

DEPARTMENT OF PERSONNEL AND ADMINISTRATION

State Purchasing Office

NOTICE OF PROPOSED RULEMAKING

PROCUREMENT RULES
1 CCR 101-9
AMEND RULE 24-103-204-03

December 13, 2010

Pursuant to section 24-102-101, C.R.S. and the rulemaking provisions of the State Administrative Procedures Act, notice of proposed rulemaking is hereby given. A rulemaking hearing will be held on January 19, 2011 at 9:00 a.m. in the Colorado Department of Labor and Employment's exam room on the second floor, 63317th Street, Denver, Colorado. All interested persons will be afforded an opportunity to be heard on the subject of amendments to the Colorado State Procurement Rules.

Reasonable accommodation will be provided upon request for persons with disabilities. If you require an accommodation to participate in this public hearing, please notify John Utterback at (303) 866-6181.

Subject of the Proposed Rulemaking

DPA will consider amendments to the Colorado State Procurement Rules as necessary and appropriate and specifically to Rule R-24-103-204-03 Documented Quotes. The proposed rule change permits the use of the documented quote solicitation process for construction projects that exceed \$150,000.00 but are less than \$500,000.00.

Authority for Proposed Rulemaking

Revisions and amendments to the Colorado State Procurement Rules are proposed pursuant to Section 24-102-101, C.R.S., which authorizes to the Executive Director of the Department of Personnel and Administration the "responsibility to promulgate rules, consistent with this code, governing the procurement and disposal of any and all supplies, services, and construction to be procured by the state".

Dated this 13th day of December, 2010



Rich Gonzales
Executive Director
Department of Personnel and Administration

DEPARTMENT OF PERSONNEL AND ADMINISTRATION

State Purchasing Office

Proposed Statement of Basis and Draft of Proposed Rule

PROCUREMENT RULES 1 CCR 101-9 AMEND RULE 24-103-204-03

December 13, 2010

Basis and Purpose

Pursuant to Section 24-4-103(6) C.R.S., the Department of Personnel and Administration and the State Purchasing Office finds that the amendment to the State Procurement Rules, Rule-24-103-204-03, will provide for the use of the documented quote solicitation process for construction projects over \$150,000 and less than \$500,000 with the approval of the State Buildings Program.

The amendment to the existing procurement rule is necessary for the proper and consistent administration of procurements associated with public projects as defined in section 24-92-108(a) C.R.S. The amendment of this rule is necessary to provide clear guidance regarding the acceptable procurement processes associated with public projects.

Draft of Proposed Rule

R-24-103-204-03 Documented Quotes

(a) Commodities costing between \$10,000 and \$150,000, services costing between \$25,000 and \$150,000, and construction projects between \$25,000 and \$150,000 may be purchased using a documented quote process. FOR CONSTRUCTION PROJECTS OVER \$150,000 AND LESS THAN \$500,000, AN AGENCY MAY SEEK APPROVAL FROM THE STATE BUILDINGS PROGRAM TO USE A DOCUMENTED QUOTE OR AN APPROVED STANDING ORDER PROCESS.

R-24-103-204-03 Documented Quotes

(h) Agencies may, with the approval of the State Buildings Program, utilize a Standing Order Process for projects less than \$500,000. An approved process must include open public solicitation (including advertising on BIDS) for eligible contractors at least once per year, a process for obtaining at least three quotes before awarding a contract to an eligible contractor and an equitable process for determining which contractors will be given an opportunity to provide quotes.