



KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

RACING AND GAMING COMMISSION
BRIAN J. OHORILKO, ADMINISTRATOR

February 16, 2023

ADMINISTRATIVE RULE WAIVER REQUEST

Petitioner Name: Brian Ohorilko, Administrator, Iowa Racing and Gaming Commission

Administrative Rule to be Waived: 117.19(3) Confidential information in a solicitation response.

Statement of Rule: 117.19(3) Confidential information in a solicitation response. Unless material submitted in response to a solicitation is identified as proprietary or confidential by the vendor in accordance with Iowa Code section 22.7, all submissions by a vendor are public information. To facilitate a fair and objective evaluation of proposals, submissions by vendors will not be released to competitors or the public prior to issuance of the notice of intent to award. If a vendor's claim of confidentiality is challenged by a competitor or through a request by a citizen to view the proposal, it is the sole responsibility of the vendor to defend the claim of confidentiality in an appropriate venue. The department will not release the subject material while the matter is being adjudicated.


Briefly describe the change requested, including the portion of the rule to be waived: We are requesting to have the evaluation of the proposals received in response to a Request for Proposal (RFP) to be conducted publicly at a meeting of the Racing and Gaming Commission. This would make the information publicly available prior to the issuance of a notice of intent to award.

Justification for waiving the rule: The entire commission would like to be involved in the evaluation of the proposals received in response to an RFP we are requesting DAS support in administering. Our procedures require meetings of the board to be open to the public. We have successfully conducted evaluations in this manner in the past, and we prefer this process to have public confidence in our open and transparent selection process. We understand that this may create a need to have the portions of the responses identified as confidential not be discussed in a way that would divulge confidential information. We believe we can work around that, and still have an open and transparent evaluation.

Thank you for your consideration.


Brian Ohorilko
Administrator

Approved Not Approved



Director, Department of Administrative Services.

4/5/23
Date: