

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 102

BY TRANSPORTATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE DIRECT THE OFFICE OF PERFORMANCE EVALUATIONS TO MANAGE AN INDEPENDENT EVALUATION OF THE LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL BY A QUALIFIED, OUT-OF-STATE CONSULTANT OR CONSULTANTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Local Highway Technical Assistance Council (LHTAC) was established under Chapter 24, Title 40, Idaho Code, by the Idaho Legislature in 1994; and

WHEREAS, twenty years have passed since the creation of LHTAC and many of the factors that lead to its establishment may have evolved; and

WHEREAS, the mission of LHTAC is to assist Idaho's local highway jurisdictions, including the cities, counties and highway districts across the state, with utilizing the available resources for maintenance and construction of Idaho's local highway system in the most efficient and effective manner possible; and

WHEREAS, LHTAC is entrusted to cooperate with, and receive and expend aid and donations from, the federal government and the state government; and

WHEREAS, LHTAC has been granted the authority to act for local jurisdictions, including the execution of contracts and the expenditure of funds; and

WHEREAS, LHTAC is bound by state contracting and purchasing statutes, procedures and rules; and

WHEREAS, LHTAC is required by Idaho law to have conducted annual fiscal audits, albeit such audits are limited in scope; and

WHEREAS, the Legislature has the responsibility to ensure that all resources expended by agencies to which it has granted authority are spent appropriately.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Joint Legislative Oversight Committee is requested to direct the Office of Performance Evaluations to manage an independent evaluation of LHTAC by a qualified, out-of-state consultant or consultants without current contractual relationships with LHTAC, any of the local highway jurisdictions served by LHTAC, the Idaho Transportation Department (ITD) or any consultant or contractor that works for or with LHTAC, any of the local highway jurisdictions served by LHTAC or ITD and without any other conflict of interest. The evaluation shall, at a minimum, address the following:

- (1) Whether the manner in which LHTAC awards contracts complies with all applicable state statutes, procedures and policies.

1 (2) Under what circumstances, if any, has LHTAC awarded no-bid con-
2 tracts and, if so, whether LHTAC violated any state statute, procedure or
3 policy.

4 (3) Whether LHTAC, in its normal course of operation, meets industry
5 standards with respect to its review of contractor work, certification of
6 completed projects, resolution of disputes and prompt payment of contrac-
7 tors.

8 (4) Determine the portion of LHTAC funds that are consumed by adminis-
9 trative overhead, staff salaries and other non-construction and maintenance
10 activities.

11 (5) Whether the size of the LHTAC staff meets industry standards for the
12 volume and type of work it conducts.

13 (6) Whether all resources including, but not limited to, federal and
14 state funds, have been properly accounted for, and over the last two state
15 fiscal years, have been expended in compliance with all state and federal re-
16 quirements.

17 BE IT FURTHER RESOLVED that the independent evaluation shall address
18 the advantages, disadvantages, practicality and costs of possible alterna-
19 tives to delivering services currently being provided by LHTAC including:

20 (1) Having local highway jurisdictions complete the work themselves or
21 through the use of contractors;

22 (2) Having ITD assume responsibility for the work; or

23 (3) Other alternatives.

24 BE IT FURTHER RESOLVED that the independent evaluation shall address
25 how similar services are provided in other states with similarly sized local
26 highway jurisdiction arrangements and budgets.

27 BE IT FURTHER RESOLVED that the Joint Legislative Oversight Committee
28 is requested to direct the Office of Performance Evaluations to develop a
29 scope of study to address the issues set forth herein. As part of this study,
30 the Office of Performance Evaluations shall develop and submit a report to
31 the Legislature not later than the First Regular Session of the Sixty-fourth
32 Idaho Legislature, on findings concerning best practices and appropriate
33 performance measures. At the conclusion of each phase of the consultant's
34 work, the Joint Legislative Oversight Committee is requested to submit a
35 report of the completed results of the independent evaluation to the Legis-
36 lature. The results so reported are to include action-item recommendations
37 upon which the Legislature can act to improve the operation of LHTAC.