

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 355 Department or Agency: Department of Finance – Division of Purchasing
Rule No. 355-4-1-.06

Rule Title: No Bid Response to ITB
 New Amend X Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer M. Smith

Date 6/19/12

(DATE FILED)
(STAMP)

APA-2
07/04

DEPARTMENT OF FINANCE
Division of Purchasing

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Finance – Division of Purchasing

RULE NO. & TITLE: 355-4-1-.06 No Bid Response to ITB

INTENDED ACTION: Repeal existing rule

SUBSTANCE OF PROPOSED ACTION:

Repeal the existing rule that set out sanctions for failing to respond to ITB's and restricted the number of "no bid" responses from a bidder.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

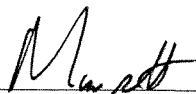
Views on this intended action may be presented by telephone to Mose Stuart at (334) 242-4516. Written views may be submitted to:

Mose Stuart
Department of Finance – Legal Division
Third Floor, State Capitol Building
Montgomery, Alabama 36130

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 3, 2012

CONTACT PERSON AT AGENCY: Mose Stuart



Mose Stuart
Senior Associate Counsel

355-4-1-.06 No Bid Response to ITB. REPEALED

(1) The Director of Purchasing shall remove from the Vendor List a vendor who fails to respond to three ITBs. A properly submitted 'No Bid' is considered as a response and vendor will receive credit for the response. However, six (6) 'No Bid' responses shall result in removal from the Vendor list.

(2) A 'No Bid' must be received prior to the specified opening date and time, and must be submitted in the same manner as required for a substantive bid.

Author: Alabama Department of Finance

Statutory Authority: Code of Ala. 1975, §41-4-35.

History: Filed December 6, 1989; effective January 15, 1990. **Repealed and New Rule:** Filed November 15, 2001; effective December 20, 2001. **Amended:** January 18, 2008; Effective February 22, 2008.

Ed. Note: This rule was previously Rule No. 355-4-1-.07 (same title) as per certification filed November 15, 2001; effective December 20, 2001.

Ed. Note: Rules 355-4-1-.05, Request for Quotation - General Terms and Conditions; 355-4-1-.06, Invitation to Bid (ITB) - General Terms and Conditions; 355-4-1-.08, Awards; 355-4-1-.09; Transition Period, were repealed as per certification filed November 15, 2002; effective December 20, 2001. The remaining rules were renumbered accordingly.