to establish wastepaper
27 1 recycling programs. It also eliminates a provision requiring
27 2 agencies to submit reports to the general assembly by January
27 3 1990.

27 4 Code section 18.28 is amended by eliminating a provision
27 5 which prohibits the reproduction of 10 or more copies from an
27 6 original on an office copier located in the city of Des
27 7 Moines, unless the department approves the copying.

27 8 Code section 18.32 relates to the advertisement of bids.
27 9 The section is amended to enhance readability.

27 10 Code section 18.33 is amended to provide that
27 11 advertisements for bid specifications shall provide how bids
27 12 will be accessed as well as opened.

27 13 Code section 18.36 is amended to provide requirements for
27 14 bids. The bill allows bids to be in a format prescribed by
27 15 the department. The bill provides that the bid may be
27 16 submitted in an electronic format which reasonably assures the
27 17 authenticity of the bid and the bidder's identity.

27 18 Code section 18.37 amends a provision requiring a bidder to
27 19 post evidence of financial security with the department. The
27 20 bill eliminates a reference to a credit union share draft, and
27 21 allows a bidder to provide evidence of financial security by
27 22 providing a certified check or posting a bid bond.

27 23 Code section 18.38 is amended to provide that bids may be
27 24 accessed as well as opened. The bill provides that contracts
27 25 are awarded in a manner designated in the bid specifications.

27 26 Code section 18.43 is amended to remove a reference to
27 27 credit union certified share drafts in a provision relating to
27 28 a bidder's evidence of financial security.

27 29 Code section 18.44 is amended to allow the department to
27 30 enter into contracts which the department finds reasonable and
27 31 which may include factors currently considered by the
27 32 department.

27 33 Code section 18.45 is amended to allow the department to
27 34 determine when a bond by a bidder is required.

27 35 Code section 18.46 is amended to eliminate requirements
28 1 relating to written orders for printing including detailed
28 2 specifications relating to the nature of orders. The bill
28 3 allows the department to determine procedures for completing
28 4 an order.

28 5 Code section 18.48 provides that the department may reject
28 6 printing if it does not meet quality requirements of a first
28 7 class printer. It also provides that a contractor may be
28 8 required to forfeit payment amounts as liquidated damages.
28 9 This bill provides that the department may reject or refuse
28 10 delivery on printing which is not of the quality contemplated
28 11 in the contract. It also provides that the liquidated damages
28 12 may be deducted from any payment made to the contractor under
28 13 any state contract.

28 14 Code section 18.49 provides that the director may authorize
28 15 a state agency located outside the city of Des Moines to
28 16 secure printing bids. This bill provides that a state agency

28 17 located outside of Polk county may contract for outside
28 18 printing. The bill eliminates procedural requirements
28 19 regarding the authorization and provides that the director
28 20 must prescribe the manner by which notification and approval
28 21 are made.

28 22 Code section 18.50 is amended to provide that the director
28 23 of the department may award separate printing contracts for
28 24 work, material, or printing supplies which are not included in
28 25 a current printing contract. Currently, the department may
28 26 enter into a special contract for work or materials, if the
28 27 amount of the contract is \$5,000 or less. The bill removes
28 28 this limitation.

28 29 Code section 18.51 eliminates a requirement that all paper
28 30 purchased for use by the state must have a distinguishing
28 31 mark. The bill also provides accounting requirements
28 32 involving persons doing printing for the state. The language
28 33 of the provision is currently included in Code section 18.52
28 34 which the bill repeals.

28 35 Code section 18.59 is amended to provide that the
29 1 department is no longer required to obtain the consent of the
29 2 executive council prior to disposing of printing machinery or
29 3 equipment. The bill provides that receipts from the sale of
29 4 presses, printing equipment, printing supplies, and other
29 5 machinery or equipment used in the printing operation shall be
29 6 deposited in the department's printing revolving fund.

29 7 Code section 18.60 provides for accounts by state agencies
29 8 located outside of the city of Des Moines which maintain
29 9 printing equipment. The bill provides that the provisions
29 10 apply to agencies located outside Polk county.

29 11 Code section 18.63 provides that state agencies located in
29 12 the city of Des Moines may not expend moneys for the
29 13 publication or distribution of materials unless required by
29 14 law or approved by the director. The bill provides that this
29 15 requirement applies to state agencies located in Polk county.
29 16 It removes a provision which provides that a violation of the
29 17 requirement constitutes misfeasance in office. The bill
29 18 provides that the department may exempt minimal single
29 19 printing projects from these requirements in order to permit a
29 20 state agency to timely procure printing, if a state contract
29 21 is not currently available.

29 22 Code section 18.82 is amended to change the name of the
29 23 state printing superintendent to the state printing
29 24 administrator.

29 25 Code section 18.115 currently provides for the duties and
29 26 powers of the state vehicle dispatcher. This bill amends the
29 27 section by changing the name of the state vehicle dispatcher
29 28 to the state fleet administrator. The bill also provides that
29 29 the administrator may notify an elected official as well as
29 30 the head of a state agency regarding any mishandling or misuse
29 31 of a state-owned motor vehicle. The bill eliminates language
29 32 in the section providing procedures for purchasing new motor
29 33 vehicles. The bill provides that a purchase must comply with
29 34 competitive bidding procedures. The section eliminates a
29 35 reference to January 1, 1991, which was the date when new
30 1 motor vehicles purchased by state agencies and local
30 2 governments were required to comply with fuel efficiency
30 3 standards. The bill eliminates exemptions from the fuel
30 4 economy requirement currently available for school buses, off-
30 5 road maintenance work, and vehicles used to pull loaded
30 6 trailers. The bill changes the date from January 31 to
30 7 February 15 when the department must annually report on
30 8 compliance with the standards. The bill eliminates the
30 9 department of management as a recipient of the report. The
30 10 bill changes the fuel economy standard from a standard which
30 11 measures combined fuel economy to a standard which measures
30 12 corporate average fuel economy. Both standards are
30 13 established by the federal government. The bill removes a

30 14 requirement that the department establish a system of uniform
30 15 standards for assigning motor vehicles by rule. The bill
30 16 provides that the department must assign motor vehicles based
30 17 on standards which may include the same factors currently
30 18 used. The bill eliminates a provision referring to promoting
30 19 the development and purchase of motor vehicle equipment with
30 20 engines utilizing alternative methods of propulsion. The bill
30 21 amends provisions regarding the purchase of gasoline used in
30 22 state-owned motor vehicles. The bill replaces the term
30 23 "gasoline" with "fuel". The bill removes a requirement that
30 24 the department study the accessibility of state-owned sources.
30 25 The bill provides that the department may provide for the
30 26 purchase of motor vehicle repair and maintenance in accordance
30 27 with competitive bidding procedures. The bill eliminates a
30 28 provision requiring the department to obtain insurance
30 29 coverage for motor vehicles. Similar language is included
30 30 elsewhere in the bill.

30 31 Code section 18.117 provides for reimbursing state officers
30 32 and employees who use a privately owned motor vehicle for
30 33 state business. The bill changes the name of the state
30 34 vehicle dispatcher to the state fleet administrator. The bill
30 35 provides that the amount of reimbursement shall be based on an
31 1 amount determined by the department in consultation with the
31 2 department of personnel and the department of revenue and
31 3 finance. The bill provides that the section is not applicable
31 4 to members and employees of the general assembly who are to be
31 5 governed by policies established by the general assembly.

31 6 Code section 421.40 provides procedures for the payment of
31 7 claims by departments, the general assembly, and the courts.
31 8 The bill provides that departments may enter into contracts
31 9 for goods or services on payment terms of less than 60 days if
31 10 the state obtains a financial benefit or incentive which would
31 11 not otherwise be available from the vendor.

31 12 The bill directs the Iowa Code editor to change references
31 13 to "superintendent of printing" to "state printing
31 14 administrator" and references to "state vehicle dispatcher" to
31 15 "state fleet administrator" wherever the references appear in
31 16 the Code.

31 17 The bill repeals a number of sections, including Code
31 18 sections 18.41, 18.52, 18.55, 18.56, 18.76, 18.77, 18.78,
31 19 18.79, and 18.118. Code section 18.41 refers to the
31 20 acceptance of bids; Code section 18.52 provides accounting
31 21 requirements for private printers; Code section 18.55 requires
31 22 the director to provide accounting requirements when several
31 23 state agencies are involved in a printing project; Code
31 24 section 18.56 provides for vouchers and audit requirements;
31 25 Code section 18.76 provides for editing manuscripts; Code
31 26 section 18.77 provides for cooperation among agencies in their
31 27 operations; Code section 18.78 provides for appeals; Code
31 28 section 18.79 provides recordkeeping requirements; and Code
31 29 section 18.118 provides penalties for violating rules adopted
31 30 by the state vehicle dispatcher.

31 31 LSB 1336DP 77
31 32 da/jj/8.1