

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 357

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 67-5710A,
2 IDAHO CODE, TO REVISE A PROVISION REGARDING CERTAIN REQUIREMENTS FOR
3 EXISTING PUBLIC WORKS, TO PROVIDE THAT CERTAIN PLANS AND SPECIFICATIONS
4 SHALL COMPLY WITH CERTAIN CODES AND REGULATIONS, TO PROVIDE CERTAIN EX-
5 EMPTIONS FROM THE REQUIREMENT OF PRIOR APPROVAL, AND TO MAKE TECHNICAL
6 CORRECTIONS.
7

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

9 SECTION 1. That Section 67-5710A, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 67-5710A. REQUIREMENT OF PLANS AND SPECIFICATION APPROVAL BY PERMA-
12 NENT BUILDING FUND ADVISORY COUNCIL AND DELEGATION OF PROJECT OVERSIGHT BY
13 THE ADMINISTRATOR FOR THE DIVISION OF PUBLIC WORKS.

14 (1) (a) ~~Unless an emergency exists~~ Except as defined set forth in this
15 ~~section 67-5711B, Idaho Code,~~ an existing public works may not be al-
16 tered, repaired, constructed or improved on property owned or occupied
17 by any state institution, department, commission, board or agency,
18 if the estimated cost of work exceeds the limit established in sec-
19 tion 67-5711, Idaho Code, ~~and except for those institutions and agency~~
20 ~~exemptions listed in section 67-5711, Idaho Code,~~ without regard to
21 source of funding, until the location, design, plans and specifications
22 are approved by the permanent building fund advisory council and the
23 project supervised by the division of public works or its designee.

24 (b) Facilities to be built with funds under the control of a nonstate
25 entity, and owned or occupied by state entities, must have plans and
26 specifications prepared, and all plans and specifications must be re-
27 viewed and approved by the permanent building fund advisory council
28 prior to the advertising, bidding, construction and/or negotiation for
29 construction of the facilities.

30 (c) Plans and specifications submitted for approval shall comply with
31 public works statutes, life safety and building codes, and other appli-
32 cable codes and regulations. The plans and specifications must also
33 comply with any guidelines or procedures for design and construction
34 adopted by the division of public works and approved by the permanent
35 building fund advisory council.

36 (d) The following are exempt from the requirement of prior approval of
37 location, design, plans, and specifications in this section:

38 (i) Emergency public works contracts issued pursuant to section
39 67-5711B, Idaho Code; and

40 (ii) Institutions and agencies exempt from the authority of the
41 department of administration pursuant to section 67-5711, Idaho
42 Code.

1 (2) (a) The administrator for the division of public works may dele-
2 gate control over design, construction and all other aspects of a pub-
3 lic works or maintenance project ~~which~~ that costs less than one hundred
4 fifty thousand dollars (\$150,000) ~~7~~ to agencies of state government on
5 a project-by-project basis, if a responsible party of the state agency
6 requests that delegation in writing and the permanent building fund ad-
7 visory council approves the delegation.

8 (i) The state agency to whom control is delegated shall assume all
9 responsibility for project budgets and shall receive funds appro-
10 priated for the project upon application and approval by the per-
11 manent building fund advisory council.

12 (ii) Delegation of project control does not exempt the state
13 agency from complying with public works statutes, life safety and
14 building codes or other applicable codes and regulations. The
15 state agency also must comply with any guidelines or procedures
16 for design and construction adopted by the division of public
17 works and the permanent building fund advisory council.

18 (iii) State agencies that receive delegated projects may not have
19 access to permanent building fund advisory council contingency
20 funds unless approved by the permanent building fund advisory
21 council or authorized by appropriation.

22 (iv) Prior ~~7~~ written approval from the administrator must be
23 granted for any public works utilizing sole source or limited com-
24 petition. No agency will be delegated the ability to declare an
25 emergency as defined in section 67-5711B, Idaho Code.

26 (v) The permanent building fund advisory council may elect to au-
27 dit any project for compliance with applicable codes and policies.

28 (vi) The delegated state agency will use standard documents for
29 professional services contracts and for construction contracts as
30 adopted by the division of public works.

31 (vii) Delegation is subject to cancellation by the administrator
32 for the division of public works with the concurrence of the perma-
33 nent building fund advisory council.