

BOISE RIVER FLOOD CONTROL DISTRICT NO. 10

RESOLUTION NO. 01-2007

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, RECOMMENDING ADOPTION OF A PURCHASING POLICY FOR THE BOISE RIVER FLOOD CONTROL DISTRICT NO. 10; AUTHORIZING THE CHAIRMAN, AND ADMINISTRATOR TO TAKE APPROPRIATE ACTION AUTHORIZING AND DELEGATING TO THE ADMINISTRATOR THE ABILITY TO MAKE MINOR MODIFICATIONS, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING FOR THE PURCHASING POLICY TO BE EFFECTIVE UPON ITS 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 "FCD#10."

WHEREAS under the Act, FCD#10 has the authority to purchase certain services and materials, engage certain professional services and construct certain improvements;

WHEREAS, under the Act, FCD#10 is required to comply with certain other statutory provisions in the acquisition of such services, materials, professional services and the construction of certain improvements;

WHEREAS, the FCD#10 Administrator and FCD#10 Counsel has prepared a Purchasing Policy for FCD#10, dated February 20, 2007;

WHEREAS, the proposed Purchasing Policy has been distributed to the Board for comment;

WHEREAS, the Board considered the Purchasing Policy at its meetings of February 20, 2007;

WHEREAS, FCD#10 finds it in the best interests of FCD#10 and the public to approve and adopt the Purchasing Policy;

WHEREAS, the Purchasing Policy outlines certain responsibility delegated to the Administrator, including the ability to make minor modifications and to deviate from the Purchasing Policy under certain conditions.

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

Section 1. That the FCD#10 Purchasing Policy, a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference, is hereby approved and adopted by the FCD#10 Board, and that the FCD#10 Administrator is authorized and directed to take all action to implement the Purchasing Policy.

Section 2. The FCD#10 Administrator is hereby delegated and vested with authority to make minor modifications to the Purchasing Policy as the need arises. Any such modification shall be in writing. The FCD#10 Administrator may deviate from the Purchasing Policy in individual situations, particularly in an emergency, in order to achieve the primary purpose of serving FCD#10's mission, provided, however, any substantive change to the Purchasing Policy requires Board action, by approval of a resolution adopting any change or amendment to the Purchasing Policy.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Boise Flood Control District No. 10, on February 20, 2007. Signed by the Chairman of the Board of Commissioners and attested by the Secretary to the Board of Commissioners on February 20, 2007.

APPROVED:

By William C. Clark
Chairman

ATTEST:

By Sheila Seeman
Secretary

BOISE RIVER FLOOD CONTROL DISTRICT NO. 10

PROCUREMENT POLICY

EFFECTIVE FEBRUARY 20, 2007

Statement of Purpose

The Boise River Flood Control District ("FCD#10") Board of Directors at its regular meeting of February 20, 2007, adopted this Procurement Policy, in order to establish in writing, and in one document, the policy of FCD#10 for the procurement of services, personal property, and the award of public works construction projects, and the award of personal services contracts for design professionals, construction managers, engineers, and professional land surveyors. Under the Flood Control District Act, Chapter 31, Title 42, Idaho Code, and other applicable statutes, FCD#10 is required to follow certain mandated procedures for the acquisition of certain services, personal property, and the award of public works construction projects, and the award of personal services contracts for design professionals, construction managers, engineers and professional land surveyors. Certain of those statutory provisions allow for a public body to establish its own procedures within certain limitations, or for services or contracts under a specific monetary amount.

Because of the activity of FCD#10 and its limited resources, FCD#10 has determined not to invoke its own independent provisions and procedures, but rather to rely upon the provisions and procedures already set forth in Idaho Law. Certain engagement of personal service professionals are not dictated by any particular process set forth in Idaho Law. In those circumstances, as explained below, FCD#10 will determine a process based upon the circumstances of the procurement, the amount of the potential contract, and the best interests of FCD#10 for those services and at that time.

The Board of Directors reserves the oversight responsibility of this Procurement Policy and may revise this Procurement Policy after considering any such amendment or modification at regularly scheduled or special meetings of the Board. Generally, the FCD#10 Administrator will be responsible for implementation of this Procurement Policy and any technical changes which may be necessary in order to properly comply with the Procurement Policy.

Generally, for all procurement of services, personal property or construction projects, any project or service shall first be authorized by the Board for issuance of the applicable request for services or acquisition of personal property, award of a construction project, or award of design services, engineering services, construction management services, or professional surveying services. Likewise, all contracts for personal services, design services, engineering services, construction management services, or professional surveying services, and acquisition of personal property, shall be approved by the FCD#10 Board. The FCD#10 Board reserves the right to formally, through resolution, delegate to the FCD#10 Administrator certain authority for the issuance of the applicable request for services, contracts, and other activities, and the right to award and

approve such contracts within certain monetary limits, so long as the activity has been formally included within the annual budget of FCD#10.

FCD#10 shall follow the provisions set forth in Chapter 28, Title 67, Idaho Code, Purchasing by Political Subdivisions and Idaho Code Section 67-2320, **Professional services contracts with design professionals, construction managers and professional land surveyors**. FCD#10 shall also follow those procedures required by law, including the required filings with the Idaho State Tax Commission and the Subcontractor Naming Law. FCD#10 shall also impose other requirements, such as waivers and releases.

1. Procurement of Services or Personal Property¹²

- a. Under \$25,000 – No requirements beyond the best interests of the political subdivision for contracts, services, personal property purchase, etc. Generally, for the procurement of services of personal property under \$25,000, FCD#10 shall follow the process required for those services between \$25,000 and \$50,000, provided that such solicitation for bids shall be informal, shall attempt, in good faith, to obtain three bids, and that such solicitation may be by personal contact, telephone, e-mail, or other means.
- b. Between \$25,000 and \$50,000 requires the solicitation of three informal bids for services and personal property purchases and allows for delegation.
- c. Over \$50,000 requires an open competitive sealed bid process and award by the Board.

2. Public Works Construction Contracts³⁴

- a. Between \$25,000 and \$100,000 requires solicitation of three or more bids.
- b. Over \$100,000 requires formal bid process and allows pre-qualification.
- c. For those public works contracts under \$25,000, FCD#10 shall follow the process required for those services between \$25,000 and \$100,000, provided that such solicitation for bids shall be informal, shall attempt, in good faith, to obtain three bids, and that such solicitation may be by personal contact, telephone, e-mail or other means.

¹ Exclusions allow for payment of: wages or compensation for personal services; personal/professional services by independent contractors; purchase of real property; procurement of insurance; costs of participation in government joint-powers agreement; and allow independent “piggybacking” on other government bids.

² FCD#10 also reserves the right to invoke the joint purchasing agreement, not for profit associations, and the emergency expenditures, sole source expenditures set forth in Idaho Code, Section 67-2307 and 67-2308.

³ Exclusions allow for payment of: wages or compensation for personal services; personal/professional services by independent contractors; purchase of real property; procurement of insurance; costs of participation in government joint-powers agreement; and allow independent “piggybacking” on other government bids.

⁴ FCD#10 also reserves the right to invoke the joint purchasing agreement, not for profit associations, and the emergency expenditures, sole source expenditures set forth in Idaho Code, Section 67-2307 and 67-2308.

- d. FCD#10 reserves the right as granted in Idaho Code, Section 67-2309, to invoke the design-build method of construction

3. Design Professionals, Construction Managers & Professional Land Surveyors

- a. Under \$25,000 requires Agency guidelines based on demonstrated competence and qualifications at a fair and reasonable fee. Though under Idaho Code, Section 67-2320, FCD#10 is allowed to adopt its own policies and procedures for those awards under \$25,000, FCD#10 specifically determines to invoke those procedures set forth in Idaho Code, Section 67-2320(2)(a) through (h), provided, however, that for those awards under \$25,000 no formal publication notice is required, and FCD#10 shall provide notice of the opportunity by any reasonable means, including personal contact, telephone, e-mail, or otherwise, and to impose a response deadline as FCD#10 may deem appropriate given the circumstances and the best interests of FCD#10.
- b. Over \$25,000 requires Agency to publish public notice same as for bidding under 2b.

4. Procurement of Personal or Professional Services to be Performed by an Independent Contractor for FCD#10

For procurement of personal or professional services to be performed by an independent contractor for FCD#10, FCD#10 reserves the right to invoke any process it deems in the best interest of FCD#10, under the circumstances. Generally, FCD#10 will follow the process set forth in Idaho Code, Section 67-2320, provided that FCD#10 may take into account, in its discretion, and as set forth in the solicitation opportunity, the rates, fees, or other compensation proposed by the entity submitting a proposal. The process may vary depending on the overall scope of work and amount of contract contemplated, and may include formal publication of the opportunity, a selection criteria and weighting process, or other discretionary activity.

In the event FCD#10 has determined not to formally publish a notice of the opportunity, FCD#10 shall formally publish the notice of award as set forth in Idaho Code, Section 59-514