

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 231, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PUBLIC WORKS; AMENDING SECTION 44-1001, IDAHO CODE, TO PROVIDE  
2 AN EXCEPTION TO THE EMPLOYMENT OF RESIDENTS OF IDAHO IN PUBLIC WORKS;  
3 AND AMENDING SECTION 67-2808, IDAHO CODE, TO PROVIDE FOR PUBLIC WORKS  
4 CONSTRUCTION, SERVICES OR PERSONAL PROPERTY AND TO MAKE A TECHNICAL  
5 CORRECTION.  
6

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

8 SECTION 1. That Section 44-1001, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 44-1001. EMPLOYMENT OF RESIDENTS OF IDAHO -- WAGE SCALE -- FEDERAL  
11 FUNDS. In all state, county, municipal, and school construction, repair, and  
12 maintenance work under any of the laws of this state the contractor, or per-  
13 son in charge thereof must employ ninety-five percent (95%) bona fide Idaho  
14 residents as employees on any such contracts except for procurement autho-  
15 ri- zed in section 67-2808(2), Idaho Code, or where under such contracts fifty  
16 (50) or less persons are employed the contractor may employ ten percent (10%)  
17 nonresidents, provided however, in all such a cases ~~such~~ employers must give  
18 preference to the employment of bona fide Idaho residents in the performance  
19 of such work; provided, that in work involving the expenditure of federal aid  
20 funds this act shall not be enforced in such a manner as to conflict with or  
21 be contrary to the federal statutes prescribing a labor preference to honor-  
22 ably discharged soldiers, sailors, and marines, prohibiting as unlawful any  
23 other preference or discrimination among the citizens of the United States.

24 SECTION 2. That Section 67-2808, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 67-2808. EMERGENCY EXPENDITURES -- SOLE SOURCE EXPENDITURES. (1)  
27 Emergency expenditures.

28 (a) The governing board of a political subdivision may declare that an  
29 emergency exists and that the public interest and necessity demand the  
30 immediate expenditure of public money if:

31 (i) There is a great public calamity, such as an extraordinary  
32 fire, flood, storm, epidemic or other disaster;

33 (ii) It is necessary to do emergency work to prepare for the na-  
34 tional or local defense; or

35 (iii) It is necessary to do emergency work to safeguard life,  
36 health or property.

37 (b) Upon making the declaration of emergency, any sum required in the  
38 emergency may be expended without compliance with formal bidding proce-  
39 dures.

40 (2) Sole source expenditures.

1 (a) The governing board of a political subdivision may declare that  
2 there is only one (1) vendor if there is only one (1) vendor for the  
3 public works construction, services or personal property to be ac-  
4 quired. For purposes of this subsection ~~(2)~~, only one (1) vendor shall  
5 refer to situations where there is only one (1) source reasonably avail-  
6 able and shall include, but not be limited to, the following situations:

7 (i) Where public works construction, services or personal prop-  
8 erty is required to respond to a life-threatening situation or a  
9 situation which is immediately detrimental to the public welfare  
10 or property;

11 (ii) Where the compatibility of equipment, components, acces-  
12 sories, computer software, replacement parts or service is the  
13 paramount consideration;

14 (iii) Where a sole supplier's item is needed for trial use or test-  
15 ing;

16 (iv) The purchase of mass-produced movies, videos, books or other  
17 copyrighted materials;

18 (v) The purchase of public works construction, services or per-  
19 sonal property for which it is determined there is no functional  
20 equivalent;

21 (vi) The purchase of public utility services;

22 (vii) The purchase of products, merchandise or trademarked goods  
23 for resale at a political subdivision facility; or

24 (viii) Where competitive solicitation is impractical, disadvan-  
25 tageous or unreasonable under the circumstances.

26 (b) Upon making the declaration that there is only one (1) vendor for  
27 public works construction, services or personal property, unless the  
28 public works construction, services or personal property is required  
29 for a life-threatening situation or a situation that is immediately  
30 detrimental to the public welfare or property, notice of a sole source  
31 procurement shall be published in the official newspaper of the politi-  
32 cal subdivision at least fourteen (14) calendar days prior to the award  
33 of the contract.