

Contact: Aimee Claeys

**ADOPTION OF AMENDMENTS TO
IOWA ADMINISTRATIVE CODE CHAPTER 681**

Action Requested: Adopt amendments to Iowa Administrative Code Chapter 681, as more fully described in this docket memorandum.

Executive Summary: During the April 14, 2021 meeting, the Board of Regents authorized the Executive Director to file a Notice of Intent to Amend Iowa Administrative Code Chapter 681 (see Agenda Item 2i). This notice was published in the June 16, 2021 issue of the Iowa Administrative Bulletin. The period for public comment closed July 6, 2021, with the Board Office receiving verbal comments on select amendments. The Board Office reviewed the comments, and proposes the following amendments to the rules that were previously noticed.

- *Comment 1.* The Board Office received two comments questioning whether the proposed procurement policy, contained in new IAC 681-9.8, encompasses procurement of contracts for capital improvements. The purpose of this proposed amendment is to establish the Board of Regents policy for the procurement of goods and services. The bidding of contracts for capital improvements is governed by Iowa Code § 262.34. In response to this comment, the Board Office proposes the following revisions to the language contained in the Notice of Intended Action:

681-9.8(262) Procurement policy for goods and services. The best interests of the state of Iowa and of the regent institutions are served through implementation of a full and free competitive purchasing system for the procurement of goods and services fostered by the use of open specifications, competitive bids or quotations, and awards to the lowest responsible bidder or to the bidder that submits the bid or quotation that provides the best overall value. The name of the successful bidder and all other bidders and the amounts bid shall be supplied to any person upon oral or written request following the execution of the prime contract(s) or agreement(s) related to the procurement.

- *Comment 2.* The Board Office received one comment questioning whether proposed new rule IAC 681-13.13(3) was required to be contained in the Board of Regents administrative rules. This proposed rule states that Iowa State University's policy concerning chalking on campus may be found in the ISU policy library. Upon further consideration, the Board Office determined that this, and similar references to institutional policy and procedure documents, are not required to be contained in the administrative rules. In response to this comment, the Board Office recommends that the Board of Regents decline to adopt proposed rule 681-13.13(3), "Chalking. The university's policy regarding chalking on campus may be found in the policy library."

The Board Office also recommends that the Board of Regents adopt additional, non-substantive revisions to IAC 681-1.2 and 1.3, which address transfer applicants and transfer credit procedures. In the Notice of Intended Action, the term "regionally accredited" was amended to "accredited." Upon further review, the Board Office recommends that the Board adopt the term "colleges and universities accredited by an entity recognized by the US Department of Education" for the purposes of these rules. This terminology is consistent with changes recently made by the Iowa Department of Education in their administrative rules.

Additionally, the Board office recommends removing references to the address of the former campus of the Iowa Braille and Sight Saving School, as the Board is no longer the owner of the property. No further changes are recommended for adoption by the Board. The final proposed rules, incorporating the additional revisions, are included as Attachment A.