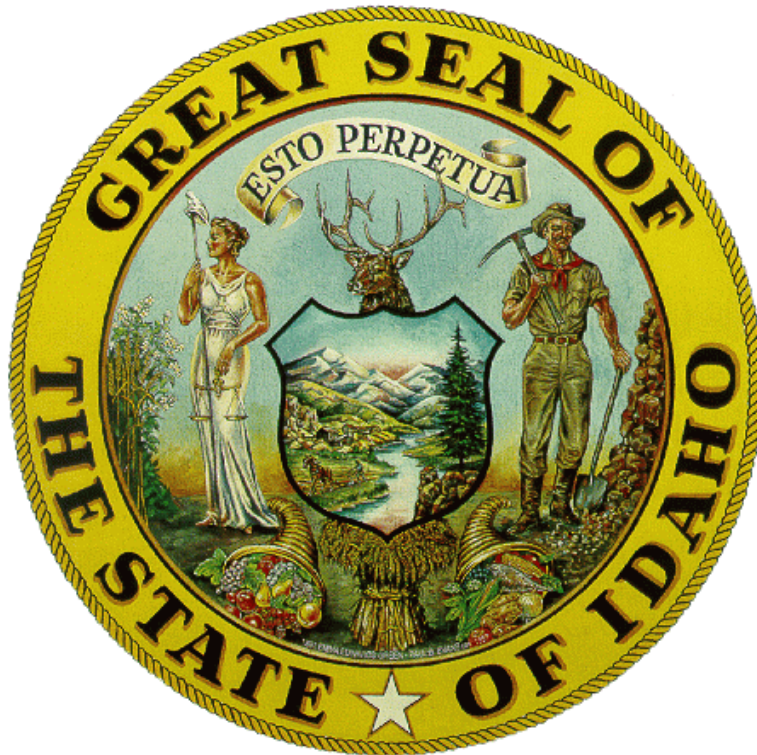


DIVISION OF BUILDING SAFETY

PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING

APRIL 11, 2016



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 01

Agenda

PRESENTER: Jim Roletto, Chairman

OBJECTIVE: Approve agenda for the April 11, 2016 PWCL Board meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: 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
1250 Ironwood Drive, Suite 220, Coeur d'Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello
dbs.idaho.gov - (208) 332-7137**

***Monday, April 11, 2016
9:30 a.m. - 12:00 p.m. (MDT)***

(Note: North Idaho - Meeting Commences @ 8:30 a.m. PDT)

-
- 9:30 a.m. CALL TO ORDER** - Jim Roletto, Chairman
- Roll Call & Introductions
 - Open Forum

CONSENT AGENDA

1. Approval of the April 11, 2016 Agenda
2. Approval of the January 11, 2016 Board Meeting Minutes
3. Approval of the February 18, 2016 Special Board Meeting Minutes
4. Approval of the March 15, 2016 Special Board Meeting Minutes
5. Approval of the March 29, 2016 Special Board Meeting Minutes

INFORMATIONAL AGENDA

6. Public Works Classification 13800 - Sean Roche, Control Sentries
7. Temporary Reduction of License Fees - Steve Keys
8. Board-Related Legislation - C. Kelly Pearce
9. Compliance Program Report - Terry Blessing
10. Operational Report - Steve Keys
11. Administrator Report - C. Kelly Pearce
 - a. Financial Report - Fred Sisneros

12:00 p.m. ADJOURN

All times, other than beginning, are approximate and are scheduled according to Mountain Daylight Savings Time (MDT), unless otherwise noted. Agenda items may shift depending on the PWCL Board preference. 04/04/2016

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 02

Minutes

PRESENTER: Jim Roletto, Chairman

OBJECTIVE: Approve minutes from the January 11, 2016 PWCL Board meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Draft minutes



**PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING**

Monday - January 11, 2016 - 9:30 a.m. (MT)

**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 1, Suite 4, Pocatello, Idaho**

***DRAFT MINUTES OF THE JANUARY 11, 2016 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.

Vice-Chairman Roletto called the meeting to order at 9:30 a.m. (MT)

Board Members Present:

Jim Roletto, Vice-Chairman
Joe Jackson
Evan Goodwin
Robbie Austin
Brian Bailey
Garry Tolley
Chuck Graves

DBS Staff Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator-Operations
Ron Whitney, Deputy Administrator-Administration
Patrick Grace, Deputy Attorney General
Fred Sisneros, Financial Manager
Bill Hatch, Public Information Officer
Larry Jeffres, Regional Manager, Region 1
Chris Jensen, Regional Manager, Region 3
Terry Blessing, Compliance Program Supervisor
Chuck Knapp, Regional Supervisor, Region 1
Gary Sonnen, Regional Supervisor, Region 1
Adam Bowcutt, Regional Supervisor, Region 3
Renee Bryant, Administrative Assistant 2/Board Secretary

◆ **Recognition**

John Sheldon was recognized for his years of service on the Board with a commemorative plaque.

◆ **Introduction**

Chuck Graves, Construction Manager Representative, was welcomed to the Board as the newest member.

◆ **Open Forum**

No items or concerns were brought forth.

◆ **Approval of January 11, 2016 Agenda**

MOTION: Garry Tolley made a motion to approve the agenda as presented. Joe Jackson seconded. All in favor, motion carried.

◆ **Approval of October 5, 2015 Board Meeting Minutes**

MOTION: Joe Jackson made a motion to approve the minutes as written. Brian Bailey seconded. All in favor, motion carried.

◆ **Election of Officers**

By statute, the election of officers is held at the April meeting. With the departure of Chairman Sheldon, it was requested elections be held at this meeting.

Chairman

MOTION: Brian Bailey made a motion to nominate Jim Roletto for chairman. Garry Tolley seconded. All in favor, motion carried.

Vice-Chairman

MOTION: Jim Roletto made a motion to nominate Joe Jackson for vice-chairman. Brian Bailey seconded. All in favor, motion carried.

◆ **Compliance Program Report**

Beginning April 5, 2016, the Compliance Program Supervisor will provide public works classes in all 44 counties.

◆ **Operational Report**

Quarterly PWCL License Report - The Quarterly PWCL Board report was reviewed.

Idaho School Board Association (ISBA) Meeting - In November 2015, the Division met with the ISBA in northern Idaho to discuss a construction manager/general contractor licensing bill. The Association of General Contractors is the originator of the proposed legislation.

Temporary Reduction of License Fees - When the 2016 legislature adjourns, the temporary rule to reduce renewal fees by 20 percent will be null and void. The Board was asked to consider how it would like to approach this issue; readdressing this topic at the April 2016 meeting.

ACTION: The topic *Temporary Reduction of License Fees* will be placed on the agenda for the April meeting as an informational item.

Damage Prevention Board - The underground utility industry has made another attempt to put before the 2016 legislature a bill that would create an 11 member board. Should the bill become law, the Board would be housed at the DBS. The purpose of the Board is to reduce damages to underground facilities and to promote excavation safety practices through education directed toward excavators, underground facility owners and the public-at-large.

◆ **Administrator Report**

Financial Report - The FY 2016 financial statements, November and December 2015, for the Public Works Contractors License Fund were reviewed.

Legislation - Based upon the recent Supreme Court decision with regard to anti-trust law, draft legislation was submitted to the 2016 legislature by the Governor's office. The proposal would allow the Governor more discretion when appointing board members, as well as delegate a consumer member to every licensing professional board.

The Administrator offered to provide additional information on the legislation at the April board meeting.

ACTION: The topic *Legislation* will be placed on the April 2016 board meeting agenda as an informational item.

City of Meridian - The Division has expanded its services with the city of Meridian to include building inspections and plan reviews.

Shoshone-Bannock Casino - The Region 3 Regional Manager provided an update on the anticipated expansion of the Shoshone-Bannock Casino in Blackfoot, Idaho.

FMC Plant - The former FMC plant site, west of Pocatello, will be the largest fertilizer storage and distribution center in Idaho. It is estimated the cost to build will be \$30 million dollars.

State-of-the-State Address - Today, the Governor will deliver his annual State-of-the-State to open the 2016 Idaho Legislative Session.

Dedicated Fund Agency - The Division is a dedicated fund agency. The Administrator explained what a dedicated fund agency is and the revenue source in which the Public Works Program is solely funded.

◆ **Adjournment**

MOTION: Garry Tolley made a motion to adjourn the meeting. Joe Jackson seconded. All in favor, motion carried.

The meeting adjourned at 10:05 a.m. (MT).

JIM ROLETTO, 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 PWCL Board. 02/26/2016rb

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 03

Minutes

PRESENTER: Jim Roletto, Chairman

OBJECTIVE: Approve minutes from the February 18, 2016 Special PWCL Board meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Draft minutes



**PUBLIC WORKS CONTRACTORS LICENSE BOARD
SPECIAL TELECONFERENCE MEETING**

Thursday - February 18, 2016 - 3:00 p.m. (MST)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian, Idaho**

***DRAFT MINUTES OF THE FEBRUARY 18, 2016 SPECIAL 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 Roletto called the meeting to order at 3:04 p.m. (MST)

Board Members Present:

Jim Roletto, Chairman
Garry Tolley
Evan Goodwin
Robbie Austin
Brian Bailey
Chuck Graves

DBS Staff Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator-Operations
Ron Whitney, Deputy Administrator-Administration
Patrick Grace, Deputy Attorney General
Bill Hatch, Public Information Officer
Larry Jeffres, Regional Manager, Region 1
Chris Jensen, Regional Manager, Region 3
Terry Blessing, Compliance Program Supervisor
Renee Bryant, Administrative Assistant 2/Board Recorder

Board Members Absent:

Joe Jackson, Vice-Chairman

◆ **Appeal Review - Hearing Officer Vs. Board**

Based on the result of action taken under Title 67 Chapter 28, Idaho Code, by the Caldwell City Council, the Division received an appeal from a public works contractor. The provision in question relates to the contractor prequalification requirements on the Solids Handling and Digestion Improvements project at the Caldwell Wastewater Treatment Plant.

Idaho Code § 67-2805(3)(b)(iv) states in part, "The public works contractors license board shall decide any such appeal within thirty-five (35) days of the filing of a timely appeal." Two options were provided on how to proceed with the appeal: 1) The Board would hear the appeal directly, OR 2) Appoint a hearing officer to take evidence, hear the arguments of the appeal and issue a recommended order in which the Board would make a final decision.

Based on the time frame and complication of the appeal, the Board decided to hire a hearing officer.

MOTION: Garry Tolley made a motion to appoint a hearing officer to review the contractor's prequalification and provide a recommendation to the Board for a final decision on the appeal. Chuck Graves seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will create the appropriate documentation for the Chairman's signature; providing copies to the hearing officer, as well as to the appellant and respondent's representatives.

◆ **Bonneville School District and CM/GC Contract**

The Division received a complaint with regard to the Bonneville School District's solicitation of a Construction Manager/General Contractor (CM/GC).

The Deputy Administrator-Operations provided a brief synopsis of the allegation/complaint. Authority relative to construction managers and enforcement proceedings resides with the Board. Therefore, for any action to be taken, the Board must provide a directive to the DBS.

Dan Pratt, Vice-President, and Joe McAllister, General Council, Hughes General Contractors, Inc., explained their work history, as well as the company's experience in construction management.

The Administrator recused himself from the Executive Session; stating in a private capacity he is engaged in a contract with Bateman Hall.

MOTION: Garry Tolley made a motion that the Board, pursuant to Idaho Code § 74-206, convene into executive session to communicate with legal counsel regarding pending/imminently-likely litigation [Idaho Code § 74-206(1)(f)]. Chuck Graves seconded. Roll call vote: Evan Goodwin, aye; Garry Tolley, aye; Jim Roletto, aye; Chuck Graves, aye; Brian Bailey, aye; and Robbie Austin, aye. All in favor, motion carried.

◆ **Executive Session**

Pursuant to Idaho Code § 74-206(1)(f), an Executive Session was held with the following individuals: Board Members Roletto, Tolley, Graves, Goodwin, Bailey, and Austin, Deputy Administrator-Operations Keys, Deputy Attorney General Grace and Board Recorder Bryant.

The Board discussed with legal counsel its legal opinions, as well as legal consequences and risks associated with the current CM licensing controversy.

MOTION: Garry Tolley made a motion to close out of Executive Session and return to the regular session. Brian Bailey seconded. All in favor, motion carried.

◆ **Bonneville School District and CM/GC Contract (Cont'd)**

The Chairman asked for a motion.

MOTION: Garry Tolley made a motion to direct the DBS to gather additional information about the response by Hughes General Contractor to the RFQ in the next seven (7) business days, and then reconvene to make a final determination. Brian Bailey seconded. All in favor, motion carried.

For clarification, the Board would like to review the following documentation: 1) Statement of Facts from the Division's standpoint, 2) Opinion from the Deputy Attorney General's perspective, and 3) The Idaho Association of General Contractors letter clarifying their position on this issue.

The Administrator asked, and Hughes General Contractors, Inc., offered to provide a written summary on the information they presented at today's meeting.

Upon review of all documentation, the Board will reconvene and make a decision.

ACTION: The Division and Deputy Attorney General will provide additional information to the Board within seven (7) business days.

◆ **Adjournment**

MOTION: Chuck Graves made a motion to adjourn the meeting. Evan Goodwin seconded. All in favor, motion carried.

The meeting adjourned at 5:38 p.m. (MST).

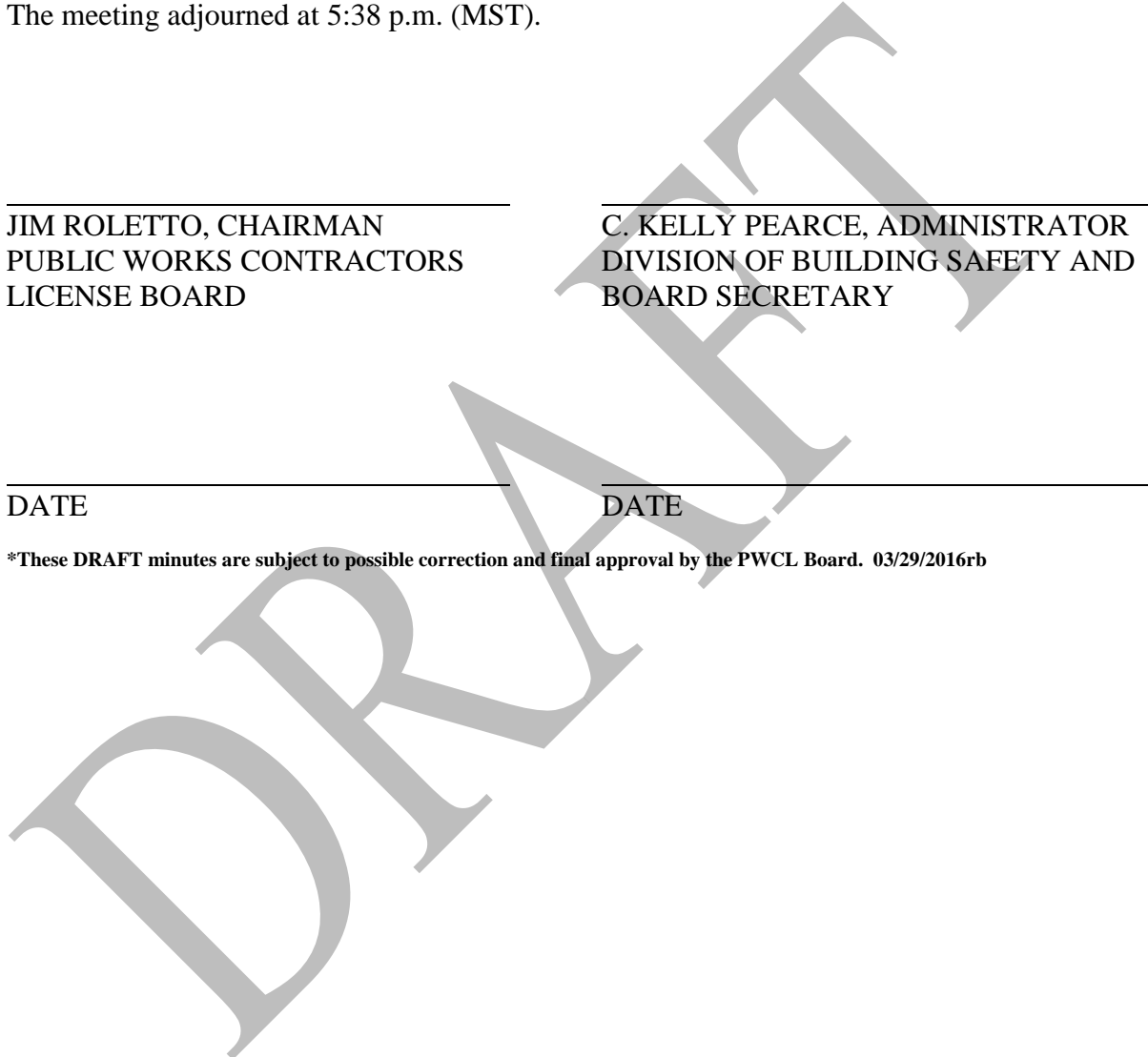
JIM ROLETTO, CHAIRMAN
PUBLIC WORKS CONTRACTORS
LICENSE BOARD

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY AND
BOARD SECRETARY

DATE

DATE

*These DRAFT minutes are subject to possible correction and final approval by the PWCL Board. 03/29/2016rb



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 04

Minutes

PRESENTER: Jim Roletto, Chairman

OBJECTIVE: Approve minutes from the March 15, 2016 Special PWCL Board meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Draft minutes



**PUBLIC WORKS CONTRACTORS LICENSE BOARD
SPECIAL VIDEOCONFERENCE MEETING**

Tuesday - March 15, 2016 - 10:00 a.m. (MDT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello**

***DRAFT MINUTES OF THE MARCH 15, 2016 SPECIAL 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 Roletto called the meeting to order at 10:00 a.m. (MDT)

Board Members Present:

Jim Roletto, Chairman
Joe Jackson, Vice-Chairman
Evan Goodwin
Robbie Austin
Brian Bailey
Chuck Graves

DBS Staff Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator-Operations
Ron Whitney, Deputy Administrator-Administration
Patrick Grace, Deputy Attorney General
Bill Hatch, Public Information Officer
Larry Jeffres, Regional Manager, Region 1
Chris Jensen, Regional Manager, Region 3
Chuck Knapp, Regional Supervisor, Region 1
Gary Sonnen, Regional Supervisor, Region 1
Adam Bowcutt, Regional Supervisor, Region 3
Terry Blessing, Compliance Program Supervisor
Renee Bryant, Administrative Assistant 2/Board Recorder

Board Members Absent:

Garry Tolley

◆ **Industrial Builders/City of Caldwell**

As instructed at the February 18th special PWCL Board meeting, a hearing officer was appointed to review the Industrial Builders, Inc. appeal. Within the required 35-day period, the Hearing Officer provided, and the Board received, a Recommended Order.

During this procedure, the Deputy Attorney General became aware of conflicting time frames between Idaho Code §§ 67-2805[3][b][iv] and 67-5243[3] as they pertain to the governing of appeal processes.

The Board was prepared to meet the statutory obligation and make a decision. However, with the discrepancies in procedural rules, the Board agreed to allow the parties to file, if any, reconsideration (14 days) or exceptions (21 days) before making a final decision.

To avoid future issues, it was suggested the Board and DBS review Idaho Code § 67-2805[3][b][iv] for possible changes.

ACTION: At a future meeting, the Division will bring proposed changes to Idaho Code § 67-2805[3][b][iv] as it pertains to the PWCL appeal process.

MOTION: Joe Jackson made a motion for the Board to delay its final decision until the reconsideration time frame expires. Chuck Graves seconded. All in favor, motion carried.

◆ **Bonneville School District/Hughes General Contractors, Inc.**

There was an inquiry for the Board to go into a special hearing to discuss this matter internally. An Executive Session, if needed, was noticed up on the agenda.

MOTION: Chuck Graves made a motion the Board, pursuant to Idaho Code § 74-206, convene into Executive Session to communicate with legal counsel regarding pending or imminently-likely litigation [Idaho Code § 74-20a]. Brian Bailey seconded. Roll call vote: Robbie Austin, yes; Brian Bailey, yes; Chuck Graves, yes; Evan Goodwin, yes; Joe Jackson, yes and Jim Roletto, yes. All in favor, motion carried.

◆ **Executive Session**

Pursuant to Idaho Code § 74-206(1)(f), an Executive Session was held with the following individuals: Board Members Roletto, Jackson, Graves, Goodwin, Bailey, and Austin, Administrator Pearce, Deputy Administrator-Operations Keys, Deputy Attorney General Grace, and Board Recorder Bryant.

The Board discussed with legal counsel the written analysis provided to it by counsel. Included in the analysis was legal ramifications, legal opinions and risks associated with the CM licensing controversy pending before it, which was imminently likely to be litigated.

MOTION: Chuck Graves made a motion to conclude the Executive Session and return to the regular session. Joe Jackson seconded. All in favor, motion carried.

◆ **Bonneville School District/Hughes General Contractors, Inc. (Cont'd)**

Board members Jackson, Graves and Goodwin recused themselves from voting on this topic. To the extent that action was required to reflect the inability to proceed with this matter, the Chairman asked for a motion among the remaining members.

MOTION: Brian Bailey made a motion that the Board drop the matter entirely as it relates to the school district and Hughes General Contractors, Inc. Robbie Austin Seconded. All in favor, motion carried.

◆ **Adjournment**

MOTION: Chuck Graves made a motion to adjourn the meeting. Joe Jackson seconded. All in favor, motion carried.

The meeting adjourned at 11:33 a.m. (MDT).

JIM ROLETTO, CHAIRMAN
PUBLIC WORKS CONTRACTORS
LICENSE BOARD

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY AND
BOARD SECRETARY

DATE

DATE

*These DRAFT minutes are subject to possible correction and final approval by the PWCL Board. 03/29/2016rb

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 05

Minutes

PRESENTER: Jim Roletto, Chairman

OBJECTIVE: Approve minutes from the March 29, 2016 Special PWCL Board meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Draft minutes



**PUBLIC WORKS CONTRACTORS LICENSE BOARD
SPECIAL TELE/VIDEOCONFERENCE MEETING**

Tuesday - March 29, 2016 - 1:30 p.m. (MDT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello**

***DRAFT MINUTES OF THE MARCH 29, 2016 SPECIAL 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 Roletto called the meeting to order at 1:30 p.m. (MDT)

Board Members Present:

Jim Roletto, Chairman
Joe Jackson, Vice-Chairman
Evan Goodwin
Robbie Austin
Brian Bailey
Chuck Graves

Board Members Absent:

Garry Tolley

DBS Staff Present:

Steve Keys, Deputy Administrator-Operations
Ron Whitney, Deputy Administrator-Administration
Patrick Grace, Deputy Attorney General
Bill Hatch, Public Information Officer
Larry Jeffres, Regional Manager, Region 1
Chris Jensen, Regional Manager, Region 3
Chuck Knapp, Regional Supervisor, Region 1
Gary Sonnen, Regional Supervisor, Region 1
Renee Bryant, Administrative Assistant 2/Board Recorder

DBS Staff Present:

C. Kelly Pearce, Administrator

◆ **Industrial Builders/City of Caldwell**

The Chairman briefly explained the processes taken on the Industrial Builders' appeal. As stated at the March 15, 2016 meeting, all parties have 14 days to file a petition for reconsideration of the Recommended Order. The 14 days have expired; therefore, this special meeting was held for the Board to make a final decision.

MOTION: Joe Jackson made a motion to adopt the Hearing Officer's Recommended Order to include the statement of the case, factual findings and conclusions of law. Chuck Graves seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will draft a Final Order for the Chairman's signature.

◆ **Bonneville School District/Hughes General Contractors, Inc.**

There have been concerns expressed with regard to the Open Meeting Law and whether the Board was in violation at its May 15th meeting. The Board does not believe, nor intended, to violate those laws. During the Executive Session the Board discussed the written analysis

provided to it by counsel. No final decisions, votes or polls were made during that time. The Open Meeting statutes permit for a curative action. Therefore, this meeting was scheduled to take care of any actions thought to be in violation.

With possible connections to this appeal, Board members Jackson, Graves and Goodwin recused themselves from voting on this matter.

Although the Board did not have a quorum, the three remaining board members were in agreement to drop any thoughts of disciplinary action against Hughes General Contractors, Inc.

At the March 15, 2016 meeting, all participating board members were subject to the Open Meeting Law and possible violation. Therefore, it is appropriate for the same members to be involved in the decision to void the previous meeting's actions.

MOTION: Joe Jackson made a motion to make null and void any decisions made at the March 15, 2016 Special PWCL Board meeting related to the Hughes General Contractors, Inc. issue. Chuck Graves seconded. All in favor, motion carried.

◆ **Adjournment**

MOTION: Chuck Graves made a motion to adjourn the meeting. Brian Bailey seconded. All in favor, motion carried.

The meeting adjourned at 1:50 p.m. (MDT).

JIM ROLETTO
CHAIRMAN
PUBLIC WORKS CONTRACTORS
LICENSE BOARD

STEVE KEYS
DEPUTY ADMINISTRATOR-OPERATIONS
DIVISION OF BUILDING SAFETY

DATE

DATE

*These DRAFT minutes are subject to possible correction and final approval by the PWCL Board. 04/01/2016rb

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 06

Public Works Classification 13800

PRESENTER: Sean Roche, Control Sentries

OBJECTIVE: Provide a clearer definition to PWCL Classification 13800
“Instrumentation and Controls”.

ACTION: Informational

BACKGROUND: See attached e-mail from Mr. Roche

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Sean Roche correspondence and IDAPA 07.05.01.200.104



From: Sean Roche [mailto:sean@controlsentries.com]
Sent: Thursday, March 17, 2016 11:24 AM
To: Renee Bryant
Subject: Fwd: Public works classification 13800.

Renee,

Please find the attached e-mail sent previously to Mr. Keys.

Thanks for taking time to discuss the means and mechanisms involved to get my concerns heard and addressed.

Please let me know if, where and when there is a meeting that I can present or be involved with regarding this matter.

Sincerely,

Sean Roche

Control Sentries
2630 N. Duane Dr.
Meridian, ID 83646
p. [208-350-6560](tel:208-350-6560)
f. [866-596-2108](tel:866-596-2108)
c. [208-573-0356](tel:208-573-0356)

----- Forwarded message -----

From: Sean Roche <sean@controlsentries.com>
Date: Sun, Mar 13, 2016 at 11:28 PM
Subject: Public works classification 13800.
To: steve.keys@dbs.idaho.gov

Dear Mr. Keys,

I was hoping that I could get a little clearer definition on what specifically a contractor with category 13800 can and can't perform on a publicly funded project. It seems apparent that contractors that carry the 13800 category are able to bid anything they want related to controls regardless of electrical, mechanical or HVAC experience or licensing. One would reason that, if a company specializes in the design, installation and service of a product, that same company would carry the appropriate licenses to support such activities. After all, these terms are required by every DPW contract written.

So, my question is, how can a company that does not support an electrical, specialty electrical limited energy or HVAC license avail itself the privilege of serving the tax payers of Idaho on these publicly funded projects for work that involves such trades? Am I to be held to a higher standard than some of the other larger contractors that preform work in the same fields? It seems a little unfair that this rule or definition has not been

properly addressed even though it has been a topic of controversy in the past. It appears that the larger corporations that have a large stake in the business are benefiting simply based upon what has been acceptable in the past and not on what should be required of all. There presently is no means or mechanisms by which to monitor or police companies that blatantly violate the rules, codes and regulations of this state in such manner.

With this said, how would I go about affecting a change to the definitions of IDAPA as they relate to public works category 13800. Requirements that need to be changed in order to standardize and level the playing field between vendors? How might the legal requirements on publicly as well as privately let projects that claim work in this category be made know and enforced? Who is the policing authority currently responsible for the enforcement of such violations? What are the penalties for violations?

Thank you in advance for answers and attention to this matter.

Sincerely,

-

Sean Rocke

Control Sentries
2630 N. Duane Dr.
Meridian, ID 83646
p. [208-350-6560](tel:208-350-6560)
f. [866-596-2108](tel:866-596-2108)
c. [208-573-0356](tel:208-573-0356)

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95. 12490 Window, Wall Coverings, Drapes and Blinds. A specialty contractor whose primary business includes the installation of decorative, architectural or functional window glass treatments or covering products or treatments for temperature control or as a screening device. (4-6-05)

96. 13110 Cathodic Protection. A specialty contractor whose primary business is the prevention of corrosion by using special cathodes and anodes to circumvent corrosive damage by electric current. (4-6-05)

97. 13121 Pre-Manufactured Components and Modular Structures. A specialty contractor whose primary business includes the moving, setup, alteration or repair of pre-manufactured components, houses or similar modular structures. (4-6-05)

98. 13125 Pre-Engineered Building Kits. A specialty contractor whose primary business includes the assembly of pre-engineered building kits or structures obtained from a single source. This category is limited to assembly only of pre-engineered metal buildings, pole buildings, sunrooms, geodesic structures, aluminum domes, air supported structures, manufactured built greenhouses or similar structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating or cooling, or electrical work. (4-6-05)

99. 13150 Swimming Pools and Spas. A specialty contractor whose primary business includes the ability to construct swimming pools, spas or hot tubs including excavation and backfill of material, installation of concrete, Gunitite, tile, pavers or other special materials used in pool construction. This category shall also include the installation of heating and filtration equipment, using those trades or skills necessary for installing the equipment, which may require other licenses including electrical and plumbing. (4-6-05)

100. 13165 Aquatic Recreational Equipment. A specialty contractor whose primary business includes the ability and expertise to design, fabricate and erect water slides and water park equipment and structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating, cooling or electrical work. (4-6-05)

101. 13201 Circular Prestressed Concrete Storage Tanks (Liquid and Bulk). A specialty contractor whose primary business is the construction of circular prestressed concrete structures post-tensioned with circumferential tendons or wrapped circular prestressing. (4-6-05)

102. 13280 Hazardous Material Remediation. A specialty contractor whose primary business includes the ability and expertise to safely encapsulate, remove, handle or dispose of hazardous materials within buildings, including but not limited to asbestos, lead and chemicals. Contractors must be properly licensed and certified. (4-6-05)

103. 13290 Radon Mitigation. A specialty contractor whose primary business and expertise includes the detection and mitigation of Radon gas. (4-6-05)

104. 13800 Instrumentation and Controls. A specialty contractor whose primary business includes the installation, alteration or repair of instrumentation and control systems used to integrate equipment, sensors, monitors' controls and mechanical operators for industrial processes, building equipment, mechanical devices and related equipment. (4-6-05)

105. 13850 Alarm Systems. A specialty contractor whose primary business includes the installation, alteration and repair of communication and alarm systems, including the mechanical apparatus, devices, piping and equipment appurtenant thereto (except electrical). (4-6-05)

106. 13930 Fire Suppression Systems (Wet and Dry-Pipe Sprinklers). A specialty contractor whose primary business includes the ability and expertise to lay out, fabricate and install approved types of Wet-Pipe and Dry-Pipe fire suppression systems, charged with water, including all mechanical apparatus, devices, piping and equipment appurtenant thereto. Licensure with State Fire Marshal is required. (4-6-05)

107. 13970 Fire Extinguisher and Fire Suppression Systems. A specialty contractor whose primary business is the installation of pre-engineered or pre-manufactured fixed chemical extinguishing systems primarily used for protecting kitchen-cooking equipment and electrical devices. Contractor also furnishes, installs and

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 07

Temporary Reduction of License Fees

PRESENTER: Steve Keys, Deputy Administrator-Operations

OBJECTIVE: Reduce license fees to steady the fund balance.

ACTION: Informational

BACKGROUND: April 2015 - The Board's revenue is in excess of its expenditures. To slow down, and hopefully make the fund balance steady rather than continue to expand, the Division would like to promulgate a temporary rule; reducing fees on a temporary basis.

January 2016 - When the 2016 legislature adjourns, the temporary rule to reduce renewal fees by 20 percent will be null and void. The Board was asked to consider how it would like to approach this issue; readdressing this topic at the April 2016 meeting.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 08

Board-Related Legislation

PRESENTER: C. Kelly Pearce, Administrator

OBJECTIVE: Update the Board on the Governor's proposed legislation with regard to Idaho Boards.

ACTION: Informational

BACKGROUND: January 2016 - Based upon the recent Supreme Court decision with regard to anti-trust law, draft legislation was submitted to the 2016 legislature by the Governor's office. The proposal would allow the Governor more discretion when appointing board members, as well as delegate a consumer member to every licensing professional board.

The Administrator offered to provide additional information on the legislation at the April board meeting.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 09

Compliance Program Report

PRESENTER: Terry Blessing, Compliance Program Supervisor

OBJECTIVE: Provide an update on the statewide compliance 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. 10

Operational Report

PRESENTER: Steve Keys, Deputy Administrator-Operations

OBJECTIVE: Provide an update on the daily operations of the PWCL Program and Division.

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. 11

Administrator Report

PRESENTER: C. Kelly Pearce, Administrator

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



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 11a

Financial Report

PRESENTER: Fred Sisneros, Financial Manager

OBJECTIVE: Review the PWCL Financial Report.

ACTION: Informational

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

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Financial Report





Division of Building Safety
PUBLIC WORKS CONTRACTORS LICENSING FUND 0229-07
 Fiscal Year 2016 Financial Statements
 As of 02/29/2016

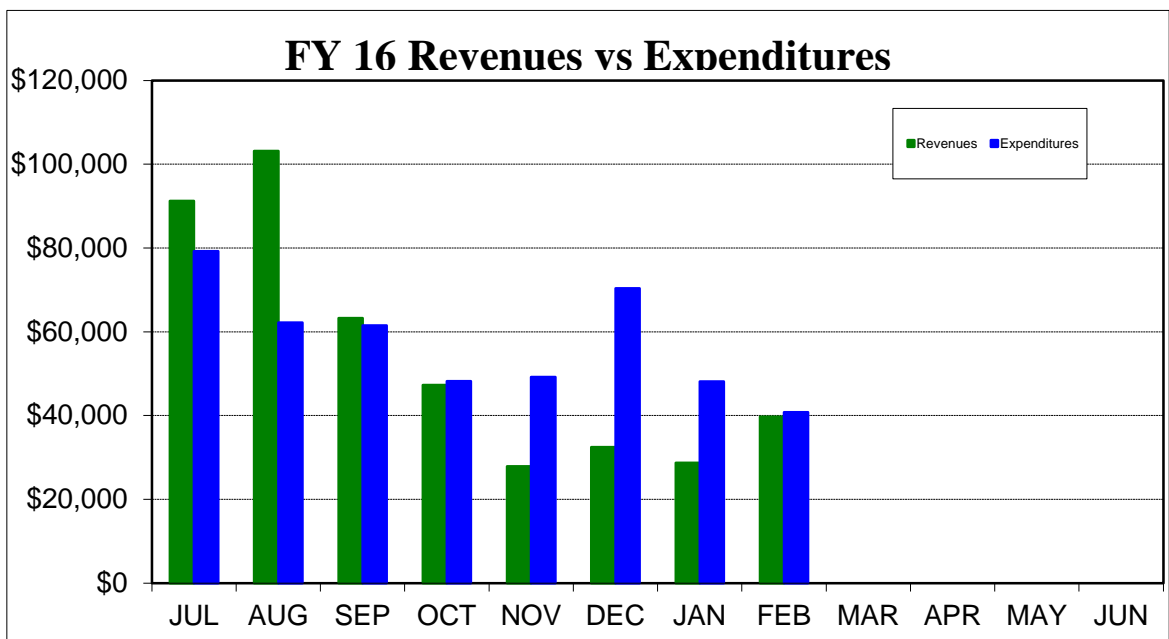
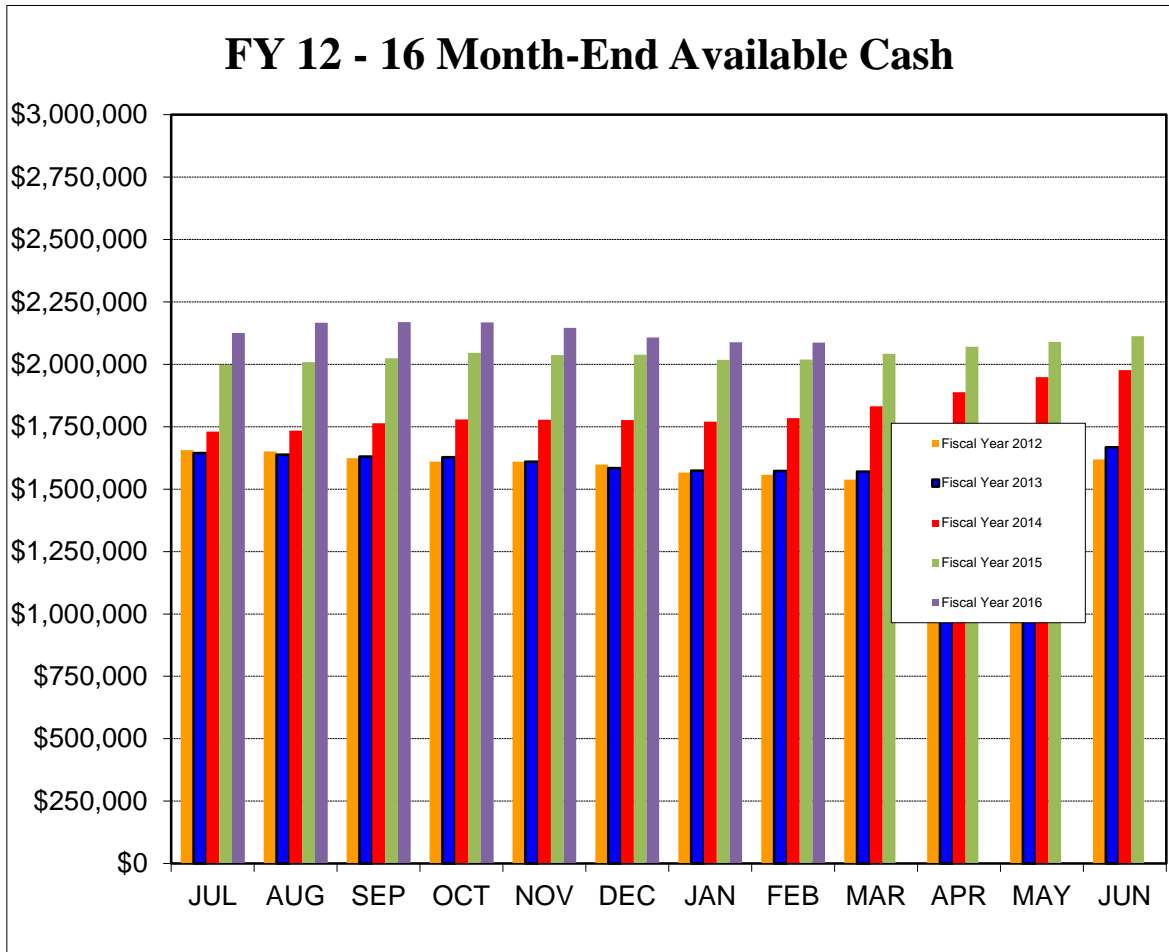
Statement of Revenues and Expenditures

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:	739,000	433,839	58.7%	305,161	309,302	743,141	100.6%
Expenditures							
Personnel:	427,000	335,288	78.5%	91,712	167,644	502,932	117.8%
Operating:	146,000	104,716	71.7%	41,284	44,456	149,172	102.2%
Capital:	23,800	19,690	82.7%	4,110	4,110	23,800	100.0%
Total Expenditures	596,800	459,695	77.0%	137,105	216,210	675,904	113.3%
Net for FY 2016	142,200	(25,855)			93,092	67,237	

Statement of Cash Balance

July 1, 2015 Beginning Cash Available	Fiscal Year to Date Revenues	Fiscal Year to Date Expenditures and Encumbrances	Other Changes in Cash	Available Cash as of February 29, 2016	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
2,113,105	433,839	(459,695)	32	2,087,282	93,092	2,180,374

PUBLIC WORKS CONTRACTORS LICENSING FUND 0229-07



PUBLIC WORKS CONTRACTORS LICENSING FUND 0229-07

