

**VENDOR PREQUALIFICATION 220-RICR-30-00-4**  
**CONCISE EXPLANATORY STATEMENT**

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In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

**AGENCY:** Department of Administration

**DIVISION:** Division of Purchases

**RULE IDENTIFIER:** 220-RICR-30-00-4

**RULE TITLE:** Vendor Prequalification

**REASON FOR RULEMAKING:** To govern the prequalification of prospective bidders.

**TESTIMONY AND COMMENTS:** See attached "Summary of Public Comments" document.

**CHANGE TO TEXT OF THE PROPOSED RULE:**

**§ 4.6(A)(1):** If he or she determines that ~~it is in the best interest of the State~~competition will be limited due to the unique nature of a project, the Purchasing Agent may:

**§ 4.6(A)(1)(c):** Specify in the Solicitation that vendors who are not prequalified may bid on a public works project.~~(1) — If the Purchasing Agent specifies in the Solicitation that a non-prequalified vendor may bid on the project but,~~ the vendor must be prequalified prior to the issuance of the award.

**§ 4.6(B):** The Purchasing Agent may limit the prequalification of a vendor to a certain category of work based on information provided pursuant to § 4.6(D)(3), size of purchase order based on information provided pursuant to § 4.6(D)(4), or both.

**§ 4.6(D)(1)(c)(1):** Years of experience performing public works projects (including municipal, state and federal public works projects). At least three (3) years of public works project experience is required for prequalification. Work as a subcontractor on public works projects may be considered.

**§ 4.6(D)(3)(a):** ~~a. — Except for vendors seeking pre-qualification pursuant to § 4.6(B)(1)(k) of this Part, vendors seeking pre-qualification to bid on construction or building renovation projects must demonstrate an ability to perform twenty (20%) percent of the subject work using their own forces.~~

**§ 4.6(D)(4)(a):** ~~Audited Reviewed~~ Financial Statement prepared by a licensed ~~third-Certified Public Accountant~~party.

**§ 4.6(D)(4)(b):** Vendors who are seeking prequalification for purchase orders over \$20,000,000 must provide Audited Financial Statements.

**REGULATORY ANALYSIS:** In the development of the proposed adoption, consideration was given to (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; (3) significant economic impact on small business. No alternative approach, duplication or overlap was identified based upon available information.