

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 447

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO PUBLIC WORKS CONSTRUCTION; AMENDING SECTION 67-5711C, IDAHO
2 CODE, TO INCREASE A COST ESTIMATE AMOUNT AND TO MAKE TECHNICAL CORREC-
3 TIONS.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 67-5711C, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 67-5711C. CONSTRUCTION OF PUBLIC PROJECTS -- COMPETITIVE SEALED BID-
9 DING. (1) All construction contracts for public works shall be awarded to the
10 lowest responsible and responsive bidder, subject to the provisions of sec-
11 tion 59-1015, Idaho Code, after receipt of competitive sealed bidding ex-
12 cept as otherwise provided in sections 67-5711B, 67-5711D and 67-5713, Idaho
13 Code.

14 (2) An invitation for bids shall be issued and shall include a project
15 description and all contractual terms and conditions applicable to the pub-
16 lic works.

17 (3) Adequate public notice of the invitation for bids shall be given at
18 least fourteen (14) days prior to the date set forth therein for the opening
19 of bids. Such notice shall include publication at least fourteen (14) days
20 prior to bid opening in a newspaper of general circulation in the area where
21 the work is located.

22 (4) When prequalification is deemed by the department and by the re-
23 spective state agency to be in the best interest of the state, competitive
24 bidding procedures shall be open only to licensed public works contractors
25 that meet preliminary supplemental qualifications. The solicitation for
26 bids in a prequalified bidder public works project shall consist of two
27 (2) stages: an initial stage for identifying prequalified contractors,
28 either prime or specialty contractors, followed by a stage during which
29 bid prices will be accepted only from prequalified contractors. Notice of
30 the prequalification stage shall be given in the same manner that notice of
31 open competitive bidding is provided. Prequalification standards must be
32 premised upon demonstrated technical competence, experience constructing
33 similar facilities, prior experience with the state, past performance re-
34 lated to quality, workmanship and timeliness, reliability, safety record,
35 available nonfinancial resources, equipment and personnel as they relate
36 to the subject project, and overall performance history based upon a con-
37 tractor's entire body of work. Any request for qualifications must include
38 the standards for evaluating the qualifications of prospective bidders.
39 Licensed contractors desiring to be prequalified to bid on a project must
40 submit a written response to a request for qualifications. After a review
41 of qualification submittals, licensed contractors that meet the prequali-
42 fication standards shall be so notified, and licensed contractors that do

1 not meet the prequalification standards shall also be so notified. There-
2 after, bids may be solicited from contractors that meet the prequalification
3 standards. The department may promulgate rules or develop procedures to
4 implement the prequalification process.

5 (5) Bids shall be opened publicly at the time and place designated in
6 the invitation for bids. The amount of each bid and such other relevant in-
7 formation as may be specified by rules, together with the name of each bid-
8 der, shall be entered on a record and the record shall be open to public in-
9 spection. After the time of the award, all bids and bid documents shall be
10 open to public inspection in accordance with the provisions of chapter 1, ti-
11 tle 74 and section 67-9215, Idaho Code.

12 (6) With respect to a project having a written cost estimate of greater
13 than ~~twenty-five~~ fifty thousand dollars (\$250,000) but less than the pub-
14 lic works limit established in section 67-5711, Idaho Code, the agency, if
15 it does not perform the work with existing physical plant staff, must award
16 a written contract to the lowest responsible and responsive bidder after so-
17 liciting at least three (3) documented informal bids from contractors li-
18 censed in Idaho to perform public works contracts, if reasonably available.
19 Adequate public notice of the invitation for informal bids shall be given at
20 least seven (7) days prior to the date set forth therein for the receipt of
21 the informal bids. Such notice may include publication at least seven (7)
22 days prior to bid opening in a newspaper of general circulation in the area
23 where the work is located; or the agency may advertise the invitation for
24 bids in appropriate trade journals, and otherwise notify persons believed
25 to be interested in the award of a contract. Informal bids must be submit-
26 ted by the contractor in writing in response to a prepared written document
27 describing the project's scope of work in sufficient detail so as to enable
28 a contractor familiar with such work to prepare a responsible bid. Nothing
29 herein exempts an agency from the responsibility of utilizing formal plans
30 and specifications if the work involves the public health or safety as de-
31 scribed in chapters 3 and 12, title 54, Idaho Code. The agency must document
32 receipt of the informal bids in the project file.

33 (7) Any personal property including goods, parts, supplies and equip-
34 ment ~~which is~~ to be supplied or provided by a state agency for use in any pub-
35 lic work, project, or preventive maintenance programs, whether the public
36 work, project, or preventive maintenance program is constructed, undertaken
37 or performed by agency in-house personnel, or by delegation pursuant to sec-
38 tion 67-5710A, Idaho Code, or otherwise provided or supplied by the agency
39 to a contractor, the personal property, goods, parts, supplies or equip-
40 ment supplied or provided by the agency must be purchased or procured by the
41 agency through the division of purchasing in accordance with the Idaho Code.