

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 408

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE DIVISION OF PURCHASING; AMENDING SECTION 67-5717, IDAHO  
2 CODE, TO REVISE POWERS AND DUTIES OF THE ADMINISTRATOR OF THE DIVISION  
3 OF PURCHASING.  
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 67-5717, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 67-5717. POWERS AND DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF  
9 PURCHASING. The administrator of the division of purchasing:

10 (1) Shall acquire, according to the provisions of this chapter, all  
11 property for state agencies;

12 (2) Shall acquire all property, unless excepted, by competitive bid,  
13 and shall specifically require competitive bids for property to be rented,  
14 leased or purchased through a deferred payment plan;

15 (3) Shall determine, based upon the requirements contained in the spec-  
16 ification and matter relating to responsibility, the lowest responsible  
17 bidder in all competitively bid acquisition contracts;

18 (4) Shall enter into all contracts and agreements, and any modifica-  
19 tions thereto, for the acquisition of any and all property on behalf of and in  
20 the name of the state;

21 (5) Shall, when economically feasible and practical, consolidate req-  
22 uisitions and acquire property in amounts as large as can be efficiently man-  
23 aged and controlled;

24 (6) May, in the evaluation of paper product bids, give those items that  
25 meet the recycled content standards as specified by the administrator a five  
26 percent (5%) purchasing preference. As such, those qualifying paper prod-  
27 ucts may be considered to cost five percent (5%) less when choosing the low-  
28 est responsible bidder;

29 (7) May appoint a deputy, who shall have power to act for him and in his  
30 place while absent, which deputy shall be bonded to the state of Idaho as pre-  
31 scribed by chapter 8, title 59, Idaho Code;

32 (8) May require from any contractor the submission of a performance  
33 bond for such sum as will, in the opinion of the administrator, guarantee  
34 the faithful performance of such contract, and the amount and requirement  
35 therefor shall be set out in the specifications;

36 (9) May enter into open contracts for the acquisition of property com-  
37 monly used by the various agencies, based upon actual or estimated require-  
38 ments;

39 Unless an acquiring agency can show a substantial difference between  
40 the required capabilities and the capabilities provided by such property  
41 available on open contract, all agencies must utilize such property avail-  
42 able on such contracts and failure to comply with this provision will subject

1 the officers responsible for the acquisition to the penalties set forth in  
2 this chapter;

3 (10) May enter into contracts, including leases and rentals, for peri-  
4 ods of time exceeding one (1) year provided that such contracts contain no  
5 penalty to or restriction upon the state in the event cancellation is neces-  
6 sitated by a lack of financing for any such contract or contracts;

7 (11) Is authorized and empowered to formulate rules in the conduct of  
8 ~~the office of the division~~ of purchasing, subject to the approval of the di-  
9 rector of the department of administration;

10 (12) In accordance with established rules of the division, may enter  
11 into negotiations for acquisitions;

12 (13) May inspect property delivered by a contractor to determine  
13 whether it meets minimum bid specifications;

14 (14) May classify, after review with the various agencies, the require-  
15 ments of the state for all property which may be acquired and adopt standards  
16 of quality for property, and establish standard specifications for acquisi-  
17 tion. Each standard specification shall, until revised or rescinded, apply  
18 alike in terms and effect to each future acquisition of the classified prop-  
19 erty.