




**PURCHASING BY POLITICAL
SUBDIVISIONS**

PURCHASING LAWS INTERIM COMMITTEE
KEITH WATTS, PURCHASING MANAGER CITY OF MERIDIAN

PROCUREMENT EXPERIENCE

- 24 Years of Public Procurement Service
 - President of the Idaho Public Procurement Association
 - Board Member of the Idaho Qualification Based Selection Council (QBS)
 - Member of the National Institute for Governmental Purchasing (NIGP)
 - Certified by the Universal Public Purchasing Certification Council
 - Past Board Member of the California Association of Public Procurement Officers
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POLITICAL SUBDIVISIONS - STATUTES

67-2801 Legislative Intent

67-2802 Applicability

67-2803 Exclusions

67-2804 Waiver

67-2805 Procurement of Public Works Construction

67-2806 Procuring Services or Personal Property

67-2807 Joint Purchasing Agreements

67-2808 Emergency & Sole Source Purchases

67-2809 Legislative Intent – Public Works – Agreements – Savings – Severability

Simple right? No. Other Statutes are all over the place.

OTHER PURCHASING STATUTES & RULES

Title 54 – Chapter 19

Public Works Contractors

Title 67 – Chapter 23

Miscellaneous Provisions

Title 67 – Chapter 57

Department of Administration

IDAPA 38.05.01

Rules of the Division of Purchasing

There are a multitude of Statutes in each of these areas.

Some directly include political subdivisions, some directly exclude and some are vague.


RECOMMENDED CHANGES FOR CONSIDERATION

I believe the ultimate goal should be that Title 67 Chapter 28 should include all current statutes and other Statutes applicable to political subdivisions.



RECOMMENDED CHANGES - continued

- **54-1926** PERFORMANCE AND PAYMENT BONDS REQUIRED OF CONTRACTORS FOR PUBLIC BUILDINGS AND PUBLIC WORKS OF THE STATE, POLITICAL SUBDIVISIONS AND OTHER PUBLIC INSTRUMENTALITIES -- REQUIREMENTS FOR BONDS -- GOVERNMENTAL
 - This statute requires payment & performance bonds on all PW construction. *There should be a minimum dollar amount stated as it is not practical to obtain bonds for small construction projects. Recommend to match informal bid limit.*

 - **67-2309** WRITTEN PLANS AND SPECIFICATIONS FOR WORK TO BE MADE BY OFFICIALS -- AVAILABILITY
 - Allows the use of design-build. *Needs definition of design build and what method is allowed . Bid , RFP , RFQ*
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RECOMMENDED CHANGES - continued

- **67-2320** PROFESSIONAL SERVICE CONTRACTS WITH DESIGN PROFESSIONALS, CONSTRUCTION MANAGERS AND PROFESSIONAL LAND SURVEYORS
 - This statute allows the selection of a firm from a list of three (3) persons or firms selected and preapproved for consideration by the public agency or political subdivision. *Clarify how to obtain the list of three.*

- **67-2803** EXCLUSIONS
 - (4) Define “Personal” and “Professional” services
 - (8) Purchase of used equipment. Add Political Subdivisions .
 - Include items for resale
 - Procurement of Specialized Repairs

RECOMMENDED CHANGES - continued

- **67-2805** PROCUREMENT OF PUBLIC WORKS CONSTRUCTION.
 - (3) This statute sets the dollar amounts of informal and formal solicitations. These amounts are out of date and do not take into consideration the cost of construction today. ***Raise the limits to align with construction costs of the times.***
 - (3) ***Define “Qualified”***
 - (3a) ***Replace “qualified” with “Responsible” to be in agreement with Idaho Code 67-5717. Also need to define Responsible.***

 - **67-2806** PROCURING SERVICES OR PERSONAL PROPERTY.
 - When describing bid appeals replace “ANY BIDDER” with “The AGGRIEVED BIDDER”.
 - Change the time allowed to appeal from “(7) calendar days “ to (3) business days”.
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RECOMMENDED CHANGES - continued

- **67-2807** **JOINT PURCHASING AGREEMENTS -- NOT-FOR-PROFIT ASSOCIATIONS**
 - Add a provision to allow political subdivisions to utilize competitively bid contracts from government agencies outside the State of Idaho.

- **67-2808** **EMERGENCY EXPENDITURES -- SOLE SOURCE EXPENDITURES.**
 - (1) Emergency expenditures
 - Modify Section 1b to allow the political subdivision to make the purchase and follow up with its' Council/Board within 10 calendar days of the date of purchase.
 - Add an exemption to sole source products geographically restricted by manufactures
 - Continuity and compatibility of Equipment.

RECOMMENDED CHANGES - continued

67-2808 – continued

- Add exemption for software licenses and maintenance of an existing system/platform.
- Reduce the time for advertising from fourteen (14) calendar days prior to purchase to (5) calendar days prior to purchase.
- Specialized Repairs

Add a statute to allow political subdivisions to use the RFP/Best Value process for procurements, providing that the political subdivision has written policies and/or procedures outlining the process.

Add a provision to allow political subdivisions governing boards to delegate procurement authority.

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