830-RICR-00-00-4

TITLE 830 - INFRASTRUCTURE BANK

CHAPTER 00 - GENERAL ADMINISTRATION

SUBCHAPTER 15 - GENERAL ADMINISTRATION

PART 4 - Procurement Rules and Regulations

4.1 Authority:

This Part is promulgated pursuant to R.I. Gen. Laws Chapter 46-12.2.

4.2 Purpose:

The purpose of this Part is to set forth procedures to be utilized during the Rhode Island Infrastructure Bank (the "Bank") procurement process in accordance with R.I. Gen. Laws § 46-12.2-5.1.

4.3 Chief Purchasing Officer:

The Bank's Chief Purchasing Officer shall be the Executive Director. The Chief Purchasing Officer shall have overall responsibility with respect to the procurement of all goods and services. The Chief Purchasing Officer may delegate to department heads the responsibility to carry out the Bank's procurement activities and functions by issuance of a written memorandum.

4.4 Definitions:

For purposes of this Part, unless otherwise specified, all terms shall have the meanings ascribed in the State Procurement Law, R.I. Gen. Laws Chapter 37-2.

4.5 Source Selection:

A. Items purchased through the state's Master Pricing Agreements as defined in 220-RICR-30-00-5.3(C)(1)(a) may be purchased by the Bank if approved by the Chief Purchasing Officer or his or her designee.

B. All Bank contracts shall be awarded by:

1. Competitive sealed bidding;

2. Request for proposals; or

3. Small purchase procedures

C. Competitive Sealed Bidding shall be noticed and implemented in accordance with R.I. Gen. Laws § 37-2-18.

1. A bidder may make technical corrections to its bid prior to bid opening, but not thereafter.

2. Negotiations after unsuccessful competitive sealed bidding will be implemented pursuant to R.I. Gen. Laws § 37-2-20.

D. Requests for Proposals

1. If the Chief Purchasing Officer determines in writing that the use of competitive sealed bidding is not practicable, in accordance with R.I. Gen. Laws § 37-2-19(a), a contract may be awarded by requests for proposals (RFP's).

2. RFP's shall be noticed and implemented in accordance with R.I. Gen. Laws § 37-2-19.

3. Discussions may be conducted with all responsible offerors who submit proposals determined in writing to be reasonably susceptible of being selected for award, provided that any such discussions shall not disclose information derived from competing offerors.

4. If discussions pertaining to the possible revision of the specifications are held with any potential offerors, all other potential offerors whose proposals are reasonably susceptible of being selected for award shall be afforded an equal opportunity to participate in such discussions.

E. An invitation for bids or a request for proposal may be cancelled or all bids or proposals may be rejected in accordance with R.I. Gen. Laws. § 37-2-23.

F. Responsibility of bidders and offerors shall be determined in accordance with R.I. Gen. Laws § 37-2-24.

G. Sole source procurement. A contract may be awarded for supply or service without competition when the Chief Purchasing Officer or his or her designee determines in writing that there is only one source for the required supply or service.

H. Small Purchases. Procurements not to exceed $5,000 may be made without any formal competitive process so long as the Chief Purchasing Officer is reasonably

satisfied that the procurement was obtained fairly and in the best interest of the Bank.

4.6 Contracts:

A. Written contracts or invoices for goods and services shall be executed in all instances. The term, price, and complexity of the subject matter shall determine the extent to which contracts shall be reviewed by the Bank's legal counsel. Such determination shall be made by the Chief Purchasing Officer.

B. Multi-year contracts for supplies or services may be entered into in accordance with R.I. Gen. Laws § 37-2-33.

4.7 Consultant Services:

Procurement of consultant services shall be noticed and implemented in accordance with R.I. Gen. Laws §§ 37-2-65 through 37-2-69.

4.8 Legal Services:

Procurement of legal services shall be done in accordance with R.I. Gen. Laws § 37-2-70.

4.9 Code of Ethics and Professional Behavior:

A. All Bank employees shall be subject to the provisions of R.I. Gen. Laws Chapter 36-14 and all regulations promulgated by the Rhode Island Ethics Commission, and any special provision of this section.

B. It is the policy of the Bank that public officials and employees must adhere to the highest standard of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety, and not use their positions for private gain or advantage.

C. All Bank employees involved in procurement are required:

1. To consider, first, the interests of the Bank in all transactions.

2. To support and carry out the Bank's policies;

3. To buy without prejudice;

4. To avoid any conflict of interest with respect to procurement, or the appearance thereof;

5. To obtain the maximum ultimate value for each dollar of expenditure;

6. To subscribe to and work for honesty and truth in buying and selling, and to denounce all forms and manifestations of commercial bribery;

7. To respect obligations and to require that obligations to the Bank be respected, consistent with good business practice.

8. Under no circumstances shall confidential information be made available to other vendors.

9. Personnel are prohibited from engaging in any conduct which may tend to cause any existing or prospective supplier of goods or services to believe that its relationship with the Bank will be affected by his purchasing or failing to purchase goods or services from any representative of the state.

10. It shall be the obligation of all Bank employees to avoid conflicts of interest with respect to procurement, and to report promptly to the Chief Purchasing Officer all instances where a conflict exists or is suspected to exist.

4.10 Severability

If any provision of this Part or the application thereof to any local government unit, person, or corporation is held invalid by a court of competent jurisdiction, the remainder of this Part shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections shall not affect the validity of the remainder of this Part.