

BOISE RIVER FLOOD CONTROL DISTRICT NO. 10

RESOLUTION NO. 01-2013

BY THE BOARD OF COMMISSIONERS OF THE BOISE RIVER FLOOD CONTROL DISTRICT NO. 10:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOISE RIVER FLOOD CONTROL DISTRICT NO. 10, AMENDING AND ADOPTING A PROCUREMENT POLICY FOR THE BOISE RIVER FLOOD CONTROL DISTRICT NO. 10, DIRECTING ITS ADHERENCE TO, AND MAKING THE SAME EFFECTIVE UPON PASSAGE AND APPROVAL.

THIS RESOLUTION, made on the date hereinafter set forth by the Boise River Flood Control District No. 10, authorized under the authority of the Flood Control District Act (the "Act"), as amended, Chapter 31, Title 42, Idaho Code, a duly created and functioning flood control district, hereinafter referred to as "FCD10";

WHEREAS, FCD10 has in force and effect Resolution No. 01-2007 adopting a procurement policy for FCD10 effective February 20, 2007;

WHEREAS, the existing procurement policy imposes upon FCD10 requirements that go above and beyond the legal requirements for procurement by FCD 10, as set forth in Idaho's *Open Access to Work Act*, IDAHO CODE §§ 67-2801 *et seq.*, as amended;

WHEREAS, in particular, the existing procurement policy imposes additional duties above and beyond that imposed by Idaho law with respect to the procurement of independent contractors to provide ongoing, specialized services such as administration, consulting services, project management and the like;

WHEREAS, the FCD Administrator and FCD10 Legal Counsel have prepared a new Procurement Policy for FCD10 (copy attached), which has previously been distributed to the Board for review;

WHEREAS, FCD10 finds it in the best interests of FCD10 and the public to approve and adopt the Procurement Policy attached to this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOISE RIVER FLOOD CONTROL DISTRICT NO. 10 –

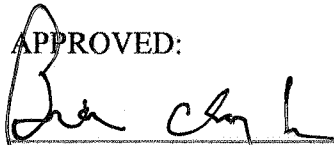
THAT the FCD10 Procurement Policy, a copy of which is attached hereto and incorporated herein by reference, be and is hereby approved, authorized and adopted by the FCD10 Board, and that the FCD10 Administrator shall take all action necessary to implement the same;

THAT Resolution No. 01-2007 be and the same is hereby repealed, rescinded and voided, in its entirety, and that the Procurement Policy incorporated in said Resolution No. 01-2007 be and the same is hereby repealed, rescinded, void and of no further force or effect;

THAT this Resolution shall be in full force and effect immediately upon its adoption and approval.


PASSED by the Boise River Flood Control District No. 10, on the 15th day of August, 2013. Signed by the Chairman of the Board of Commissioners and attested by the Secretary to the Board of Commissioners on said date.

APPROVED:



Bill Clayton, Chairman

ATTEST:



FCD10 Secretary

BOISE RIVER FLOOD CONTROL DISTRICT NO. 10

PROCUREMENT POLICY

Section 1. Statement of Intent. Efficient and cost-effective procurement of goods, services and public works construction is an important aspect of the work of FCD10. FCD10 should endeavor to buy goods, services and public works construction by way of a publicly accountable process that respects the shared goals of economy and quality. FCD10 should also endeavor to purchase goods and services from vendors with a significant Idaho economic presence. This Procurement Policy is intended to achieve these objectives by and through compliance with Idaho's *Open Access to Work Act*, IDAHO CODE §§ 67-2801 *et seq.*

Section 2. Definitions. For purposes of this Procurement Policy, the following terms shall have the following meanings –

- (a) "Board" shall mean the board of directors of FCD10;
- (b) "FCD10" shall mean Boise River Flood Control District Number 10;
- (c) "Idaho Act" shall mean Idaho's *Open Access to Work Act*, IDAHO CODE §§ 67-2801 *et seq.*, as amended;
- (d) "Procurement Policy" shall mean this Procurement Policy for FCD10;
- (e) "Public Works Construction" or "Public Works Project" shall have the definition set forth at IDAHO CODE § 54-1901(c).

Section 3. Exclusions. This Procurement Policy shall not be applicable to –

- (a) disbursement of wages or compensation to any employee, official or agent of FCD10 for the performance of personal services for FCD10;
- (b) procurement of an interest in real property;
- (c) procurement of insurance;
- (d) procurement of used personal property from irrigation districts, drainage districts and their boards of control; and
- (e) Federal government general services administration (GSA) schedules or Federal multiple award schedules (MAS).

Section 4. Procurement of Personal Property. The Board and FCD10 shall abide by the following policies for the procurement, purchase or lease of personal property, and for the lease of real property.

- (a) Under \$25,000. The Board shall have sole and absolute discretion, guided by the best interests of FCD10, to procure, purchase or lease personal property with or without

soliciting bids, for which the Board reasonably expects that the expenditures will be less than twenty-five thousand dollars (\$25,000) for the purchase or annual lease.

- (b) Between \$25,000 and \$50,000. If the Board reasonably expects that the procurement or purchase of personal property, or the lease of personal or real property, will result in expenditures of between twenty-five thousand dollars (\$25,000) and fifty thousand dollars (\$50,000) for the purchase or annual lease, then the Board shall act in accordance with the Idaho Act, specifically IDAHO CODE § 67-2806(1). This process requires the Board to solicit three (3) informal bids.
- (c) Over \$50,000. If the Board reasonably expects that the procurement or purchase of personal property, or the lease of personal or real property, will result in expenditures of greater than fifty thousand dollars (\$50,000) for the purchase or annual lease, then the Board shall act in accordance with the Idaho Act, specifically IDAHO CODE § 67-2806(2). This process requires the Board to initiate an open, competitive sealed bid process and then a formal award by the Board.

Section 5. Public Works Construction and Public Works Projects. The Board and FCD10 shall abide by the following policies for Public Works Construction and Public Works Projects, unless related to the maintenance and upkeep of the same, in which case Section 7 or Section 8 of the Procurement Policy shall be followed.

- (a) Under \$25,000. The Board shall have sole and absolute discretion, guided by the best interests of FCD10, to decide whether to solicit bids for Public Works Construction and Public Works Projects for which the Board reasonably expects that the expenditures will be less than twenty-five thousand dollars (\$25,000).
- (b) Between \$25,000 and \$100,000. If the Board reasonably expects that a Public Works Construction or Public Works Project will result in expenditures of between twenty-five thousand dollars (\$25,000) and one hundred thousand dollars (\$100,000), then the Board shall act in accordance with the Idaho Act, specifically IDAHO CODE § 67-2805(2). This process requires the Board to solicit three (3) informal bids.
- (c) Over \$100,000. If the Board reasonably expects that a Public Works Construction or Public Works Project will result in expenditures of greater than one hundred thousand dollars (\$100,000), then the Board shall act in accordance with the Idaho Act, specifically IDAHO CODE § 67-2805(3). This process requires the Board to initiate an open, competitive sealed bid process and then a formal award by the Board. The Board, in its sole discretion guided by the best interests of FCD10, shall determine whether to select a Category A process or Category B process. The Category A

process is open to all licensed public works contractors, while the Category B process is only open to licensed public works contractors who meet prequalification requirements. If the Category B process is selected, the Board shall determine the prequalification requirements.

Section 6. Procurement of Personal Services from other than Employees and Independent Contractors. The Board and FCD10 shall abide by the following policies for the procurement of personal services from other than employees of FCD10 and independent contractors of FCD10, which shall include such procurements necessary for the maintenance and upkeep of Public Works Construction and Public Works Projects.

- (a) Under \$25,000. The Board shall have sole and absolute discretion, guided by the best interests of FCD10, to procure personal services from other than employees of FCD10 and independent contractors of FCD10, with or without soliciting bids, for which the Board reasonably expects that the expenditures will be less than twenty-five thousand dollars (\$25,000) annually.
- (b) Between \$25,000 and \$50,000. If the Board reasonably expects that the procurement of personal services from other than employees of FCD10 and independent contractors of FCD10 will result in expenditures of between twenty-five thousand dollars (\$25,000) and fifty thousand dollars (\$50,000) annually, then the Board shall act in accordance with the Idaho Act, specifically IDAHO CODE § 67-2806(1). This process requires the Board to solicit three (3) informal bids.
- (c) Over \$50,000. If the Board reasonably expects that the procurement of personal services from other than employees of FCD10 and independent contractors of FCD10 will result in expenditures of greater than fifty thousand dollars (\$50,000) annually, then the Board shall act in accordance with the Idaho Act, specifically IDAHO CODE § 67-2806(2). This process requires the Board to initiate an open, competitive sealed bid process and then a formal award by the Board.

Section 7. Procurement of Independent Contractors to Provide Personal Services. The Board shall have sole and absolute discretion, guided by the best interests of FCD10, to procure personal services from independent contractors, including procurements for project management and for the maintenance and upkeep of Public Works Construction and Public Works Projects, with or without soliciting bids. This Section shall not apply to independent contractors serving FCD10 as design professional, construction managers, professional land surveyors, professionals, or consultants.

Section 8. Procurement of Independent Contractors Acting as Design Professionals, Construction Managers or Professional Land Surveyors. The Board and FCD10 shall abide by the following policies for the procurement of independent contractors acting as design professionals, construction managers, professional land surveyors, professional engineering, architecture, and landscape architecture.

- (a) Under \$25,000. The Board shall abide by IDAHO CODE § 67-2320 with respect to the procurement of independent contractors acting as design professionals, construction managers, professional land surveyors, professional engineers, architects, and landscape architects for which the Board reasonably expects that the professional fee will be less than twenty-five thousand dollars (\$25,000) annually.
- (b) Between \$25,000 and \$100,000. If the Board reasonably expects that the procurement of independent contractors acting as design professionals, construction managers, professional land surveyors, professional engineers, architects, and landscape architects will result in a professional fee of between twenty-five thousand dollars (\$25,000) and one hundred thousand dollars (\$100,000) annually, then the Board shall act in accordance with IDAHO CODE § 67-2320, as supplemented by the Idaho Act, specifically IDAHO CODE § 67-2805(2). This process requires the Board to solicit three (3) informal bids.
- (c) Over \$100,000. If the Board reasonably expects that the procurement of independent contractors acting as design professionals, construction managers, professional land surveyors, professional engineers, architects, and landscape architects will result in a professional fee of greater than one hundred thousand dollars (\$100,000) annually, then the Board shall act in accordance with IDAHO CODE § 67-2320, as supplemented by the Idaho Act, specifically IDAHO CODE § 67-2805(3). This process requires the Board to initiate an open, competitive sealed bid process and then a formal award by the Board. The Board, in its sole discretion guided by the best interests of FCD10, shall determine whether to select a Category A process or Category B process. The Category A process is open to all licensed professionals, while the Category B process is only open to licensed professionals who meet prequalification requirements. If the Category B process is selected, the Board shall determine the prequalification requirements.

Section 9. Procurement of Independent Contractors to Provide Professional or Consulting Services. The Board shall have sole and absolute discretion, guided by the best interests of FCD10, to procure professional or consulting services from independent contractors with or without soliciting bids. “Professionals” and “consultants” includes, but is not limited to, accountants, consulting architects, attorneys, consulting engineers, project managers, and all

other persons serving in a profession licensed by the State of Idaho, but not including public works contractors, general contractors, or persons governed by Section 9.


Section 10. Emergency Expenditures. The Board may declare that an emergency exists and that the public interest and necessity demand the immediate expenditure of public money if – (a) there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster; (b) it is necessary to do emergency work to prepare for the national or local defense; or (c) it is necessary to do emergency work to safeguard life, health or property. Upon making the declaration of emergency, any sum required in the emergency may be expended without compliance with the foregoing Sections.

Section 11. Compliance. The Board and FCD10 shall be required to comply with this Procurement Policy. The Administrator of FCD10 shall be generally responsible for the implementation of this Procurement Policy.

Section 12. Amendment or Modification. This Procurement Policy may be amended or modified by the Board, from time to time, at any regular or special meeting of the Board, provided notice of any suggested amendment or modification is published thirty (30) days prior to the meeting at which the amendment or modification is adopted.

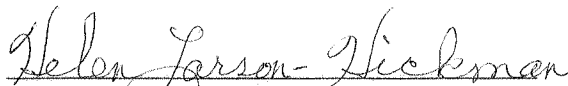
Section 13. Effective Date. This Procurement Policy shall be effective immediately upon adoption by the Board.

ADOPTED by the **BOARD OF DIRECTORS** of **BOISE RIVER FLOOD CONTROL DISTRICT NO. 10** this 15th day of August, 2013.



Bill Clayton, Chairman

Bob Beede, DVM



Helen Larson-Hickman



ATTEST - FCD10 Secretary