

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 50

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO PUBLIC WORKS; AMENDING SECTION 67-5710A, IDAHO CODE, TO REVISE A PROVISION REGARDING DELEGATION OF PUBLIC WORKS PROJECTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5710A, Idaho Code, be, and the same is hereby amended to read as follows:

67-5710A. REQUIREMENT OF PLANS AND SPECIFICATION APPROVAL BY PERMANENT BUILDING FUND ADVISORY COUNCIL AND DELEGATION OF PROJECT OVERSIGHT BY THE ADMINISTRATOR FOR THE DIVISION OF PUBLIC WORKS.

(1) (a) Except as set forth in this section, an existing public works may not be altered, repaired, constructed or improved on property owned or occupied by any state institution, department, commission, board or agency, if the estimated cost of work exceeds the limit established in section 67-5711, Idaho Code, without regard to source of funding, until the location, design, plans and specifications are approved by the permanent building fund advisory council and the project supervised by the division of public works or its designee.

(b) Facilities to be built with funds under the control of a nonstate entity, and owned or occupied by state entities, must have plans and specifications prepared, and all plans and specifications must be reviewed and approved by the permanent building fund advisory council prior to the advertising, bidding, construction and/or negotiation for construction of the facilities.

(c) Plans and specifications submitted for approval shall comply with public works statutes, life safety and building codes, and other applicable codes and regulations. The plans and specifications must also comply with any guidelines or procedures for design and construction adopted by the division of public works and approved by the permanent building fund advisory council.

(d) The following are exempt from the requirement of prior approval of location, design, plans, and specifications in this section:

(i) Emergency public works contracts issued pursuant to section 67-5711B, Idaho Code; and

(ii) Institutions and agencies exempt from the authority of the department of administration pursuant to section 67-5711, Idaho Code.

(2) The administrator for the division of public works may delegate control over design, construction, and all other aspects of a public works or maintenance project that costs less than ~~three hundred thousand dollars (\$300,000)~~ five hundred thousand dollars (\$500,000) to agencies of state government on a project-by-project basis, if a responsible party of the

1 state agency requests that delegation in writing and the permanent building  
2 fund advisory council approves the delegation.

3 (a) The state agency to whom control is delegated shall assume all re-  
4 sponsibility for project budgets and shall receive funds appropriated  
5 for the project upon application and approval by the permanent building  
6 fund advisory council.

7 (b) Delegation of project control does not exempt the state agency from  
8 complying with public works statutes, life safety and building codes  
9 or other applicable codes and regulations. The state agency also must  
10 comply with any guidelines or procedures for design and construction  
11 adopted by the division of public works and the permanent building fund  
12 advisory council.

13 (c) State agencies that receive delegated projects may not have access  
14 to permanent building fund advisory council contingency funds unless  
15 approved by the permanent building fund advisory council or authorized  
16 by appropriation.

17 (d) Prior written approval from the administrator must be granted  
18 for any public works utilizing sole source or limited competition. No  
19 agency will be delegated the ability to declare an emergency as defined  
20 in section 67-5711B, Idaho Code.

21 (e) The permanent building fund advisory council may elect to audit any  
22 project for compliance with applicable codes and policies.

23 (f) The delegated state agency will use standard documents for profes-  
24 sional services contracts and for construction contracts as adopted by  
25 the division of public works.

26 (g) Delegation is subject to cancellation by the administrator for the  
27 division of public works with the concurrence of the permanent building  
28 fund advisory council.

29 SECTION 2. An emergency existing therefor, which emergency is hereby  
30 declared to exist, this act shall be in full force and effect on and after  
31 July 1, 2025.