

## SUMMARY OF CHANGES 220-RICR-30-00-4

Overview: Regulation 220-RICR-30-00-4 (“Part 4”) currently governs prequalification, rejection of bids, responsibility of vendors and vendor sanctions. The proposed changes will result in:

- Part 4 will govern prequalification of vendors for certain projects.
- Part 14 will govern vendor sanctions (formerly in Part 4).
- Parts 5 and 6 have been updated to include regulatory topics (formerly in Part 4) regarding rejection of bids/responsibility of vendors.

This Summary of Changes chart below identifies the following:

- The location of provisions in the new regulatory structure (if applicable).
- Proposed amendments to regulatory content (if applicable).

Location of Provision		Regulatory Language Content Changes		
Current	Proposed	Original	Amendment	Reason
Part 4	Part 4	Title was “Vendor qualification, prequalification, and solicitation”	Title is now “Vendor Prequalification”	Clarity/to reflect content of regulation.
n/a	§ 4.1	Currently the Definition Section (In proposed regulation, Definition Section is § 4.3)	Now proposed “Purpose” Section	To clearly explain the purpose of this regulation.
n/a	§ 4.2	Currently the “Responsibility and Authority of the Purchasing Agent” Section	Now proposed “Authority” Section  “Responsibility and Authority of the Purchasing Agent” Section is proposed § 4.4	To clearly set forth the statutory authority for this regulation.
§ 4.1	n/a	“Proposer” means a person submitting a proposal in response to a Request for a Proposal  “Qualified Bidder” shall mean a bidder determined by the Purchasing Agent to meet standards of business competence, reputation, financial ability, and product quality, and except as otherwise herein pursuant to R.I. Gen. Laws § 37-2-18 (a)- (h) “Competitive Sealed Bidding” and these regulations.	Repealed language	No longer used in regulation
	§ 4.3(D)	“Bidders List” shall mean lists maintained by the Purchasing Agent containing the names and addresses of suppliers of various goods and	<del>“Bidders Vendor Lists” shall mean</del> lists maintained by the Purchasing Agent containing the names and	Updated the definition to provide clarity and create consistency of terms

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	services from whom bids, proposals, and quotations may be solicited.	addresses of <u>registered vendors</u> <del>suppliers of various goods and services</del> from whom bids, proposals, and quotations may be solicited. <u>In order to bid on a Solicitation, a vendor must be registered with the Division.</u>	throughout rest of regulations (term “vendor” used in General Conditions of Purchase definition).
§ 4.3(B)	<p>A "Handicapped Business Enterprise" shall mean a small business concern, owned and controlled by one or more handicapped persons certified by the Rhode Island Handicapped Products Committee to meet the definition established by R.I. Gen. Laws § 37-2.2-2.</p> <p>A "Minority Business Enterprise" shall mean a small business concern, owned and controlled by one or more minorities or women certified by the Rhode Island Department of Economic Development to meet the definition established by R.I. Gen. Laws § 37-14.1. A "small disadvantaged business" shall mean a minority business enterprise.</p> <p>A "Small Disadvantaged Business" shall refer to either a "minority business enterprise" or a "handicapped business enterprise" as defined above.</p>	<p><del>"Small Disadvantaged Business" A "Handicapped Business Enterprise" shall mean either a "minority business enterprise" or "small disadvantaged businesses concern, owned and controlled by one or more handicapped persons with disabilities, as defined below, certified by the Rhode Island Handicapped Products Committee to meet the definition established by R.I. Gen. Laws § 37-2.2-2.</del></p> <p>1. <u>"Small disadvantaged businesses owned and controlled by persons with disabilities" shall have the same meaning as set forth in R.I. Gen. Laws § 37-2.2-2.</u></p> <p>2. A "Minority Business Enterprise" shall <u>have the same meaning as set forth in a small business concern, owned and controlled by one or more minorities or women certified by the Rhode Island Department of Economic Development to meet the definition established by R.I. Gen. Laws § 37-14.1-3(f).</u> A <del>"small disadvantaged business" shall mean a minority business enterprise.</del></p> <p>A <del>"Small Disadvantaged Business" shall refer to either a "minority</del></p>	<ul style="list-style-type: none"><li>• Updated to remove term “handicapped”.</li><li>• Updated to remove unnecessary repetition of statute.</li><li>• Updated to provide clarity.</li></ul>

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			<del>business enterprise" or a "handicapped business enterprise" as defined above.</del>	
	§ 4.3(A)	R.I. Gen. Laws § 37-2-15(6) "Responsible Bidder" shall mean a qualified bidder who has the capability in all respects including financial responsibility to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance, and except as otherwise defined pursuant to R.I. Gen. Laws § 37-2-18 (a)-(h) "Competitive Sealed Bidding" and these regulations.	<del>R.I. Gen. Laws § 37-2-15(6) "Responsible Bidder" shall mean a qualified bidder who has the capability in all respects including financial responsibility to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance, and except as otherwise defined pursuant to R.I. Gen. Laws § 37-2-18 (a)-(h) "Competitive Sealed Bidding" and these regulations. have the same meaning as set forth in R.I. Gen. Laws § 37-2-15(6).</del>	Updated to remove unnecessary repetition of statute.
	§ 4.3(C)	<p>"Vendor" shall mean a supplier or contractor.</p> <p>"Supplier" shall mean an actual or potential contractor; a vendor.</p> <p>"Bidder" shall mean any person submitting a competitive bid in response to a solicitation, and except as otherwise defined pursuant to R.I. Gen. Laws § 37-2-18 (a)-(h) "Competitive Sealed Bidding" and these regulations.</p> <p>"Offeror" shall mean an individual who proposes a specific offer to sell goods and services to the state, whether in response to a bid or request for proposals or unsolicited.</p>	"Vendor" means any individual, firm, corporation, partnership or other entity submitting a proposal to the Division indicating a desire to enter into contracts with the State of Rhode Island, or with whom a Contract is executed by the State Purchasing Agent.	Updated to one general definition (same definition as used in the General Conditions of Purchase).
§ 4.2	§ 4.4 (See also Proposed § 14.4)	Unless notified in writing by the Chief Purchasing Officer to the contrary, the Purchasing Agent shall be authorized to act on behalf of the Chief	Unless notified in writing by the Chief Purchasing Officer to the contrary, the Purchasing Agent shall be authorized	Amended for regulation consistency:

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		Purchasing Officer in carrying out the responsibilities and authority set forth herein for selection, evaluation, approval, debarment, suspension, rejection, and restriction of bidders and offerors.	to act on behalf of the Chief Purchasing Officer in carrying out the responsibilities and authority set forth herein for selection, evaluation, <u>prequalification</u> , approval, <del>debarment, suspension, rejection, revocation of prequalification</del> , and restriction of <del>bidders and offerors</del> <u>vendors</u> .	<ul style="list-style-type: none"> <li>Substitute “vendor” for “bidders and offerors”</li> <li>Authorization for debarment, suspension, rejection now found in proposed Part 14.</li> <li>Added “prequalification” and “revocation of prequalification” to reflect content of this regulation.</li> </ul>
§ 4.5 (Heading)	§ 4.5 (Heading)	Responsibilities of Bidders and Offerors	Responsibilities of Vendors	<p>New heading to reflect new regulatory content in this section.</p> <p>The regulatory content regarding “responsibilities of bidders and offerors” has been moved to Parts 5 &amp; 6.</p>
§ 4.3	§ 5.12 and § 6.3(B)(2)	Responsibilities of Bidders and Offerors	<p>Entire Section has been moved to § 5.12 and § 6.3.</p> <p>Any changes to specific language are outlined below.</p>	Moved to Parts 5 & 6 for organizational clarity; regulatory content now organized under more appropriate/reflective headings.
§ 4.3(A)	§ 5.12(B) and § 6.3(B)(2)	R.I. Gen. Laws § 37-2-24(1) A reasonable inquiry to determine the responsibility of a bidder or offeror may be conducted. A written determination of responsibility of a bidder or offeror shall be made and it shall be made in accordance with regulations issued by the Chief Purchasing Officer. The failure of a bidder or offeror to supply information promptly in connection with an inquiry related to	<p>Moved to § 5.12(B) and § 6.3(B)(2)</p> <p><del>R.I. Gen. Laws § 37-2-24(1)</del>  <u>Responsible Bidders</u>: A reasonable inquiry to determine <del>the responsibility of whether a bidder or offeror</del> <u>is responsible</u> may be conducted pursuant to R.I. Gen. Laws § 37-2-24. <u>To determine responsibility, the</u></p>	<p>Moved to Parts 5 &amp; 6 for organizational clarity; regulatory content now organized under more appropriate/reflective headings.</p> <ul style="list-style-type: none"> <li>Removal of unnecessary repetition of statute</li> </ul>

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		responsibility may be grounds for a determination of non-responsibility.	<u>Purchasing Agent may utilize any of the criteria set forth in § 4.6(D) of this Chapter.</u> <del>A written determination of responsibility of a bidder or offeror shall be made and it shall be made in accordance with regulations issued by the Chief Purchasing Officer. The failure of a bidder or offeror to supply information promptly in connection with an inquiry related to responsibility may be grounds for a determination of non-responsibility.</del>	<ul style="list-style-type: none"> <li>Updated to reflect new criteria for responsibility evaluation.</li> </ul>
§ 4.3(A)(1)	§ 5.12(B) and § 6.3(B)(2)	"Prompt" shall mean five (5) working days unless otherwise specified by the Purchasing Agent, and except as otherwise defined pursuant to R.I. Gen. Laws § 37-2-18 (a)-(h) "Competitive Sealed Bidding" and these regulations.	Moved to § 5.12(B) and § 6.3(B)(2).  "Prompt" <u>as used in R.I. Gen. Laws § 37-2-24</u> , shall mean five (5) working days unless otherwise specified by the Purchasing Agent., <del>and except as otherwise defined pursuant to R.I. Gen. Laws § 37-2-18 (a)-(h) "Competitive Sealed Bidding" and these regulations.</del>	Updated for clarity. The term is not further defined in R.I. Gen. Laws § 37-2-18 or the rest of the regulation.
§ 4.3	n/a	R.I. Gen. Laws § 37-2-24(2) Except as otherwise provided, by law, information furnished by a bidder or offeror pursuant to this Section may not be disclosed outside of the Division of State Purchasing or the purchasing agency administering the contract without prior written consent of the bidder or offeror, and except as otherwise permitted or required pursuant to R.I. Gen. Laws § 37-2-18 (a)-(h) "Competitive Sealed Bidding" and these regulations.	Repealed.	Removal of unnecessary repetition of statute.

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§ 4.3	§ 5.12(B) & § 6.3(B)(2)	The Purchasing Agent may utilize factors such as financial capability, reputation, management, etc., to evaluate the responsibility and qualifications of potential suppliers in order to develop a list of prospective bidders qualified to be sent invitations to bid.	Repealed (but see § 5.12(B) and § 6.3(B)(2)).	Criteria for determining responsibility is set forth in § 5.12(B). (“To determine responsibility, the Purchasing Agent may utilize any of the criteria set forth in § 4.6(D) of this Chapter.”)
§ 4.3(A)(4)	§ 5.12(B)(2) & § 6.3(B)(2)	Ability to meet performance bond requirements set forth for public works contractor in R.I. Gen. Laws § 37-12 and R.I. Gen. Laws § 37-13-14 shall be valid criteria for determination of responsibility, provided that the Chief Purchasing Agent may waive such requirement for good cause for contracts not exceeding fifty thousand dollars (\$50,000).	Moved to § 5.12(B) and § 6.3(B)(2).  Ability to meet performance bond requirements set forth for public works contractors in R.I. Gen. Laws § <u>Chapter</u> 37-12 and R.I. Gen. Laws § 37-13-14 shall be <u>required</u> . <u>The ability to meet performance bond requirements shall not be the sole valid criteria for determination of responsibility,</u> <del>provided that the Chief Purchasing Agent may waive such requirement for good cause for contracts not exceeding fifty thousand dollars (\$50,000).</del> <u>Bidder security is required in accordance with R.I. Gen. Laws § 37-2-40(a).</u>	Updated for clarity.  Removed the \$50,000 threshold and replaced with the reference to statute since the \$50,000 threshold is statutory creation.
§ 4.3	n/a	"Public Works Contractor" shall mean a contractor, in accordance with R.I. Gen. Laws § 37-12-1 of the General Laws of Rhode Island, every person (including co-partnerships, joint enterprises and corporations) being awarded contracts by the departments of administration or transportation for construction, improvement, completion or repair of any public building, or portion thereof, and as otherwise defined pursuant to R.I. Gen. Laws § 37-2-18 (a)-(h) “Competitive Sealed Bidding” and these regulations.	Repealed.	<ul style="list-style-type: none"> <li>R.I. Gen. Laws § 37-12-1 already defines its applicability, removal of paraphrase statute here.</li> </ul>

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§ 4.3(A)(5)	n/a	A copy of the state's General Terms and Conditions for contracts shall be distributed with the Bidder Registration Form.	Repealed	<ul style="list-style-type: none"> <li>Repealed to reflect change to § 5.12(B)(4)(a)(4) below.</li> </ul>
§ 4.3(A)(5)(b)	§ 5.12(B)(4)(a) & § 6.3(B)(2)	The Bidder Registration Form shall be signed by a representative of the supplier who has the capacity to enter into contracts. The signature shall be an original signature made in ink and dated by the signatory.	<p>Moved to § 5.12(B)(4)(a) &amp; § 6.3(B)(2)</p> <p>The Bidder Registration <u>Cover</u> Form shall be signed by a representative of the <del>supplier</del> <u>vendor</u> who has the capacity to enter into contracts. The signature shall be an original signature made in ink and dated by the signatory.</p>	<ul style="list-style-type: none"> <li>Updated for consistency</li> </ul>
§ 4.3(A)(5)	§ 5.12(B)(4)(a)(4)	N/A	<u>...that the vendor has reviewed and understands the General Conditions of Purchase, 220-RICR-30-00-13.</u>	<ul style="list-style-type: none"> <li>Updated to reflect technological advancements, since the General Conditions are now online.</li> </ul>
§ 4.3(A)(5)(c)	§ 5.12(B)(4)(b) & § 6.3(B)(2)	As a prerequisite condition for contract award, the Purchasing Agent may require any bidder to complete a Bidder Registration Form and/or submit current certifications of financial responsibility, affirmative action compliance, drug-free and barrier free environment, and status as small, women-owned and/or disadvantaged businesses.	As a prerequisite condition for contract award, the Purchasing Agent may require any bidder to complete a Bidder Registration Form and/or submit current certifications of financial responsibility, affirmative action compliance, drug-free and barrier free environment, and status as small, <del>women</del> <u>Veteran</u> -owned and/or <u>small</u> disadvantaged businesses <u>as defined in § 4.3(B) of this Chapter.</u>	<ul style="list-style-type: none"> <li>Updated to reflect definitional changes.</li> </ul>
§ 4.4	§ 4.5	Bidders List	Prequalified Bidders List	Heading updated to reflect regulatory content in section.
§ 4.4	§ 4.5(A)	Bidders Lists shall be maintained by the Purchasing Agent consisting of the names and addresses of suppliers of various goods and	<del>Bidders</del> <u>Prequalified Vendor Lists shall</u> <u>may</u> be maintained by the Purchasing Agent consisting the names and addresses of <u>prequalified vendors</u> <del>of</del>	<ul style="list-style-type: none"> <li>Updated to reflect proposed prequalification system.</li> </ul>

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		services from whom bids, proposals, and quotations can be solicited.	<del>suppliers of various goods and services</del> from whom bids, proposals, and quotations can be solicited.	<ul style="list-style-type: none"> <li>Changed so that the agency is not regulating internal policy</li> </ul>
§ 4.4	§ 4.5(B)	Bidders Lists shall be formatted in a manner which identifies those suppliers certified as small disadvantaged businesses by the Rhode Island Department of Economic Development or the Handicapped Products Committee.	<del>Bidders</del> <u>Prequalified Vendor</u> Lists shall be formatted in a manner which identifies those <del>suppliers</del> <u>vendors</u> certified <u>by the State</u> as small disadvantaged businesses, <u>as defined above.</u> <del>by the Rhode Island Department of Economic Development or the Handicapped Products Committee.</del>	Updated to reflect proposed prequalification system.
§ 4.4	n/a	The Purchasing Agent or his designee may add to or delete suppliers from Bidders Lists based on information made available to him.	Repealed language	Practice no longer applicable to proposed prequalification process (revocation covered later in proposed § 4.7)
n/a	§ 4.5(C)	N/A	The Purchasing Agent may disqualify a vendor from participating in any procurement if the vendor's prequalification has been revoked pursuant to § 4.7 of this Part or if the vendor has been suspended or debarred pursuant to Part 14 of this Chapter.	Proposed language to reflect proposed prequalification system/provide helpful cross-references.
§ 4.4	n/a	Bidders Lists may consist of: 1. Registered Suppliers - the names of interested suppliers who have submitted completed Bidder Registration Forms to the Office of Purchases which have been reviewed and approved by the Purchasing Agent. 2. Unregistered Suppliers - suppliers which have not expressed interest in selling to the state by submitting a Bidder Registration Form, but who have been determined by the Purchasing Agent, due to the nature of the firm's status in the market, to be responsible and qualified with regard to particular commodities. Inclusion of any	Repealed language.	Repealed to reflect proposed prequalification system.



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		firm on the Bidders List without a supporting registration form shall be permitted with the written approval of the Purchasing Agent.		
§ 4.4	n/a	The Purchasing Agent may disqualify a supplier, contractor, or subcontractor from participating in State Bidding Lists. Just cause for such determination may include but shall not be limited to: 1. Lack of a properly prepared and submitted Bidder Registration Form; 2. Refusal to submit a Bidder Registration Form; 3. Falsification of information on Bidder Registration or Certification Forms; 4. Suspension or debarment by the federal government; 5. Conviction of fraud or perjury; 6. Lack of competence, financial responsibility, or other limitations related to the ability of a supplier to provide the goods and services indicated on his Bidder Registration Form; or 7. Any reason stipulated in Section 4.8 of these regulations.	Language repealed. Much of this language can now be found in proposed § 4.7. (revocation of prequalification) or proposed § 14.6 (suspension and debarment).	Removed from this section to reflect updated prequalification system and the updated suspension/debarment system (which is applicable to all vendors).
§ 4.4	n/a	Based on the Purchasing Agent's review of a supplier's level of financial responsibility and/or qualification, the Purchasing Agent may restrict the items or size of orders for which a supplier will be solicited. Restriction shall relate to: 1. limiting the kinds of goods and services for which the supplier may be solicited to a portion of those indicated on a Bidder Registration Form. 2. limiting the scope/amount of goods and services for which the supplier may be solicited (e.g., categorizing a contractor by the size of construction projects he is deemed capable of undertaking).	Repealed. This concept is now found in § 4.6 (Criteria for Prequalification)	Change made to reflect proposed prequalification system.
§ 4.4	n/a	The Purchasing Agent may require registered suppliers to resubmit updated Bidder Registration Forms annually. 1. R.I. Gen. Laws § 37-2-9.1 Bidder registration fee. -- The Chief Purchasing Officer may adopt regulations to establish an annual fee, of not less than twenty-five dollars (\$25.00), which shall be paid by all	Repealed.	Updated to remove unnecessary repetition of statute.

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		potential bidders requesting to subscribe to solicitation mailings for public bids for specific types of supplies, services, and construction during a fiscal year, and may waive said fee for Rhode Island firms. Additionally, the Chief Purchasing Officer may delegate to the Purchasing Agent the authority to waive said fee for an individual solicitation and to include unregistered bidders in the solicitation in the interest of expanding competition. Nothing herein shall prevent any interested party from submitting a bid in response to any solicitation of which they become aware.		
§ 4.4	n/a	The Office of Purchases shall maintain Vendor Information Files for the following documentation purposes: 1. General. a. Bidder Registration Forms. b. Results of investigations for prequalification, responsibility, suspension, debarment, restriction, and nonperformance. c. Certifications. d. Correspondence. 2. Bidding history. 3. Performance history. a. Solicited and unsolicited reports regarding contract performance (e.g., quality, responsiveness) shall be recorded in the Vendor Information File. b. Complaints shall be investigated by Office Purchases staff, the results submitted to the Purchasing Agent for adjudication, and the results documented and maintained in the Vendor Information File.	Repealed.	Internal policy, repealed pursuant to R.I. Gen. Laws § 42-35-1(a)(19)(i).
§ 4.4	§ 5.12(B)(3) § 6.3(B)(2)	Potential bidders who have been determined by the Purchasing Agent to be brokers or jobbers shall not be included on State Bidders Lists.	<del>Potential bidders</del> <u>Vendors</u> who have been determined by the Purchasing Agent to be brokers or jobbers shall not be <del>included on State Bidders Lists</del> <u>issued a purchase order or other award.</u>	Moved for organizational clarity.  Updated terminology for consistency.
§ 4.4	§ 5.12(B)(3)(a) § 6.3(B)(2)	Firms bidding on construction or building renovation must demonstrate an ability to perform a substantial portion of the subject work using their own forces. Bidders who do not	<del>Firms</del> <u>Vendors</u> bidding on construction or building renovation must demonstrate an ability to perform a substantial portion of the subject work	<ul style="list-style-type: none"> <li>Moved to Parts 5/6 for organizational clarity.</li> </ul>

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		maintain permanent workforces, or who propose to subcontract a disproportionate percentage of project work shall be considered unqualified, and the Purchasing Agent reserves the right to reject their offers.	using their own forces. <del>Bidders</del> <u>Vendors</u> who do not maintain permanent workforces, or who propose to subcontract a disproportionate percentage of project work shall be considered unqualified, and the Purchasing Agent reserves the right to reject their offers.	
§ 4.5 (A)	n/a	<p>General Procurement – R.I. Gen. Laws § 37-2-25 The Chief Purchasing Officer may provide for prequalification of suppliers as responsible prospective contractors for particular types of supplies, services, and construction. Solicitation mailing lists of potential contractors of such supplies, services, and construction shall include but need not be limited to such pre-qualified contractors. Prequalification shall not foreclose a written determination:</p> <ol style="list-style-type: none"> <li>1. Between the time of the bid opening or receipt of offers and the making of an award, that a pre-qualified supplier is not responsible; or</li> <li>2. That a supplier who is not pre-qualified at the time of bid opening or receipt of offers is responsible.</li> </ol> <p>Prequalification information may be submitted within a time period subsequent to a project bidder's conference, which period has been specified in the bid solicitation.</p>	Repealed.	<ul style="list-style-type: none"> <li>• Removal of unnecessary repetition of statute.</li> <li>• Updated to reflect proposed prequalification system.</li> </ul>
n/a	§ 4.6(A)	n/a	<u>“Vendors must be pre-qualified by the Division prior to bidding on state public works projects with an estimated value of over one million dollars (\$1,000,000).”</u>	Establishment of proposed prequalification system.

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§ 4.5(C)(1)-(5)	§ 4.6(E)	The Purchasing Agent may conduct supplementary prequalification examinations of registered bidders prior to solicitation or award which include, but are not limited to: 1. requirement for additional certification(s); 2. requirement for demonstration of additional licensure; 3. requirement for recent financial information; 4. submission of an affirmative action employment plan; and/or 5. submission of the names of proposed small disadvantaged business subcontractors and the value of such subcontracts.	The Purchasing Agent may conduct supplementary prequalification examinations of <del>registered bidders</del> <u>vendors</u> prior to solicitation or award which include, but are not limited to: 1. Requirement for additional certification(s); 2. Requirement for demonstration of additional licensure; 3. Requirement for recent financial information; 4. Submission of an affirmative action employment plan; and/or 5. Submission of the names of proposed small disadvantaged business subcontractors and the value of such subcontracts.	<ul style="list-style-type: none"> <li>Moved for organizational clarity.</li> <li>Changed “registered bidders” to “vendors” for consistency of regulation and to reflect proposed prequalification system.</li> </ul>
§ 4.5	n/a	Inclusion of a supplier on Bidders Lists shall not constitute a prequalification determination for a specific procurement.	Repealed.	To reflect proposed prequalification system.
§ 4.5(E)	§ 4.6(G)	R.I. Gen. Laws § 37-2-26 Roads - Prequalification for a contractor who bids on road work for the Department of Transportation shall be conducted as follows: 1. The Chief Purchasing Officer may delegate responsibility and authority for evaluation of all or a portion of the evaluation of road work contractor prequalification documentation to the Director of the Department of Transportation. a. Such delegation shall authorize the publication and implementation of policies and procedures which conform to the rules and regulations promulgated by the Chief Purchasing Officer in accordance with R.I. Gen. Laws § 37-2-26. b. Such delegation shall be made in writing. c. The Chief Purchasing Officer shall monitor the appropriateness and effectiveness of such delegation on a regular basis.	<del>R.I. Gen. Laws § 37-2-26 Roads</del> — Prequalification for a contractor who bids on road work for the Department of Transportation shall be conducted <u>in accordance with R.I. Gen. Laws § 37-2-26 and § 12.4 of this Chapter. as follows:</u> 1. The Chief Purchasing Officer may delegate responsibility and authority for evaluation of all or a portion of the evaluation of road work contractor prequalification documentation to the Director of the Department of Transportation. a. Such delegation shall authorize the publication and implementation of policies and procedures which conform to the rules and regulations promulgated by the Chief Purchasing	<p>Moved for organizational clarity.</p> <p>Last section removed since it was purely unnecessary repetition of statute.</p>

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		<p>d. The Chief Purchasing Officer may rescind such authorization at any time provided that the rescission of such authority shall be conveyed in writing to the Director of the Department of Transportation no less than thirty-five (35) working days prior to the effective date of the rescission.</p> <p>2. Every bid solicitation shall include within the project specification document a description of the prequalification requirements set forth herein and any additional requirements established by the Department of Transportation.</p> <p>3. Each bidder shall submit to the Office of Purchases with his bid, the following prequalification information:</p> <p>a. R.I. Gen. Laws § 37-2-26(1) A list of equipment in his possession and which he proposes to use on the contract if awarded to him. [The equipment listed shall be in operable condition.]</p> <p>b. R.I. Gen. Laws § 37-2-26(2) The name and qualifications of his superintendent or supervisory personnel to be assigned to the major features of the work.</p> <p>c. R.I. Gen. Laws § 37-2-26(3) His financial references and an original copy of his current financial statement.</p> <p>d. R.I. Gen. Laws § 37-2-26(5) The number of proposed trainees to be trained in each classification and training program as stated in the required contract provision for federal aid projects. (This information shall be submitted directly to the Department of Transportation External Equal Employment Opportunity Office for approval.)</p> <p>e. R.I. Gen. Laws § 37-2-26(9) Copies of letters directly from bonding and insurance companies</p>	<p>Officer in accordance with R.I. Gen. Laws § 37-2-26.</p> <p>b. Such delegation shall be made in writing.</p> <p>c. The Chief Purchasing Officer shall monitor the appropriateness and effectiveness of such delegation on a regular basis.</p> <p>d. The Chief Purchasing Officer may rescind such authorization at any time provided that the rescission of such authority shall be conveyed in writing to the Director of the Department of Transportation no less than thirty-five (35) working days prior to the effective date of the rescission.</p> <p>Every bid solicitation shall include within the project specification document a description of the prequalification requirements set forth herein <u>R.I. Gen. Laws § 37-2-26, § 12.4 of this Chapter</u>, and any additional requirements established by the Department of Transportation.</p> <p><del>Each bidder shall submit to the Office of Purchases with his bid, the following prequalification information:</del></p> <p><del>a. R.I. Gen. Laws § 37-2-26(1) A list of equipment in his possession and which he proposes to use on the contract if awarded to him. [The equipment listed shall be in operable condition.]</del></p> <p><del>b. R.I. Gen. Laws § 37-2-26(2) The name and qualifications of his superintendent or supervisory</del></p>	
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		<p>indicating their willingness to furnish the required bonds and insurance for the work.</p> <p>f. R.I. Gen. Laws § 37-2-26(7) Four (4) copies on the company's letterhead of certification of nondiscrimination in equal employment opportunity.</p> <p>g. R.I. Gen. Laws § 37-2-26(6) The name of the individual who will act as equal employment opportunity officer for the company.</p>	<p><del>personnel to be assigned to the major features of the work.</del></p> <p><del>c. R.I. Gen. Laws § 37-2-26(3) His financial references and an original copy of his current financial statement.</del></p> <p><del>d. R.I. Gen. Laws § 37-2-26(5) The number of proposed trainees to be trained in each classification and training program as stated in the required contract provision for federal aid projects. (This information shall be submitted directly to the Department of Transportation External Equal Employment Opportunity Office for approval.)</del></p> <p><del>e. R.I. Gen. Laws § 37-2-26(9) Copies of letters directly from bonding and insurance companies indicating their willingness to furnish the required bonds and insurance for the work.</del></p> <p><del>f. R.I. Gen. Laws § 37-2-26(7) Four (4) copies on the company's letterhead of certification of nondiscrimination in equal employment opportunity.</del></p> <p><del>g. R.I. Gen. Laws § 37-2-26(6) The name of the individual who will act as equal employment opportunity officer for the company.</del></p>	
n/a	§ 4.6(A)(1)	n/a	<p>If he or she determines that it is in the best interest of the State, the Purchasing Agent may:</p> <p>a. Waive the prequalification requirement for a state public works project valued over one million dollars (\$1,000,000);</p> <p>b. Require prequalification for projects less than one million dollars (\$1,000,000) at the discretion of the</p>	Language to reflect proposed prequalification system.

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			<p>Purchasing Agent when specified in the Solicitation;</p> <p>c. Specify in the Solicitation that vendors who are not prequalified may bid on a public works project.</p> <p>(1) If the Purchasing Agent specifies in the Solicitation that a non-prequalified vendor may bid on the project, the vendor must be prequalified prior to the issuance of the award.</p>	
n/a	§ 4.6(B)	n/a	<p>Proposed section outlining the Purchasing Agent's ability to limit prequalification of a vendor to a certain category of work, size of purchase order, or both. [see proposed regulation, section too lengthy for Summary of Changes chart]</p>	Language to reflect proposed prequalification system.
n/a	§ 4.6(C)	n/a	<p>C. Prequalification Submission</p> <p>1. A vendor who wishes to be prequalified must submit a prequalification packet at least once every two years, providing all information in support of evaluation categories listed in § 4.6(D), below.</p> <p>2. All Vendors are advised to review the provisions related to confidentiality within the General Conditions of Purchase, 220-RICR-30-00-13.3(D) and to properly identify privileged or confidential documents as outlined therein.</p> <p>3. If there is a substantial change in the information provided in a vendor's prequalification packet within the two-year prequalification period, the vendor has an affirmative</p>	Language to reflect proposed prequalification system.

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			<p>duty to supplement the information provided to the Division so that the Division may determine whether the vendor may remain at prequalified status.</p> <p>a. For the purposes of this Part, "substantial change" shall mean any change which a reasonable person would believe would affect the classifications or amount of work for which the vendor has been prequalified by the Division to perform.</p> <p>b. Failure to supply material information will result in revocation of pre-qualification and vendor suspension not less than one (1) year.</p>	
§ 4.5(F)	§ 4.6(D)	<p>F. Construction Management. In accordance with R.I. Gen. Laws § 37-2-27 a person who bids on a construction management contract shall provide the following information, which information shall constitute the pre-qualifications for a construction management contract:</p> <p>1. Firm history - Name of the firm, location of principal and branch offices, length of time in business, firm ownership structure, and annual construction management volume for each of the past five (5) years including number of projects and total construction volume.</p> <p>2. Personnel - Total number of the firm's personnel, other than secretarial/clerical, by professional or skill group and outside firms which will be used to provide such services as estimating, value engineering analysis, scheduling or computer services.</p>	<p>Repealed and replaced with Proposed language § 4.6(D) "Evaluation Categories" [see regulation, section too lengthy for Summary of Changes chart]</p>	<p>Amendment made to reflect proposed prequalification system.</p>



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		<p>3. Experience - Information regarding projects which the firm has constructed during the past five (5) years, including those where the firm has served as construction manager: project name and address, year completed, type of project, construction cost, and a reference(s).</p> <p>4. Project Staffing a. The firm's proposed management staff for the project, including an organizational chart identifying the firm's key staff members and showing how each staff member interacts with other staff members assigned to the project, and b. A detailed resume for each key staff member which summarizes education, professional registration, professional society membership, construction experience, and construction management project experience.</p> <p>5. Services a. Scope of preconstruction phase services, including how such services are provided, with specific attention to the first budget estimate, methods of cost control, scheduling, value engineering and the method of reporting project status and schedule position; b. Scope of construction phase services and how such services are to be provided; c. The firm's method of working with the project architects, engineers, consultants and other planning team members; and d. The firm's method of coordinating the efforts of various trade contractors.</p>		
§ 4.6	See proposed Part 14	Vendor Disqualification	Repealed.	Vendor sanctions are now found in proposed Part 14.
§ 4.6(A)(1)	§ 14.3(A)	“Debarment” - permanent removal from State Bidders Lists and exclusion from all subsequent procurements, and termination of all outstanding contracts.	<ul style="list-style-type: none"> <li>Definition moved from Current § 4.6 up to definition section of Proposed § 14.3.</li> </ul>	<ul style="list-style-type: none"> <li>Debarment now addressed in Proposed Part 14.</li> </ul>

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			<ul style="list-style-type: none"> <li>“Debarment” <u>means permanent removal from State Bidders Lists and exclusion from all subsequent procurements, and termination of all existing or outstanding contracts. A debarred vendor cannot perform work as a subcontractor or subconsultant for the State.</u></li> </ul>	<ul style="list-style-type: none"> <li>Definition updated to make it clear that a debarred vendor cannot be a subcontractor for the State.</li> </ul>
§ 4.6(A)(2)	§ 14.3(D)	“Suspension” - temporary removal from State Bidders Lists and exclusion from subsequent procurements, and termination of outstanding contracts (at the discretion of the Purchasing Agent) for a specified period of time	<ul style="list-style-type: none"> <li>Definition moved from Current § 4.6 to definition section of Proposed § 14.3.</li> <li>“Suspension” <u>means temporary removal from State Bidders Lists and exclusion from subsequent procurements, for a specified period of time and termination of outstanding contracts (at the discretion of the Purchasing Agent). for a specified period of time. A suspended vendor cannot perform work as a subcontractor or subconsultant for the State during the duration of the Suspension.</u></li> </ul>	<ul style="list-style-type: none"> <li>Suspension is now addressed in Proposed Part 14.</li> <li>Definition updated to make it clear that a suspended vendor cannot be a subcontractor for the State.</li> </ul>
§ 4.6(A)(3) § 4.6(A)(4)	n/a	3. Removal - deletion from State Bidders Lists (only), without interruption of outstanding contracts or the ability to participate in subsequent procurements; or 4. Rejection - lack of inclusion on State Bidders Lists or non-consideration of an offer submitted for a particular procurement, based on lack of demonstrated responsibility or competency.	Repealed language	No longer used/required in regulation.
n/a	§ 4.7	n/a	Revocation of Prequalification A. The Purchasing Agent may revoke a vendor's prequalification. Revocation may result from:	New section to govern revocation of prequalification.

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			<ol style="list-style-type: none"> <li>1. Suspension or Debarment pursuant to § 4.6 of this Part;</li> <li>2. Lack of demonstrated responsibility or competency;</li> <li>3. Failure to update information contained in a vendor's pre-qualification packet on file with the Division of Purchases pursuant to § 4.6(C)(3);</li> <li>4. When, in the judgment of the Purchasing Agent, the vendor does not possess the capacity, capability, or integrity requisite for the procurement.</li> </ol> <p>B. The Purchasing Agent shall give notice to a vendor when its prequalification has been revoked in writing. Such notice shall:</p> <ol style="list-style-type: none"> <li>1. State that the vendor's prequalification has been revoked,</li> <li>2. Provide the vendor with the rationale for the decision, and</li> <li>3. A statement that protests of the revocation may be submitted pursuant to § 4.7(C) of this Part.</li> </ol> <p>C. The Purchasing Agent's decision on prequalification may be appealed pursuant to § 220-RICR-30-00-1.6 of this Chapter and R.I. Gen. Laws § 37-2-52.</p>	
§ 4.6 (A)	§ 4.7(A), (B) & (C)	<p>A. The Purchasing Agent may disqualify a supplier, contractor, or subcontractor from participating in state procurements. Disqualification may result in any of the following actions being taken:</p> <ol style="list-style-type: none"> <li>1. Debarment - permanent removal from State Bidders Lists and exclusion from all subsequent</li> </ol>	<p>A. The Purchasing Agent may disqualify a supplier, contractor, or subcontractor from participating in state procurements. <u>revoke a vendor's prequalification.</u> <u>Disqualification Revocation</u> may result in any of the following actions being taken from:</p>	<p>Repealed language regarding vendor sanctions now found in proposed Part 14.</p>

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		<p>procurements, and termination of all outstanding contracts; or</p> <p>2. Suspension - temporary removal from State Bidders Lists and exclusion from subsequent procurements, and termination of outstanding contracts (at the discretion of the Purchasing Agent) for a specified period of time; or</p> <p>3. Removal - deletion from State Bidders Lists (only), without interruption of outstanding contracts or the ability to participate in subsequent procurements; or</p> <p>4. Rejection - lack of inclusion on State Bidders Lists or non-consideration of an offer submitted for a particular procurement , based on lack of demonstrated responsibility or competency.</p>	<p>1. Debarment - permanent removal from State Bidders Lists and exclusion from all subsequent procurements, and termination of all outstanding contracts <u>Suspension or Debarment pursuant to § 14.5 of this Chapter;</u></p> <p>2. Suspension - temporary removal from State Bidders Lists and exclusion from subsequent procurements, and termination of outstanding contracts (at the discretion of the Purchasing Agent) for a specified period of time <u>Lack of demonstrated responsibility or competency;</u></p> <p>3. Removal - deletion from State Bidders Lists (only), without interruption of outstanding contracts or the ability to participate in subsequent procurements <u>Failure to update information contained in a vendor's pre-qualification packet on file with the Division of Purchases pursuant to § 4.5(C)(2);</u></p> <p>4. Rejection - lack of inclusion on State Bidders Lists or non-consideration of an offer submitted for a particular procurement , based on lack of demonstrated responsibility or competency. <u>When, in the judgment of the Purchasing Agent, the vendor does not possess the capacity, capability, or integrity requisite for the procurement.</u></p> <p>B. <u>The Purchasing Agent shall give notice to a vendor when its</u></p>	
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SUMMARY OF CHANGES 220-RICR-30-00-4

			<p><u>prequalification has been revoked in writing. Such notice shall:</u></p> <ol style="list-style-type: none"> <li><u>1. State that the vendor's prequalification has been revoked,</u></li> <li><u>2. Provide the vendor with the rationale for the decision, and</u></li> <li><u>3. A statement that protests of the revocation may be submitted pursuant to § 4.7(C) of this Part.</u></li> </ol> <p><u>C. The Purchasing Agent's decision on prequalification may be appealed pursuant to § 220-RICR-30-00-1.6 of this Chapter and R.I. Gen. Laws § 37-2-52.</u></p>	
§ 4.7	§ 5.12(A)	<p><b>4.7 REJECTION AND REMOVAL</b></p> <p>A. A vendor's offer for a specific procurement may be rejected for any of the causes described for suspension, or where, in the judgment of the Purchasing Agent, the vendor does not possess the capacity, capability, or integrity requisite for the procurement except as otherwise provided for pursuant to R.I. Gen. Laws § 37-2- 18 (a)-(h) "Competitive Sealed Bidding" and these regulations.</p> <p>B. Failure to respond to three consecutive solicitations for products or services which a vendor has indicated an interest or ability in supplying on a Bidder Registration form, or a demonstrated lack of success in receiving awards, shall constitute grounds for removal from the Bidders List(s) in question.</p>	<p><del>REJECTION AND REMOVAL</del></p> <p><del>A. A vendor's offer for a specific procurement may be rejected for:</del><del>any of the causes</del> <u>1. Any of the causes described for suspension or debarment in Part 14 of this Chapter;</u></p> <p><del>2. or w</del><del>When re</del>, in the judgment of the Purchasing Agent, the vendor does not possess the capacity, capability, or integrity requisite for the procurement; <u>or except as otherwise provided for pursuant to R.I. Gen. Laws § 37-2- 18 (a)-(h) "Competitive Sealed Bidding" and these regulations.</u></p> <p><u>3. When, in the judgment of the Purchasing Agent, the vendor is found to be nonresponsive and/or a nonresponsible bidder.</u></p> <p><del>B. Failure to respond to three consecutive solicitations for products or services which a vendor has</del></p>	

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			indicated an interest or ability in supplying on a Bidder Registration form, or a demonstrated lack of success in receiving awards, shall constitute grounds for removal from the Bidders List(s) in question.	
§ 4.8	§ 14.5	Debarment and Suspension	Suspension and Debarment	Heading updated for clarity; to reflect contents of subsection.  Moved to Part 14 for organizational clarity.
§ 4.8(A)	§ 14.5(A)	<p>A. Applicability</p> <p>1. A debarment or suspension judgment against a part of a corporate entity constitutes debarment or suspension of all of its divisions and all other organizational elements, except where the action has been specifically limited in scope and application, and may include all known corporate affiliates of a contractor, when such offense or act occurred in connection with the affiliate's performance of duties for or on behalf of the contractor, or with the knowledge, approval, or acquiescence of the contractor or one or more of its principals or directors, or where the contractor otherwise participated in, knew of, or had reason to know of the acts.</p>	<p>A. Applicability</p> <p>1. A <del>debarment or suspension judgment against</del> <u>suspension or debarment</u> of any part of a <del>corporate</del> <u>business</u> entity constitutes <u>suspension or debarment</u> <del>debarment or suspension</del> of all of its divisions, <u>officers, directors, owners</u> and all other organizational elements, except where the <del>action</del> <u>suspension or debarment</u> has been specifically limited in scope and application, and may include all known corporate affiliates of a <del>contractor</del> <u>business entity</u>, when such offense or act occurred in connection with the affiliate's performance of duties for or on behalf of the <del>contractor</del> <u>business entity</u>, or with the knowledge, approval, or acquiescence of the <del>contractor</del> <u>business entity</u> or one or more of its principals or directors, or where <del>contractor</del> <u>the business entity</u> otherwise participated in, knew of, or had reason to know of the acts.</p>	Amended for clarity.

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§ 4.8(C)	§ 14.5(B)	<p>Just cause for suspension may include, but shall not be limited to:</p> <ol style="list-style-type: none"> <li>1. Any cause for debarment, depending on the severity of the violation;</li> <li>2. An indictment or any information filed by a public agency charging a criminal offense as described above for debarment;</li> <li>3. Substantial evidence of willfully supplying materially false information incident to obtaining or attempting to obtain or performing any public contract or subcontract, or willful failure to comply with requirements imposed upon contractors or subcontractors by law or regulation;</li> <li>4. Suspension by the federal government;</li> <li>5. Substantial nonperformance on at least one contract;</li> <li>6. Lack of responsibility evidenced by: <ol style="list-style-type: none"> <li>a. Withdrawal of two or more bids within a two-year period, even with the consent of the Purchasing Agent, or</li> <li>b. Correction following public or formal opening of two or more bids within a two-year period, even with the consent of the Purchasing Agent, or</li> <li>c. Rejection for non-responsiveness of two or more bids within a two year period.</li> </ol> </li> </ol>	<p>Just cause for suspension <del>may include, but shall not be limited to</del> <u>shall be</u>:</p> <ol style="list-style-type: none"> <li>1. Any cause for debarment, depending on the severity of the violation;</li> <li>2. An indictment or any information filed by a public agency charging a criminal offense as described above for debarment;</li> <li>3. Substantial evidence of willfully supplying materially false information incident to obtaining or attempting to obtain or performing any public contract or subcontract, or willful failure to comply with requirements imposed upon contractors or subcontractors by law or regulation;</li> <li>4. Suspension by the federal government;</li> <li>5. <u>Substantial Nonperformance</u> on at least one contract;</li> <li>6. Lack of responsibility evidenced by: <ol style="list-style-type: none"> <li>a. Withdrawal of two or more bids within a two-year period, even with the consent of the Purchasing Agent, or</li> <li>b. Correction following public or formal opening of two or more bids within a two-year period, even with</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>• Moved for organization clarity.</li> <li>• Updated “substantial nonperformance” to “nonperformance” for clarity and consistency with state contracts.</li> <li>• Clearly articulate grounds in 7-10.</li> </ul>
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			<p>the consent of the Purchasing Agent, or</p> <p>c. Rejection for non-responsiveness of two or more bids within a two-year period;</p> <p>7. <u>Commission of any act indicating a lack of business integrity or business honesty.</u></p> <p>8. <u>Lack of competence, financial responsibility, or other limitations related to the ability of a vendor to provide goods and services;</u></p> <p>9. <u>Failure to pay subcontractors for work performed and accepted in accordance with the Prompt Payment Statute, R.I. Gen. Laws § 42-11.1-3.</u></p> <p>10. <u>Any failure by a vendor to perform a contract in a workmanlike manner.</u></p>	
§ 4.8(B)	§ 14.5(C)	<p>Just cause for debarment may include, but shall not be limited to:</p> <p>1. Conviction or final adjudication by a court or administrative agency of competent jurisdiction of any of the following offenses:</p> <p>a. Criminal offense incident to obtaining or attempting to obtain a public contract or subcontract, or the performance of such contract or subcontract, in any jurisdiction, or</p> <p>b. Criminal offense involving embezzlement, theft, fraud, perjury, forgery, bribery, falsification or destruction of records, receiving stolen property (or any other offense indicating a lack of business integrity or honesty which seriously and</p>	<p>Just cause for debarment <del>may include, but shall not be limited to</del> <u>shall be</u>:</p> <p>1.Conviction or final adjudication by a court or administrative agency of competent jurisdiction of any of the following offenses:</p> <p>a. Criminal offense incident to obtaining or attempting to obtain a public contract or subcontract, or the performance of such contract or subcontract, in any jurisdiction, or</p> <p>b. Criminal offense involving embezzlement, theft, fraud, perjury,</p>	<ul style="list-style-type: none"> <li>• Moved for organization clarity.</li> <li>• Updated “substantial nonperformance” to “nonperformance” for clarity and consistency with state contracts.</li> <li>• Clearly articulate grounds in 7-10.</li> </ul>



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		<p>directly affects the contractor's present responsibility as a public contractor), or</p> <p>c. Violation of state or federal antitrust laws relative to the submission of bids or proposals (including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging), or</p> <p>d. Violation of state or federal laws regulating campaign contributions;</p> <p>e. Violation of state or federal laws regulating equal employment opportunity or handicapped access;</p> <p>2. Violation of the terms of a public agreement or transaction so serious as to affect the integrity of any agency program;</p> <p>3. Falsification of information on a bid submission or Bidder Registration form, subcontracting plan, or affirmative action plan;</p> <p>4. Substantial nonperformance on two or more contracts;</p> <p>5. Debarment by the federal government; or</p> <p>6. Withdrawal, without written permission of the Purchasing Agent, of two or more bids after an award has been announced.</p>	<p>forgery, bribery, falsification or destruction of records, receiving stolen property (or any other offense indicating a lack of business integrity or honesty which seriously and directly affects the contractor's present responsibility as a public contractor), or</p> <p>c. Violation of state or federal antitrust laws relative to the submission of bids or proposals (including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging), or</p> <p>d. Violation of state or federal laws regulating campaign contributions;</p> <p>e. Violation of state or federal laws regulating equal employment opportunity or handicapped access;</p> <p>2. Violation of the terms of a public agreement or transaction so serious as to affect the integrity of any agency program;</p> <p>3. Falsification of information on a bid submission or Bidder Registration form, subcontracting plan, or affirmative action plan;</p> <p>4. Nonperformance on two or more contracts;</p> <p>5. Debarment by the federal government;</p>	
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			<p>6. Withdrawal, without written permission of the Purchasing Agent, of two or more bids after an award has been announced;</p> <p>7. <u>Commission of any act indicating a lack of business integrity or business honesty.</u></p> <p>8. <u>Lack of competence, financial responsibility, or other limitations related to the ability of a vendor to provide goods and services;</u></p> <p>9. <u>Failure to pay subcontractors for work performed and accepted in accordance with the Prompt Payment Statute, R.I. Gen. Laws § 42-11.1-3;</u></p> <p>10. <u>Any failure on the part of a Vendor to perform a contract in a workmanlike manner.</u></p>	
§ 4.8(D)	§ 14.5(D)	Moved for organization	Moved for organization	Moved for organization
§ 4.8(E)	§ 14.5(E)	The Purchasing Agent may suspend a vendor for not less than a three-month and not more than a two-year period, depending on the severity of a particular violation, provided however that where the cause of the suspension is a criminal indictment as described above, the suspension shall remain in force until such time as the court has disposed of the indictment.	The Purchasing Agent may suspend a vendor for <del>not less than a three-month and not more than a</del> <u>up to a</u> two-year period, depending on the severity of a particular violation, provided however that where the cause of the suspension is a criminal indictment as described above, the suspension shall remain in force until such time as the court has disposed of the indictment.	Updated to remove three-month period threshold. Can do shorter suspensions if warranted.
§ 4.8	n/a	Pest Control Services R.I. Gen. Laws § 37-2-73 Upon receipt of an order from the Director of Environmental Management pursuant to R.I. Gen. Laws § 23-25- 28(a)(1) the Purchasing Agent shall take such steps as are necessary to insure that	Repealed.	Unnecessary repetition of statute/also not necessary in this regulation.

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		the named business or commercial applicator shall not be eligible to receive state contracts for pest control services for the duration of the period enumerated in said Director's order.		
§ 4.9(A)(3)	§ 14.6(A)(3)	[Debarment/Suspension notice shall] ...establish a specific time for reconsideration not less than two weeks nor more than three weeks within which the vendor may provide justification for why such action should not be implemented.	[Debarment/Suspension notice shall include] ....A statement that protests of a suspension or debarment may be submitted to the Chief Purchasing Officer in accordance with § 220-RICR-30-00-1.6 and R.I. Gen. Laws § 37-2-52.	Streamlining appeals process. Previously there was a separate process for debarment/suspensions. Under proposed language, they will be handled like bid protests.
§ 4.9 (B)	n/a	Where reconsideration has been requested in writing by a vendor, the Purchasing Agent shall, upon expiration of the reconsideration period, notify the affected vendor of his final decision. Where no such request is received, the action shall be implemented without notice.	Repealed.	Streamlining appeals process (see above).
§ 4.9(D)	§ 14.6(C)	No notice shall be required where the Purchasing Agent rejects the offer of a bidder for an individual procurement, or removes a registered bidder from one or more Bidders List(s), as described above.	No notice shall be required where the Purchasing Agent rejects the offer of a <u>bidder vendor</u> for an individual procurement, <del>or removes a registered bidder from one or more Bidders List(s), as described above.</del>	Updated to reflect definitional changes/for consistency.
§ 4.9(E)	§ 14.6(D)	A vendor who has been suspended, or rejected from one or more Bidders List(s), shall not be reinstated until he has submitted a written request for reinstatement to the Purchasing Agent, with evidence that the reason for suspension, rejection, or removal has been corrected.	A vendor who has been suspended, or <u>who has had prequalification revoked</u> <del>rejected from one or more Bidders List(s),</del> shall not be reinstated until he <u>or she</u> has submitted a written request for reinstatement to the Purchasing Agent, with evidence that the reason for suspension <u>or revocation,</u> <del>rejection, or removal</del> has been corrected.	<ul style="list-style-type: none"> <li>• Updated to reflect updated prequalification system</li> <li>• Updated to gender neutral pronouns.</li> </ul>

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§ 4.9(F)	n/a	Protests of decisions rendered by the Purchasing Agent shall be administered in accordance with the requirements of R.I. Gen. Laws § 37-2-52.	Moved to § 14.6(A)(3).	See § 14.6(A)(3), above.
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