

RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF ADMINISTRATION

Title of Rule: Vendor Prequalification (220-RICR-30-00-4)

Rule Identifier: 220-RICR-30-00-4

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: April 21, 2023

Hearing Date: May 1, 2023

End of Public Comment: May 21, 2023

Rulemaking Authority:

R.I. Gen. Laws § 37-2-1

et. seq.

Summary of Rulemaking Action:

220-RICR-30-00-4 currently governs prequalification of public works vendors who must be prequalified by the Division of Purchases prior to bidding on state public works projects with an estimated value of over one million dollars (\$1,000,000).

The proposed changes are:

§ 4.3(A)- Defines "Division" as Division of Purchases

§ 4.6(B)(1)- Requires that vendors specify categories of work the vendor wishes to be prequalified to bid on and submit all applicable support licenses or certifications that evidence that the vendor can perform such work. The submission of supportive licenses/certifications is similar to requirements in surrounding states.

§ 4.6(B)(3)- In the current rule, the Purchasing Agent can limit a vendor's prequalification to a purchase order value range. The amendment clarifies a tier system to allow for a range, rather than a specific number. The use of the tier system is similar to those used in surrounding states.

§ 4.6(C)(4)- Makes it clear that vendors can request an increase prequalification threshold amount and provides a clear method for such a request/change.

§ 4.6(D)- Requires production of Certificate of Good Standing from the RI Secretary of State (to show vendor is up to date with corporate filings) and a Letter of Good Standing from the RI Dept. of Revenue (to show vendors do not have tax liabilities). This allows the Division to make responsibility/qualification determination. Similar to requirements in surrounding states.

§ 4.6(D)(2)(b)- Decreases credit references that vendors must provide from five to three.

4.6(D)(4)(e)- Requires vendors to produce bond letter. This requirement will allow the Division to make increasingly accurate responsibility/qualification determination and is similar to requirements in surrounding states.

4.6(D)(4)(d)- Removes requirement that vendors produce subcontractor lien releases and replaces it with a requirement that vendors certify that vendor does not have pending subcontractor debts/claims.

Additional Information and Public Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until May 21, 2023 by contacting the appropriate party at the address listed below:

Mary-Rose Pellegrino
Department of Administration
Department of Administration
One Capitol Hill, 4th Floor
Providence, RI 02908
maryrose.pellegrino@doa.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.5, to consider the proposed amendment shall be held at which time and place all persons interested therein will be heard. This hearing is subject to R.I. Gen. Laws Chapter 42-46, Open Meetings.

Public Hearing Information:

Date: May 1, 2023

Time: 10:30 A.M.

Location: Department of Administration
One Capitol Hill
Conference Room 2A
Providence, RI, 02908

The place of the public hearing is accessible to individuals with disabilities. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-1183 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting. For questions regarding available parking, please contact the agency staffperson listed above.

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed amendment, 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.

For full regulatory analysis or supporting documentation see agency contact person above.

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.