

STATE OF COLORADO

**GENERAL SUPPORT SERVICES
DIVISION OF PURCHASING**

225 East 16th Avenue, Suite 900
Denver, Colorado 80203
Phone: (303) 866-6100
Fax: (303) 894-7445



Roy Romer
Governor

Department of
Personnel
André N. Pettigrew
Executive Director

Nanci Kudlecek
Director

To :
Kent Mount
894-7764

MEMORANDUM

TO: C. Richard Pennington
Department of Law

FROM: Loraine C. Burger
Procurement Analyst *LCB*

DATE: May 9, 1996

SUBJECT: Department of Regulatory Affairs
Contracts # 96-96099 & 96100
Dental and Pharmacy Peer Assistance

This memo is in response to your dated April 18, 1996 addressed to Carmen Modglin in which you advised her of your disapproval of the contracts because of procurement issues, and confirms our discussion today.

The authorizing legislation for both these programs (C.R.S., 12-22-604 and 12-35-123.5) was significantly altered on July 1, 1994, when numerous provisions were repealed. Each section should be examined independently. After a review of each section, it is my opinion that these procurements are, in fact, "otherwise authorized by law" (C.R.S. 24-103-201) as the method of vendor selection is specified in the enabling legislation.

Please call me if you have any questions, 866-6162.

Thank you again for your assistance.

fc Kent Mount

DEFENDANT'S
EXHIBIT
2
08-CV-4924