Introduction

The Idaho Division of Building Safety and Public Works Contractor Licensing Board offers this guide/update to Administrative Rules and Idaho Code for public entities.

54-1901. Legislative intent — Definitions. (1) The legislature finds that it is in the best interests of the people of the state of Idaho to establish a process for licensure of public works contractors to be administered through the Public Works Contractors License Board. To assure that experienced and qualified contractors provide services to public entities in Idaho, the board is charged with licensing as provided in this chapter. Effective licensing procedures should assure that contractors of integrity provide work for which they have specific experience and expertise and that public facilities are constructed and rebuilt by efficient and cost-effective means. Licensing should also protect the public health and safety through judicious exercise of investigative, disciplinary and enforcement activities.

The inclusion of the naming law into our statutes authorizes the Division to investigate and issue administrative assessments to general contractors for not naming the major sub-contractors in their bids. This includes electrical, plumbing, and HVAC contractors and general contractors self-performing work within these three categories.

Should you have any questions or if we can be of assistance please contact the Division of Building Safety office at

Idaho Division of Building Safety
1090 E. Watertower St., Ste. 150
Meridian, ID 83642
208-334-4057 or 1-800-358-6895
dbs.idaho.gov
**PUBLIC WORKS CONTRACTOR LICENSE**

**Public Works Construction Bidding**

- **$0 to $50,000**: No bidding requirements. IC 67-2803 (2)
- **$50,000 to $200,000**: Semi-formal bidding: Issue written requests for bids describing goods or services desired to at least 3 contractors. Allow 3 days for written response, unless an emergency exists; objections must be submitted no later than 1 business day PRIOR to bid. Keep records for 6 months. Accept low bid or reject all bids. IC 67-2805 (1)
- **$200,000 and above**: Formal bidding: 2 Options Category A & B. Category A – Open to all licensed contractors. Publication requirements. Written objections allowed 3 business days PRIOR to bid. Category B – Open to pre-qualified contractors. After pre-qualification is determined, the bidding process is done in the same manner as Category A to include filing objections. IC 67-2805(2)

**Public Works Contractor Licensure Exemptions**

- The sale of installation of any finished materials, goods or articles of merchandise NOT actually fabricated into and do not become a permanent fixed part of the structure. IC 54-1903 (4)
- Duly licensed architects, licensed engineers and land surveyors When acting solely in their professional capacity. IC 54-1903 (8)
- Less than $50,000 for construction, alteration, improvement or repair Single project with any number of trades. IC 54-1903 (9)

**Political Subdivisions/Public Officials Penalties**

- Administrative fine (not to exceed $5,000) (IPWCLB)
- Fine not to exceed five thousand dollars ($5,000) or jail for a term not to exceed one (1) year, or both
- Civil penalty up to $5,000 for each offense – Against a political subdivision (court)

Willful and knowing avoidance of competitive bidding or procurement statutes, “Bidding Splitting”. IC 59-1026

**Additional sections of Idaho Code that apply**: 67-2309, 67-2320 & Title 54 Chapter 19

**For questions contact**: Public Works Contractors Licensing 208-334-4057 or 1-800-358-6895
Idaho School Board Associations 208-854-1476
Idaho Dept. of Admin. Division of Public Works 208-332-1900
Idaho School Administrators Association 208-345-1171

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**INFORMATIONAL**

**Public Procurement of Goods and Services Bidding**

- **$0 to $50,000**: No bidding requirements. IC 67-2803 (2)
- **$50,000 to $100,000**: Semi-formal bidding: Issue written requests for bids describing goods or services desired to at least 3 vendors. Allow 3 days for written response, unless an emergency exists; objections must be submitted no later than 1 business day PRIOR to bid. Keep records for 6 months. Accept low bid or reject all bids. IC 67-2806 (1)
- **$100,000 and above**: Formal bidding: Publish bid at least 2 weeks in advance of bid opening. Make bid specifications available; written objections allowed. May request bid security/bond. Can reject all bids if able to purchase more economically in the open market. IC 67-2806 (2)

**Request for Proposal**

For procurement of goods or services for which fixed specifications might preclude discovery of a cost-effective solution, or a problem is amenable to several solutions, or price is not the sole determining factor. IC 67-2806A

**Public Procurement of Goods and Services Bidding (For information on exemptions see IC 67-2803)**

- **Personal Property**: Already competitively bid (piggy-backing). IC 67-2803 (1)
- Less than $50,000 Contracts or purchases of goods or services. IC 67-2803 (2)
- **Any Amount**: Payment of Wages. IC 67-2803 (3)
- **Any Amount**: Personal or professional services performed by an independent contractor (refer to info on qualifications in IC 67-2320). IC 67-2803 (4)
- **Any Amount**: Procurement of an interest in real property (lease or purchase). IC 67-2803 (5)
- **Any Amount**: Procurement of insurance. IC 67-2803 (6)
- **Any Amount**: Costs of Joint Powers participation. IC 67-2803 (7)
- **Any Amount**: Emergency Expenditures. IC 67-2808 (1)

**Types of Public Works Licenses & requirements**

<table>
<thead>
<tr>
<th>License Class</th>
<th>License Fee</th>
<th>Work History Project Amounts</th>
<th>Current Net Worth</th>
<th>Current Working Capital</th>
<th>Bid Limit per Project</th>
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<td>$1 million</td>
<td>$600,000</td>
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<td>No minimum dollar amount</td>
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<td>$3,000</td>
<td>$50,000 or less</td>
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**For Idaho School Administrators Association 208-345-1171**

**Additio...**

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