

DIVISION OF BUILDING SAFETY

PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING

JANUARY 10, 2011



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 01

Agenda

OBJECTIVE: To approve the Agenda for the January 10, 2011 Public Works Contractors License (PWCL) Board Teleconference Meeting.

ACTION: Consent

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: January 10, 2011 PWCL Board tentative Agenda



TENTATIVE AGENDA

NOTICE OF PUBLIC MEETING

**PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING**

**Division of Building Safety
1090 East Watertower Street, Meridian, Idaho
1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho
2055 Garrett Way, Building 2, Suite 7, Pocatello, Idaho
dbs.idaho.gov – (208) 332-7137**

**Monday, January 10, 2011
9:30 a.m. – 12:00 p.m. (MT)**

(Note: Meeting Time is 8:30 a.m. PT)

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

CONSENT AGENDA

1. Approval of the January 10, 2011 Agenda
2. Approval of the October 4, 2010 Board Meeting Minutes

INFORMATIONAL AGENDA

3. Idaho Code Chapter 44 “Labor” Title 10 “Public Works” – Patrick Grace
4. Deputy Administrator Report – Steve Keys
5. Administrator Report
 - a. CAS Update – C. Kelly Pearce and Janice Foster
 - b. Financial Report – C. Kelly Pearce and Kirk Weiskircher
 - c. Administrator – C. Kelly Pearce

NEW/OLD BUSINESS

EXECUTIVE SESSION

- 12:00 p.m. ADJOURN**

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 02

Minutes

OBJECTIVE: To approve the Minutes from the October 4, 2010 Public Works Contractors License (PWCL) Board Teleconference Meeting.

ACTION: Consent

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: October 4, 2010 PWCL Board draft Minutes



**PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING**

Monday – October 4, 2010 – 9:30 a.m. (MDT)

**Division of Building Safety
1090 East Watertower Street, Meridian, Idaho
1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho
2055 Garrett Way, Building 2, Suite 7, Pocatello, Idaho**

***DRAFT MINUTES OF THE OCTOBER 4, 2010 MEETING**

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

Chairman Torry McAlvain called the meeting to order at 9:35 a.m. (MDT)

Board Members Present:

Torry McAlvain, Chairman
John Sheldon, Vice Chairman
Jerry A. Peterson
Lisa Hatch
Steffani Lippert
Ken Worst

DBS Staff Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator, Operations
Janice Foster, Deputy Administrator, Administration
Patrick Grace, Deputy Attorney General
Kirk Weiskircher, Financial Specialist, Principal
Jean Frenette, PWCL Bureau Chief
Chris Jensen, Regional Manager, Eastern Idaho
Terry Blessing, Inspector/Advisor
Renee Bryant, Administrative Assistant 2/Board Secretary

Board Members Absent:

Alan Smith

◆ **Open Forum**

Idaho Code Chapter 44 “Labor” Title 10 “Public Works” – Brian Bailey, B.B. Bailey Construction Company, Inc., addressed his concern that north Idaho municipalities are not complying with Idaho Code 44-1001 “Employment of Residents of Idaho – Wage Scale – Federal Funds” when creating contracts for public works jobs. Rather than employ Idaho residents, out-of-state contractors are bringing their construction crews into Idaho to work on projects that contain federal aid funds. Mr. Bailey questioned who should administer the code.

ACTION: Patrick Grace to review Idaho Code 44-1101 “Employment of Residents of Idaho – Wage Scale – Federal Funds” and provide the board members and Mr. Bailey with an overview of the code and any authority the Board/DBS may have in this area.

ACTION: This topic, “Idaho Code Chapter 44 “Labor” Title 10 “Public Works”, to be addressed at the January 2011 Board meeting.

◆ **Approval of the October 4, 2010 Agenda**

MOTION: Steffani Lippert made a motion to approve the October 4, 2010 Agenda as presented. John Sheldon seconded. All in favor, motion carried.

◆ **Approval of the July 6, 2010 Board Meeting Minutes**

MOTION: Lisa Hatch made a motion to approve the July 6, 2010 Meeting Minutes as written. Jerry Peterson seconded. All in favor, motion carried.

◆ **Schedule 2011 Meetings**

The 2011 PWCL Board meeting dates are as follows: January 10th (Monday), April 4th (Monday), July 7th (Thursday) and October 3rd (Monday). The meetings will commence at 9:30 a.m. (MT).

MOTION: John Sheldon made a motion to accept the 2011 PWCL Board meeting dates. Jerry Peterson seconded. All in favor, motion carried.

◆ **Bureau Chief Report**

Licensing – Compared to last year, the issuance of “original” licenses is down by a total number of 13 for the months of August and September; however, the total number of licenses issued is up by fifty-nine.

Assessments – Four of the nine recently issued assessments are still pending.

Infractions – The Bureau has noticed a decrease in the amount of infractions on bid amounts.

◆ **Administrator Report**

PowerPoint Presentations – The Division continues to work to incorporate PowerPoint presentations into the videoconferencing system.

Building Rental – The Department of Labor, through the efforts of the DBS and the Department of Administration, will rent approximately 47 percent of the space in the Division’s Meridian office. Kelly Pearce gave a brief description of the possible changes within the building.

Videoconferencing – To reduce the cost of physically holding Board meetings around the state of Idaho, the Idaho Electrical, HVAC, and Plumbing Boards held their July meetings via videoconference. This method allows individuals to gather in the Division’s Coeur d’Alene, Meridian, and Pocatello offices; thus simultaneously covering the three geographical areas of the state. Moving forward, all DBS affiliated board meetings will be held via videoconference.

Regional Manager – Chris Jensen has accepted the position of regional manager in eastern Idaho.

Regional Office – In August the Division reopened a regional office in Pocatello.

Electronic Telephone System – A new electronic telephone system will connect the Division’s three offices; allowing the customer resource team (CRT) to perform “back up” services for one another. The system will also allow calls to be answered by the next available member of the CRT regardless of its location.

Newsletter – The Building Safety Newsletter is now published electronically. It will be available on the Division’s website, <http://dbs.idaho.gov>, biannually.

United Water Idaho – To insure the protection of the water quality, not just to a building but within a building, United Water Idaho recently amended the Rule which addresses the jurisdiction and responsibility of the water purveyor.

The DBS, Division of Public Works (DPW), and State Department of Environmental Quality (DEQ) recently met to discuss this issue. It has been and continues to be the understanding and

agreement amongst the three entities that the water purveyor's responsibility generally ends at the foundation of a building and the Division's responsibility begins inside a building.

DEQ has agreed to meet with United Water Idaho, discuss this understanding in regards to jurisdictions, and contact the DBS with the outcome.

Budget – Kelly Pearce provided an overview of the Division's FY 2010 appropriation; specifically the comparison of expenditures versus appropriation.

Financial Report – Kirk Weiskircher reviewed, the Public Works Contractors Licensing Fund Fiscal Year 2010 Financial Statement as of August 31, 2010.

AREVA – Groundbreaking on the AREVA project has been pushed back to the spring of 2012.

Southeast Idaho Energy Corporation – The Corporation received a one-year continuance of its permitting and licensing activities from DEQ in order to delay the beginning of construction on the coal-fired processing plant for fertilizer in American Falls.

Wind Farms – There are substantial investments being made to bring wind power to the southern half of the state of Idaho.

Personnel – Currently, the Division is down 31 full-time employee (FTE) positions. Additional reduction in staff will happen in the near future.

Outreach Program – The Program is essential to the DBS and industry. One suggestion was to broaden the program to include all areas of the Division with an outreach advisor in each of its three regions.

- ◆ **CAS**
There are no new updates specific to Public Works.
- ◆ **New Business**
There was no new business to discuss.

MOTION: Jerry Peterson made a motion to adjourn the meeting. John Sheldon seconded. All in favor, motion carried. The meeting adjourned at 10:55 a.m.

TORY 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. 11/05/10rb

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 03

Idaho Code § 44-1001

OBJECTIVE: To provide an interpretation of the Code as it pertains to government jobs with federal funds.

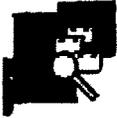
ACTION: Informational

BACKGROUND: At the October 4, 2010 meeting Brian Bailey, B.B. Bailey Construction Company, Inc., addressed his concern that north Idaho municipalities are not complying with Idaho Code 44-1001 “Employment of Residents of Idaho – Wage Scale – Federal Funds” when creating contracts for public works jobs. Rather than employ Idaho residents, out-of-state contractors are bringing their construction crews into Idaho to work on projects that contain federal aid funds. Mr. Bailey questioned who should administer the code. Deputy Attorney General Patrick Grace will provide an overview of the Code to the Board and Mr. Bailey.

PROCEDURAL HISTORY:

ATTACHMENTS: Idaho Code § 44-1001 “Employment of Residents of Idaho – Wage Scale – Federal Funds” and page 3 of 24 of the bid proposal for Sand Creek Pedestrian Boardwalk, Sandpoint, Idaho.





Idaho Statutes

TITLE 44 LABOR

CHAPTER 10 PUBLIC WORKS

44-1001.EMPLOYMENT OF RESIDENTS OF IDAHO -- WAGE SCALE -- FEDERAL FUNDS. In all state, county, municipal, and school construction, repair, and maintenance work under any of the laws of this state the contractor, or person in charge thereof must employ ninety-five percent (95%) bona fide Idaho residents as employees on any such contracts except where under such contracts fifty (50) or less persons are employed the contractor may employ ten percent (10%) nonresidents, provided however, in all cases such employers must give preference to the employment of bona fide Idaho residents in the performance of such work; provided, that in work involving the expenditure of federal aid funds this act shall not be enforced in such a manner as to conflict with or be contrary to the federal statutes prescribing a labor preference to honorably discharged soldiers, sailors, and marines, prohibiting as unlawful any other preference or discrimination among the citizens of the United States.

NO conflict w/
Fed Law
4 federal projects

The Idaho Code is made available on the Internet by the Idaho Legislature as a public service. This Internet version of the Idaho Code may not be used for commercial purposes, nor may this database be published or repackaged for commercial sale without express written permission.

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Project: Sand Creek Pedestrian Boardwalk
Project No. STP-0001(130)
Key No. 09433

disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the U.S. Department of Labor (DOL) as set forth in 29 CFR 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the DOL, or the contractor's employees or their representatives.

6. **Selection of Labor:** During the performance of this contract, the contractor shall not:
- a. discriminate against labor from any other State, possession, or territory of the United States (except for employment preference for Appalachian contracts, when applicable, as specified in Attachment A), or
 - b. employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

II. NONDISCRIMINATION

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.)

1. **Equal Employment Opportunity:** Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630 and 41 CFR 60) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The Equal Opportunity Construction Contract Specifications set forth under 41 CFR 60-4.3 and the provisions of the American Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

- a. The contractor will work with the State highway agency (SHA) and the Federal Government in carrying out EEO obligations and in their review of his/her activities under the contract.
- b. The contractor will accept as his operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training."

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 04

Deputy Administrator Report

OBJECTIVE: To inform the Board on the recent activities of the Public Works Contractors License (PWCL) Bureau.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled PWCL Board meetings.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 05a

CAS Update

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 PWCL Board meetings.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 05b

Financial Report

OBJECTIVE: To review the Public Works Contractors License (PWCL) Board's Financial Report.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled PWCL Board meetings.

PROCEDURAL HISTORY:

ATTACHMENTS: PWCL Board's Financial Report





Division of Building Safety
PUBLIC WORKS CONTRACTORS LICENSING FUND
 Fiscal Year 2011 Financial Statements
 As of 11/30/2010

Statement of Revenues and Expenditures

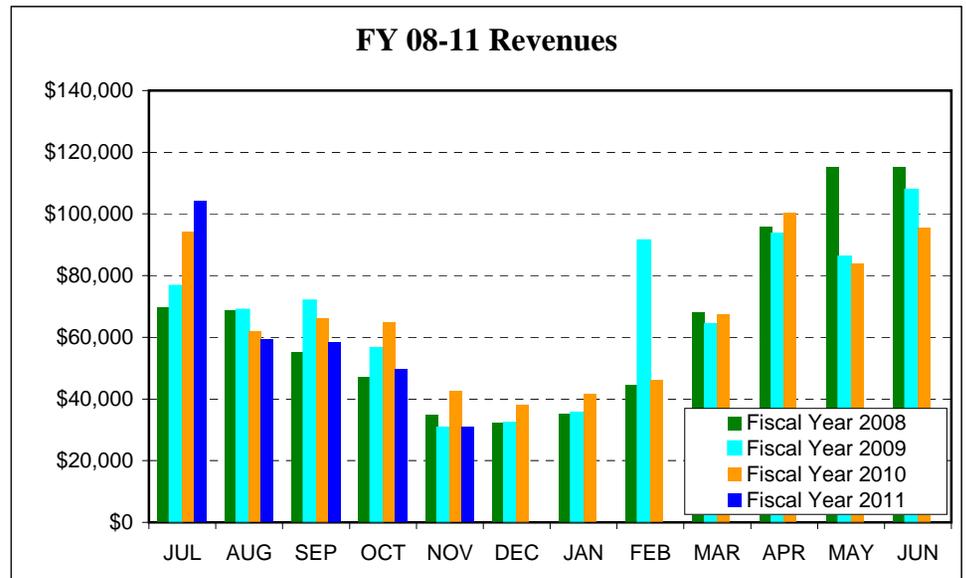
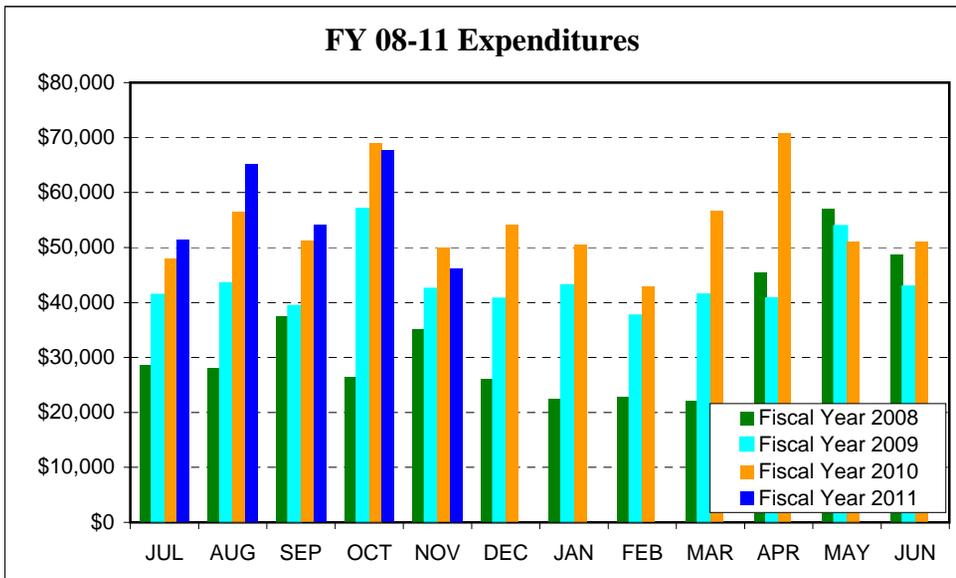
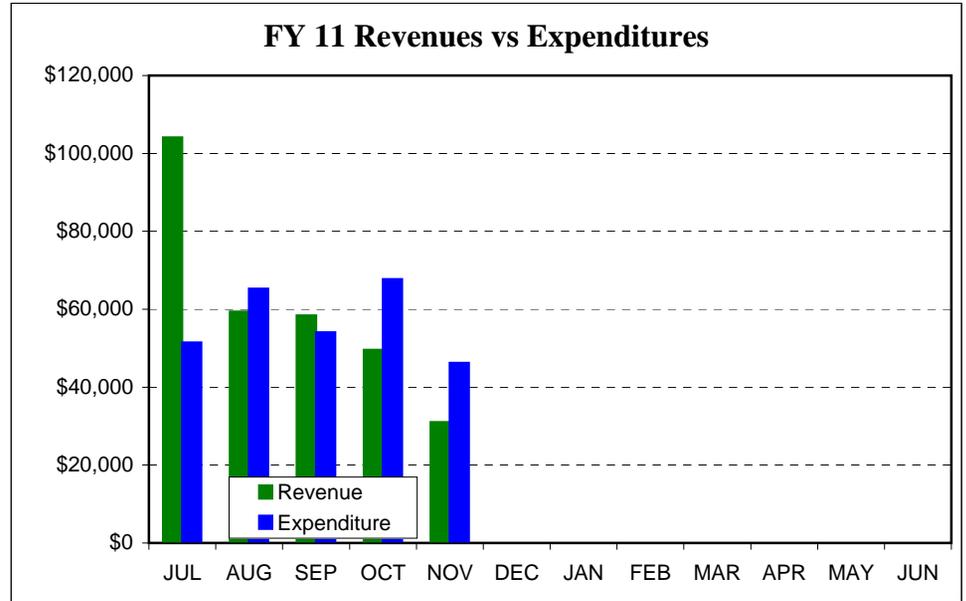
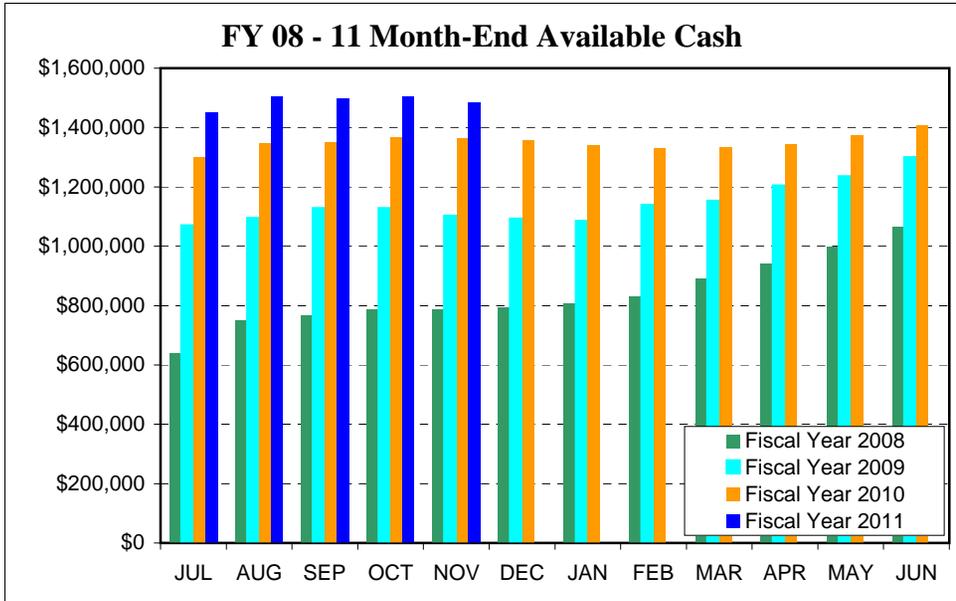
Class	Budget	Fiscal Year To Date	YTD as a % of Budget *	Remaining Budget	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	650,000	302,373	46.5%	347,627	395,000	697,373	107.3%
Expenditures							
Personnel:	550,000	228,252	41.5%	321,748	377,400	605,652	110.1%
Operating:	100,000	54,041	54.0%	45,959	56,000	110,041	110.0%
Capital:	15,000	2,247	15.0%	12,753	10,000	12,247	81.6%
Total Expenditures	665,000	284,539	42.8%	380,461	443,400	727,939	109.5%
Net for FY 2011	(15,000)	17,834			(48,400)	(30,566)	

Statement of Cash Balance

Beginning Cash Available	Revenues	Expenditures and Encumbrances	Other Changes in Cash	Projected Available Cash	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
1,450,188	302,373	(284,539)	2,572	1,470,594	(48,400)	1,422,194

* Percent of Fiscal Year Completed 41.7%
 Percent of Pay Periods Completed 42.3%

PUBLIC WORKS CONTRACTORS LICENSING FUND



REVENUE / EXPENSES

12/20/2010

For the 5 months ended November 30th

PWCL BOARD

	FY 2011	FY 2010	FY 2009	FY 2008
Revenues				
REGULATORY LICENSES	289,720.85	295,774.98	298,236.09	274,495.90
FINES	12,632.31	33,040.00	6,372.00	750.00
OTHER - VEHICLES, RENT, ETC.	-	593.85	-	487.89
TOTAL REVENUE	302,353.16	329,408.83	304,608.09	275,733.79
Expenditures				
Personnel				
GROSS SALARY & WAGES	167,699.60	162,099.13	140,363.18	85,893.02
EMPLOYEE BENEFITS	60,552.12	63,114.59	53,417.11	29,952.00
TOTAL PERSONNEL COSTS	228,251.72	225,213.72	193,780.29	115,845.02
Operating				
COMMUNICATION SERVICES	5,603.22	6,574.53	4,988.53	3,544.38
EMPLOYEE DEVELOPMENT	2,077.68	755.63	774.98	2,473.57
GENERAL SERVICES	1,114.25	475.30	5,400.04	1,668.57
PROFESSIONAL SERVICES	703.50	-	411.00	4,165.00
REPAIR & MAINT SERVICES	2,643.00	2,421.52	1,201.57	1,958.21
ADMINISTRATIVE SERVICES	236.75	28.27	74.87	22.58
COMPUTER SERVICES	3,053.68	394.18	311.27	114.03
EMPLOYEE TRAVEL COSTS	5,567.60	1,796.71	3,370.89	2,986.93
ADMINISTRATIVE SUPPLIES	2,395.40	1,273.20	1,221.24	2,520.41
FUEL & LUBRICANTS	3,328.16	2,148.05	2,828.47	273.67
COMPUTER SUPPLIES	2,037.03	1,587.75	189.56	14,837.82
REPAIR & MAINT SUPPLIES	3.50	126.00	10.24	17.32
SPECIFIC USE SUPPLIES	165.15	30.27	-	99.03
INSURANCE	324.03	846.36	815.06	694.61
RENTALS & OPER LEASES	13,092.93	11,258.42	1,260.48	-
CREDIT CARD FEES	2,410.36	10,687.46	3,120.55	1,130.98
GOVERNMENTAL OVERHEAD				
PAID TO OTHER STATE AGENCIES	9,094.75	8,405.15	2,863.08	2,790.78
ADMIN RULE EXPENSE	190.00	460.40	94.08	171.36
AWARDS AND RECOGNITION	-	107.46	75.00	275.80
TOTAL OPERATING COSTS	54,040.99	49,376.66	29,010.91	39,745.05
Capital Outlay				
COMPUTERS, VEHICLES & EQUIPMENT	2,246.76	-	833.79	7,992.00
TOTAL CAPITAL OUTLAY	2,246.76	-	833.79	7,992.00
TOTAL FY EXPENDITURES	284,539.47	274,590.38	223,624.99	163,582.07

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 05c

Administrator Report

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 PWCL Board meetings.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation

