

Division of Building Safety and Public Works Contractors License Board

Public Works Contractors Licenses (PWCL) & Construction Management (CM) Licenses

Board/Commission Members: (8) members: Chairman – Jim Roletto, Vice Chairman – Joe Jackson, Members – Gary Tolley, Brian Bailey, Evan Goodwin, Robbie Austin, Chuck Graves, and Karen Echeverria <https://dbs.idaho.gov/boards/pwboard/pwmembers.html>

Board/Commission Composition: (8) members as follows: One (1) member of the board shall be a person whose primary business is that of a "heavy construction" contractor, one (1) member shall be a person whose primary business is that of a "highway construction" contractor, one (1) member shall be a person whose primary business is that of a "building construction" contractor, one (1) member shall be a person whose primary business is that of a "specialty construction" contractor, as such construction terms are defined in chapter 19 title 54, Idaho Code, one (1) member shall be a subcontractor with a license no higher than a class "A," one (1) member shall be a "construction manager," one (1) member shall be a registered professional engineer, and one (1) member shall be a member of the general public with an interest in the rights of consumers of public works contracting services.

Idaho Code §54-1905 - <https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/SECT54-1905/>

Summary

The information contained herein this report reflects the licensing details of Public Works Contractors License (PWCL) contractors over the period of time between January 1, 2017 to December 31, 2017 (calendar year 2017). As of January 2018, the Division of Building Safety (DBS) and PWCL board license approximately (2593) PWCL contractors in four different branches (types) of licensure – Heavy Construction (76), Highway Construction (31), Building Construction (183), and Specialty Construction (2303). Of the (2593) total PWCL issued, (546) contractors possess licenses in multiple branches (types). Within each branch there are (8) classes of licensure (Unlimited, AAA, AA, A, B, CC, C, and D) – each authorizing a licensee to execute public works contracts up to a specified amount based on the experience, qualifications, and financial ability of the contractor. Additionally, the specialty contractor branch (type 4) is broken up into 125 specialized categories in which a contractor may obtain a license depending on the particular specialty field in which they may be engaged. Upon issuance, all such licenses are valid for a period of one (1) year.

Public works contractor licenses may be issued to individuals, and companies, corporations, or other legal entities. Additionally, various exceptions exist which allow the performance of work on public works in certain contexts without the need for a license (I.C. §54-1903). The most significant of which is that public works licensure is not required for construction of any single with an estimated cost of less than fifty thousand dollars (\$50,000). Only the DBS is authorized to grant and issue public works licenses.

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Additionally, the Division of Building Safety (DBS) and PWCL board license approximately (68) Construction Management (CM) who provide construction management service on public works construction projects. A CM license allows a “person” to act as either a Construction Manager Representative (CMR), or a Construction Manager/General Contractor (CM/GC).

A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

Public Works Contractors Licenses (PWCL) & Construction Management (CM) Licenses	
Issuance Requirements	<p>For Public Works Contractors (PWCL) (1-year licenses):</p> <ul style="list-style-type: none"> ▪ Submission of a complete written sworn application and payment of the application fees; ▪ Demonstration of a degree of experience, and such general knowledge of the building, safety, health and lien laws of the state, and of the rudimentary administrative principles of the contracting business, as may be deemed necessary by the board for the safety and protection of the public; ▪ The possession by the applicant of good character (as further defined under the statute); ▪ not having ever been refused a license or had a license revoked for reasons that would preclude the granting of the license applied for. ▪ The application shall include a complete statement of the general nature of applicant’s contracting business, and stating concisely applicant’s experience and qualifications as a contractor and list of clients for whom work has been performed; a description of the value and character of contract work completed and for whom performed during the three (3) year period prior to filing the application; a general description of applicant’s machinery and equipment; a complete (annual) financial statement covering a period of time no more than 12 months prior to the submission of the application indicating compliance with any financial requirements of the Board (in rule). The financial statement may include a letter from applicant’s bonding company stating the amount of the applicant’s bonding capability per project and in the aggregate, or a written guaranty agreement with a third party - on such forms and disclosing such information as shall be required by the administrator, together with such additional information as may be required by the administrator to determine the applicant’s fitness for a license under this chapter. ▪ For Class Unlimited, AAA, AA, and A license applicants 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 audit report or be reviewed or compiled by a certified public accountant. For Class C and Class D license applications, financial statements must be accompanied by an independent audit report or be reviewed, compiled, or on the form provided by the administrator, and include such additional information as may be required by the administrator to determine the applicant's fitness for a license

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<p style="text-align: center;">Issuance Requirements <i>(cont.)</i></p>	<ul style="list-style-type: none"> ▪ An application from an individual shall contain the individual’s name, social security number and business address; if by a copartnership, its business address and the names and addresses of all partners, and tax identification number; and if by a corporation, LLC, LLP, or other organization, its business address and the names and addresses of the president, vice president, secretary, and chief construction managing officers, or responsible managing employee, as well as its tax identification number. ▪ The administrator may require submission of an independent appraisal of any real or chattel property reported by an applicant or licensee. Such appraisals shall be conducted by a disinterested person or firm established and qualified to perform such services. ▪ Successful completion of an examination (70%). An applicant receiving less than a passing score on a first or second examination may be reexamined without reapplication. Before being reexamined after failing an examination the third time, an applicant must resubmit the application and fee. Before being reexamined after any further failures, an applicant for reexamination must wait until the expiration of sixty (60) days from the date of the failed examination and resubmit the application and fee for each subsequent examination ▪ Any further investigation the administrator determines is necessary <p>The following financial requirements for obtaining and maintaining a license for all four types of licensure (Heavy, Highway, Building, and Specialty Construction Class) in each class is as follows:</p> <ul style="list-style-type: none"> ➤ Class Unlimited License. An applicant shall have a minimum net worth of one million dollars (\$1,000,000) with six hundred thousand dollars (\$600,000) in working capital. ➤ Class AAA License. An applicant shall have a minimum net worth of six hundred thousand dollars (\$600,000) with two hundred thousand dollars (\$200,000) in working capital. ➤ Class AA License. An applicant shall have a minimum net worth of four hundred fifty thousand dollars (\$450,000) w/ one hundred fifty thousand dollars (\$150,000) working capital. ➤ Class A License. An applicant shall have a minimum net worth of three hundred thousand dollars (\$300,000) with one hundred thousand dollars (\$100,000) in working capital. ➤ Class B License. An applicant shall have a minimum net worth of one hundred fifty thousand dollars (\$150,000) with fifty thousand dollars (\$50,000) in working capital. ➤ Class CC License. An applicant shall have a minimum net worth of seventy-five thousand dollars (\$75,000) with twenty-five thousand dollars (\$25,000) in working capital. ➤ Class C License. An applicant shall have a minimum net worth of twenty-five thousand dollars (\$25,000) with seven thousand five hundred dollars (\$7,500) in working capital. ➤ Class D License. An applicant shall have a minimum net worth of ten thousand dollars (\$10,000) with three thousand dollars (\$3,000) in working capital.
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<p>Issuance Requirements <i>(cont.)</i></p>	<ul style="list-style-type: none">▪ Additionally, A licensed public works contractor or construction manager who undergoes a change in business organization or structure (such as a change from an individual proprietor to a partnership, corporation, limited liability partnership, limited liability company, joint venture, or other combination thereof), or where there is a change in ownership, must file an application for a new license on behalf of such successor organization or new owners within sixty (60) days after such change occurs. <p>I.C. §54-1904 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/SECT54-1904/; I.C. §§54-1910 through 54-1912 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/SECT54-1910/; https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/SECT54-1911/</p> <p>IDAPA 07.05.01 §§ 110 & 111 https://adminrules.idaho.gov/rules/current/07/0501.pdf</p> <p>For Construction Management Licenses (CM) (1-year licenses):</p> <ul style="list-style-type: none">▪ Submission of a complete written application and payment of the application fees;▪ Proof that the applicant (a) has a bachelor’s degree in architecture, engineering or construction management from a college or university that has an educational program in architecture, engineering or construction management, as the case may be, accredited by a nationally recognized accrediting organization and that he has a minimum of four (4) years’ experience in managing construction projects; or (b) has a minimum of five (5) years’ experience in managing construction projects.▪ Successful completion of an examination (75%). If the applicant fails to score a passing grade, the applicant must pass all failed sections within one (1) year of the initial test date. If the applicant fails to achieve a passing grade in each individual section on the second examination, the applicant must wait one (1) full year before taking the examination again. The applicant must then take and pass all sections of the examination (receiving no credit for sections successfully completed during the previous year)▪ Temporary Licenses: the administrator may issue a temporary license for a period not to exceed one (1) year to an applicant who provides satisfactory proof of possession of a valid construction manager’s license issued by another state pursuant to requirements substantially similar to those set forth in section 54-4505, Idaho Code. Temporary licenses may not be renewed nor their terms extended beyond the period set forth in this section.▪ Licenses for Firms - No firm shall provide or hold itself out as providing construction management services unless it has a certificate of authority issued by the administrator. If one (1) or more principals or employees of a firm are licensed construction managers, the firm may apply to the administrator for a certificate of authority to provide and hold itself out as providing construction management services. An application for a certificate of authority shall:<ul style="list-style-type: none">○ Designate the licensed construction manager or managers, who are principals or employees of the firm in responsible charge of construction management services provided by the firm;
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<p>Issuance Requirements (<i>cont.</i>)</p>	<ul style="list-style-type: none"> ○ Be accompanied by a statement signed by such licensed construction manager or managers accepting the responsibility and duty to provide construction management services for the firm; and ○ Contain such other information as the administrator reasonably may require. <ul style="list-style-type: none"> ▪ A licensed CM who undergoes a change in business organization or structure (such as a change from an individual proprietor to a partnership, corporation, limited liability partnership, limited liability company, joint venture, or other combination thereof), or where there is a change in ownership, must file an application for a new license on behalf of such successor organization or new owners within sixty (60) days after such change occurs. <p>Idaho Code §§ 54-4505 & 54-4506, and 54-4509 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4505/ https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4506/ https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4509/</p> <p>IDAPA 07.05.01 § 600 https://adminrules.idaho.gov/rules/current/07/0501.pdf</p>
<p>Statute I.C. §</p>	<p>For Public Works Contractor License (PWCL): I.C. §§ 54-1901 through 54-1930, Title 54, Chapter 19 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH50/</p> <p>For Construction Management (CM): I.C. §§54-4501 through 54-4514, Title 54, Chapter 45 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/</p>
<p>Rule IDAPA</p>	<p>For Public Works Contractor License (PWCL) and Construction Management (CM):</p> <p>IDAPA 07.05.01 - Rules of the Public Works Contractors License Board https://adminrules.idaho.gov/rules/current/07/0501.pdf</p>
<p>Policy</p>	<p>DBS follows the governing statutes and rules. There are no applicable policies.</p>
<p>Application</p>	<p>https://dbs.idaho.gov/forms/public_works/</p>

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<p>Basis to Deny or Not Accept Application <i>(cont.)</i></p>	<ul style="list-style-type: none">▪ Failure to file an application for a new license on behalf of a successor organization if the public works contractor undergoes a change in business organization or structure (such as individual proprietor to a partnership, corporation, LLC, etc.) <p>I.C. §§54-1910 through 54-1912 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/SECT54-1910/; https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/SECT54-1911/</p> <p>IDAPA 07.05.01 §§ 110 & 111 https://adminrules.idaho.gov/rules/current/07/0501.pdf</p> <p>For CM – Failure of the applicant to perform the acts, or provide proof of the requirements for initial or renewal licensure (as identified above). These may include:</p> <ul style="list-style-type: none">▪ Failure to submit a complete written application and payment of the application fees;▪ Failure to demonstrate the schooling or experience requirements;▪ Failure to successfully complete an examination (75%);▪ For temporary licenses: failure to provide satisfactory proof of possession of a valid CM license issued by another state with substantially similar requirements to those in Idaho▪ Licenses for Firms – Failure of an applicant to designate the appropriate managers, and provide the required statements of responsibility required for licensure of firms.▪ Failure to file an application for a new license on behalf of a successor organization if the construction manager undergoes a change in business organization or structure (such as individual proprietor to a partnership, corporation, LLC, etc.) <p>Idaho Code §§ 54-4505 & 54-4506, and 54-4509 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4505/ https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4506/ https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4509/</p> <p>IDAPA 07.05.01 § 600 https://adminrules.idaho.gov/rules/current/07/0501.pdf</p>
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<p>Basis to Refuse Renewal</p>	<p>For PWCL:</p> <ul style="list-style-type: none">▪ Failure to submit a renewal application and pay the renewal license fee prior to the expiration of the existing license;▪ Failure to submit a complete certified financial statement, including meeting the net worth and working capital requirements for the class of license sought;▪ If applicable, evidence that they continue to meet the requirements of initial licensure as identified above (good character, no previous revocations, inclusion of the specific individual or corporate information as required, information about any successor organization if they've undergone a change in business organization, etc.).▪ For applicants requesting a licensing class higher than that for which the applicant is currently licensed – failure to provide documentation of having performed projects, similar in scope and character to those for which license is requested. The monetary value of those jobs must fall within a range not less than thirty percent (30%) below that for which the applicant is currently licensed. <p>I.C. §§54-1910 through 54-1912 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/SECT54-1910/; https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/SECT54-1911/</p> <p>IDAPA 07.05.01 https://adminrules.idaho.gov/rules/current/07/0501.pdf</p> <p>For CM:</p> <ul style="list-style-type: none">▪ Failure to submit a renewal application and pay the renewal license fees;▪ Licenses for Firms – Failure of an applicant to designate the appropriate managers, and provide the required statements of responsibility required for licensure of firms.▪ Failure to file an application for a new license on behalf of a successor organization if the construction manager undergoes a change in business organization or structure (such as individual proprietor to a partnership, corporation, LLC, etc.) <p>Idaho Code §§ 54-4505 & 54-4506, and 54-4509 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4505/ https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4506/ https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4509/</p> <p>IDAPA 07.05.01 § 600 https://adminrules.idaho.gov/rules/current/07/0501.pdf</p>
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<p>Fees</p>	<p>Public Works Contractors (PWCL) Examination fee: (\$75) The following licenses issued annually may be obtained on an initial and renewal basis for the following fees:</p> <ul style="list-style-type: none">➤ Class Unlimited License: \$550.➤ Class AAA License: \$450➤ Class AA License: \$350➤ Class A License: \$250➤ Class B License: \$150➤ Class CC License: \$125➤ Class C License: \$100➤ Class D License: \$50 <p>I.C. §54-1904 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/SECT54-1904/;</p> <p>IDAPA 07.05.01 §201 https://adminrules.idaho.gov/rules/current/07/0501.pdf</p> <p>Additionally, PWCL applicants may request an extension of time in which to renew a PWCL upon payment of a separate fee (\$50). The extension will allow up to an additional 60 days from the date the license was due to expire during which the license remains active and the applicant may submit the renewal application.</p> <p>Expedited Licensure – A PWCL applicant may also request to expedite the DBS’ review and determination of a license application upon the payment of a separate fee (\$100). An expedited license will be processed by the DBS in 1-2 business days.</p>
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<p>Fees <i>(cont)</i></p>	<p>Construction Managers (CM): Initial examination and license: (\$200), plus any fees charged by the outside testing entity. License renewal (\$200) Inactive license (\$50) License reinstatement (\$200) Issuing and reinstating a certificate of authority (\$100).</p> <p>Idaho Code §§ 54-4510 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4510/</p> <p>IDAPA 07.05.01 § 201 https://adminrules.idaho.gov/rules/current/07/0501.pdf</p>
<p>Cost per applicant or licensee</p>	<p>Costs per license is the amount of the license fee, and the application administration fee</p>
<p>Renewal Requirements</p>	<p>Public Works Contractors (PWCL)</p> <ul style="list-style-type: none"> ▪ Submission of a renewal application and payment the renewal license fee prior to the expiration of the existing license; ▪ Submission of a complete certified financial statement, including meeting the net worth and working capital requirements for the class of license sought; ▪ If required - evidence that they continue to meet the requirements of initial licensure as identified above (good character, no previous revocations, inclusion of the specific individual or corporate information as required, information about any successor organization if they’ve undergone a change in business organization, etc.). ▪ For applicants requesting a licensing class higher than that for which the applicant is currently licensed –submission of documentation of having performed projects, similar in scope and character to those for which license is requested. The monetary value of those jobs must fall within a range not less than thirty percent (30%) below that for which the applicant is currently licensed. <p>I.C. §§54-1910 through 54-1912 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/SECT54-1910/; https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/SECT54-1911/</p>

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	<p>IDAPA 07.05.01 https://adminrules.idaho.gov/rules/current/07/0501.pdf</p> <p>Construction Management (CM)</p> <ul style="list-style-type: none"> ▪ Submission of a renewal application and payment the renewal license fees; ▪ Licenses for Firms –Designation of the appropriate managers, and submission of the required statements of responsibility required for licensure of firms. ▪ If applicable – submission of an application for a new license on behalf of a successor organization if the construction manager undergoes a change in business organization or structure (such as individual proprietor to a partnership, corporation, LLC, etc.) <p>Idaho Code §§ 54-4505 & 54-4506, and 54-4509 https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4505/ https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4506/ https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH45/SECT54-4509/</p>
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B. Applications and Renewals Denied (1 January 2017 through 31 December 2017)

Refusal to Issue **Initial** License [Total Number: # **0**]

	Application/ Identification Number	Number of Applicants	Statutory Authority	Factual Summary (optional)
1	PWCL Contractor Applications	2593	I.C. 54-1901 thru 1924	Applications are left open for a year in which applicants can complete/submit all licensure requirements. Exams can be taken multiple times (if initially failed). And even if a year passes, applicants can immediately re-apply. Consequently, no applications or renewals were actually permanently denied.
2	Construction Management Applications	68	I.C. 54-4501 thru 54-4514	

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Refusal to **Renew** License [Total Number: # **0**]

	License/ Identification Number	Number of Applicants	Statutory Basis	Factual Summary (optional)
1				Applications are left open for a year in which applicants can complete/submit all licensure requirements. Exams can be taken multiple times (if initially failed). And even if a year passes, applicants can immediately re-apply. Consequently, no applications or renewals were actually permanently denied.

C. Disciplinary Actions (January 1, 2017 through December 31, 2017)

Case No	Date of Final Action	Action Taken	Statutory Basis	Factual Basis (optional)
PWCL		Five (5)	I.C. § 54-1910(a)	Five (5) PWCL licenses were suspended because the licensee failed to provide a qualifying individual who was connected with the licensee (corporation, partnership, LLC, etc.), or the qualifying individual failed to take the examination
CM		(0)		No disciplinary action against CM licenses were taken.

D. Law, Rule, or Policy Changes or Attempted Changes in Last 5 Years to Eliminate Barriers to Entry

Session	Legislation or Rule	Summary
2016	Reduction in License Fee	

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2014	IDAPA 07-0501-1301 https://adminrules.idaho.gov/bulletin/2013/10.pdf (page 52)	Allows for electronic submission of PWCL applications and renewals
2013	HO465 (I,C, §54-1904) http://legislature.idaho.gov/sessioninfo/2012/legislation/H0465/ IDAPA 07-0501-1201 https://adminrules.idaho.gov/bulletin/2012/09.pdf (page 22)	Created a new (CC) class of licensing for all PWCL branches (types) to allow those who may qualify to do so – the ability to perform public works projects up to \$400,000. The class above (B) authorizes projects up to \$600,000, and the class below (C) authorizes projects only up to \$200,000.
2012	IDAPA 07-0501-1101 https://adminrules.idaho.gov/bulletin/2011/10.pdf (page 156)	Created authority for PWCL applicants to receive an extension of time in which to renew their license, as well as authority for DBS to expedite a license application or renewal for those that may need to more immediately obtain a license

E. Assessment of Public Interest

[Provide an assessment or statement as to whether the licensure, or requirements relating thereto, are in the public interest, together with the reasons for such assessment or opinion. Executive Order 2.a.]

The Agency and Board believe that public works contractor (PWCL) and construction management (CM) licenses are in the public interest in that it helps ensure that those who perform public works construction and provide management services for public works construction are properly qualified through experience and financial ability to provide services to all public entities in Idaho across all levels of government including, public school districts, cities, counties and other political subdivisions, and state entities. Effective licensing procedures protect the public health and safety, and 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 – thus protecting and preserving public funds. Construction Management licensing also promotes the highest degree of professional conduct on the part of persons providing construction management services.

F. Recommendations for Improvement, Modification, or Elimination of Requirements

- Modify the provision regarding the renewal of a public works contractor license (PWCL) and construction management (CM) license from an annual one to a three-year license cycle (§§54-1904; 54-1912, and 54-4507).
- Establish the ability for public works contractors (PWCL) and construction managers (CM) to renew their license in an inactive status if they are not actively engaged in their respective professions.

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G. Public Comments

The DBS and PWCL Board did not receive any public comment through the DBS email/website regarding public works contractor or construction management licenses