

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 688

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO THE DIVISION OF PURCHASING; AMENDING SECTION 67-5716, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE AN EXCLUSION FROM A DEFINITION; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5728, IDAHO CODE, TO PROVIDE REQUIREMENTS RELATING TO PROCURING AND PURCHASING PROPERTY BY CERTAIN STATE INSTITUTIONS OF HIGHER EDUCATION; AND PROVIDING A SUNSET DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5716, Idaho Code, be, and the same is hereby amended to read as follows:

67-5716. DEFINITIONS OF TERMS. (1) Acquisition. The process of procuring or purchasing property by the state of Idaho.

(2) Procurement. Obtaining property for state use by lease, rent, or any manner other than by purchase or gift.

(3) Property. Goods, services, parts, supplies and equipment, both tangible and intangible, including, but nonexclusively, designs, plans, programs, systems, techniques and any rights and interests in such property.

(4) Goods. Items of personal property, not qualifying as equipment, parts or supplies.

(5) Services. Personal services, in excess of personnel regularly employed for whatever duration and/or covered by personnel system standards, for which bidding is not prohibited or made impractical by statute, rules or generally accepted ethical practices.

(6) Parts. Items of personal property acquired for repair or replacement of unserviceable existing items.

(7) Supplies. Items of personal property having an expendable quality or during their normal use are consumed and which require or suggest acquisition in bulk.

(8) Equipment. Items of personal property which have a normal useful life expectancy of two (2) or more years.

(9) Component. An item of property normally assembled with other items into a unified productive whole at the site of use, which items belong to functional classes that may be interchangeable units of similar function but differing operational or productive capabilities.

(10) Vendor. A person or entity capable of supplying property to the state.

(11) Bidder. A vendor who has submitted a bid on a specific item or items of property to be acquired by the state.

(12) Lowest responsible bidder. The responsible bidder whose bid reflects the lowest acquisition price to be paid by the state; except that when specifications are valued or comparative performance examinations are conducted, the results of such examinations and the relative score of valued

1 specifications will be weighed, as set out in the specifications, in deter-
2 mining the lowest acquisition price.

3 (13) Contractor. A bidder who has been awarded an acquisition contract.

4 (14) Agency. All officers, departments, divisions, bureaus, boards,
5 commissions and institutions of the state, including the public utilities
6 commission, but excluding other legislative and judicial branches of gov-
7 ernment, and excluding the governor, the lieutenant governor, the secretary
8 of state, the state controller, the state treasurer, the attorney general,
9 and the superintendent of public instruction, and, as provided in section
10 67-5728, Idaho Code, excluding Lewis-Clark State College, Idaho State Uni-
11 versity, Boise State University and Eastern Idaho Technical College.

12 (15) Bid. A written offer to perform a contract to purchase or supply
13 property or services in response to an invitation for bid or request for pro-
14 posal.

15 (16) Recyclable. Materials that still have useful physical, chemical
16 or biological properties after serving their original purposes and can,
17 therefore, be reasonably reused or recycled for the same or other purposes.

18 (17) Recycled-content product. A product containing postconsumer
19 waste and/or secondary waste as defined in this section.

20 (18) Postconsumer waste. A finished material which would normally be
21 disposed of as a solid waste, having completed its life cycle as a consumer
22 item.

23 (19) Secondary waste. Fragments of products or finished products of a
24 manufacturing process, which has converted a virgin resource into a commod-
25 ity of real economic value and may include a postconsumer waste.

26 (20) Open contract. A contract awarded by the state of Idaho through the
27 division of purchasing to one (1) or more vendors who have agreed to allow
28 all agencies to procure or purchase specified property under the terms and
29 conditions set forth in the contract.

30 SECTION 2. That Chapter 57, Title 67, Idaho Code, be, and the same is
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
32 ignated as Section 67-5728, Idaho Code, and to read as follows:

33 67-5728. PROCURING AND PURCHASING BY STATE INSTITUTION OF HIGHER ED-
34 UCATION. (1) For the purposes of this section, "state institution of higher
35 education" means Lewis-Clark State College, Idaho State University, Boise
36 State University and Eastern Idaho Technical College.

37 (2) Any state institution of higher education may establish policies
38 and procedures for procuring and purchasing property that shall be sub-
39 stantially consistent with the requirements for procuring and purchasing
40 property as set forth in this chapter and that shall be approved by the state
41 board of education. When the state board of education has approved such
42 policies and procedures for a state institution of higher education, such
43 institution shall not be subject to the provisions of this chapter, except as
44 provided in subsection (3) of this section.

45 (3) When the state enters into an open contract, no state institution
46 of higher education that has established policies and procedures pursuant to
47 subsection (2) of this section shall fail to utilize such contract without
48 justifiable cause for such action, pursuant to the provisions of subsection
49 (4) of section 67-5726, Idaho Code.

1 SECTION 3. The provisions of this act shall be null, void and of no force
2 and effect on and after July 1, 2013.