

IN THE SENATE

SENATE RESOLUTION NO. 102

BY STATE AFFAIRS COMMITTEE

A SENATE RESOLUTION

1 STATING FINDINGS OF THE SENATE AND STATING THE INTENTION OF THE SENATE IN
2 PASSING HOUSE CONCURRENT RESOLUTION NO. 29 REGARDING RULES OF THE DE-
3 PARTMENT OF ADMINISTRATION, RULES OF THE DIVISION OF PURCHASING.
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5 Be It Resolved by the Senate of the State of Idaho:

6 WHEREAS, the Legislature is vested with authority to reject executive
7 agency rules under the provisions of Section 67-5291, Idaho Code; and

8 WHEREAS, pursuant to House Concurrent Resolution No. 29, as adopted by
9 the Second Regular Session of the Sixty-seventh Idaho Legislature, the Leg-
10 islation has rejected certain executive agency rules of the Department of
11 Administration relating to Rules of the Division of Purchasing, with respect
12 to the type of solicitation called an "invitation to negotiate" or "competi-
13 tive negotiation"; and

14 WHEREAS, the Senate acknowledges that over the last several years mul-
15 tiple state contracts have been entered into using the "invitation to nego-
16 tiate" and/or "competitive negotiation" solicitation types.

17 NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled
18 in the Second Regular Session of the Sixty-seventh Idaho Legislature, that
19 when passing House Concurrent Resolution No. 29, the Senate intended not to
20 supplant any findings of fact and conclusions of law by a court of law, nor to
21 alter, impair, or otherwise impact any contracts entered into or now in ef-
22 fect, nor to alter, impair, or otherwise impact any prior solicitations that
23 included an "invitation to negotiate" or "competitive negotiations."

24 BE IT FURTHER RESOLVED that the intention of the Senate when passing
25 House Concurrent Resolution No. 29 was for the rule rejection to apply
26 prospectively to future solicitations only and shall be deemed to have an
27 effective date of July 1, 2024.