

Moved by Den Hartog

Seconded by Winder

IN THE SENATE  
SENATE AMENDMENT TO H.B. NO. 607

AMENDMENT TO SECTION 1

1 On page 1 of the printed bill, delete lines 20 and 21, and insert:

2  
3 "(2) An entity that was a primary bidder or primary proposer may chal-  
4 lenge the administrator's decision pursuant to the provisions of this sec-  
5 tion under the following circumstances:".

6 On page 2, delete lines 12 through 25, and insert:

7 "(c) A hearing officer appointed pursuant to paragraph (b) (ii) of this  
8 subsection shall conduct a contested case hearing and upon conclusion  
9 of the hearing shall prepare findings of fact, conclusions of law, and  
10 a recommended order for the director. Upon receipt of the findings of  
11 fact, conclusions of law, and recommended order, the director shall en-  
12 ter a final order affirming, modifying, or reversing the decision of the  
13 administrator.

14 (d) In addition to the requirements of section 67-5270, Idaho Code, the  
15 challenging bidder shall also file a protest bond in an amount equal to  
16 twenty-five percent (25%) of the allocated budget for the construction  
17 of the public works capital improvements.

18 (i) If the allocated budget was not included in the request for  
19 qualifications, the director shall set the value of the protest  
20 bond at a reasonable amount that does not exceed twenty-five per-  
21 cent (25%) of the anticipated capital expenditures to complete the  
22 public works improvements.

23 (ii) If the challenge is successful, the protest bond will be re-  
24 turned to the challenging bidder within fourteen (14) days of the  
25 final decision having been made.

26 (iii) If the challenge is not successful, a claim may be made  
27 against the protest bond by the public entity in an amount equal  
28 to the expenses incurred by the public entity because of the chal-  
29 lenge. Such expenses must be documented and may include but are  
30 not limited to legal fees, court costs, escalated material prices,  
31 and other direct damages related to the challenge. The remainder  
32 of the bond shall be released after the claim has been satisfied."