PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 01

OBJECTIVE: To approve the April 12, 2010 Public Works Contractors License Board’s Meeting Agenda.

ACTION: Consent

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: Copy of the April 12, 2010 Public Works Contractors License Board’s Tentative Agenda.
TENTATIVE

NOTICE OF PUBLIC MEETING

PUBLIC WORKS CONTRACTORS LICENSE BOARD

DIVISION OF BUILDING SAFETY
Board Conference Room
1090 East Watertower Street, Meridian, Idaho
(208) 334-4057 -- dbs.idaho.gov

AGENDA
Monday, April 12, 2010
(Please note the following agenda items and time schedule are tentative pending Board action.)

9:30 a.m. CALL TO ORDER – Torry McAlvain, Chairman
- Roll Call & Introductions
- Open Forum

CONSENT AGENDA
1. Approval of the April 12, 2010 Agenda

2. Approval of the January 11, 2010 Board Meeting Minutes

ACTIONS AGENDA
3. Election of Officers – Torry McAlvain

INFORMATIONAL AGENDA
4. Bureau Chief’s Report – Jean Frenette

5. Administrator’s Report
   a. CAS – C. Kelly Pearce and Janice Foster
   c. Administrator – C. Kelly Pearce


NEW BUSINESS

EXECUTIVE SESSION (If required)

12:00 p.m. ADJOURN

All times, other than beginning, are approximate. Agenda items may shift depending on Board preference. 02/17/10
PUBLIC WORKS CONTRACTORS LICENSE BOARD

<table>
<thead>
<tr>
<th>Agenda Item No. 02</th>
<th>Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>OBJECTIVE:</td>
<td>To approve the January 11, 2010 Public Works Contractors License Board Meeting Minutes.</td>
</tr>
<tr>
<td>ACTION:</td>
<td>Consent</td>
</tr>
<tr>
<td>BACKGROUND:</td>
<td></td>
</tr>
<tr>
<td>PROCEDURAL HISTORY:</td>
<td></td>
</tr>
<tr>
<td>ATTACHMENTS:</td>
<td>Copy of the January 11, 2010 Public Works Contractors License Board Meeting Minutes.</td>
</tr>
</tbody>
</table>
Chairman Torry McAlvain called the meeting to order at 9:32 a.m. on Monday, January 11, 2010.

**Board Members Present:**
Torry McAlvain, Chairman  
John Sheldon, Vice Chairman  
Jerry Peterson  
Lisa Hatch  
Steffani Lippert (Teleconference)  
Ken Worst (Teleconference)  
Alan Smith (Teleconference)

**DBS Staff Present:**
Steve Keys, Deputy Administrator, Operations  
Janice Foster, Deputy Administrator, Administration  
Patrick Grace, Deputy Attorney General  
Jean Frenette, PWCL Bureau Chief  
Renee Bryant, Administrative Assistant 2/Board Secretary  
Sharon Chisom, Office Specialist 2

**DBS Staff Absent:**
C. Kelly Pearce, Administrator  
Kirk Weiskircher, Financial Specialist, Principal

♦ **Open Forum**
No items were addressed.

♦ **Approval of the January 11, 2010 Agenda**
*MOTION:* Jerry Peterson made a motion to approve the January 11, 2010 Agenda. John Sheldon seconded. All in favor, motion carried.

♦ **Approval of the October 5, 2009 Board Meeting Minutes**
*MOTION:* Lisa Hatch made a motion to approve the October 5, 2009 Meeting Minutes. Jerry Peterson seconded. All in favor, motion carried.

♦ **Bureau Chief’s Report**
**Licensing** – The Division has seen an increase in the issuance of licenses over the last six months. Jean Frenette provided the number count for renewals, upgrades, downgrades, and construction manager licenses for the months of October, November, and December 2009.

**Assessments** – Hearings will be scheduled for two assessments unable to be resolved through the Division’s administrative process. Patrick Grace explained the hearing procedures. Upon receiving further information on the hearings, the Bureau will e-mail the Board.
**ACTION:** The Bureau will e-mail the Board additional information on the two assessment hearings.

Outreach Program – The Outreach program is prospering on the advisory and investigative side and is part of the success of the growth on the licensing side.

Bidding Process – Patrick Grace provided the background behind a temporary injunction filed against the city of Lewiston to stop the bidding process on a public works project. A district judge denied the injunction and, interpreting Title 67-2805(3)(a), ruled in favor of the city. The Division has a copy of the decision and will forward it to the Board.

**ACTION:** Patrick Grace to forward a copy of the decision to the Board.

♦ **Administrator’s Report**


CAS – The search functions are currently being rewritten to allow individuals to download and manipulate data from the Division’s website. The program should be available by the spring/summer of 2010.

Inmate Labor – In July of 2009 an inmate labor issue with the city of Lewiston occurred. The state of Idaho was able to work with the Division of Building Safety (DBS) and the Department of Corrections (DOC) to reach an agreement that inmate labor would no longer be used on public works projects throughout the state. The DOC has agreed to amend their current contracts with the city of Lewiston.

At the Board’s request, the DBS submitted a temporary and proposed rule change addressing estimated costs as defined in IDAPA 07.05.01.010. Although the temporary rule was not accepted by the Governor, the proposed rule will go before the 2010 Legislature.

♦ **Highway Design Build Proposed Legislation**

Torry McAlvain brought to the Board’s attention a Statement of Purpose (RS) defining the procedures to allow the Idaho Transportation Department (ITD) to solicit and award contracts using design-build or construction manager/general contractor (CM/GC) methods of procurement for highway projects.

There are two proposals specifically involving the requirement of public works licenses; sections 40-904 “Contracts – Design Build” and 40-905 “Contracts – Construction Manager/General Contractor”.

In section 40-904(8), a PWCL license would be required prior to being awarded a contract. This is in direct conflict with the PWCL’s current state statute which requires a PWCL license prior to bidding and contract award. It also does not address the distinction between a contract that is fully funded through state funds vs. federal funds.

In reference to section 40-905, the state statute does not allow for a combined CM/GC license. A relationship called “CM at Risk” has been established for ITD projects. This relationship allows
a CM to also serve as a GC. If this proposal passes and becomes law, it will conflict with industry standards as they currently stand.

Patrick Grace to contact the Deputy Attorney General representing the ITD with the Board’s concerns.

**MOTION:** Patrick Grace to contact the ITD’s Deputy Attorney General to inquire about the two changes pertaining to Public Works licenses; reporting back to the Board his findings.

♦ **New Business**
No new business was addressed.

**MOTION:** John Sheldon made a motion to adjourn the meeting. Lisa Hatch seconded. All in favor, motion carried. The meeting adjourned at 10:10 a.m.

TORRY MCALVAIN, CHAIRMAN
PUBLIC WORKS CONTRACTORS
LICENSE BOARD

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE       DATE

* These DRAFT minutes are subject to possible correction and final approval by the Public Works Contractors License Board.
02/08/10rb
<table>
<thead>
<tr>
<th>Agenda Item No. 03</th>
<th>Election of Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OBJECTIVE:</strong></td>
<td>To appoint an active board member to the positions of chairman and vice chairman.</td>
</tr>
<tr>
<td><strong>ACTION:</strong></td>
<td>To vote for a chairman and vice chairman to oversee the Board.</td>
</tr>
<tr>
<td><strong>BACKGROUND:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>PROCEDURAL HISTORY:</strong></td>
<td>According to Idaho Code § 54-1908, at the April meeting of each year the Board shall elect officers.</td>
</tr>
<tr>
<td><strong>ATTACHMENTS:</strong></td>
<td>No documentation</td>
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</tbody>
</table>
### PUBLIC WORKS CONTRACTORS LICENSE BOARD

<table>
<thead>
<tr>
<th>Agenda Item No. 04</th>
<th>Bureau Chief’s Report</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OBJECTIVE:</strong></td>
<td>To report on the recent activities of the Public Works Contractors License Board.</td>
</tr>
<tr>
<td><strong>ACTION:</strong></td>
<td>Informational</td>
</tr>
<tr>
<td><strong>BACKGROUND</strong></td>
<td>This topic is discussed at all regularly scheduled Public Works Contractor License Board meetings.</td>
</tr>
<tr>
<td><strong>PROCEDURAL HISTORY:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>ATTACHMENTS:</strong></td>
<td>No documentation</td>
</tr>
</tbody>
</table>
Agenda Item No. 05a

OBJECTIVE: To inform the Board of the current changes/updates to the Division’s computer program.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled Public Works Contractors License Board meetings.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation
<table>
<thead>
<tr>
<th><strong>Agenda Item No. 05b</strong></th>
<th><strong>Financial Report</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OBJECTIVE:</strong></td>
<td>To review the Public Works Contractors License Board’s Financial Report.</td>
</tr>
<tr>
<td><strong>ACTION:</strong></td>
<td>Informational</td>
</tr>
<tr>
<td><strong>BACKGROUND:</strong></td>
<td>This topic is addressed at all regularly scheduled Public Works Contractors License Board meetings.</td>
</tr>
<tr>
<td><strong>PROCEDURAL HISTORY:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>ATTACHMENTS:</strong></td>
<td>Public Works Contractors License Board’s Financial Report</td>
</tr>
</tbody>
</table>
## Statement of Revenues and Expenditures

<table>
<thead>
<tr>
<th>Class</th>
<th>Budget</th>
<th>Fiscal Year To Date</th>
<th>YTD as a % of Budget *</th>
<th>Remaining Budget</th>
<th>Projected for Remainder of Year</th>
<th>Projected Year End Totals</th>
<th>Projected Total as a % of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues:</td>
<td>725,000</td>
<td>455,005</td>
<td>62.8%</td>
<td>269,995</td>
<td>305,000</td>
<td>760,005</td>
<td>104.8%</td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel:</td>
<td>609,000</td>
<td>348,105</td>
<td>57.2%</td>
<td>260,895</td>
<td>201,200</td>
<td>549,305</td>
<td>90.2%</td>
</tr>
<tr>
<td>Operating:</td>
<td>115,000</td>
<td>73,092</td>
<td>63.6%</td>
<td>41,908</td>
<td>40,000</td>
<td>113,092</td>
<td>98.3%</td>
</tr>
<tr>
<td>Capital:</td>
<td>10,000</td>
<td>878</td>
<td>8.8%</td>
<td>9,122</td>
<td>10,000</td>
<td>10,878</td>
<td>108.8%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>734,000</td>
<td>422,075</td>
<td>57.5%</td>
<td>311,925</td>
<td>251,200</td>
<td>673,275</td>
<td>91.7%</td>
</tr>
</tbody>
</table>

Net for FY 2010: (9,000) 32,930 53,800 86,730

## Statement of Cash Balance

<table>
<thead>
<tr>
<th>Beginning Cash Available</th>
<th>Revenues</th>
<th>Expenditures and Encumbrances</th>
<th>Other Changes in Cash</th>
<th>Available Cash</th>
<th>Projected Change in Cash for Remainder of Year</th>
<th>Projected Year End Available Cash</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,299,427</td>
<td>455,005</td>
<td>(422,075)</td>
<td>626</td>
<td>1,332,983</td>
<td>53,800</td>
<td>1,386,783</td>
</tr>
</tbody>
</table>

* Percent of Fiscal Year Completed: 66.7%
Percent of Pay Periods Completed: 65.4%
OBJECTIVE: To provide the Board with an overview of the Division’s current activities.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled Public Works Contractors License Board meetings.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation
Agenda Item No. 06  Proposed Legislation Highway Design

OBJECTIVE: Patrick Grace to discuss his findings pertaining to the two proposals, 40-904, “Contract – Design Build” and 40-905, “construction manager” serving as the “general contractor” and the conflict with industry standards.

ACTION: Informational

BACKGROUND: At the January 11, 2010 Board meeting, Torry McAlvain brought to the Board’s attention a Statement of Purpose (RS) defining the procedures to allow the Idaho Transportation Department to solicit and award contracts using design-build or construction manager/general contractor methods of procurement for highway projects.

In section 40-904(8), a PWCL license would be required prior to being awarded a contract. This is in direct conflict with the PWCL’s current state statute which requires a PWCL license prior to bidding and contract award.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation