

RESOLUTION NO. 25 - 59

Departments of Bonner County Selecting Professional Services from ITD Term Agreement List

WHEREAS, professional services such as engineering and surveying are selected based on qualifications and not based on bidding prices; and

WHEREAS, Idaho Code § 67-2320(2)(i) allows for selection of professional services using a pre-approved list in lieu of separate requests for qualifications (RFQs) for each project over \$50,000, which is an updated dollar amount which the state legislature doubled in 2021; and

WHEREAS, in establishing a pre-approved list, notice shall be publicly posted with the same requirements as bidding a public works construction project per I.C. 67-2805; and

WHEREAS, Idaho Transportation Department's Consultant Administration Unit currently maintains a pre-approved list of professional services they refer to as "term agreements," that is well established in the industry and well organized for all types of public works related projects; and

WHEREAS, Idaho Transportation Department uses this pre-approved list to select professional services; and

WHEREAS, Bonner County desires to make qualified selections of professional services up to \$120,000 from the Idaho Transportation Department's list from time to time to facilitate projects being completed quickly and without lengthy preparation and review of Statement of Qualifications for each project; and


WHEREAS, this resolution will replace Resolution 17-67 which previously set the dollar limit at half of this amount.

NOW, THEREFORE, BE IT RESOLVED that Bonner County Road and Bridge is directed to post public notice pursuant to the notice provisions of I.C. 67-2805. This notice will state the BOCC will make professional service selections from the Idaho Transportation Department's pre-approved list when it is in the best interest of the public (as determined by each Department's Director), on professional service agreements not expected to exceed \$120,000.

The foregoing was duly enacted as a Resolution of the Board of County Commissioners of Bonner County, Idaho, on the 2 day of September 2025.

BOARD OF BONNER COUNTY COMMISSIONERS


Asia Williams, Chairwoman


Brian Domke, Commissioner

Ron Korn, Commissioner

ATTEST: Michael Rosedale

By 
Deputy Clerk

RESOLUTION NO. 17 - 67

Departments of Bonner County Selecting Professional Services from ITD Term Agreement List

WHEREAS, professional services such as engineering and surveying are selected based on qualifications and not based on bidding prices; and

WHEREAS, Idaho Code 67-2320-2i allows for selection of professional services using a pre-approved list in lieu of separate requests for qualifications (RFQ's) for each project over \$25,000; and

WHEREAS, in establishing a pre-approved list, notice shall be publicly posted with the same requirements as bidding a public works construction project per I.C. 67-2805; and

WHEREAS, Idaho Transportation Department's Consultant Administration Unit currently maintains a pre-approved list of professional services they refer to as "term agreements," that is well established in the industry and well organized for all types of road related projects; and

WHEREAS, Idaho Transportation Department uses this pre-approved list to select professional services up to \$150,000; and

WHEREAS, all departments of Bonner County desire to be able to make qualified selections of professional services up to \$60,000 from the Idaho Transportation Department's list from time to time to facilitate projects being completed quickly and without lengthy preparation and review of Statement of Qualifications for each project; and


WHEREAS, this resolution will replace Resolution 15-48 for the Road & Bridge Department and Resolution 16-54 for the Public Works Department. These resolutions previously authorized only these departments to utilize the ITD Term Agreement List and this resolution allows all Bonner County Departments to utilize this list.

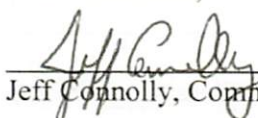
NOW, THEREFORE, BE IT RESOLVED that all departments of Bonner County are directed to post public notice pursuant to the notice provisions of I.C. 67-2805. This notice will state the BOCC will make professional service selections from the Idaho Transportation Department's pre-approved list when it is in the best interest of the public (as determined by each Department's Director), on professional service agreements not expected to exceed \$60,000.

The foregoing was duly enacted as a Resolution of the Board of County Commissioners of Bonner County, Idaho, on the 25th day of July, 2017.

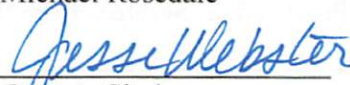
BOARD OF BONNER COUNTY COMMISSIONERS

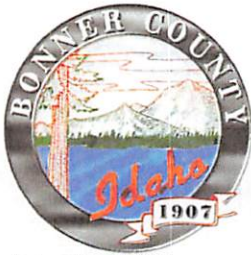

Glen Bailey, Chairman


Dan McDonald, Commissioner


Jeff Connolly, Commissioner

ATTEST: Michael Rosedale

By 
Deputy Clerk



FACILITIES & RECREATION DEPARTMENT

1500 Highway 2, Suite 101 • Sandpoint, ID 83864 • Phone: (208) 255-5681 Ext. 4

July 25, 2017

Memorandum

Facilities &
Recreation
Item #2

To: Commissioners

From: Steve Klatt, Facilities & Recreation Director

Re: Resolution Authorizing All Departments of Bonner County to Select Professional Services from the ITD Agreement List

The attached resolution seeks to change the policy for selection of professional services, such as hiring an engineering or surveying firm with a particular expertise. Design work of this type is selected based on the qualifications of a particular firm instead of the lowest cost. After the qualified firm has been selected, then a price is negotiated.

State law also allows for a list of pre-qualified professional services to be maintained, so that a professional firm may be selected from the list without a lengthy review process for each project. This saves everyone involved significant time and money.

ITD maintains such a list of pre-qualified professional services, which they call the "Term Agreement List". Their list is well organized and divided in districts and different types of professional work. Professional design firms who can show that they have expertise in that particular area can apply to be added to the list for potential selection. ITD's policies are to make selections from this list on design projects up to \$150,000.

Previously the Road & Bridge Department (Resolution 15-48) and Public Works (Resolution 16-54) were authorized to change our policy to allow selections from the ITD Term Agreement List for design work valued up to \$50,000. With internal changes amongst departments Bonner County really does not have a Public Works Department and the Facilities & Recreation Department is asking that this policy be modified to include all departments in Bonner County. This resolution would replace Resolutions 15-48 and 16-54.

Legal review: Steve Klatt vetted with Scott Bauer on 7/17/17

Distribution: Original to BOCC

Email copy to Steve Klatt, Jennifer Ralls and Rick Dreier

A suggested motion would be: Mr. Chairman based on the information before us I move to that the County approve Resolution # 17- 67 Authorizing All Departments of Bonner County to Select Professional Services from the ITD Agreement List for design work valued to up \$60,000.

Recommendation Acceptance: ☒ yes ☐ no

Glenn Bailey
Commissioner Glen Bailey, Chairman

Date: 7/25/17



BONNER COUNTY PUBLIC WORKS ROAD & BRIDGE

1500 Highway 2, Suite 101 • Sandpoint, ID 83864 • Phone: (208) 255-5681 • Fax: (208) 263-9084
E-mail: roads@co.bonner.id.us

July 14, 2015

Memorandum

ROAD &
BRIDGE
Item #1

To: Commissioners
From: Matt Mulder, PE, Public Works Staff Engineer
Re: Resolution for Selecting Professional Services from ITD Term Agreement List

The attached resolution seeks to change the policy in the Public Works Department for selection of professional services, such as hiring an engineering or surveying firm with a particular expertise. Design work of this type is selected based on the qualifications of a particular firm instead of the lowest cost. After the qualified firm has been selected, then a price is negotiated.

The current policy is in accordance with state law, where if the proposed design work is under \$25,000 Public Works may select anyone without any advertising requirements. However, if the proposed design work is over \$25,000, we must do a lengthy Request for Qualifications (RFQ) process, including advertising and assembling a committee to read and review statements of qualifications from interested firms. It has been brought to our attention by several professional firms that the time and costs involved in this selection process is wasteful on projects that are not significantly over \$25,000. Many professional firms will choose to not even participate because of the significant costs (around \$3000 minimum) to be considered and potentially not be selected. The profits are not high enough for them to take the risk.

State law also allows for a list of pre-qualified professional services to be maintained, so that a professional firm may be selected from the list without a lengthy review process for each project. This saves everyone involved significant time and money.

ITD maintains such a list of pre-qualified professional services, which they call the "Term Agreement List." Their list is well organized and divided in districts and different types of professional work. Professional design firms who can show that they have expertise in that particular area can apply to be added to the list for potential selection. ITD's policies are to make selections from this list on design projects up to \$150,000.

Public Works is seeking to change our policy to allow us to also make selections from the ITD Term Agreement List for design work valued up to \$50,000. This higher cap would allow us to facilitate design work faster on small projects, save significant staff time, and keep costs down, and remain in compliance with Idaho law.

Legal Review: Yes - Scott Bauer Approved by legal: SCB

Distribution: 1 Copy to Matt Mulder in Public Works

A suggested motion would be: I move to approve Resolution #15-48 authorizing Bonner County Public Works to change their policy to allow for selections from the ITD Term Agreement List for design work valued up to \$50,000.

Recommended Acceptance? yes no

Cary Kelly
Commissioner Cary Kelly, Chairman

Date 7-14-15

RESOLUTION NO. 15 - 48

**Road and Bridge
Selecting Professional Services from ITD Term Agreement List**

WHEREAS, professional services such as engineering and surveying are selected based on qualifications and not based on bidding prices; and

WHEREAS, Idaho Code 67-2320-2h allows for selection of professional services using a pre-approved list in lieu of separate requests for qualifications (RFQ's) for each project over \$25,000; and

WHEREAS, in establishing a pre-approved list, notice shall be publicly posted with the same requirements as bidding a public works construction project per I.C. 67-2805; and

WHEREAS, Idaho Transportation Department's Consultant Administration Unit currently maintains a pre-approved list of professional services they refer to as "term agreements," that is well established in the industry and well organized for all types of road related projects; and


WHEREAS, Idaho Transportation Department uses this pre-approved list to select professional services up to \$150,000; and


WHEREAS, Bonner County Road and Bridge desires to make qualified selections of professional services up to \$50,000 from the Idaho Transportation Department's list from time to time to facilitate projects being completed quickly and without lengthy preparation and review of Statement of Qualifications for each project.

NOW, THEREFORE, BE IT RESOLVED that Bonner County Road and Bridge is directed to post public notice pursuant to the notice provisions of I.C. 67-2805. This notice will state the BOCC will make professional service selections from the Idaho Transportation Department's pre-approved list when it is in the best interest of the public (as determined by the Road and Bridge Director), on professional service agreements not expected to exceed \$50,000.

The foregoing was duly enacted as a Resolution of the Board of County Commissioners of Bonner County, Idaho, on the 14th day of July, 2015.

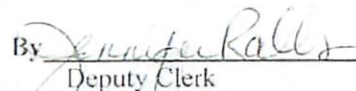
BOARD OF BONNER COUNTY COMMISSIONERS


Cary Kelly, Chairman


Todd Sudick, Commissioner


Glen Bailey, Commissioner

ATTEST: Michael Rosedale

By 
Deputy Clerk



BONNER COUNTY PUBLIC WORKS SOLID WASTE DEPARTMENT

1500 Highway 2, Suite 101 • Sandpoint, ID 83864 • Phone: (208) 255-5681

July 19, 2016

Memorandum

**PUBLIC
WORKS
Item #1**

To: Commissioners

From: Matt Klingler, Public Works Director

Re: Resolution for Selecting Professional Services from ITD Term Agreement List

The attached resolution seeks to change the policy in the Public Works Department for selection of professional services, such as hiring an engineering or surveying firm with a particular expertise. Design work of this type is selected based on the qualifications of a particular firm instead of the lowest cost. After the qualified firm has been selected, then a price is negotiated.


The current policy is in accordance with state law, where if the proposed design work is under \$25,000 Public Works may select anyone without any advertising requirements. However, if the proposed design work is over \$25,000, we must do a lengthy Request for Qualifications (RFQ) process, including advertising and assembling a committee to read and review statements of qualifications from interested firms. It has been brought to our attention by several professional firms that the time and costs involved in this selection process is wasteful on projects that are not significantly over \$25,000. Many professional firms will choose to not even participate because of the significant costs (around \$3000 minimum) to be considered and potentially not be selected. The profits are not high enough for them to take the risk.

State law also allows for a list of pre-qualified professional services to be maintained, so that a professional firm may be selected from the list without a lengthy review process for each project. This saves everyone involved significant time and money.

ITD maintains such a list of pre-qualified professional services, which they call the "Term Agreement List." Their list is well organized and divided in districts and different types of professional work. Professional design firms who can show that they have expertise in that particular area can apply to be added to the list for potential selection. ITD's policies are to make selections from this list on design projects up to \$150,000.

Public Works is seeking to change our policy to allow the Public Works Department (Building & Grounds, Solid Waste and Weeds) to make selections from the ITD Term Agreement List for design work valued up to \$50,000. This higher cap would allow us to facilitate design work faster on small projects, save significant staff time, and keep costs down, and remain in compliance with Idaho law.

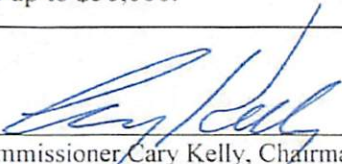
Resolution 15-48 was previously approved and was specific to Road & Bridge. The Public Works Department would like all departments under Public Works (Buildings & Grounds, Solid Waste and Weeds) to be included in this policy.

This has been reviewed/approved by legal: 
Scott Bauer

Distribution: Original to BOCC
Email copy to Matt Klingler, Jennifer Ralls

A suggested motion would be: Mr. Chairman based on the information before us I move that the County approve Resolution 16-54 authorizing Bonner County Public Works (Buildings & Grounds, Solid Waste and Weeds) to change their policy to allow for selections from the ITD Term Agreement List for design work valued up to \$50,000.

Recommendation Acceptance: ☐ yes ☐ no


Commissioner Cary Kelly, Chairman

Date: 07/19/16

RESOLUTION NO. 16 - 54

PUBLIC WORKS

Selecting Professional Services from ITD Term Agreement List

WHEREAS, professional services such as engineering and surveying are selected based on qualifications and not based on bidding prices; and

WHEREAS, Idaho Code 67-2320-2h allows for selection of professional services using a pre-approved list in lieu of separate requests for qualifications (RFQ's) for each project over \$25,000; and

WHEREAS, in establishing a pre-approved list, notice shall be publicly posted with the same requirements as bidding a public works construction project per I.C. 67-2805; and

WHEREAS, Idaho Transportation Department's Consultant Administration Unit currently maintains a pre-approved list of professional services they refer to as "term agreements," that is well established in the industry and well organized for all types of road related projects; and

WHEREAS, Idaho Transportation Department uses this pre-approved list to select professional services up to \$150,000; and


WHEREAS, Bonner County Road and Bridge makes qualified selections of professional services up to \$50,000 from the Idaho Transportation Department's list from time to time to facilitate projects being completed quickly and without lengthy preparation and review of Statement of Qualifications for each project; and

WHEREAS, Bonner County Public Works also desires to make qualified selections of professional services up to \$50,000 from the Idaho Transportation Department's list from time to time to facilitate projects being completed quickly and without lengthy preparation and review of Statements of Qualifications for each project.

NOW, THEREFORE, BE IT RESOLVED that Bonner County Public Works is directed to post public notice pursuant to the notice provisions of I.C. 67-2805. This notice will state the BOCC will make professional service selections from the Idaho Transportation Department's pre-approved list when it is in the best interest of the public (as determined by the Public Works Director), on professional service agreements not expected to exceed \$50,000.

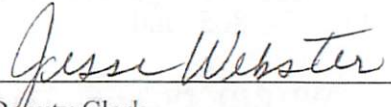
ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho upon a majority vote on the 17th day of July, 2016.

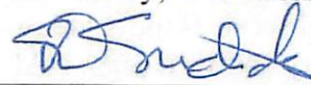
BONNER COUNTY BOARD OF COMMISSIONERS

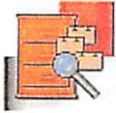

Cary Kelly, Chairman

Attest: Michael W. Rosedale


Glen Bailey, Commissioner

By 
Deputy Clerk


Todd Sudick, Commissioner



Idaho Statutes

TITLE 67 STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 23 MISCELLANEOUS PROVISIONS

67-2320. PROFESSIONAL SERVICE CONTRACTS WITH DESIGN PROFESSIONALS, CONSTRUCTION MANAGERS AND PROFESSIONAL LAND SURVEYORS. (1) Notwithstanding any other provision of law to the contrary, it shall be the policy of this state that all public agencies and political subdivisions of the state of Idaho and their agents shall make selections for professional engineering, architectural, landscape architecture, construction management and professional land surveying services, including services by persons licensed pursuant to chapters 3, 12, 30 and 45, title 54, Idaho Code, on the basis of qualifications and demonstrated competence and shall negotiate contracts or agreements for such services on the basis of demonstrated competence and qualifications for the type of services required at fair and reasonable prices.

(2) In carrying out this policy, public agencies and political subdivisions of the state shall use the following minimum guidelines in securing contracts for engineering, architectural, landscape architecture, construction management and land surveying services on projects for which the professional service fee is anticipated to exceed the total sum of twenty-five thousand dollars (\$25,000), excluding professional services contracts previously awarded for an associated or phased project, and the expenditure is otherwise exempt from the bidding process provided by law:

(a) Encourage persons or firms engaged in the services being solicited to submit statements of qualifications and performance data;

(b) Establish and make available to the public the criteria and procedures used for the selection of qualified persons or firms to perform such services;

(c) Select the persons or firms whom the public agency or political subdivision determines to be best qualified to provide the required services, ranked in order of preference, pursuant to the public agency or political subdivision's established criteria and procedures;

(d) Negotiate with the highest ranked person or firm for a contract or agreement to perform such services at a price determined by the public agency or political subdivision to be reasonable and fair to the public after considering the estimated value, the scope, the complexity and the nature of the services;

(e) When unable to negotiate a satisfactory contract or agreement, formally terminate negotiations and undertake negotiations with the next highest ranked person or firm, following the procedure prescribed in subsection (2)(d) of this section;

(f) When unable to negotiate a satisfactory contract or agreement with any of the selected persons or firms, continue with the selection and negotiation process provided in this section until a contract or agreement is reached;

(g) When public agencies or political subdivisions solicit proposals for engineering, architectural, landscape architecture, construction management or land surveying services for which the professional service fee is anticipated to exceed the total sum of twenty-five thousand dollars (\$25,000), they shall publish public notice in the same manner as required for bidding of public works construction projects.

(h) In fulfilling the requirements of subsections (2)(a) through (2)(g) of this section, a public agency or political subdivision may limit its selection from a list of three (3) persons or firms selected and preapproved for consideration by the public agency or political subdivision. In establishing a preapproved list a public agency or political subdivision shall publish notice as set forth in subsection (2)(g) of this section. When selecting from such list, no notice shall be required.

(i) In fulfilling the requirements of subsections (2)(a) through (2)(g) of this section, a public agency or political subdivision may request information concerning a person's or firm's rates, overhead and multipliers, if any, however such information shall not be used by the public agency or political subdivision for the purpose of ranking in order of preference as required in subsection (2)(c) of this section.

(3) In securing contracts for engineering, architectural, landscape architecture, construction management or land surveying services on projects for which the professional service fee is anticipated to be less than the total sum of twenty-five thousand dollars (\$25,000), the public agency or political subdivision may use the guidelines set forth in paragraphs (a) through (g) of subsection (2) of this section or establish its own guidelines for selection based on demonstrated competence and qualifications to perform the type of services required, followed by negotiation of the fee at a price determined by the public agency or political subdivision to be fair and reasonable after considering the estimated value, the scope, the complexity and the nature of services.

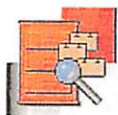
(4) When a public agency or political subdivision of the state has previously awarded a professional services contract to a person or firm for an associated or phased project the public agency or political subdivision may, at its discretion, negotiate an extended or new professional services contract with that person or firm.

(5) (a) For the purposes of this section, "public agency" shall mean the state of Idaho and any departments, commissions, boards, authorities, bureaus, universities, colleges, educational institutions or other state agencies which have been created by or pursuant to statute other than courts and their agencies and divisions, and the judicial council and the district magistrate's commission;

(b) For the purposes of this section, "political subdivision" shall mean a county, city, airport, airport district, school district, health district, road district, cemetery district, community college district, hospital district, irrigation district, sewer district, fire protection district, or any other district or municipality of any nature whatsoever having the power to levy taxes or assessment, organized under any general or special law of this state. The enumeration of certain districts herein shall not be construed to exclude other districts or municipalities from this definition.

History:

[67-2320, added 1984, ch. 188, sec. 1, p. 438; am. 1998, ch. 410, sec. 4, p. 1273.]



Idaho Statutes

TITLE 67 STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 28 PURCHASING BY POLITICAL SUBDIVISIONS

67-2805. PROCUREMENT OF PUBLIC WORKS CONSTRUCTION. (1) For any contemplated public works construction project with an estimated total cost of less than fifty thousand dollars (\$50,000), where the political subdivision determines that there may be a lack of available licensed contractors, a political subdivision may publish a notice of intent to procure in its official newspaper, concurrently sending such notice to the public works contractors license board, in order to solicit statements of interest from licensed public works contractors to determine whether one (1) or more licensed contractors is interested in submitting bids. Such notice of intent to procure shall be provided by the same means required for published solicitation of competitive bids and shall contain essentially the same information as such published notice. If no licensed public works contractor submits a statement of interest, the political subdivision may purchase public works construction from other than a licensed public works contractor by using the same procurement procedures otherwise specified herein.

(2) When a political subdivision contemplates an expenditure to procure public works construction valued in excess of twenty-five thousand dollars (\$25,000) but not to exceed one hundred thousand dollars (\$100,000), the procurement procedures of this subsection (2) shall apply:

(a) The solicitation for bids for the public works construction to be performed shall be supplied to no fewer than three (3) owner-designated licensed public works contractors by written means, either by electronic or physical delivery. The solicitation shall describe the construction work to be completed in sufficient detail to allow an experienced public works contractor to understand the construction project the political subdivision seeks to build.

(b) The solicitation for bids shall describe the electronic or physical delivery method or methods authorized to submit a bid, the date and time by which a bid proposal must be received by the clerk, secretary or other authorized official of the political subdivision, and shall provide a reasonable time to respond to the solicitation, provided that except in the event of an emergency, such time shall not be less than three (3) business days.

(c) Written objections to specifications or bid procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least one (1) business day before the date and time upon which bids are scheduled to be received.

(d) When written bids have been received, by either physical or electronic delivery, they shall be submitted to the governing board or governing board-authorized official which shall approve the responsive bid proposing the lowest procurement price or reject all bids and publish notice for bids, as before.

(e) If the political subdivision finds that it is impractical or

impossible to obtain three (3) bids for the proposed public works procurement, the political subdivision may acquire the work in any manner the political subdivision deems best from a qualified public works contractor quoting the lowest price. When fewer than three (3) bids are considered, a description of the efforts undertaken to procure at least three (3) bids shall be documented by the political subdivision and such documentation shall be maintained for at least six (6) months after the procurement decision is made. If two (2) or more price quotations offered by different licensed public works contractors are the same and the lowest responsive bids, the governing board or governing-board authorized official may accept the one (1) it chooses.

(3) When a political subdivision contemplates an expenditure to purchase public works construction valued in excess of one hundred thousand dollars (\$100,000), the procurement procedures of this subsection (3) shall apply. The purchase of construction services shall be made pursuant to a competitive sealed bid process with the purchase to be made from the qualified public works contractor submitting the lowest bid price complying with bidding procedures and meeting the prequalifications, if any are provided, established by the bid documents. Competitive bidding for public works may proceed through either of two (2) alternative procedures as set forth below:

(a) Category A. Competitive bidding procedures shall be open to receipt of bids from any licensed public works contractor desiring to bid upon a public works project. For a category A bid, the political subdivision may only consider the amount bid, bidder compliance with administrative requirements of the bidding process, and whether the bidder holds the requisite license, and shall award the bid to the qualified bidder submitting the lowest responsive bid.

(i) The request for bids for a category A procurement shall set a date and place for the public opening of bids. Two (2) notices soliciting bids shall be published in the official newspaper of the political subdivision. The first notice shall be published at least two (2) weeks before the date for opening bids, with the second notice to be published in the succeeding week at least seven (7) days before the date that bids are scheduled to be opened. The notice shall succinctly describe the project to be constructed. Copies of specifications, bid forms, bidder's instructions, contract documents, and general and special instructions shall be made available upon request and payment of a reasonable plan copy fee by any interested bidder.

(ii) Written objections to specifications or bidding procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least three (3) business days before the date and time upon which bids are scheduled to be opened. The administrative officer or governing board supervising the bidding process shall respond to any such objection in writing and communicate such response to the objector and all other plan holders, adjusting bidding timeframes if necessary.

(iii) All bids shall be presented or otherwise delivered under sealed cover to the clerk of the political subdivision or other authorized agent of the political subdivision designated by the information provided to bidders by the political subdivision with a concise statement marked on the outside generally identifying the expenditure to which the bid pertains.

(iv) If the political subdivision deems it is in the political subdivision's best interest, it may require the bidder to provide bid security in an amount equal to at least five percent (5%) of the amount bid. If required, a bid shall not be considered unless one (1) of the forms of bidder's security is

enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the political subdivision. The political subdivision may require that the bid security be in one (1) of the following forms:

(A) Cash;

(B) A cashier's check made payable to the political subdivision;

(C) A certified check made payable to the political subdivision; or

(D) A bidder's bond executed by a qualified surety company, made payable to the political subdivision.

(v) Any bid received by the political subdivision may not be withdrawn after the date and time set in the notice for opening of bids. When sealed bids have been received, they shall be opened in public at a designated place and time, thereafter to be compiled and submitted to the governing board for award.

(vi) If the successful bidder fails to execute the contract, the amount of his bidder's security may be forfeited to the political subdivision at the sole discretion of the political subdivision and the proceeds shall be deposited in a designated fund out of which the expenses of procuring substitute performance are paid.

(vii) The political subdivision may, on the refusal or failure of the successful bidder to execute the contract, award the contract to the qualified bidder submitting the next lowest responsive bid. If the governing board awards the contract to the next lowest qualified bidder, the amount of the lowest qualified bidder's security may be applied by the political subdivision to the difference between the lowest responsive bid and the next lowest responsive bid, and the surplus, if any, shall be returned to the lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used, less reasonable administrative costs not to exceed twenty-five percent (25%) of the amount of the bidder's security to the owner.

(viii) In its discretion, the governing board may reject all bids presented and re-bid, or the governing board may, after finding it to be a fact, pass a resolution declaring that the project sought to be accomplished by the expenditure can be performed more economically by purchasing goods and services on the open market. If identical bids are received, the governing board may choose the bidder it prefers. If no bids are received, the governing board may procure the goods or services without further competitive bidding procedures.

(ix) If the governing board of any political subdivision chooses to award a competitively bid contract involving the procurement of public works construction to a bidder other than the apparent low bidder, the political subdivision shall declare its reason or reasons on the record and shall communicate such reason or reasons in writing to all persons who have submitted a competing bid.

(x) If any participating bidder objects to such award, such bidder shall respond in writing to the notice from the political subdivision within seven (7) calendar days of the date of transmittal of the notice, setting forth in such response the express reason or reasons that the award decision of the governing board is in error. Thereafter, staying performance of any procurement until after addressing the contentions raised by the objecting bidder, the governing board shall review its decision and determine whether to affirm its prior award, modify the award, or choose to re-bid, setting forth its reason or

reasons therefor. After completion of the review process, the political subdivision may proceed as it deems to be in the public interest.

(b) Category B. Competitive bidding procedures shall be open to licensed public works contractors only after meeting preliminary supplemental qualifications established by the political subdivision. The solicitation for bids in a category B procurement shall consist of two (2) stages, an initial stage determining supplemental prequalifications for licensed contractors, either prime or specialty contractors, followed by a stage during which bid prices will be accepted only from prequalified contractors.

(i) Notice of the prequalification stage of the category B competitive bidding process shall be given in the same manner that notice of competitive bidding is provided for a category A competitive bid request, providing a specific date and time by which qualifications statements must be received. Political subdivisions may establish prequalification standards premised upon demonstrated technical competence, experience constructing similar facilities, prior experience with the political subdivision, available nonfinancial resources, equipment and personnel as they relate to the subject project, and overall performance history based upon a contractor's entire body of work. Such request must include the standards for evaluating the qualifications of prospective bidders.

(ii) During the initial stage of the category B bidding process, licensed contractors desiring to be prequalified to bid on a project must submit a written response to a political subdivision's request for qualifications.

(iii) Written objections to prequalification procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least three (3) business days before the date and time upon which prequalification statements are due. The administrative officer or governing board supervising the bidding process shall respond to any such objection in writing and communicate such response to the objector and all other contractors seeking to prequalify, adjusting bidding timeframes if necessary. After a review of qualification submittals, the political subdivision may select licensed contractors that meet the prequalification standards. If any licensed contractor submits a statement of qualifications but is not selected as a qualified bidder, the political subdivision shall supply a written statement of the reason or reasons why the contractor failed to meet prequalification standards.

(iv) Any licensed contractor that fails the prequalification stage can appeal any such determination to the governing board within seven (7) days after transmittal of the prequalification results to contest the determination. If the governing board sustains the decision that a contractor fails to meet prequalification standards, it shall state its reason or reasons for the record. A governing board decision concerning prequalification may be appealed to the public works contractors license board no more than fourteen (14) days following any decision on appeal made by the governing board. The public works contractors license board shall decide any such appeal within thirty-five (35) days of the filing of a timely appeal. The public works contractors license board shall allow participation, written or oral, by the appealing contractor and the political subdivision, either by employing a hearing officer or otherwise. The public works contractors license board shall not substitute its judgment for that of the political

subdivision, limiting its review to determining whether the decision of the governing board is consistent with the announced prequalification standards, whether the prequalification standards comport with the law and whether the governing board's decision is supported by the entirety of the record. The decision of the public works contractors license board shall be written and shall state the reason or reasons for the decision. Category B prequalification procedures that are appealed shall be stayed during the pendency of the prequalification appeal until the public works contractors license board completes its review, but in no instance more than forty-nine (49) days after the appellate decision of the governing board regarding prequalification. Any licensed public works contractor affected by a decision on appeal by the public works contractors license board may, within twenty-eight (28) days of the final decision, seek judicial review as provided by chapter 52, title 67, Idaho Code.

(v) Following the conclusion of the prequalification administrative procedures, the bidding stage shall proceed by the setting of a time, date and place for the public opening of bids. In circumstances involving prequalified prime contractors, a notice soliciting bids shall be transmitted to prequalified bidders at least fourteen (14) days before the date of opening the bids. In circumstances involving prequalified specialty or subordinate contractors, the notice soliciting bids shall be published in the same manner applicable to category A bids. The notice shall succinctly describe the project to be constructed. Copies of specifications, bid forms, bidder's instructions, contract documents, and general and special instructions shall be made available upon request and payment of a reasonable plan copy fee by any eligible bidder.

(vi) Written objections to specifications or bidding procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least three (3) business days before the date and time upon which bids are scheduled to be opened.

(vii) All category B bids shall be presented or otherwise delivered under sealed cover to the clerk or other authorized agent of the political subdivision designated by the instructions to bidders with a concise statement marked on the outside generally identifying the expenditure to which the bid pertains.

(viii) If the political subdivision deems it is in the political subdivision's best interest, it may require the bidder to provide bid security in an amount equal to at least five percent (5%) of the amount bid. If required, a bid shall not be considered unless one (1) of the forms of bidder's security is enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the political subdivision. The political subdivision may require that the bid security be in one (1) of the following forms:

(A) Cash;

(B) A cashier's check made payable to the political subdivision;

(C) A certified check made payable to the political subdivision; or

(D) A bidder's bond executed by a qualified surety company, made payable to the political subdivision.

(ix) Any category B bid received by a political subdivision may not be withdrawn after the date and time set in the notice for opening of bids. When sealed bids have been received, they

shall be opened in public at a designated place and time, thereafter to be compiled and submitted to the governing board for award. If identical bids are received, the governing board may choose the bidder it prefers. If the successful bidder fails to execute the contract, the amount of his bidder's security may be forfeited to the political subdivision, in the sole discretion of the political subdivision, and the proceeds shall be deposited in a designated fund out of which the expenses for procuring substitute performance are paid.

(x) The political subdivision may, on the refusal or failure of the successful bidder to execute the contract, award the contract to the qualified bidder submitting the next lowest responsive bid. If the governing board awards the contract to the next lowest qualified bidder, the amount of the lowest qualified bidder's security, if forfeited, shall be applied by the political subdivision to the difference between the lowest responsive bid and the next lowest responsive bid, and the surplus, if any, shall be returned to the lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used, less reasonable administrative costs not to exceed twenty-five percent (25%) of the amount of the bidder's security.

(xi) In its discretion, the governing board may reject all bids presented and re-bid, or the governing board may, after finding it to be a fact, pass a resolution declaring that the project sought to be accomplished by the expenditure can be performed more economically by purchasing goods and services on the open market. If no bids are received, the governing board may make the expenditure without further competitive bidding procedures.

(xii) If the governing board of any political subdivision chooses to award a competitively bid contract involving the procurement of public works construction to a bidder other than the apparent low bidder, the political subdivision shall declare its reason or reasons on the record and shall communicate such reason or reasons in writing to all persons who have submitted a competing bid.

(xiii) If any participating bidder objects to such award, such bidder shall respond in writing to the notice from the political subdivision within seven (7) calendar days of the date of transmittal of the notice, setting forth in such response the express reason or reasons that the award decision of the governing board is in error. Thereafter, staying performance of any procurement until after addressing the contentions raised by the objecting bidder, the governing board shall review its decision and determine whether to affirm its prior award, modify the award, or choose to re-bid, setting forth its reason or reasons therefor. After completion of the review process, the political subdivision may proceed as it deems to be in the public interest.

History:

[67-2805, added 2005, ch. 213, sec. 37, p. 669; am. 2005, ch 295, sec. 2, p. 935.]



BONNER COUNTY ROAD & BRIDGE

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ROAD & BRIDGE Item #3

September 2, 2025

To: Commissioners
From: Matt Mulder, PE, Road & Bridge Staff Engineer
Re: Updated Resolution for Selecting Professional Services from ITD Term Agreement List

In 2017, Bonner County adopted Resolution 17-67 in accordance with state code IC:67-2320 allowing County Departments to select professional services from the ITD Term Agreement List, such as hiring an engineering or surveying firm with a particular expertise. Design work of this type is selected based on the qualifications of a particular firm instead of the lowest cost. After the qualified firm has been selected, then a price is negotiated.

IC67-2320 was updated in 2021 to double the dollar limits, and IC67-2803, 2805, and 2806 dealing with contracts for public works construction and acquiring goods and services were updated in 2025 to double the dollar limits of every category to keep the limits relevant as construction costs have increased over the last decade. Where before the limits for professional services started at \$25,000, they have now been increased to \$50,000.

I have prepared an updated Resolution which also doubles the cost limits for when County Departments may make selections from the ITD Term Agreement List, to continue to allow the option to stay financially relevant and for efficient selection without lengthy qualifications and selection processes. The prior resolution set the limit at \$60,000, and I've updated it to reflect a doubling to \$120,000, for consideration by The Board.

Legal Review: Email attached
Risk Review: N/A – No acquisitions or activities
Auditing Review: Email attached

B. Wilson



APPROVED

A suggested motion would be: I move to approve Resolution #25~~59~~⁵⁹ authorizing Bonner County Departments to make selections from the ITD Term Agreement List for design work valued up to \$120,000.

Recommended Acceptance? Xyes no

Asia Williams
Commissioner Asia Williams, Chairwoman

Date 9-2-25