

CONCISE EXPLANATORY STATEMENT

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

AGENCY: Rhode Island Health and Educational Building Corporation

DIVISION: None

RULE IDENTIFIER: 820-RICR-00-00-3; ERLID: 2239

RULE TITLE: Procurement of Supplies, Services, Bond Counsel and Legal Counsel

REASON FOR RULEMAKING: This amendment reformats the existing regulation to comply with the new Rhode Island Administrative Code. The proposed amendment also removes redundant and outdated language from the existing regulation and improves the in-text citations to the existing Rhode Island statutory procurement laws.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: None

TESTIMONY AND COMMENTS: Comments were not received for the amendment as proposed during the thirty (30) day comment period.

CHANGE TO TEXT OF THE RULE: There are no changes between the text of the amendment as proposed and the text of the final amendment.

REGULATORY ANALYSIS: The purpose of this regulation is to describe the procedure for the agency's procurement of supplies and services, as well as the agency's process for selecting bond counsel, legal counsel and other vendors. The benefit of this regulation is that it clearly explains to the public and prospective bidders the process used by the agency to engage vendors, in accordance with the State Purchasing Statute. Although this regulation contains some overlap with Chapter 37-2 of Rhode Island General Laws, this regulation is useful because it describes the responsibilities of the Corporation, Bidders and Vendors when accepting and submitting

proposals. It also describes the procedure for how the agency handles dispute resolution, debarments and/or suspension, as well as the modification and termination of contracts. It is not anticipated that the amendments made to the existing regulation will increase the costs for borrowers or potential bidders because the revisions are primarily technical and remove extraneous, outdated language from the existing regulation. The benefits of this amended regulation justify its costs because it improves the alignment of the agency's existing regulation with existing Rhode Island law governing state purchases. It is anticipated that this amended regulation will achieve the objectives of the agency's authorizing statute in a more cost effective manner than regulatory alternatives.