

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

Procurement and Public Works Contracting in Idaho

Idaho Code & Administrative Rule Update
2017



Idaho Division of Building Safety
Public Works Contractor Licensing

dbs.idaho.gov/programs/publicworks/index.html

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 productions, material 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)	Public agency contracting with an unlicensed or improperly licensed contractor.	IC 54-1914 (2)
Fine not to exceed five thousand dollars (\$5,000) or jail for a term not to exceed one (1) year, or both	Public agency official contracting with an unlicensed or improperly licensed contractor.	IC 54-1920 (2)
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 Boards Association 208-854-1476
Idaho Dept. of Admin. Division of Public Works 208-332-1900
Idaho School Administrators Association 208-345-1171

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 for 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

License Class	License Fee	Work History Project Amounts	Current Net Worth	Current Working Capital	Bid Limit per Project
Unlimited (U)	\$550	\$3.5 million	\$1 million	\$600,000	Unlimited
AAA	\$450	\$2.1 million	\$600,000	\$200,000	\$5 million or less
AA	\$350	\$875,000	\$450,000	\$150,000	\$3 million or less
A	\$250	\$420,000	\$300,000	\$100,000	\$1,250,000 million or less
B	\$150	\$280,000	\$150,000	\$50,000	\$600,000 or less
CC	\$125	\$140,000	\$75,000	\$25,000	\$400,000 or less
C	\$100	\$35,000	\$25,000	\$7,500	\$200,000 or less
D	\$50	No minimum dollar amount	\$10,000	\$3,000	\$50,000 or less