

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 169

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO PUBLIC CONTRACTING; AMENDING SECTION 67-2806, IDAHO CODE, TO  
2 PROVIDE FOR CONSIDERATION OF IDAHO NONPROFIT ORGANIZATIONS REPRESENT-  
3 ING PERSONS WITH DISABILITIES; AMENDING SECTION 67-5716, IDAHO CODE,  
4 TO ALPHABETIZE TERMS, TO DEFINE "NONPROFIT ORGANIZATION REPRESENT-  
5 ING PERSONS WITH DISABILITIES" AND "PERSONS WITH DISABILITIES" AND TO  
6 MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 67-5716, IDAHO CODE,  
7 RELATING TO DEFINITIONS OF TERMS; AMENDING CHAPTER 57, TITLE 67, IDAHO  
8 CODE, BY THE ADDITION OF A NEW SECTION 67-5716, IDAHO CODE, TO DEFINE  
9 TERMS; AMENDING SECTION 67-5718, IDAHO CODE, TO PROVIDE FOR ENHANCED  
10 OPPORTUNITIES FOR PERSONS WITH DISABILITIES AND TO PROVIDE A CERTAIN  
11 PREFERENCE TO IDAHO NONPROFIT ORGANIZATIONS REPRESENTING PERSONS WITH  
12 DISABILITIES; AMENDING SECTION 67-6708, IDAHO CODE, TO REVISE THE RE-  
13 SONSIBILITIES AND DUTIES OF THE IDAHO STATE COUNCIL ON DEVELOPMENTAL  
14 DISABILITIES AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING EFFEC-  
15 TIVE DATES.  
16

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

18 SECTION 1. That Section 67-2806, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 67-2806. PROCURING SERVICES OR PERSONAL PROPERTY -- CONSIDERATION OF  
21 NONPROFIT ORGANIZATIONS REPRESENTING PERSONS WITH DISABILITIES. (1) When  
22 a political subdivision contemplates an expenditure to purchase or lease  
23 personal property or to procure services, other than those services excluded  
24 pursuant to section 67-2803, Idaho Code, valued in excess of twenty-five  
25 thousand dollars (\$25,000) but not to exceed fifty thousand dollars  
26 (\$50,000), the procurement procedures of this subsection (1) shall apply.

27 (a) The solicitation for bids shall be supplied to no fewer than three  
28 (3) vendors by written means, either by electronic or physical deliv-  
29 ery. The solicitation shall describe the personal property or services  
30 to be purchased or leased in sufficient detail to allow a vendor dealing  
31 in such goods or services to understand what the political subdivision  
32 seeks to procure.

33 (b) The solicitation for bids shall describe the electronic or physi-  
34 cal delivery method or methods authorized to submit a bid, the date and  
35 time by which a bid proposal must be received by the clerk, secretary or  
36 other authorized official of the political subdivision, and shall provide  
37 a reasonable time to respond to the solicitation, provided that ex-  
38 cept in the event of an emergency, such time shall not be less than three  
39 (3) business days.

40 (c) Written objections to specifications or bid procedures must be re-  
41 ceived by the clerk, secretary or other authorized official of the po-

1 political subdivision at least one (1) business day before the date and  
2 time upon which bids are scheduled to be received.

3 (d) When written bids have been received, by either physical or elec-  
4 tronic delivery, they shall be compiled and submitted to the governing  
5 board or governing board-authorized official which shall approve the  
6 responsive bid proposing the lowest procurement price or reject all  
7 bids and publish notice for bids, as before.

8 (e) If the political subdivision finds that it is impractical or im-  
9 possible to obtain three (3) bids for the proposed procurement, the  
10 political subdivision may acquire the property in any manner the polit-  
11 ical subdivision deems best from a qualified vendor quoting the lowest  
12 price. When fewer than three (3) bids are considered, a description  
13 of the efforts undertaken to procure at least three (3) bids shall be  
14 documented by the political subdivision and such documentation shall  
15 be maintained for at least six (6) months after any such procurement is  
16 made. If two (2) or more price quotations are the same and the lowest  
17 responsive bids, the authorized decision maker may accept the one (1) it  
18 chooses.

19 (2) When a political subdivision contemplates an expenditure to pur-  
20 chase or lease personal property or to procure services, other than those  
21 services excluded pursuant to section 67-2803, Idaho Code, valued in excess  
22 of fifty thousand dollars (\$50,000), the procurement procedures of this sub-  
23 section (2) shall apply.

24 (a) The purchase or lease shall be made pursuant to an open competitive  
25 sealed bid process with the procurement to be made from the qualified  
26 bidder submitting the lowest bid price complying with bidding pro-  
27 cedures and meeting the specifications for the goods and/or services  
28 sought to be procured.

29 (b) The request for bids shall set a date, time and place for the opening  
30 of bids. Two (2) notices soliciting bids shall be published in the of-  
31 ficial newspaper of the political subdivision. The first notice shall  
32 be published at least two (2) weeks before the date for opening bids,  
33 with the second notice to be published in the succeeding week at least  
34 seven (7) days before the date that bids are scheduled to be opened. The  
35 notice shall succinctly describe the personal property and/or service  
36 to be procured. Copies of specifications, bid forms, bidder's instruc-  
37 tions, contract documents, and general and special instructions shall  
38 be made available upon request by any interested bidder.

39 (c) Written objections to specifications or bidding procedures must be  
40 received by the clerk, secretary or other authorized official of the po-  
41 litical subdivision at least three (3) business days before the date and  
42 time upon which bids are scheduled to be opened.

43 (d) If the political subdivision deems it is in the political subdi-  
44 vision's best interest, it may require the bidder to provide bid secu-  
45 rity in an amount equal to at least five percent (5%) of the amount bid.  
46 If required, a bid shall not be considered unless one (1) of the forms  
47 of bidder's security is enclosed with it, and unless the bid is submit-  
48 ted in a form which substantially complies with the form provided by the  
49 political subdivision. The political subdivision may require that the  
50 bid security be in one (1) of the following forms:

- 1 (i) Cash;  
2 (ii) A cashier's check made payable to the political subdivision;  
3 (iii) A certified check made payable to the political subdivision;  
4 or  
5 (iv) A bidder's bond executed by a qualified surety company, made  
6 payable to the political subdivision.
- 7 (e) Any bid received by the political subdivision may not be withdrawn  
8 after the time set in the notice for opening of bids. When sealed bids  
9 have been received, they shall be opened in public at a designated place  
10 and time, thereafter to be compiled and submitted to the governing  
11 board.
- 12 (f) If the successful bidder fails to execute the contract, the amount  
13 of his bidder's security may be forfeited to the political subdivision  
14 at the sole discretion of the governing board and thereafter the pro-  
15 ceeds may be deposited in a designated fund out of which the reasonable  
16 expenses for procuring substitute performance are paid.
- 17 (g) The political subdivision may, on the refusal or failure of the suc-  
18 cessful bidder to execute the contract, award the contract to the next  
19 lowest qualified bidder. If the governing board awards the contract to  
20 the next lowest qualified bidder, the amount of the lowest qualified  
21 bidder's security may be applied by the political subdivision to the  
22 difference between the lowest responsive bid and the next lowest re-  
23 sponsive bid, and the surplus, if any, shall be returned to the lowest  
24 bidder if cash or check is used, or to the surety on the bidder's bond  
25 if a bond is used, less reasonable administrative costs not to exceed  
26 twenty-five percent (25%) of the amount of the bidder's security.
- 27 (h) In its discretion, the governing board may reject all bids pre-  
28 sented and re-bid, or the governing board may, after finding it to be  
29 a fact, pass a resolution declaring that the subject goods or services  
30 can be procured more economically on the open market. If two (2) or  
31 more bids are the same and the lowest responsive bids, the governing  
32 board may accept the one (1) it chooses. In its discretion, the govern-  
33 ing board of a political subdivision may preauthorize the purchase of  
34 equipment at a public auction.
- 35 (i) If the governing board of any political subdivision chooses to  
36 award a competitively bid contract involving the procurement of per-  
37 sonal property or services to a bidder other than the apparent low  
38 bidder, the political subdivision shall declare its reason or reasons  
39 on the record and shall communicate such reason or reasons in writing to  
40 all who have submitted a competing bid.
- 41 (j) If any participating bidder objects to such award, such bidder  
42 shall respond in writing to the notice from the political subdivision  
43 within seven (7) calendar days of the date of transmittal of the notice,  
44 setting forth in such response the express reason or reasons that the  
45 award decision of the governing board is in error. Thereafter, staying  
46 performance of any procurement until after addressing the contentions  
47 raised by the objecting bidder, the governing board shall review its  
48 decision and determine whether to affirm its prior award, modify the  
49 award, or choose to re-bid, setting forth its reason or reasons there-

1 for. After completion of the review process, the political subdivision  
2 may proceed as it deems to be in the public interest.

3 (3) In procuring services or personal property pursuant to subsection  
4 (1) or (2) of this section, the political subdivision shall consider an Idaho  
5 nonprofit organization representing persons with disabilities as follows:

6 (a) When procuring services or personal property pursuant to subsec-  
7 tion (1) of this section, the solicitation of bids shall include one (1)  
8 or more Idaho nonprofit organizations representing persons with dis-  
9 abilities that are capable of supplying the services or personal prop-  
10 erty sought. A listing of Idaho nonprofit organizations representing  
11 persons with disabilities may be obtained from the Idaho state council  
12 on developmental disabilities. Where both the bid and the quality of  
13 services or personal property offered by an Idaho nonprofit organiza-  
14 tion representing persons with disabilities are the same as any other  
15 responsive bid proposing the lowest procurement price, the political  
16 subdivision shall give preference to the Idaho nonprofit organization  
17 representing persons with disabilities.

18 (b) The request for bids pursuant to subsection (2) of this section  
19 shall be sent to one (1) or more Idaho nonprofit organizations repre-  
20 senting persons with disabilities capable of supplying the services or  
21 personal property sought. A listing of Idaho nonprofit organizations  
22 representing persons with disabilities may be obtained from the Idaho  
23 state council on developmental disabilities. Where both the bid and the  
24 quality of services or personal property offered by an Idaho nonprofit  
25 organization representing persons with disabilities is the same as any  
26 other qualified bidder submitting the lowest bid price complying with  
27 bidding procedures and meeting the specifications for the goods and/or  
28 services sought to be procured, the political subdivision shall give  
29 preference to the Idaho nonprofit organization representing persons  
30 with disabilities.

31 (c) In this subsection:

32 (i) "Nonprofit organization representing persons with disabili-  
33 ties" means tax exempt organizations as defined under section  
34 501(c) (3) of the Internal Revenue Code.

35 (ii) "Persons with disabilities" means:

36 1. Persons who have a physical or mental impairment that  
37 substantially limits one (1) or more major life activities  
38 (e.g., communication, ambulation, self-care, socializa-  
39 tion, education, vocational training, transportation or  
40 employment);

41 2. Persons who have a record of such an impairment and the  
42 impairment is expected to continue indefinitely;

43 3. Persons who are regarded or treated by others as having  
44 such an impairment; or

45 4. Persons including, but not limited to, persons who are  
46 blind, deaf or who have epilepsy, autism, intellectual dis-  
47 abilities or mental illness or who have orthopedic disorders  
48 or cerebral palsy.

49 SECTION 2. That Section 67-5716, Idaho Code, be, and the same is hereby  
50 amended to read as follows:

1 67-5716. DEFINITIONS OF TERMS. In this chapter:

2 (1) "Acquisition-" means tThe process of procuring or purchasing prop-  
3 erty by the state of Idaho.

4 (2) Procurement. ~~Obtaining property for state use by lease, rent,~~  
5 ~~or any manner other than by purchase or gift~~ "Agency" means all officers,  
6 departments, divisions, bureaus, boards, commissions and institutions of  
7 the state, including the public utilities commission, but excluding other  
8 legislative and judicial branches of government, and excluding the gover-  
9 nor, the lieutenant governor, the secretary of state, the state controller,  
10 the state treasurer, the attorney general, and the superintendent of public  
11 instruction, and, as provided in section 67-5728, Idaho Code, excluding  
12 Lewis-Clark State College, Idaho State University, Boise State University  
13 and Eastern Idaho Technical College.

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

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

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

23 ~~(6) Parts.~~ Items of personal property acquired for repair or replace-  
24 ment of unserviceable existing items.

25 ~~(7) Supplies.~~ Items of personal property having an expendable quality  
26 or during their normal use are consumed and which require or suggest acquisi-  
27 tion in bulk.

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

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

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

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

38 ~~(12) Lowest responsible bidder.~~ The responsible bidder whose bid re-  
39 flects the lowest acquisition price to be paid by the state; except that when  
40 specifications are valued or comparative performance examinations are con-  
41 ducted, the results of such examinations and the relative score of valued  
42 specifications will be weighed, as set out in the specifications, in deter-  
43 mining the lowest acquisition price.

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

45 ~~(14) Agency.~~ All officers, departments, divisions, bureaus, boards,  
46 commissions and institutions of the state, including the public utilities  
47 commission, but excluding other legislative and judicial branches of gov-  
48 ernment, and excluding the governor, the lieutenant governor, the secretary  
49 of state, the state controller, the state treasurer, the attorney general,  
50 and the superintendent of public instruction.

1       ~~(15) Bid. A written offer to perform a contract to purchase or supply~~  
2 ~~property or services in response to an invitation for bid or request for pro-~~  
3 ~~posal.~~

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

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

9       ~~(18) Postconsumer waste. A finished material which would normally be~~  
10 ~~disposed of as a solid waste, having completed its life cycle as a consumer~~  
11 ~~item.~~

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

15       ~~(20) "Open contract" means a contract awarded by the state of Idaho~~  
16 ~~through the division of purchasing to one (1) or more vendors who have agreed~~  
17 ~~to allow all agencies to procure or purchase specified property under the~~  
18 ~~terms and conditions set forth in the contract.~~

19       (3) "Bid" means a written offer to perform a contract to purchase or  
20 supply property or services in response to an invitation for bid or request  
21 for proposal.

22       (4) "Bidder" means a vendor who has submitted a bid on a specific item or  
23 items of property to be acquired by the state.

24       (5) "Component" means an item of property normally assembled with other  
25 items into a unified productive whole at the site of use, which items belong  
26 to functional classes that may be interchangeable units of similar function  
27 but differing operational or productive capabilities.

28       (6) "Contractor" means a bidder who has been awarded an acquisition  
29 contract.

30       (7) "Equipment" means items of personal property that have a normal  
31 useful life expectancy of two (2) or more years.

32       (8) "Goods" means items of personal property, not qualifying as equip-  
33 ment, parts or supplies.

34       (9) "Lowest responsible bidder" means the responsible bidder whose bid  
35 reflects the lowest acquisition price to be paid by the state; except that  
36 when specifications are valued or comparative performance examinations are  
37 conducted, the results of such examinations and the relative score of valued  
38 specifications will be weighed, as set out in the specifications, in deter-  
39 mining the lowest acquisition price.

40       (10) "Nonprofit organization representing persons with disabilities"  
41 means tax exempt organizations as defined under section 501(c) (3) of the In-  
42 ternal Revenue Code.

43       (11) "Open contract" means a contract awarded by the state of Idaho  
44 through the division of purchasing to one (1) or more vendors who have agreed  
45 to allow all agencies to procure or purchase specified property under the  
46 terms and conditions set forth in the contract.

47       (12) "Parts" means items of personal property acquired for repair or re-  
48 placement of unserviceable existing items.

49       (13) "Persons with disabilities" means:

1 (a) Persons who have a physical or mental impairment that substantially  
2 limits one (1) or more major life activities (e.g., communication, am-  
3 bulation, self-care, socialization, education, vocational training,  
4 transportation or employment);

5 (b) Persons who have a record of such an impairment, and the impairment  
6 is expected to continue indefinitely;

7 (c) Persons who are regarded or treated by others as having such an im-  
8 pairment; or

9 (d) Persons including, but not limited to, persons who are blind, deaf  
10 or who have epilepsy, autism, intellectual disabilities or mental ill-  
11 ness or who have orthopedic disorders or cerebral palsy.

12 (14) "Postconsumer waste" means a finished material that would normally  
13 be disposed of as a solid waste, having completed its life cycle as a consumer  
14 item.

15 (15) "Procurement" means obtaining property for state use by lease,  
16 rent, or any manner other than by purchase or gift.

17 (16) "Property" means goods, services, parts, supplies and equipment,  
18 both tangible and intangible, including, but nonexclusively, designs,  
19 plans, programs, systems, techniques and any rights and interests in such  
20 property.

21 (17) "Recyclable" means materials that still have useful physical,  
22 chemical or biological properties after serving their original purposes  
23 and can, therefore, be reasonably reused or recycled for the same or other  
24 purposes.

25 (18) "Recycled-content product" means a product containing postcon-  
26 sumer waste and/or secondary waste as defined in this section.

27 (19) "Secondary waste" means fragments of products or finished products  
28 of a manufacturing process, which have converted a virgin resource into a  
29 commodity of real economic value and may include a postconsumer waste.

30 (20) "Services" means personal services, in excess of personnel reg-  
31 ularly employed for whatever duration and/or covered by personnel system  
32 standards, for which bidding is not prohibited or made impractical by  
33 statute, rules or generally accepted ethical practices.

34 (21) "Supplies" means items of personal property having an expendable  
35 quality or during their normal use are consumed and which require or suggest  
36 acquisition in bulk.

37 (22) "Vendor" means a person or entity capable of supplying property to  
38 the state.

39 SECTION 3. That Section [67-5716](#), Idaho Code, be, and the same is hereby  
40 repealed.

41 SECTION 4. That Chapter 57, Title 67, Idaho Code, be, and the same is  
42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
43 ignated as Section 67-5716, Idaho Code, and to read as follows:

44 67-5716. DEFINITION OF TERMS. In this chapter:

45 (1) "Acquisition" means the process of procuring or purchasing prop-  
46 erty by the state of Idaho.

47 (2) "Agency" means all officers, departments, divisions, bureaus,  
48 boards, commissions and institutions of the state, including the public

1 utilities commission, but excluding other legislative and judicial branches  
2 of government, and excluding the governor, the lieutenant governor, the  
3 secretary of state, the state controller, the state treasurer, the attorney  
4 general, and the superintendent of public instruction.

5 (3) "Bid" means a written offer to perform a contract to purchase or  
6 supply property or services in response to an invitation for bid or request  
7 for proposal.

8 (4) "Bidder" means a vendor who has submitted a bid on a specific item or  
9 items of property to be acquired by the state.

10 (5) "Component" means an item of property normally assembled with other  
11 items into a unified productive whole at the site of use, which items belong  
12 to functional classes that may be interchangeable units of similar function  
13 but differing operational or productive capabilities.

14 (6) "Contractor" means a bidder who has been awarded an acquisition  
15 contract.

16 (7) "Equipment" means items of personal property that have a normal  
17 useful life expectancy of two (2) or more years.

18 (8) "Goods" means items of personal property, not qualifying as equip-  
19 ment, parts or supplies.

20 (9) "Lowest responsible bidder" means the responsible bidder whose bid  
21 reflects the lowest acquisition price to be paid by the state; except that  
22 when specifications are valued or comparative performance examinations are  
23 conducted, the results of such examinations and the relative score of valued  
24 specifications will be weighed, as set out in the specifications, in deter-  
25 mining the lowest acquisition price.

26 (10) "Nonprofit organization representing persons with disabilities"  
27 means tax exempt organizations as defined under section 501(c)(3) of the In-  
28 ternal Revenue Code.

29 (11) "Parts" means items of personal property acquired for repair or re-  
30 placement of unserviceable existing items.

31 (12) "Persons with disabilities" means:

32 (a) Persons who have a physical or mental impairment that substantially  
33 limits one (1) or more major life activities (e.g., communication, am-  
34 bulation, self-care, socialization, education, vocational training,  
35 transportation or employment);

36 (b) Persons who have a record of such an impairment, and the impairment  
37 is expected to continue indefinitely;

38 (c) Persons who are regarded or treated by others as having such an im-  
39 pairment; or

40 (d) Persons including, but not limited to, persons who are blind, deaf  
41 or who have epilepsy, autism, intellectual disabilities or mental ill-  
42 ness or who have orthopedic disorders or cerebral palsy.

43 (13) "Postconsumer waste" means a finished material that would normally  
44 be disposed of as a solid waste, having completed its life cycle as a consumer  
45 item.

46 (14) "Procurement" means obtaining property for state use by lease,  
47 rent, or any manner other than by purchase or gift.

48 (15) "Property" means goods, services, parts, supplies and equipment,  
49 both tangible and intangible, including, but nonexclusively, designs,



1 plans, programs, systems, techniques and any rights and interests in such  
2 property.

3 (16) "Recyclable" means materials that still have useful physical,  
4 chemical or biological properties after serving their original purposes  
5 and can, therefore, be reasonably reused or recycled for the same or other  
6 purposes.

7 (17) "Recycled-content product" means a product containing postcon-  
8 sumer waste and/or secondary waste as defined in this section.

9 (18) "Secondary waste" means fragments of products or finished products  
10 of a manufacturing process, which have converted a virgin resource into a  
11 commodity of real economic value and may include a postconsumer waste.

12 (19) "Services" means personal services, in excess of personnel reg-  
13 ularly employed for whatever duration and/or covered by personnel system  
14 standards, for which bidding is not prohibited or made impractical by  
15 statute, rules or generally accepted ethical practices.

16 (20) "Supplies" means items of personal property having an expendable  
17 quality or during their normal use are consumed and which require or suggest  
18 acquisition in bulk.

19 (21) "Vendor" means a person or entity capable of supplying property to  
20 the state.

21 SECTION 5. That Section 67-5718, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 67-5718. REQUISITIONS FOR PROPERTY -- NOTICE -- FORM -- GUARANTEE --  
24 PROCEDURE FOR BIDDING. (1) The administrator of the division of purchasing  
25 shall not make or cause to be made any acquisition until a requisition for  
26 the property to be acquired has been submitted to his office by the requi-  
27 sitioning agency, certifying to the satisfaction of the administrator that  
28 there are proper funds or sufficient balance in appropriations out of which  
29 the amount of the requisition may lawfully be paid, except as provided to the  
30 contrary under provisions of this chapter allowing emergency purchases.

31 (2) Notice shall be posted of all acquisitions of property, unless oth-  
32 erwise excepted by rules of the division. The notice may be posted elect-  
33 ronically. The administrator shall also cause all invitations to bid and re-  
34 quests for proposals to be posted manually in a conspicuous place in the of-  
35 fice. The notice shall describe the property to be acquired in sufficient  
36 detail to apprise a bidder of the exact nature or functionality of the prop-  
37 erty required; and shall set forth the bid opening date, time and location.

38 (3) To enhance small business bidding opportunities, the administra-  
39 tor shall seek a minimum of three (3) bids from vendors having a significant  
40 Idaho economic presence as defined in section 67-2349, Idaho Code.

41 (4) To enhance opportunities for persons with disabilities, the admin-  
42 istrator shall seek one (1) or more bids from vendors that are Idaho non-  
43 profit organizations representing persons with disabilities. A listing of  
44 Idaho nonprofit organizations representing persons with disabilities may be  
45 obtained from the Idaho state council on developmental disabilities.

46 (5) All sealed bids received shall be opened at the time and place spec-  
47 ified, and in the public view, and a record of each bid shall then and there  
48 be made. Contracts shall be awarded to and orders placed with the lowest re-  
49 sponsible bidder on the basis of initial proposals received or, if applica-

1 ble, following receipt and evaluation of best and final offers or negotia-  
 2 tions. The administrator shall have the right to reject any and all bids pur-  
 3 suant to rules established for the division.

4 (56) Where both the bids and quality of property offered are the same,  
 5 preference shall be given to property of local and domestic production and  
 6 manufacture, ~~or~~ from bidders having a significant Idaho economic presence  
 7 as defined in the Idaho Code, or from an Idaho nonprofit organization repre-  
 8 senting persons with disabilities. In connection with the award of any con-  
 9 tract for the placement of any order for state printing, binding, engrav-  
 10 ing or stationery work, the provisions of sections 60-101 and 60-103, Idaho  
 11 Code, shall apply to the extent that the same may be inconsistent with any re-  
 12 quirements contained in this section.

13 (67) As used in this section, the word "sealed" does not preclude accep-  
 14 tance of electronically sealed and submitted bids in addition to bids manu-  
 15 ally sealed and submitted.

16 SECTION 6. That Section 67-6708, Idaho Code, be, and the same is hereby  
 17 amended to read as follows:

18 67-6708. RESPONSIBILITIES AND DUTIES. The council shall:

19 (1) Serve as a forum by which issues and benefits regarding current and  
 20 potential services and programs for persons with developmental disabilities  
 21 may be discussed by consumer, public, private, professional and lay inter-  
 22 ests.

23 (2) Advocate for individuals with developmental disabilities and con-  
 24 duct or support programs, projects and activities that carry out such advo-  
 25 cacy.

26 (3) Advise the executive and legislative branches of local, state and  
 27 federal governments and the private sector on programs and policies pertain-  
 28 ing to current and potential services to persons with developmental disabili-  
 29 ties and their families.

30 (4) Submit periodic reports to the governor, the legislature and de-  
 31 partments of state government on how current federal and state programs,  
 32 rules, regulations, and legislation affect services to persons with devel-  
 33 opmental disabilities.

34 (5) Assess, review and/or monitor the services and programs being pro-  
 35 vided for individuals with developmental disabilities.

36 (6) Review and comment on all service plans and budgets of the state  
 37 which will or may affect services and programs for persons with developmen-  
 38 tal disabilities.

39 (7) Review and comment on proposed state legislation and/or rules ~~and~~  
 40 ~~regulations~~ relating to services and programs for persons with developmen-  
 41 tal disabilities.

42 (8) Participate in community integration for individuals with develop-  
 43 mental disabilities.

44 (9) In consultation with the designated state agency, develop and  
 45 adopt, and annually review and revise as necessary, a five (5) year strategic  
 46 state plan. Such state plan shall be the state plan required to be submitted  
 47 under P.L. 106-402, as amended, and shall describe how the council will con-  
 48 duct and support advocacy, capacity building and systemic change through:

1 (a) Outreach and identification of individuals with developmental dis-  
2 abilities and their families to assist and enable them to obtain ser-  
3 vices, supports and assistance;

4 (b) Training for individuals with developmental disabilities, their  
5 families and personnel to enable them to obtain access to the services  
6 and supports they need;

7 (c) Technical assistance to assist public and private entities to  
8 assist and support individuals with developmental disabilities in  
9 achieving independence, integration, productivity and self-determina-  
10 tion;

11 (d) Support for and education of communities to respond positively to  
12 individuals with developmental disabilities and their families;

13 (e) Interagency collaboration and coordination;

14 (f) Coordination with related councils, commissions and programs con-  
15 cerning individuals with disabilities;

16 (g) Efforts to eliminate barriers to the access and use of community  
17 services by individuals with developmental disabilities, to enhance  
18 system design and redesign, and to enhance citizen participation;

19 (h) Public education activities regarding the capabilities, prefer-  
20 ences and needs of individuals with developmental disabilities through  
21 coalition development, self-advocacy training and education of policy-  
22 makers;

23 (i) Conducting studies, analyses, information gathering, and provid-  
24 ing recommendations to local, state and federal policymakers in order  
25 to increase their ability to offer opportunities or enhance services to  
26 individuals with developmental disabilities;

27 (j) Demonstration of new approaches to services and supports for in-  
28 dividuals with developmental disabilities and their families to assist  
29 them in achieving independence, integration, productivity and self-de-  
30 termination;

31 (k) Demonstration of new approaches to increase access to electronic  
32 and information technologies for individuals with significant disabili-  
33 ties; and

34 (l) Other advocacy, capacity building and systemic change activities  
35 to promote a coordinated, consumer and family directed comprehensive  
36 system of supports and services for individuals with developmental dis-  
37 abilities.

38 (10) Solicit and maintain listings of Idaho nonprofit organizations  
39 representing persons with disabilities that are qualified to provide ser-  
40 vices and personal property pursuant to section 67-2806, Idaho Code, and  
41 property pursuant to section 67-5718, Idaho Code.

42 SECTION 7. Sections 3 and 4 of this act shall be in full force and effect  
43 on and after July 1, 2013.