

IN THE SENATE

SENATE BILL NO. 1091

BY TRANSPORTATION COMMITTEE

AN ACT

1
2 RELATING TO STATE GOVERNMENT AND WRITTEN PLANS AND SPECIFICATIONS FOR WORK
3 TO BE MADE BY OFFICIALS; AMENDING SECTION 67-2309, IDAHO CODE, TO PRO-
4 VIDE FOR THE APPLICATION OF CERTAIN PROVISIONS TO SINGLE COUNTYWIDE
5 HIGHWAY DISTRICTS, TO PROVIDE THAT THE DESIGN-BUILD METHOD OF CONSTRUC-
6 TION MAY BE EMPLOYED BY PUBLIC OFFICIALS IN CONTRACTS FOR THE CONSTRUC-
7 TION, REPAIR OR IMPROVEMENT OF HIGHWAYS AND TO REVISE THE DEFINITION OF
8 A TERM.

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

10 SECTION 1. That Section 67-2309, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 67-2309. WRITTEN PLANS AND SPECIFICATIONS FOR WORK TO BE MADE BY OF-
13 FICIALS -- AVAILABILITY. All officers of the state of Idaho, the separate
14 counties, cities, towns, villages, single countywide highway districts or
15 school districts within the state of Idaho, all boards or trustees thereof
16 or other persons required by the statutes of the state of Idaho to advertise
17 for bids on contracts for the construction, repair or improvement of pub-
18 lic works, public buildings, public places or other work, shall make writ-
19 ten plans and specifications of such work to be performed or materials fur-
20 nished, and such plans and specifications shall be available for all inter-
21 ested and prospective bidders therefor, providing that such bidders may be
22 required to make a reasonable deposit upon obtaining a copy of such plans
23 and specifications; all plans and specifications for said contracts or ma-
24 terials shall state, among other things pertinent to the work to be performed
25 or materials furnished, the number, size, kind and quality of materials and
26 service required for such contract, and such plans and specifications shall
27 not specify or provide the use of any articles of a specific brand or mark, or
28 any patented apparatus or appliances when other materials are available for
29 such purpose and when such requirements would prevent competitive bidding on
30 the part of dealers or contractors in other articles or materials of equiv-
31 alent value, utility or merit. The design-build method of construction may
32 be employed by public officials in contracts for the construction, repair,
33 or improvement of public works, public buildings, public places, highways or
34 other work. For purposes of this section, a design-build contract is a con-
35 tract between a public entity and a nongovernmental party in which the non-
36 governmental party contracting with the public entity agrees to both design
37 and build a structure, ~~roadway~~ highway or other item specified in the con-
38 tract. In any action which shall arise under this section, the court may as-
39 sess a civil penalty not to exceed five hundred dollars (\$500) to be paid by
40 the public entity.