

DIVISION OF BUILDING SAFETY

PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING

JULY 7, 2011



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 01

Agenda

PRESENTER: John Sheldon, Vice Chairman

OBJECTIVE: Approve the agenda for the July 7, 2011 PWCL Board Videoconference Meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: July 7, 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, Suite 150, 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**

***Thursday, July 7, 2011
9:30 a.m. – 12:30 p.m. (MT)***

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

- 9:30 a.m. CALL TO ORDER** – John Sheldon, Vice Chairman
- o Roll Call & Introductions
 - o Open Forum

CONSENT AGENDA

1. Approval of the July 7, 2011 Agenda
2. Approval of the April 4, 2011 Board Meeting Minutes

ACTION AGENDA

3. Construction Manager License Complaint – Steve Keys
4. Board Compensation – Steve Keys
5. Disparity between C and B License Requirements – Steve Keys
6. Implementation of Additional Fees – Steve Keys
 - a. “Fast Track” Application Fee
 - b. Prorate Fee for 60-Day Extension to Renew License

INFORMATIONAL AGENDA

7. Deputy Administrator Report – Steve Keys
8. Administrator Report
 - a. Financial Report – C. Kelly Pearce and Kirk Weiskircher
 - b. Administrator – C. Kelly Pearce

OLD/NEW BUSINESS

EXECUTIVE SESSION

- 12:30 p.m. ADJOURN**

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 02

Minutes

PRESENTER: John Sheldon, Vice Chairman

OBJECTIVE: Approve the minutes from the April 4, 2011 PWCL Board Videoconference Meeting.

ACTION: Consent

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: April 4, 2011 PWCL Board Meeting draft Minutes



**PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING**

Monday – April 4, 2011 – 9:30 a.m. (MT)

**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 APRIL 4, 2011 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.

Acting Chairman John Sheldon called the meeting to order at 9:40 a.m. (MT)

Board Members Present:

John Sheldon, Vice Chairman
Jerry A. Peterson
Lisa Hatch
Ken Worst

DBS Staff Present:

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

Board Members Absent:

Torry McAlvain, Chairman
Steffani Lippert

In the absence of Chairman Torry McAlvain, Vice Chairman John Sheldon served as Acting Chairman at this meeting.

Departing board member Alan Smith was recognized with a plaque for his years of service on the Board.

◆ **Open Forum**

No items or concerns were brought forth.

◆ **Approval of the April 4, 2011 Agenda**

MOTION: Lisa Hatch made a motion to approve the April 4, 2011 Agenda as presented. Jerry Peterson seconded. All in favor, motion carried.

◆ **Approval of the January 10, 2011 Board Meeting Minutes**

MOTION: Jerry Peterson made a motion to approve the January 10, 2011 Meeting Minutes as written. Lisa Hatch seconded. All in favor, motion carried.

◆ **Election of Officers**

MOTION: Jerry Peterson made a motion incumbents Chairman Torry McAlvain and Vice Chairman John Sheldon be reappointed. Lisa Hatch seconded. All in favor, motion carried.

◆ **Board Compensation**

Board members are considered employees of the State and are required to participate in the Public Employee Retirement System of Idaho (PERSI). To avoid a potential conflict between PERSI and their own personal retirement accounts, many boards have changed their compensation from salary to honorarium.

PERSI has a pamphlet advising board members of potential tax consequences to their personal IRA accounts. At the request of John Sheldon, the pamphlet will be e-mailed to the board members.

ACTION: The Division will e-mail the PERSI pamphlet to the board members.

ACTION: The topic “Board Compensation” will be added to the July 7, 2011 PWCL Board Meeting Agenda as an action item.

◆ **Board Term Limits**

For the Board’s information, there is a provision in the law which states PWCL board members can serve no more than two three-year terms consecutively. The specialty subcontractor position recently became vacant.

◆ **Deputy Administrator Report**

Quarterly PWCL Report – A handout was distributed to the Board. License applications, January through March 2011, are as follows: new down 20%, renewals down 13%, upgrades down 19%, and downgrades up 80%. There have been eight renewals for construction manager licenses.

Disparity between C and B License Requirements – When the requirements for C and B licenses were changed; a dramatic increase, both financially and in terms of the size of contracts the licensees could bid/perform, was created. Steve Keys explained the current requirements for D, C, and B licenses. During this trying time, contractors are having a difficult time meeting the financial benchmarks to qualify for a B license.

It was suggested a license type be created between the C and B licenses. At the interest of the Board, the Division will bring a proposal to the July 7, 2011 Board meeting.

ACTION: At the July 2011 Board meeting, the Division will bring forth a proposal to bridge the gap between C and B licenses.

Implementation of Additional Fees – Individuals continue to come to DBS at the last minute and request a public works contractor’s license be issued to them in order to bid on a job. The Board was asked to consider the implementation of an additional charge to those individuals; thus allowing DBS staff to work overtime to meet the needs of the industry.

There are provisions in the statute and rule to change a license renewal date; however, there is no clear and concise fee structure. DBS would like to bring back a proposal where the license fee for the term between the original expiration date and the change of renewal date is reflected in the prorated portion of the license.

Every year companies file a 60-day extension with the Division because their financials are not ready by their accountant. In order to eliminate this practice, DBS would like to channel the companies into changing their renewal dates to coincide with the financials, as well as charge a prorated fee based on their annual license fee to cover the 60-day extension.

ACTION: The Division will bring to the July 7, 2011 PWCL Board meeting the following proposals: 1. Additional fees on “rush” applications; 2. Prorated fees on the term between the original expiration and the change of the renewal dates; and 3. Implement a fee to cover the difference between the renewal date and when the Division receives the company’s financials.

Consolidation of Specialty Categories – Currently, there are approximately 125 specialty categories under the PWCL program. Steve Keys explained the confusion as to the inner-relationship between a specialty classification and one, two, and three classification.

With the Board’s cooperation and approval, the Division will move forward to try to consolidate the categories.

Non-Qualified Licensees – The University of Idaho (UI) has a history of claiming some kind of exemption from the public works contracting laws when a low bidder gets a public works job but doesn’t qualify, via their license, to do the work. UI has been asked to provide the Division with the basis of the exemption to an ongoing situation. The Division will continue to pursue this issue.

Assessments – The majority of assessments the Division is working on involves out-of-state non-licensed PWCL subcontractors working on the Boise State University dorm project.

◆ **Administrator Report**

State Military Division – The State Military Division is contemplating a sizeable expansion south of Gowen Field outside Boise city limits. A letter was sent to the Military Division emphasizing the Division’s responsibility to provide plan reviews for all state governmental entities and public works projects, as well as code compliance inspections. The expansion will consist of a major maintenance facility and 400-person mess hall.

Personnel Reduction – Kelly Pearce explained the Division’s choice for layoffs rather than furloughs. Currently, DBS has 113 full-time positions. A meeting will be held with the chairmen of each board housed under the Division to explain the agency’s statewide layoff process and vision.

Building Remodel/Rental – The Department of Labor has subleased from DBS 43% of the Meridian office space. Over the next ten years, the Division anticipates a savings of \$1.5 million in rent.

Compliance – A “handyman” is a non-licensed individual providing Electrical, HVAC and/or Plumbing services. The Division continues to discuss the implementation of a division-wide compliance program, also know as “outreach”.

Financial Report – Kirk Weiskircher reviewed, the Public Works Contractors Licensing Fund Fiscal Year 2011 Financial Statements as of February 28, 2011.

◆ **Old/New Business**

There was no old/new business to discuss.

◆ **Executive Session**

An Executive Session was not required.

MOTION: Jerry Peterson made a motion to adjourn the meeting. Lisa Hatch seconded. All in favor, motion carried. The meeting adjourned at 10:50 a.m.

JOHN SHELDON, ACTING 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.
06/06/11rb

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 03

Construction Manager License Complaint

PRESENTER: Steve Keys

OBJECTIVE: Board to determine if Monsey Consulting Services is in violation of Idaho Code § 54-4508 (1) (c) “Disciplinary proceedings”.

ACTION: Vote on whether Monsey Consulting Services is in violation of Idaho Code § 54-4508 (1) (c) and, if guilty, impose a penalty.

BACKGROUND: Bonner County has entered into an agreement with Monsey Construction Consulting Services to provide CM services. Monsey is not licensed and the county also neglected to require the performance bond.

PROCEDURAL HISTORY:

ATTACHMENTS: RFQ for Owner’s Construction Representative and Contract for Services between Bonner County and Monsey Construction Consulting Services



REQUEST FOR QUALIFICATIONS INSTRUCTIONS TO PROSPECTIVE OWNER'S CONSTRUCTION REPRESENTATIVES

The Board of Bonner County Commissioners is soliciting qualifications from prospective individuals or firms to provide Owner's Construction Representative Services for the management of a design-build County Juvenile Justice Center, located in Sandpoint, Idaho.

Packages may be obtained from Bonner County Justice Service Department - Debbie Stallcup, Director (208) 263-1602.

Sealed proposal from prospective individuals / firms in response to this Request for Qualifications (RFQ) are to be delivered to the Bonner County Commissioners, 1500 Highway 2, Suite 308, Sandpoint, ID 83864, no later than 4:00 p.m. on Monday, August 2, 2010.

The time and date for receipt of documents shall be observed without exception. Bonner County will not be responsible for late deliveries or mail delays. Proposals received after the specified time and date will be returned unopened.

The qualification packages shall be enclosed in sealed, opaque envelope and must be addressed as shown above and include the prospective firm name and address.

No oral, telephone, or telegraphic (faxed) qualifications will be considered.

The right to reject any or all proposals or to designate the short list of firm(s) judged by the Owner as most satisfactory for its requirements is expressly reserved by the Owner. The Owner reserves the right to waive any informality.

Costs of preparation of a response to this RFQ are solely those of the proposing D/B firms. At the County's option, personal interviews or presentations from any or all individuals / firm(s) prior to selection may occur.

summary of work

Bonner County desires to construct an operationally and energy efficient new Juvenile Justice Center (JJC) consisting of County Justice Services offices (including Adult and Juvenile Parole and probation) and a minimum 28 bed secure detention facility. This facility will be located on an approximate two (2) acre parcel of land on Great Northern Road near the intersection of Woodland Lane in Sandpoint, Idaho.

Provide a full range of construction related field observation, verification of deliverables and quality control as the Owners Representative for this design-build construction project. These services are specialized and only active through the term of the construction project, which is estimated at 12 months or whenever the building is completed and ready for occupancy.

The owner has already developed a Request for Design-Build Proposal and comprehensive list of Owners Criteria and is soliciting design-build proposal concurrent with this RFQ. The Design/Build project criteria will be available from Bonner County for review by prospective Owners Representatives upon request.

The principal function of the Owners Representative is to manage the design-build project, provide construction observation, contract compliance activities, capture cost savings resulting from value engineering; claims analysis and resolution as

provided within the contract documents; observation of construction schedules and the Contractors contractual obligations; construction schedule analysis; tracking of construction records and minutes from scheduled project meetings; preliminary review and verification of payment requests; preparation and delivery of regular progress reports to the Bonner County Commissioners; verification of on-site materials delivery; preliminary review change order requests; verification of compliance with specific manufacturers warrantee specifications; review and oversight of the required special inspections by owner's third party inspection and testing agency; review of all required inspections by the local building authority; coordination of meeting and sight visits by the project designers and engineers. The nature of the work performed requires that the Owners Representative maintain effective working relationships with the design-build team, Bonner County Commissioners and other County personnel.

specific tasks required

1) General Administration

- a. Direct and manage the design-build project from initiation to occupancy. Plan, schedule and track project time lines, benchmarks and deliverables using appropriate tools.
- b. Effectively communicate project status and expectations to team members and stakeholders in a timely manner.
- c. Monitor and contain costs and recommend subsequent changes to project budget/s.
- d. Identify and manage project risks and issues. Proactively manage changes in project scope, schedule and budget, identify potential problems and utilize best risk management to resolve issues to avoid escalation of issues.
- e. Develop and deliver progress status reports monthly to the Owner and project team.
- f. Participate in weekly meetings with the Project Team as appropriate throughout the course of the project. Additionally, presentations and related project documentation may be requested in support of project status.
- g. Ensure timely issues identification, resolution and appropriate issue escalation and establish and monitor compliance with established goals and objectives.
- h. Attend public meetings as a representative of the Owner.
- i. Serve as the Owner's representative in all matters with regulative authorities including but not limited to: local/county building authorities, Idaho Department of Juvenile Corrections, State and local Fire Marshal, Building inspectors, State Department of L&I.

2) Design Phase Project Management

- a. Become familiar with Owner's criteria, program and requirements.
- b. Review Design/Build proposals for compliance with Owner's criteria. Provide written commentary and resolve all inconsistency based on Owner's program requirements. Assist Owner in contracting with Design/Build entity.
- c. As design develops, confirm with the Design Build Team that project will fall within established budget.
- d. Refine scope i.e. architectural and site work elements, and other objectives with Project Team as required.
- e. Administrative functions as they relate to the design effort include but are not limited to:
 - i. Review design to confirm it will meet requirements established by the Owner.
 - ii. Serve as facilitator for communication between Owner and the Design Build Team.
- f. Develop and maintain environmental compliance documentation, plans schedule, associated communications and other identified key deliverables appropriate to the project.
- g. Coordination of FF &E –Establish Owner's fixtures, furniture and equipment in conjunction with the Owner and coordinate procurement of these items.
- h. Review all design documents throughout schematic design, development and construction documents for compliance with the Owner's objectives. Provide written commentary and resolve all inconsistency based on Owner's program requirements.
- i. Provide Owner with various construction options and implement methods selected by Owner that may involve cost savings, accelerated construction schedule or other benefits to the Owner.
- j. Assist Owner in review of design-build proposals and negotiating same. Attend pre-bid proposal conferences with potential consultants or contractors. Coordinate procurement processes in accordance with Owner's policies.
- k. Assist Owner in coordination with the Owner's legal staff the development of Design Build Contract.

3) Construction Phase Services.

- a. As the Owner's Representative, provide design and construction contract administration during the Construction phase and provide periodic construction observation as necessary.
- b. Conduct on-site observation of work in progress for compliance with the contract documents. Recommend corrective action for work found not in compliance, and monitor contractor response. The Owner's Representative will convene and chair construction meeting weekly or as reasonably needed or reasonably requested by the Owner involving all Project Team Players, keep, distribute and correct the minutes of such meetings, address issues and expedite development and implementation of solutions as they arise during the construction phase.
- c. The Owner's Representative will coordinate the scheduling and performance of separate specialty contractors on the Owner's behalf, included but not limited to contracts for testing and inspection services.
- d. The Owner's Representative will monitor the administration of and keep a complete file of all Project documents for the Construction Phase including without limitation of Applications for Payment from the Design Build Team and separate contractors and consultants, Requests for Information (RFIs), Requests for Proposals (RFPs), changes in condition and changes in the work through Change Orders, Change Directives and orders for minor changes in Work. As part of its administrative responsibilities, the Owner's Representative will prepare and submit to the Owner, on a monthly basis or as otherwise reasonably requested by the Owner status reports that address the status of Work, the extent of adherence to the Project Schedule and budget and any Project issues of any kind.
- e. The Owner's Representative shall maintain an independent record of all significant changes and shall as necessary review the contractor's redline plans to ensure proper documentation of as-constructed conditions.
- f. The Owner's Rep. will advise and provide recommendations to the Owner regarding requests for special testing or inspection, geotechnical or other design professional or consulting services to be provided by the Owner.
- g. The Owner's Rep will track Project costs and administer the categorizing of such costs on the Project according to the applicable schedule of values and any other guidelines established by the Owner.
- h. The Owner's Rep will monitor closely the construction cost and schedule of the Project.
- i. The Owner's Rep will advise the Owner on an as-needed basis regarding evaluation and processing of claims or request for additional compensation or time to perform.
- j. The Owner's Representative otherwise will advise and assist the Owner in addressing any construction, permitting, budget, change, schedule, delay acceleration, unforeseen site condition, weather, regulatory or other issues that arise during the construction process.

4) Project Close Out Services

- a. The Owner's Rep. will oversee, monitor and expedite the preparation and completion of punch lists with respect to the achievement of both Substantial Completion and Final completion of the Work and will assist and advise the Owner regarding the determination of Substantial Completion and Final Completion.
- b. The Owner's Rep will oversee all startup requirements.
- c. The Owner's Rep will secure and forward to the owner all operations and maintenance manuals, handbook, warranties, affidavits, waivers and releases and as-built drawings.
- d. The Owner's Rep will coordinate equipment user and maintenance personnel training.
- e. The Owner's Rep will coordinate Owner's move in tasks.
- f. The Owner's Rep will prepare and submit to the Owner a final report.
- g. The Owner's Rep will monitor and coordinate with the Design Build Team during the correction of such defective or nonconforming portions of the Work, and will otherwise will continue to represent the Owner during the correction of such defective or nonconforming portions of the work in the same capacity as if such correction was being performed during the Construction Phase.

schedule

The following schedule provides an outline of proposed key project start and completion dates for this project.

| | |
|---------------------------|---|
| August 9, 2010 | Potential Interviews of Owners Representatives |
| August 10, 2010 | Notification of Intent to Award |
| August 11, 2010 | Design-Build Pre-proposal meeting and site tour |
| August 30, 2010 | Design-Build Proposals due |
| September 7, 2010 | Complete shortlist of Firms |
| September 13, 2010 | Interview shortlisted Firms |
| September 14, 2010 | Notification of Intent to Award D/B Contract |
| October 1, 2010 | Contract executed with successful D/B Firm |
| October 4, 2010 | Begin formal design and permitting phases |
| September 1, 2011 | Substantial Completion |
| October 1, 2011 | Final Completion of Construction (Owner move-in) |

submittal content

Submit five (5) copies of the proposal responses.

Title Page, which provides the name of the lead companies, address, telephone number, name of a contact person, date of submission, and title of project for which the qualifications are being provided.

- Cover letter signed by individuals with signature authority of the representative firm(s).
- A table of contents that clearly identifies the materials by section and by page number.

Project Experience

- Include experience of firm(s) or companies and past performance, name and telephone number of owner contacts on similar projects, and any written reference from owners that are available for those projects. Identify projects completed or ongoing that are similar in scope and size to the project under consideration; adherence to previous project guidelines or requirements; ability to stay within negotiated fees and schedules; quality of service; and personalized attention to the project.
- List all similar projects in the last ten years for which construction has been completed by the designated office, individual or the firm.

Specific Team Member Information

- Resumes of staff who will be assigned directly to this project. A list of the last five projects overseen by the person or persons who will be directly assigned to this project is required.
- Describe common project experience with proposed team members.
- Indicate overall experience and history with the D/B project delivery method.
- Show an organizational chart providing names and titles of key personnel with chain of command and how the flow of information will be facilitated during the project.

Hourly rate proposal

- Provide an hourly rate proposal with estimated hours to be worked.

BONNER COUNTY – JUVENILE JUSTICE CENTER
CONTRACT FOR SERVICES OF INDEPENDENT, PROFESSIONAL SERVICES CONTRACTOR
OWNER'S REPRESENTATIVE – BONNER COUNTY JUVENILE JUSTICE CENTER
AUGUST 2010 THRU OCTOBER 2011

A contract between **BONNER COUNTY**, hereinafter referred to as "OWNER", and **MONSEY CONSTRUCTION CONSULTING SERVICES** hereinafter referred to as "CONTRACTOR," Tax ID NO 75-3059421

WHEREAS, IDAHO CODES and STATUTES authorizes the OWNER to employ professional services; and WHEREAS, CONTRACTOR represents that he, she, or it is duly qualified and capable to render the services as hereinafter described; NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. **Term.** This contract shall be effective from AUGUST 16, 2010 to approximately OCTOBER 31, 2011 (approximately 15 months) at which time this contract shall terminate without notice to either party unless sooner terminated by either party as set forth in paragraph two.
2. **Termination.** This contract may be terminated without cause by either party prior to the date set forth in paragraph 1, provided that a termination shall not be effective until Thirty (30) days after a party has served written notice of termination upon the other party.
3. **Service of CONTRACTOR.** CONTRACTOR agrees to render in a good and workmanlike manner the services set forth below and CONTRACTOR represents that he, she, or it is qualified to perform these services: **See attached Exhibit A – dated June 2010 – RFO – Instruction to prospective Owners' Construction Representative which describes the duties to be performed under this contract and the basic time frame Compensation.** Owner shall pay to CONTRACTOR the " **NOT TO EXCEED AMOUNT OF \$178,100** plus the owner's half of E&O insurance premium referred to in paragraph nine below."

The basic monthly billing (services will be invoiced end of each month for payment by end of the following month) will be \$10,000/month plus reimbursable for *mileage/secretarial work – all not to exceed the above total amount (see note below).*

Note: This will be a not to exceed contract amount assuming the scope of services don't change and the above time frames are not extended

5. **Contractor:** is responsible for his/ her own federal withholding and accounting. CONTRACTOR to complete a W-9 Form to owner prior to initial invoice
6. **Transportation/Lodging Expenses:** Trips to/from Contactor Home office to Bonner County are included as reimbursable cost to the contract and will be included monthly
7. **Applicable Law:** This contract shall be construed and interpreted according to the laws of the State of Idaho.
8. **Non-Assignability.** The CONTRACTOR shall not assign, transfer, nor delegate any rights, obligations, or duties under this agreement without the prior written consent of the owner.
9. **Insurance.** CONTRACTOR will provide his/her own vehicle insurance coverage at a rate required by applicable law; and will provide to Owner proof thereof which will be attached to this contract. Contractor carries his own health insurance as a sole proprietor and is not required to carry Workers Compensation. Contractor shall provide on/before September 15, 2010 proof of professional Errors and Omission insurance coverage in an amount not less than \$500,000

per occurrence and \$500,000 in the aggregate, half of the annual premium for such insurance may be billed to the owner as a reimbursable expense under this contract the amount of which is included in paragraph 3.

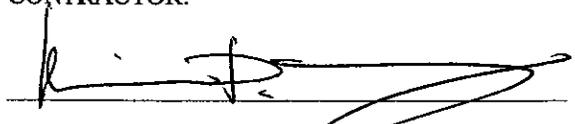
-
-
10. **Relationship.** CONTRACTOR understands and agrees that this contract in no way creates an employer-employee relationship between OWNER and CONTRACTOR for any purpose; including but not limited to, worker's compensation insurance purposes or unemployment compensation coverage. CONTRACTOR understands and agrees that he/she is solely responsible to provide and maintain his/her own worker's compensation insurance policy, unemployment compensation coverage or any other federal, state, county, municipal or other governmentally mandated insurance coverage associated with CONTRACTOR'S business, trade or profession. OWNER may require from CONTRACTOR a true and correct copy of the original written proof, or certificate, of coverage for any federal, state, county, municipal or other governmentally mandated insurance coverage.
11. **Certification.** CONTRACTOR certifies that neither he, she, or it, nor any sub-recipient there from are suspended or debarred (nor is any principal there of suspended or debarred) as an eligible individual or organization to receive federal, state, or local government funds, as listed in the list of Parties Excluded From Federal Procurement or NM Procurement programs, issued by the General Services Administration (GSA).
12. **Independent Contractor.** The parties agree that CONTRACTOR is an independent contractor. It is expressly understood that the relationship of the parties is that of independent contractor and not of employer and employee. CONTRACTOR agrees in this respect that there shall be no: Withholding of income taxes by the Owner; Participation or contributions by either the independent contractor or the Owner to the Public Employees Retirement System; Accumulation of annual or sick leave; Unemployment compensation coverage.
13. **Agreement.** This contract constitutes the entire agreement between the parties and may only be modified by a written amendment signed by the parties.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be signed and intend to be legally bound thereby this 31st day of August, 2010.

Bonner County:

By: 

CONTRACTOR:


MONSEY CONSTRUCTION CONSULTING LLC

Date: 9/3/10

RECEIVED

APR 18 2011

ORMOND BUILDERS, INC.

3/11/11'

Addendum to Contract

MCCS/Bonner County

Debbie Stallcup
Bonner County Juvenile Justice Center
4105 Boyer Avenue
Sandpoint, ID 83864

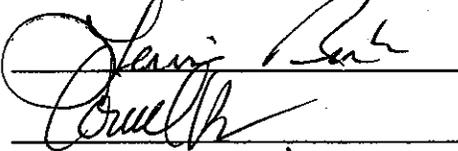
Re: Monsey Construction Consulting Services
Addendum to contract

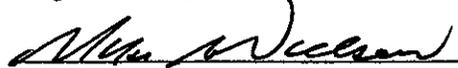
The following will serve as an addendum to the signed contract between Bonner County and Monsey Construction Consulting Services:

1. Under Term Item 1– term of contract is to extend to on/about 4/15/12' due to the delays on funding approval and the choosing a different site and additional approval processes associated with County owned site
2. Under Term Item 3 – Compensation total – remains the same (see attached proposed billing format) as the monthly billing amount will vary per schedule

This addendum becomes effective as of the date signed below:

Bonner County Commissioners:





Dated 3 / 22 / 2011

MCCS



Dated 3 / 23 / 2011

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 04

Board Compensation

PRESENTER: Steve Keys

OBJECTIVE: Amend the statute that provides compensation to members of the Public Works Contractors License Board.

ACTION: Vote to accept or reject the amendment to I.C. § 54-1908 “Meetings—Quorum”.

BACKGROUND: As stated in I.C. § 59-509(h), members currently receive a \$50.00 salary for each day they perform board duties; and accordingly, are required to participate in the state’s retirement plan, PERSI. It has been discovered that participation in PERSI may have adverse tax consequences to board members. I.C. § 59-409(n) permits state board members to be paid an honorarium instead of a salary and such compensation does not require participation in PERSI. Several DBS boards utilize this provision and receive the honorarium compensation.

PROCEDURAL HISTORY:

ATTACHMENTS: I.C. § 54-1908



TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES
CHAPTER 19
PUBLIC WORKS CONTRACTORS

54-1908.MEETINGS -- QUORUM. The board shall hold not less than four (4) regular meetings each year, on a day not later than the fifteenth day of the month in each of the months of January, April, July and October, for the purpose of transacting such business as may properly come before it. At the April meeting of each year the board shall elect officers. Special or regular monthly meetings of the board may be held at such times as the board may provide in the rules. Four (4) members of the board shall constitute a quorum. Two (2) members of the board may call a special meeting at any time. Due notice of each meeting of the board and the time and place thereof shall be given each member in the manner prescribed in the rules. Each member of the board shall be compensated as provided by section 59-509(hn), Idaho Code, and paid from the public works contractors license board account.

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 05 Disparity Between C & D License Requirements

PRESENTER: Steve Keys

OBJECTIVE: To bridge the gap between C and B licenses.

ACTION: Vote to accept, reject, or modify the proposed statute and rule changes.

BACKGROUND: When the requirements for C and B licenses were changed; a dramatic increase, both financially and in terms of the size of contracts the licensees could bid/perform, was created. At the April 2011 meeting, Steve Keys explained the current requirements for D, C, and B licenses. Contractors are having a difficult time meeting the financial benchmarks to qualify for a B license. The Division suggested a license type be created between the C and B licenses.

PROCEDURAL HISTORY:

ATTACHMENTS: Idaho Code § 54-1904 and IDAPA 07.05.01.110, 07.05.01.111, and 07.05.01.201.



§ 54-1904. Classes of licenses -- Rights granted under licenses -- Fees

(1) There shall be ~~eight~~ ~~seven~~ (78) classes of licenses issued under the provisions of this chapter which are hereby designated as Classes Unlimited, AAA, AA, A, B, ~~CC~~, C and D, the maximum fee for which shall be as hereinafter specified. Each applicant for a license shall specify the class of license applied for in his application.

(2) For the purpose of licensing public works contractors under this chapter the board may adopt rules necessary to determine the classification according to their responsibility, and the type and scope of the operations of a licensed contractor to those in which he is classified and qualified to engage as in this chapter provided.

(3) The license classes shall be as follows:

(a) Class "Unlimited" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of more than five million dollars (\$ 5,000,000) may, upon application and payment of a license fee not to exceed six hundred dollars (\$ 600), be granted a Class "Unlimited" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "Unlimited" license shall be entitled to engage in the public works contracting business in this state as provided in said license. The renewal fee for a Class "Unlimited" license shall not exceed six hundred dollars (\$ 600). An applicant requesting a Class "Unlimited" license in heavy, highway, specialty or building construction shall have a minimum net worth of one million dollars (\$ 1,000,000) with six hundred thousand dollars (\$600,000) in working capital.

(b) Class "AAA" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than five million dollars (\$ 5,000,000) may, upon his application and the payment of a license fee not to exceed five hundred dollars (\$ 500), be granted a Class "AAA" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "AAA" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "AAA" license shall not exceed five hundred dollars (\$ 500).

(c) Class "AA" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than three million dollars (\$ 3,000,000) may, upon his application and the payment of a license fee not to exceed four hundred dollars (\$ 400), be granted a Class "AA" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "AA" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "AA" license shall not exceed four hundred dollars (\$ 400).

(d) Class "A" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than one million two hundred fifty thousand dollars (\$ 1,250,000) may, upon his application and the payment of a license fee not to exceed three hundred dollars (\$ 300), be granted a Class "A" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "A" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "A" license shall not exceed three hundred dollars (\$ 300).

(e) Class "B" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than six hundred thousand dollars (\$ 600,000), may, upon his application and the payment of a license fee not to exceed two

~~hundred one hundred fifty dollars (\$200) (\$150)~~ be granted a Class "B" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "B" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "B" license shall not exceed ~~two hundred one hundred fifty~~ dollars (\$~~150~~200).

(f) Class "CC" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than three hundred thousand (\$300,000), may upon his application and the payment of a license fee not to exceed one hundred and fifty dollars (\$150) be granted a Class "CC" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "CC" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "CC" license shall not exceed one hundred and fifty dollars (\$150).

(f) Class "C" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than ~~two hundred~~ one hundred and fifty thousand dollars (~~\$200~~150,000), may, upon his application and the payment of a license fee not to exceed one hundred dollars (\$ 100), be granted a Class "C" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "C" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "C" license shall not exceed one hundred dollars (\$ 100).

(g) Class "D" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than fifty thousand dollars (\$ 50,000), may, upon his application and the payment of a license fee not to exceed fifty dollars (\$ 50.00), be granted a Class "D" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "D" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "D" license shall not exceed fifty dollars (\$ 50.00).

(4) The board shall be vested with the power to fix annually the amount of the original and renewal license fees for each class of license for the ensuing license year. The amount of the license fee so fixed shall not exceed the maximum fee set forth in this section.

(5) Each license issued by the administrator shall clearly indicate the type and scope of work for which the licensee is qualified and licensed. The holder of the license shall be permitted to submit proposals for and perform only those types of work specified in each license. The administrator may extend the permissible type or scope of work to be done under any license when it is determined by the administrator that the applicant meets all of the requirements of this chapter to qualify him to do such other work.

(6) The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except Class "Unlimited," shall not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids shall include all bids of subcontractors. Subcontractor bids shall not be considered a separate bid for the purposes of computing the bid on a given public works project.

IDAPA 07.05.01.110.

e. For Class A, AA, AAA, and Unlimited license applications, financial statements shall be accompanied by an independent auditor's report or be reviewed. For Class B and CC license applications, financial statements must be accompanied by an independent auditor's report or be reviewed or compiled by a certified public accountant....

IDAPA 07.05.01.111.

06. **Heavy, Highway, Building, and Specialty Construction Class CC License.** An applicant requesting a Class CC license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of seventy-five thousand dollars (\$75,000) with twenty-five thousand dollars (\$25,000) in working capital.

076. **Heavy, Highway, Building, and Specialty Construction Class C License...**

078. **Heavy, Highway, Building, and Specialty Construction Class D License**

IDAPA 07.05.01.201.

FEES.

01. Public Works Contractor Licensing Fees. Initial licensing and renewal fees for each class of public works contractor licenses shall be, in accordance with Section 54-1904, Idaho Code, as follows:

| Add new class CC, and set the fee at \$150, Change class B fee to \$200.

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 06a

“Fast Track” Application Fee

PRESENTER: Steve Keys

OBJECTIVE: Create additional fees for “rush” applications

ACTION: Vote to accept, reject, or modify the proposed rule change

BACKGROUND: As stated at the April 2011 meeting, individuals continue to come to DBS at the last minute and request a public works contractor’s license be issued to them in order to bid on a job. The Board was asked to consider the implementation of an additional charge to those individuals; thus allowing DBS staff to work overtime to meet the needs of the industry.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: IDAPA 07.05.01.105.05



**IDAPA 07
TITLE 05
CHAPTER 01**

07.05.01 - RULES OF THE PUBLIC CONTRACTORS LICENSE BOARD

000. LEGAL AUTHORITY.

This chapter is adopted pursuant to Section 54-1907, Idaho Code, as amended. (3-20-04)

001. TITLE.

These rules shall be cited as IDAPA 07.05.01, "Rules of the Public Contractors License Board." (3-20-04)

002. INTENT.

The Board believes the legislature in providing the License Act and subsequent amendments thereto, intended to afford some protection to officials of units of government at all levels in their dealing with persons, firms or corporations engaging in the construction, reconstruction or repair of Public Works. The licensing of a person, firm or corporation as a "Public Works Contractor" is intended to provide the investing public body some assurance of the contractor's reputation, ability, qualifications, experience and financial responsibility. (3-20-04)

003. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of this chapter. (3-20-04)

004. ADMINISTRATIVE APPEALS.

The administrative procedures governing this chapter are outlined herein. (3-20-04)

005. -- 009. (RESERVED).

010. DEFINITIONS.

As used in these rules. (7-1-93)

01. Administrator. Refers to the administrator of the Division of Building Safety. (3-20-04)

02. Applicant. Shall mean any person who has filed an application with the administrator. (3-20-04)

03. Board. Refers to the Public Works Contractors License Board which is created within the Idaho Division of Building Safety as set forth in Title 54, Chapter 19, Idaho Code. (3-20-04)

04. Compiled. Refers to a type of financial statement in which the information presented is based solely upon representations by an organization's management. (3-20-04)

05. Estimated Cost. For the purposes of the application of Section 54-1903(i), Idaho Code, the term "estimated cost" shall refer to the total aggregate amount of the value of all the separate or individual jobs, parts, components, or undertakings involved in the construction of a single project when combined and considered as a whole, regardless of the types of trades, sub-contracts, work, or other individual aspects involved, and without regard to the number of trades or crafts that are involved. (3-29-10)

06. Financial Statement. A balance sheet and income statement prepared in accordance with generally accepted accounting principles. (3-20-04)

07. Incidental Work. Shall mean work, the nature of which does not require any additional trade licenses and which may be carried out in conjunction with an activity for which the licensee is licensed, but is not intended to produce an amount of income over ten percent (10%) of the total bid

amount. (3-20-04)

08. Independent Audit Report. A report prepared by an independent certified public accountant presenting such auditor's opinion on the fairness of the organization's financial statements and prepared in accordance with generally accepted auditing standards. (3-20-04)

09. Licensee. Includes any individual proprietor, partnership, limited liability partnership, limited liability company, corporation, joint venture, or other business organization holding a current, unrevoked public works contractor license. (3-20-04)

10. Petitioner. Shall mean: (7-1-93)

a. Any licensee who has filed with the Board a written request for the change or addition to the types of construction for which he is licensed; (7-1-93)

b. Any applicant or licensee requesting a rehearing in any proceeding or appealing from the final decision or order of the administrator or the Board; (3-20-04)

c. Any interested person requesting the promulgation, amendment or repeal of a rule; or (7-1-93)

d. Any interested person requesting a declaratory ruling on the applicability of the License Act or of any rule or order of the Board. (7-1-93)

11. Reviewed. Refers to a financial statement that is accompanied by the opinion of a certified public accountant stating that, based upon representations by the organization's management, the reviewer has a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements in order for the statements to be in accordance with generally accepted accounting principles. (3-20-04)

011. -- 099. (RESERVED).

100. BOARD OFFICE -- LOCATION, HOURS, MAILING ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER.

The address of the Board office, and its mailing address, is 1090 E. Watertower Street, Meridian, Idaho 83642. Office hours are from 8 a.m. until 5 p.m., daily. The office is closed on weekends and holidays. The Board telephone number is (208) 334-4057, and the facsimile number is (208) 855-9666. (3-20-04)

101. MEETINGS.

Meetings of the Board are subject to the Idaho Open Meeting Law, Title 67, Chapter 23, Idaho Code. (3-20-04)

102. COMMUNICATION.

All written communications, forms and documents concerning any matter covered by the Act or these rules shall be addressed to the administrator and not to members of the Board or staff. All communications are deemed officially received only when delivered to the Board office. Documents may be submitted by facsimile but not by other electronic or computerized means. (3-20-04)

103. PETITIONS.

An applicant or licensee seeking an order or decision of the administrator or the Board on any application or other matter, or in any disciplinary proceeding, must file a written petition. (3-20-04)

104. FORM AND CONTENT OF PETITION.

01. Form. The petition, including the heading, the name of the petitioner or person making the request, and the purpose of the petition shall be in substantially the following form: (3-20-04)

a. Paragraph 1 shall state the petitioner's name, address, and license number. (3-20-04)

b. Paragraph 2 shall state the petitioner's request in brief, precise and specific terms, including references to any pertinent statutes or rules, and shall provide a detailed explanation of the purpose for the request. (3-20-04)

c. Paragraph 3 shall contain the statements of fact to support the petitioner's request. Briefs and supporting documents may accompany petitions. (3-20-04)

02. **Dated and Signed.** The petition shall be dated and signed by the petitioner. (3-19-99)

03. **Filed.** The petition shall be filed as set forth in Section 102 of these rules. (3-20-04)

105. LICENSE RENEWAL -- FILING DEADLINES; PETITIONS FOR EXTENSION OF TIME TO FILE; LAPSED LICENSES.

01. **Filing Deadline.** Applications for renewal of a license shall be filed by the last working day of the month in which the license expires. (3-20-04)

02. **Extension of Time.** A petition for an extension of time in which to renew shall be filed by the last working day of the month in which the license expires. The petition shall be accompanied by ~~the required fees~~ a fee in the amount of the prorated portion of the annual license fee for the class of license applied for, with a minimum fee of fifty dollars (\$50.). The fee for this service is required in addition to the licensing and renewal fees provided for in section 201 of these rules and shall be paid to the Division at the time of application for licensure. Petitions not accompanied by the required fees or filed after the license has expired will not be honored. (3-20-04)

i. The petition shall specify the number of days for which the extension is being requested. (3-20-04)

ii. Under no circumstances shall an extension exceed sixty (60) days. Petitions for more than sixty (60) days will not be honored. (3-20-04)

03. **Approval of Petition.** Approval of a petition for an extension of time shall authorize operation as a contractor until actual issuance of such renewal license for the ensuing licensing period, provided the application for renewal is filed with the Board within the extended time specified. (3-19-99)

04. **Failure to File.** If the licensee fails to file a timely application for renewal or petition for extension, the license shall lapse and expire on the last day of the license period. Licenses not renewed in a timely manner shall be considered delinquent for a period of one (1) year from the last day of the license period and may be renewed at any time during that year. Licenses delinquent for more than a period of one (1) year must be reinstated and the applicant for reinstatement must apply as if for a new license. (3-20-04)

05. Upon an applicant's request and payment of a fee of one hundred (\$100) dollars, the Division shall expedite its review and determination of a license application. The fee for this service is required in addition to the licensing and renewal fees provided for in section 201 of these rules and shall be paid to the Division at the time of application for licensure. (- -12)

106. SPECIAL PROVISIONS COVERED IN A PETITION TO CHANGE OR ADD TYPES OF CONSTRUCTION.

A petition to change or add types of construction shall be supported by evidence, satisfactory to the administrator, of work history, job performance, experience, equipment, financial responsibility, and a minimum of three (3) letters of reference. The evidence of work history, job performance, experience, and financial responsibility shall comply with the requirements of Subsections 110.01 and 110.02 of these rules. All of the evidence shall specifically pertain to work that is similar in scope and value to that for which the change or addition is being requested. (3-20-04)

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 06b Prorate Fee 60-Day Extension to Renew License

PRESENTER: Steve Keys

OBJECTIVE: Implement a fee to cover the difference between the renewal date and when the Division receives the company's financials.

ACTION: Vote to accept, reject, or modify the proposed rule change

BACKGROUND: Every year companies file a 60-day extension with the Division because their financials are not ready by their accountant. In order to eliminate this practice, DBS would like to channel the companies into changing their renewal dates to coincide with the financials, as well as charge a prorated fee based on their annual license fee to cover the 60-day extension.

PROCEDURAL HISTORY:

ATTACHMENTS: IDAPA 07.05.01.105.05



**IDAPA 07
TITLE 05
CHAPTER 01**

07.05.01 - RULES OF THE PUBLIC CONTRACTORS LICENSE BOARD

000. LEGAL AUTHORITY.

This chapter is adopted pursuant to Section 54-1907, Idaho Code, as amended. (3-20-04)

001. TITLE.

These rules shall be cited as IDAPA 07.05.01, "Rules of the Public Contractors License Board." (3-20-04)

002. INTENT.

The Board believes the legislature in providing the License Act and subsequent amendments thereto, intended to afford some protection to officials of units of government at all levels in their dealing with persons, firms or corporations engaging in the construction, reconstruction or repair of Public Works. The licensing of a person, firm or corporation as a "Public Works Contractor" is intended to provide the investing public body some assurance of the contractor's reputation, ability, qualifications, experience and financial responsibility. (3-20-04)

003. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of this chapter. (3-20-04)

004. ADMINISTRATIVE APPEALS.

The administrative procedures governing this chapter are outlined herein. (3-20-04)

005. -- 009. (RESERVED).

010. DEFINITIONS.

As used in these rules. (7-1-93)

01. Administrator. Refers to the administrator of the Division of Building Safety. (3-20-04)

02. Applicant. Shall mean any person who has filed an application with the administrator. (3-20-04)

03. Board. Refers to the Public Works Contractors License Board which is created within the Idaho Division of Building Safety as set forth in Title 54, Chapter 19, Idaho Code. (3-20-04)

04. Compiled. Refers to a type of financial statement in which the information presented is based solely upon representations by an organization's management. (3-20-04)

05. Estimated Cost. For the purposes of the application of Section 54-1903(i), Idaho Code, the term "estimated cost" shall refer to the total aggregate amount of the value of all the separate or individual jobs, parts, components, or undertakings involved in the construction of a single project when combined and considered as a whole, regardless of the types of trades, sub-contracts, work, or other individual aspects involved, and without regard to the number of trades or crafts that are involved. (3-29-10)

06. Financial Statement. A balance sheet and income statement prepared in accordance with generally accepted accounting principles. (3-20-04)

07. Incidental Work. Shall mean work, the nature of which does not require any additional trade licenses and which may be carried out in conjunction with an activity for which the licensee is licensed, but is not intended to produce an amount of income over ten percent (10%) of the total bid

amount. (3-20-04)

08. Independent Audit Report. A report prepared by an independent certified public accountant presenting such auditor's opinion on the fairness of the organization's financial statements and prepared in accordance with generally accepted auditing standards. (3-20-04)

09. Licensee. Includes any individual proprietor, partnership, limited liability partnership, limited liability company, corporation, joint venture, or other business organization holding a current, unrevoked public works contractor license. (3-20-04)

10. Petitioner. Shall mean: (7-1-93)

a. Any licensee who has filed with the Board a written request for the change or addition to the types of construction for which he is licensed; (7-1-93)

b. Any applicant or licensee requesting a rehearing in any proceeding or appealing from the final decision or order of the administrator or the Board; (3-20-04)

c. Any interested person requesting the promulgation, amendment or repeal of a rule; or (7-1-93)

d. Any interested person requesting a declaratory ruling on the applicability of the License Act or of any rule or order of the Board. (7-1-93)

11. Reviewed. Refers to a financial statement that is accompanied by the opinion of a certified public accountant stating that, based upon representations by the organization's management, the reviewer has a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements in order for the statements to be in accordance with generally accepted accounting principles. (3-20-04)

011. -- 099. (RESERVED).

100. BOARD OFFICE -- LOCATION, HOURS, MAILING ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER.

The address of the Board office, and its mailing address, is 1090 E. Watertower Street, Meridian, Idaho 83642. Office hours are from 8 a.m. until 5 p.m., daily. The office is closed on weekends and holidays. The Board telephone number is (208) 334-4057, and the facsimile number is (208) 855-9666. (3-20-04)

101. MEETINGS.

Meetings of the Board are subject to the Idaho Open Meeting Law, Title 67, Chapter 23, Idaho Code. (3-20-04)

102. COMMUNICATION.

All written communications, forms and documents concerning any matter covered by the Act or these rules shall be addressed to the administrator and not to members of the Board or staff. All communications are deemed officially received only when delivered to the Board office. Documents may be submitted by facsimile but not by other electronic or computerized means. (3-20-04)

103. PETITIONS.

An applicant or licensee seeking an order or decision of the administrator or the Board on any application or other matter, or in any disciplinary proceeding, must file a written petition. (3-20-04)

104. FORM AND CONTENT OF PETITION.

01. Form. The petition, including the heading, the name of the petitioner or person making the request, and the purpose of the petition shall be in substantially the following form: (3-20-04)

a. Paragraph 1 shall state the petitioner's name, address, and license number. (3-20-04)

b. Paragraph 2 shall state the petitioner's request in brief, precise and specific terms, including references to any pertinent statutes or rules, and shall provide a detailed explanation of the purpose for the request. (3-20-04)

c. Paragraph 3 shall contain the statements of fact to support the petitioner's request. Briefs and supporting documents may accompany petitions. (3-20-04)

02. **Dated and Signed.** The petition shall be dated and signed by the petitioner. (3-19-99)

03. **Filed.** The petition shall be filed as set forth in Section 102 of these rules. (3-20-04)

105. LICENSE RENEWAL -- FILING DEADLINES; PETITIONS FOR EXTENSION OF TIME TO FILE; LAPSED LICENSES.

01. **Filing Deadline.** Applications for renewal of a license shall be filed by the last working day of the month in which the license expires. (3-20-04)

02. **Extension of Time.** A petition for an extension of time in which to renew shall be filed by the last working day of the month in which the license expires. The petition shall be accompanied by ~~the required fees~~ a fee in the amount of the prorated portion of the annual license fee for the class of license applied for, with a minimum fee of fifty dollars (\$50.). The fee for this service is required in addition to the licensing and renewal fees provided for in section 201 of these rules and shall be paid to the Division at the time of application for licensure. Petitions not accompanied by the required fees or filed after the license has expired will not be honored. (3-20-04)

i. The petition shall specify the number of days for which the extension is being requested. (3-20-04)

ii. Under no circumstances shall an extension exceed sixty (60) days. Petitions for more than sixty (60) days will not be honored. (3-20-04)

03. **Approval of Petition.** Approval of a petition for an extension of time shall authorize operation as a contractor until actual issuance of such renewal license for the ensuing licensing period, provided the application for renewal is filed with the Board within the extended time specified. (3-19-99)

04. **Failure to File.** If the licensee fails to file a timely application for renewal or petition for extension, the license shall lapse and expire on the last day of the license period. Licenses not renewed in a timely manner shall be considered delinquent for a period of one (1) year from the last day of the license period and may be renewed at any time during that year. Licenses delinquent for more than a period of one (1) year must be reinstated and the applicant for reinstatement must apply as if for a new license. (3-20-04)

05. Upon an applicant's request and payment of a fee of one hundred (\$100) dollars, the Division shall expedite its review and determination of a license application. The fee for this service is required in addition to the licensing and renewal fees provided for in section 201 of these rules and shall be paid to the Division at the time of application for licensure. (- -12)

106. SPECIAL PROVISIONS COVERED IN A PETITION TO CHANGE OR ADD TYPES OF CONSTRUCTION.

A petition to change or add types of construction shall be supported by evidence, satisfactory to the administrator, of work history, job performance, experience, equipment, financial responsibility, and a minimum of three (3) letters of reference. The evidence of work history, job performance, experience, and financial responsibility shall comply with the requirements of Subsections 110.01 and 110.02 of these rules. All of the evidence shall specifically pertain to work that is similar in scope and value to that for which the change or addition is being requested. (3-20-04)

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 07

Deputy Administrator Report

PRESENTER: Steve Keys

OBJECTIVE: To report on the recent activities within the PWCL 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. 08a

Financial Report

PRESENTER: C. Kelly Pearce and Kirk Weiskircher

OBJECTIVE: Review the Financial Report for the PWCL Fund

ACTION: Informational

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

**PROCEDURAL
HISTORY:**

ATTACHMENTS: PWCL Board Financial Report to Follow





Division of Building Safety
PUBLIC WORKS CONTRACTORS LICENSING FUND
 Fiscal Year 2011 Financial Statements
 As of 5/31/2011

Statement of Revenues and Expenditures

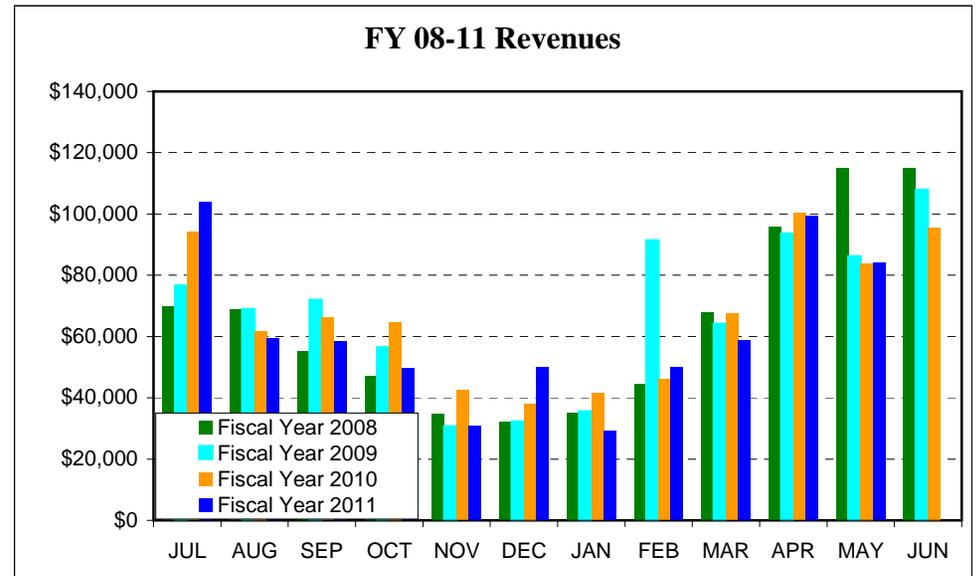
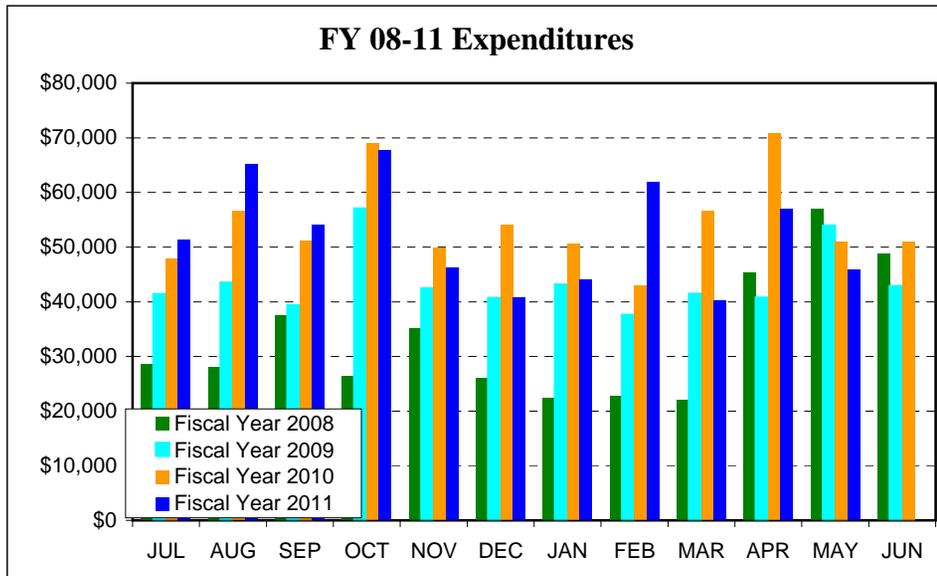
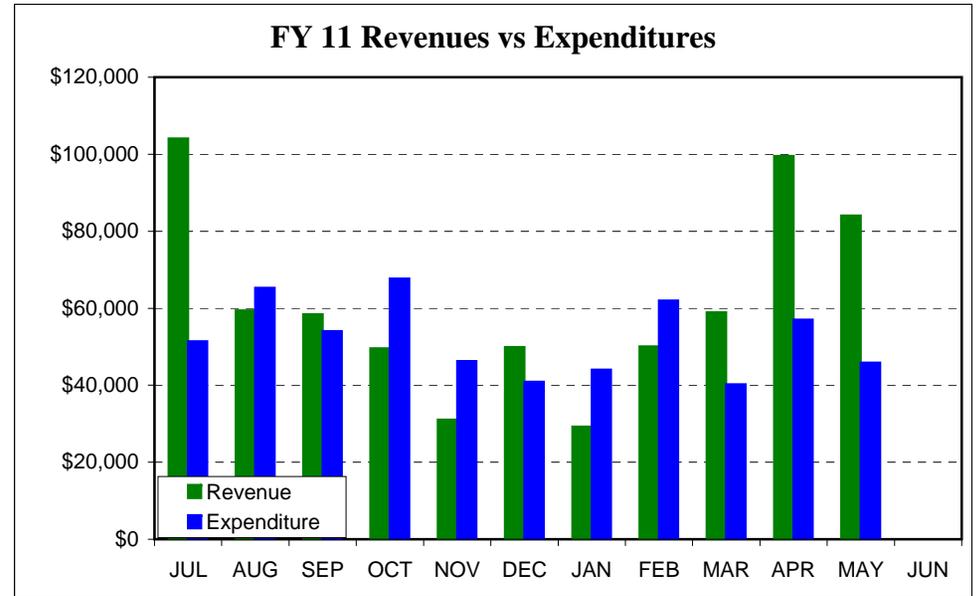
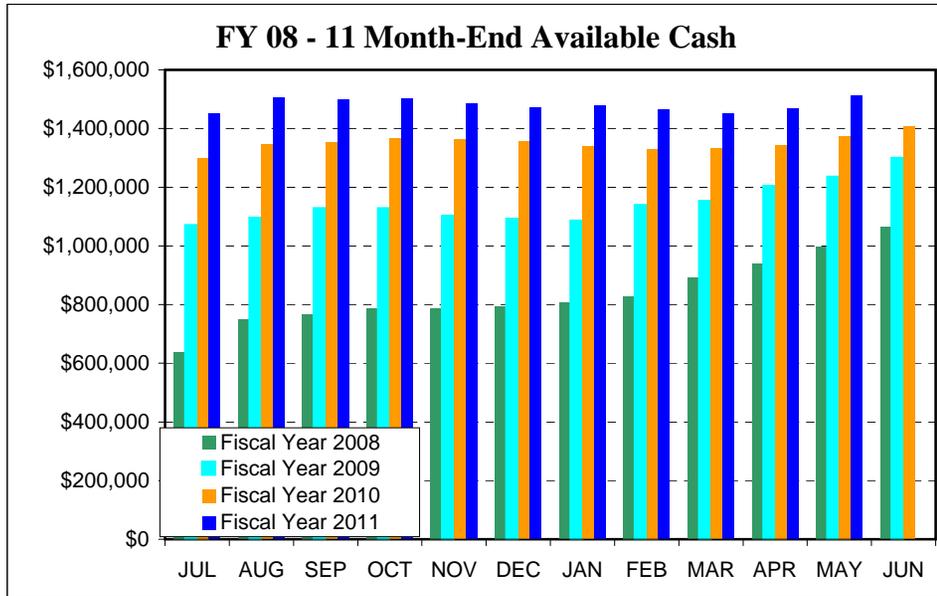
| Class | Budget | Fiscal Year To Date | YTD as a % of Budget * | Remaining Budget | Projected for Remainder of Projected Year | Projected Year End Totals | Projected Total as a % of Budget |
|--------------------|----------|---------------------|------------------------|------------------|---|---------------------------|----------------------------------|
| Revenues: | 650,000 | 673,864 | 103.7% | (23,864) | 80,000 | 753,864 | 116.0% |
| Expenditures | | | | | | | |
| Personnel: | 550,000 | 440,045 | 80.0% | 109,955 | 35,400 | 475,445 | 86.4% |
| Operating: | 100,000 | 126,859 | 126.9% | (26,859) | 8,000 | 134,859 | 134.9% |
| Capital: | 15,000 | 7,433 | 49.6% | 7,567 | 16,000 | 23,433 | 156.2% |
| Total Expenditures | 665,000 | 574,337 | 86.4% | 90,663 | 59,400 | 633,737 | 95.3% |
| Net for FY 2011 | (15,000) | 99,527 | | | 20,600 | 120,127 | |

Statement of Cash Balance

| Beginning Cash Available | Revenues | Expenditures and Encumbrances | Other Changes in Cash | Available Cash | Projected Change in Cash for Remainder of Year | Projected Year End Available Cash |
|--------------------------|----------|-------------------------------|-----------------------|----------------|--|-----------------------------------|
| 1,450,188 | 673,864 | (574,337) | 561 | 1,550,276 | 20,600 | 1,570,876 |

* Percent of Fiscal Year Completed 91.7%
 Percent of Pay Periods Completed 92.3%

PUBLIC WORKS CONTRACTORS LICENSING FUND



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 08b

Administrator Report

PRESENTER: C. Kelly Pearce

OBJECTIVE: Provide 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

