

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 188

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 A CERTAIN LIMITATION FOR
3 PUBLIC WORKS PROJECTS AND TO MAKE TECHNICAL CORRECTIONS.
4

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

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

8 67-5710A. REQUIREMENT OF PLANS AND SPECIFICATION APPROVAL BY PERMA-
9 NENT BUILDING FUND ADVISORY COUNCIL AND DELEGATION OF PROJECT OVERSIGHT BY
10 THE ADMINISTRATOR FOR THE DIVISION OF PUBLIC WORKS.

11 (1) (a) Except as set forth in this section, an existing public works
12 may not be altered, repaired, constructed or improved on property owned
13 or occupied by any state institution, department, commission, board or
14 agency, if the estimated cost of work exceeds the limit established in
15 section 67-5711, Idaho Code, without regard to source of funding, until
16 the location, design, plans and specifications are approved by the per-
17 manent building fund advisory council and the project supervised by the
18 division of public works or its designee.

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

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

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

33 (i) Emergency public works contracts issued pursuant to section
34 67-5711B, Idaho Code; and

35 (ii) Institutions and agencies exempt from the authority of the
36 department of administration pursuant to section 67-5711, Idaho
37 Code.

38 (2) ~~(a)~~ The administrator for the division of public works may del-
39 egate control over design, construction and all other aspects of a pub-
40 lic works or maintenance project that costs less than ~~one~~ five hundred
41 ~~fifty~~ thousand dollars (~~\$155~~500,000) to agencies of state government on a
42 project-by-project basis, if a responsible party of the state agency re-

1 quests that delegation in writing and the permanent building fund advisory
2 council approves the delegation.

3 (~~i~~a) The state agency to whom control is delegated shall assume all re-
4 sponsibility for project budgets and shall receive funds appropriated
5 for the project upon application and approval by the permanent building
6 fund advisory council.

7 (~~i~~b) Delegation of project control does not exempt the state agency
8 from complying with public works statutes, life safety and building
9 codes or other applicable codes and regulations. The state agency also
10 must comply with any guidelines or procedures for design and construc-
11 tion adopted by the division of public works and the permanent building
12 fund advisory council.

13 (~~i~~c) State agencies that receive delegated projects may not have ac-
14 cess to permanent building fund advisory council contingency funds un-
15 less approved by the permanent building fund advisory council or autho-
16 rized by appropriation.

17 (~~i~~d) Prior written approval from the administrator must be granted
18 for any public works utilizing sole source or limited competition. No
19 agency will be delegated the ability to declare an emergency as defined
20 in section 67-5711B, Idaho Code.

21 (~~v~~e) The permanent building fund advisory council may elect to audit
22 any project for compliance with applicable codes and policies.

23 (~~v~~f) The delegated state agency will use standard documents for pro-
24 fessional services contracts and for construction contracts as adopted
25 by the division of public works.

26 (~~v~~g) Delegation is subject to cancellation by the administrator
27 for the division of public works with the concurrence of the permanent
28 building fund advisory council.