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ABBIE MACE
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Fremont County Commissioners

RESOLUTION 2017- 15


A RESOLUTION OF FREMONT COUNTY, IDAHO AMENDING THE FREMONT COUNTY PURCHASING POLICY, AS ADOPTED THROUGH RESOLUTION NO. 2016-17.

WHEREAS, the Board of County Commissioners of Fremont County, Idaho amends The Fremont County Purchasing Policy (Resolution No. 2016-17) as a result of legislative changes that took effect on the 1st day of July 2017.

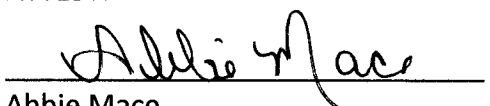
NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioner of Fremont County, Idaho, that The Fremont County Purchasing Policy be amended per the attachment.

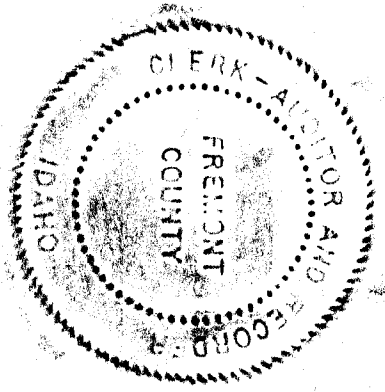
This resolution shall be in full force and effect on the 1st day of July, 2017.

PASSED this 10th day of July, 2017, by the Board of County Commissioners for Fremont County, Idaho.


Jordan Stoddard, Chairman
Board of County Commissioners
Fremont County, Idaho

ATTEST:


Abbie Mace
County Clerk





Fremont County Purchasing
Policy & Procedure Manual

Updated July 2017

Foreword

Government purchasing is a deliberative process that ensures proper internal checks and balances and fairness and equality to our external clients. It is the mission of Fremont County to provide exemplary customer service to all of our clients while maintaining the highest integrity of our processes. For these reasons this manual has been developed to help facilitate the purchasing function of Fremont County.

This manual will be continually updated to reflect administrative changes, legislative changes, and changes where efficiencies can be gained by streamlining processes. As such, revisions of this manual will occur periodically. Check with the Clerk's Office to ensure you have the current manual.

I would like to recognize and thank the Fremont County Board of Commissioners, the Department of Administration, the Prosecuting Attorney's Office, the Clerk / Auditor / Recorder's Office and the other departments and offices within Fremont County for their help and contributions to this manual. Without their combined efforts this Purchasing Policy and Procedure Manual would not be possible.

Policies and procedures contained within this purchasing manual have been reviewed and approved by the Board of Fremont County Commissioners.

Jordon Stoddard, Chairman
Board of Fremont County Commissioners

Date

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I. PURCHASING

A. Mission Statement

The mission of the Fremont County BOCC is: *“To secure maximum value for each taxpayer dollar by serving Fremont County offices, departments, and the public in a timely and courteous manner.”*

Additionally, the BOCC strives to provide professional advice, support, guidance and unparalleled customer service for Fremont County’s departments and offices so they are equipped with the goods and services that allow them to provide the day to day services for the citizens of our community.

B. Values Statement

Integrity, Trust, Value and Accountability

C. Goals

In every purchase that is made or contract that is let the BOCC will make every effort to incorporate the following goals into its procurements:

- Oversee fair and equitable procurement processes
- Foster open competition
- Follow the letter of the law
- Obtain maximum value at competitive costs and maintain a high level of quality and performance
- When and where possible, use disadvantaged businesses as defined by the Federal Government
- Utilize environmentally preferable purchasing practices

D. Authority and Duties

The Department Heads are the principal purchasing agent of their respective departments of Fremont County. Department Heads shall be responsible for the procurement of supplies, equipment, vehicles, services, and construction in accordance with Idaho Code, Fremont County Ordinances, and the direction of the Board of County Commissioners (BOCC). All bids, request for proposals, and other procurement methods, as outlined in this manual, shall be the responsibility of the Department Head.

1. Department Head

The Department Head shall serve as the principal public purchasing official for their respective department in Fremont County. He or she shall be responsible for the procurement of goods, service, construction, and professional services in accordance with Idaho Code and Fremont County Ordinances.

2. Role of Department Head

- Procure and supervise the procurement of all goods and services, and public works needed by their department in Fremont County.
- Provide service to their departments of Fremont County in the areas of bid process, placement of orders, negotiation, and expediting delivery.
- Compile vendor performance data to determine potential suitability for future use by Fremont County.
- Upon the request of the using agency/department, assist in the preparation and issuance of invitations to bids (ITB), request for proposals (RFP), and requests for qualifications (RFQ), Request for Information (RFI), and addenda or corrections thereto.
- Conduct pre-bid or pre-proposal conferences as necessary in cooperation with the requesting department or using agency.
- Oversees bid and RFP evaluations
- Maintain a record of all purchasing bid documents until approval for the destruction of those records.
- Periodically review systems and procedures to determine improved methods, which results in efficiencies in performance.
- Administer an intradepartmental surplus exchange program.
- Organize training workshops regarding purchasing practices and policy.

II. PURCHASING GOODS AND SERVICES

A. Purchasing Policy

It is the purpose of the purchasing policy and procedures to provide for a uniform and systematic method of purchasing goods and services required by the County and to advise employees of the purchasing requirements and limitations imposed by state law.

1. Note:

It is important to note that only the Board of Fremont County Commissioners (BOCC) can bind the County treasury for expenditures. For this reason it is imperative that all purchases have prior approval of the BOCC. The BOCC can reject payment of a claim (invoice) making the employee personally responsible for payment.

2. \$2,500 Policy

It is the policy of Fremont County that all purchases in excess of \$2,500 will be pre-approved by the BOCC.

Exceptions to this policy include the following:

- Utility payments;
- Travel;
- Training;
- Emergency Repairs;
- Food;
- Fuel; and
- Chemicals (Weed Dept.).

Additionally, purchased for Public Works in excess of \$5,000 will be pre-approve by the BOCC.

Monthly Aggregate Purchases: Purchases that are less than \$1,000 per item but in the aggregate of a monthly invoice total over \$1,000 for the same items, do not need to be requisitioned. Purchases can be paid by using a claim form.

The applicable provisions of the bid law must be followed for purchases and public works projects that fall within the price ranges that are described in this manual.

B. Purchasing Bid Threshold Matrix

GOODS AND SERVICES PURCHASE OVERVIEW

Dollar Thresholds	Fremont County Policy
Less than \$2,500	Open Market Purchase; No quotes required
\$2,500 to \$5,000	Open Market Purchase; No quotes required; purchases guided by best interests of Fremont County as determined by the BOCC. Purchases over \$2,500 must be approved by the BOCC.
More than \$5,000; less than \$25,000	Open Market Purchase; No quotes required; purchases guided by best interests of Fremont County as determined by the BOCC.
More than \$25,000; less than \$50,000 Informal Bid Process	Informal Bid Process; The BOCC handles the bid process. Written or electronic solicitation of three (3) bids is required from three (3) owner-designated vendors, preferably Idaho domiciled; must award to the lowest responsive bidder. If it is impossible or impractical to obtain three (3) bids, justification needs to be provided. At a BOCC Open Business Meeting the three (3) bids are read into the record. The BOCC shall award to the lowest responsive bidder or reject all the bids and rebid. Contact the Clerk's Office for additional information or to schedule a bid coordination meeting.
More than \$50,000 Formal Bid Process	Formal Sealed Bid Process; The BOCC handles the bid process. Formal bid process is required. Contact the Clerk's Office for additional information or to schedule bid coordination meeting.

C. Purchases Less Than \$2,500 and Purchases Less than \$5,000 for Public Works Where Requisition Not Necessary.

Direct purchases made by designated employees within Fremont County that are less than \$2,500 must have prior supervisor approval.

- It is required that all purchases regardless of dollar amount must have prior approval from a department head.
- If you have a quote from a vendor(s) attach a copy of the quote to the claim.

Direct Purchases made by designated employees of the Public Works department, within Fremont County that are less than \$5,000 must have prior supervisor approval.

- It is required that all purchases regardless of dollar amount must have prior approval from the department head.
- If you have a quote from a vendor(s) attach a copy of the quote to the claim.

III. BIDDING PROCEDURES

A. Purchases Between \$50,000 to \$100,000 Bid Procedures

For purchases of \$50,000 to \$100,000 I.C. § 67-2806(1) the BOCC needs to obtain three (3) informal bids, preferably from vendors with a “significant Idaho presence.” The BOCC will administer the process for bids.

NOTE: All services, regardless of cost, and public works projects in excess of \$25,000 must have a contract for the procurement.

Contact the Clerk’s Office to set up a bid coordination meeting to organize the details of the procurement. This meeting will calendar the events required for the bid solicitation. The earlier you include the Clerk’s Office in your project planning, the better the procurement process will be.

The following procedures must be followed when Fremont County contemplates an expenditure to purchase or lease personal property or to procure services (other than those excluded in § 67-2803) valued in excess of \$50,000 but less than \$100,000. I.C. § 67-2806(1).

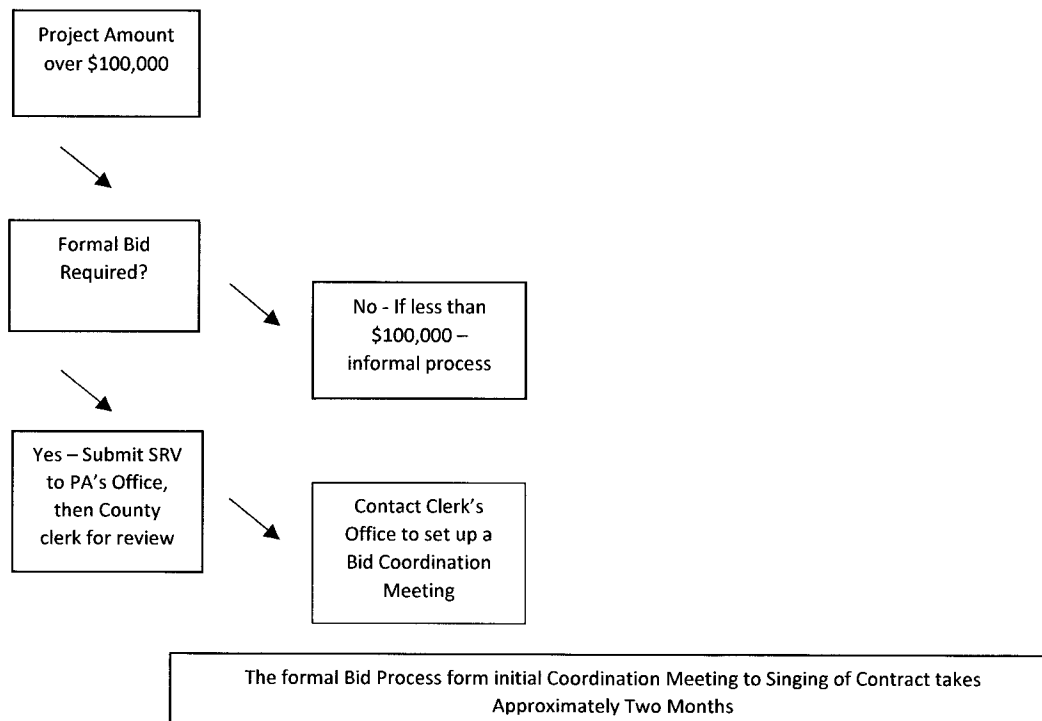
1. The solicitation for bids shall be supplied to at least 3 vendors by written means, either by electronic or physical delivery. I.C. § 67-2806(1)(a).
2. The solicitation shall describe the personal property or services to be purchased or leased in sufficient detail to allow a vendor to understand what Fremont County seeks to procure. I.C. § 67-2806(1)(a).
3. The solicitation shall describe the following:
 - a. The electronic or physical delivery method(s) that the vendor must use to submit a bid; I.C. § 67-2806(1)(b).
 - b. The date and time by which a bid proposal must be received by the clerk, secretary, or other authorized official of the County; I.C. § 67-2806(1)(b).

NOTE: Fremont County has authorized the BOCC to receive such proposals.

- c. Shall provide a reasonable time to respond to the solicitation, which shall not be less than three (3) business days (except in the event of an emergency). I.C. § 67-2806(1)(b).
4. Written objections to specifications or bid procedures must be received by the BOCC at least one (1) business day before the bid due date and time. I.C. § 67-2806(1)(c).

5. Bids will be delivered to the designated official either by electronic or physical delivery and will be read into the record and awarded at a BOCC Open Business Meeting.

B. Purchases in Excess of \$100,000 Bid Procedures



Purchases in excess of \$100,000 require a formal bid process. I.C. § 67-2806(2). This process requires legal notice published in the “paper of record” two weeks before a bid opening, and one week apart. Usually there is a pre-bid meeting which can be optional or mandatory. From the pre-bid meeting questions can be asked. An addendum for any administrative changes and answers to bidder’s questions will be sent out to all bidders that have signed in to pick up the bid.

Contact the Clerk’s Office to set up a bid coordination meeting to organize the details of the procurement. This meeting will lay out the events required for the solicitation. The earlier you include the Clerk’s Office in your project planning the better the procurement process will be.

Sealed Bids must be delivered on time to the Clerk’s Office. Late bids are not accepted. The bids are opened at the BOCC Open Business Meeting and recorded. The formal bid may have a bid bond required in the sum of 5% of the bidder’s base bid.

The following procedures must be followed when Fremont County contemplates an expenditure to purchase or lease personal property or to procure services (other than those excluded in § 67-2803) valued in excess of \$100,000. I.C. § 67-2806(2).

1. The purchase or lease shall be made pursuant to an open competitive sealed bid process, or be made from a qualified bidder (I.C. § 67-2806(2)(a)). See other bid information in Section XI.F of this manual regarding qualified bidder.

2. The request for bids shall set a date, time and place for the opening of bids. I.C. § 67-2806(2)(b).

NOTE: All Fremont County bids are to be submitted by the date and time specified in the request for bids, as published in the "paper of record". A time and date stamp is used to mark the bid when it is received. During the bid opening, the Commissioners will consider only those bids timely received by Fremont County.

NOTE: To avoid bidders making last minute changes to their proposals by writing the changes on the sealed envelope, a bidders' instruction may be included, such as: "The entire Bidder's Proposal must be contained on the supplied proposal forms. Any information pertaining to the Bidder's Proposal, not specifically included on the proposal forms, will not be considered."

- Two notices soliciting bids shall be published in the official newspaper of Fremont County ("paper of record"). The first notice shall be published at least two (2) weeks before the date for opening bids, and the second notice shall be published in the succeeding week at least seven (7) days before the date that bids are scheduled to be opened. I.C. § 67-2806(2)(b).

3. The notice shall succinctly describe the personal property and/or service to be procured. I.C. § 67-2806(2)(b).

4. Copies of specifications, bid forms, bidder's instructions, contract documents, and general and special instructions shall be made available upon request by any interested bidder. I.C. § 67-2806(2)(b).

NOTE: Fremont County has designated the requesting Department Head to distribute these documents to potential bidders.

5. Written objections to specifications or bidding procedures must be received by the clerk, secretary or other authorized official at least three (3) business days before the date and time upon which bids are scheduled to be opened. I.C. § 67-2806(2)(c).

6. If Fremont County deems it to be in its best interest, it may require the bidder to provide bid security in an amount equal to at least 5% of the amount bid. If required, a bid shall not be considered unless one 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 Fremont County. Fremont County may require that the bid security be in one of the following forms:

- a. Cash;

- b. A cashier's check from a bank insured by the FDIC made payable to Fremont County;
 - c. A certified check from a bank insured by the FDIC made payable to Fremont County;
 - d. A bidder's bond executed by a qualified surety company, licensed in the state of Idaho, made payable to Fremont County. I.C. § 67-2806(2)(d).
7. Any bid received by Fremont County may not be withdrawn after the time set in the notice for opening of bids. I.C. § 67-2806(2)(e).
8. When sealed bids have been received, they shall be opened in public at a designated place and time. I.C. § 67-2806(2)(e).
9. If the successful bidder fails to execute the contract, the amount of the bidder's security may be forfeited to Fremont County at the sole discretion of the Commissioners and thereafter the proceeds may be deposited in a designated fund out of which the reasonable expenses for procuring substitute performance are paid. I.C. § 67-2806(2)(f).
10. Fremont County may, on the refusal or failure of the successful bidder to execute the contract, award the contract to the next lowest qualified bidder. If the Commissioners award the bid to the next lowest qualified bidder, the amount of the lowest qualified bidder's security may be applied by Fremont County 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 certified check is used, or to the surety company on the bidder's bond if a bond is used, less reasonable administrative costs not to exceed 25% of the amount of the bidder's security. I.C. § 67-2806(2)(g).
11. In its discretion, the Commissioners may reject all bids presented and re-bid, or the Commissioners may, after finding it to be a fact, pass a resolution declaring that the subject goods or services can be procured more economically on the open market. I.C. § 67-2806(2)(h).
12. If 2 or more bids are the same and both are the lowest responsive bids, the Commissioners may accept the one it chooses. I.C. § 67-2806(2)(h). See XI.I.
13. In its discretion, the Commissioners may preauthorize the purchase of equipment at a public auction. I.C. § 67-2806(2)(h).

IV. PUBLIC WORKS CONSTRUCTION

A. Definition of Public Works Construction Projects:

1. **Buildings - New and Renovated:** Any new building, alteration, repair, demolition or improvement of any land, building, structure including utilities, or remodeling or renovation of existing buildings, or other physical facilities, to meet standards required by applicable codes, to correct other conditions hazardous to health and safety of persons which are not covered by codes, or to affect a permanent improvement to the facility for any reason including aesthetics or appearance.
2. **Improvements to Real Property:** Site improvement or developments, which constitute permanent improvements to real property such as parking lots, utilities, earthwork, landscaping.
3. **Equipment and Furnishings Permanently Attached:** The purchase and installation of fixed equipment necessary for the operation of new, remodeled, or renovated buildings. This includes any equipment that is made a permanent fixture of the building such as electrical equipment direct wired such as commercial washing machine or dishwasher that has direct water or gas service connections.
4. **Architect, Engineers and Other Consultants Related to Above:** The purchase of services for architects, engineers, and other consultants to prepare plans, program documents, life cycle cost studies, energy analysis, and other studies associated with any new building, alteration, repair, demolition or improvement and to supervise the construction or execution of such projects.
5. **Heavy Construction:** Constructing substantially in its entirety any fixed works and structures (not including "building construction") for any of the following: irrigation, drainage, sanitation, sewage, water power, water supply, reservoirs, flood control, reclamation, inland waterways, railroads, grade separations, track elevation, elevated highways, hydroelectric developments, aqueducts, transmission lines, duct lines, pipelines, locks, dams, dikes, levees, revetments, channels, channel cutoffs, intakes, drainage, excavation and disposal of earth and rocks, foundations, piers, abutments, retaining walls, viaducts, shafts, tunnels, airports, air bases and airways, and other facilities incidental to the same. I.C. § 54-1901(c)(i).
6. **Building Construction:** All work in connection with any structure now built, being built, or hereafter built, for the support, shelter and enclosure of persons, chattels, personal and movable property of any kind, requiring in its construction the use of more than two (2) unrelated building trades or crafts. I.C. § 54-1901(c)(iii).
7. **Specialty Construction.** Any work in connection with any public works construction, requiring special skill and the use of specialty skilled trades or crafts. I.C. § 54-1901(c)(iv).

B. Contractor and Subcontractor Requirements**1. Contractor Licensure to Bid**

Contractor must have a public works license to submit a bid. (Exception: federally funded, in whole or in part, public works projects. See Idaho Code § 54-1902. License can be verified at <https://data.dbs.idaho.gov/etrakit2/IdahoPublicWorksSearch.aspx>. "Public Works Contractor" means any person who, in any capacity, undertakes, or offers to undertake, or purports to have the capacity to undertake any construction, repair or reconstruction of any public work, or submits a proposal to, or enters into a contract with, Fremont County, for such work. I.C. § 54-1901(2)(b)).

2. Contractor Exemptions from the Licensing Requirements

In the following situations, the licensing requirements for public works contractors do not apply (for complete list, see I.C. § 54-1903):

- a. The sale or installation of any finished products, materials, or articles of merchandise, which are not actually fabricated into and do not become a permanent fixed part of the structure; I.C. § 54-1903(4).
- b. Any construction, alteration, improvement or repair of personal property; I.C. § 54-1903(5).
- c. Duly licensed architects, licensed engineers, and land surveyors when acting solely within their professional capacity; I.C. § 54-1903(8).
- d. Any construction, alteration, improvement or repair involving any single project involving any number of trades or crafts with an estimated cost of less than \$50,000; I.C. § 54-1903(9).
- e.
- e. Any construction, alteration, operation or maintenance of a solid waste disposal site, including those operated by, for, or at the direction of Fremont County. I.C. § 54-1903(10).
- f. Public Works Financed with Federal Funds
 - i. No contractor shall be required to have a public works license in order to submit a bid or proposal for contracts for public works that are financed in whole or in part by federal aid funds, provided that, at or prior to the award and execution of any such contract, the successful bidder has secured a license. I.C. § 54-1902(4).
 - ii. "Federal aid funds" means a direct grant in aid, matching funds, or loan from an agency of the federal government and designated for a

specific public works project. Revenue sharing funds, federal impact funds, timber stumpage fees, and similar indirect allowances and subsidies not designated for a specific public works project shall not be regarded as "federal aid funds." I.C. § 54-1901(2)(g).

3. Unlawful to Engage in Public Works without a License

- a. It is unlawful for any person to engage in the business of or act in the capacity of a public works contractor without first obtaining a public works license, as required by chapter 19, title 54, Idaho Code. I.C. § 54-1902(1).
- b. Any public works contractor who acts without a license is guilty of a misdemeanor. I.C. § 54-1920.
- c. Every public officer who knowingly awards a contract to a non-licensed public works contractor is guilty of a misdemeanor unless there is no qualified bidder to undertake the work covered in the public works contract. I.C. § 54-1920.

4. Contractor and Subcontractor Licensure to perform work

Contractor and Subcontractor must have the proper license class to perform the work in the amount of the class. See I.C. § 54-1904. License class can be verified at the Division of Building Safety web site: <https://data.dbs.idaho.gov/etrakit2/IdahoPublicWorksSearch.aspx>.

5. Limit on Subcontracting

Unless otherwise specified in the specifications a contractor cannot sub-contract more than 80% of the work. I.C. § 54-1902(2)

6. Subcontractors Must Be Listed on the Bid of a General Contractor

- a. When contracts for the construction, alteration or repair of any and all buildings, improvements or public works requires plumbing, heating and air-conditioning work, or electrical work, the general contractor is required to include in his or her bid the name(s) and address(es) of all the subcontractors who shall, in the event the contractor is awarded the contract, subcontract the plumbing, heating and air-conditioning work, and electrical work under the general contract. I.C. § 67-2310.
- b. Failure of the general contractor to name subcontractors as required by Idaho Code § 67-2310 shall render any bid submitted by the general contractor unresponsive and void. I.C. § 67-2310.
- c. Subcontractors named on a general contractor's bid must possess an appropriate license or certificate of competency issued by the State of Idaho

covering the contractor work classification in which the subcontractor is named. I.C. § 67-2310.

7. Authorized to do Business in the State of Idaho and Taxes Current

Contractor must be authorized to do business in the state of Idaho and be current on their taxes. See I.C. § 63-1502.

8. Contractor Must Employ 95% Bona Fide Idaho Residents.

The contractor for a public works contract must employ 95% of the workforce for the project staffed by bona fide Idaho Residents. If the contractor employs fifty or fewer persons, then it is 90%. In all cases preference in employment must be of bona fide residents. See I.C. § 44-1002.

9. Performance and Payment Bonds Required from Contractor

a. Performance and payment bonds are required of every public works contractor on all contracts for the construction, alteration, or repair of any public building or public work or improvement, as set forth below. I.C. § 54-1926.

b. Before any public works contract is awarded, the contractor must provide a performance bond and a payment bond, which shall become binding upon the award of the contract. I.C. § 54-1926.

c. The performance bond can be for any amount as determined by Fremont County, but it cannot be for less than 85% of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans and specifications. The performance bond is solely for the protection of Fremont County. I.C. § 54-1926(1)

d. The payment bond can be for any amount as determined by Fremont County, but it cannot be for less than 85% of the contract amount. The payment bond is solely for the protection of persons supplying labor or materials, or renting, leasing, or supplying equipment to the contractor or the subcontractors. I.C. § 54-1926(2)

e. Retainage. If Fremont County requires a performance bond or payment bond in excess of 50% of the total contract amount (§§ 54-1926(1) and (2) require that the bonds be at least 85% of the total contract amount), Fremont County cannot withhold from the contractor greater than 5% of the total amount payable as retainage. Fremont County shall release any retainage for the portions of the project accepted as complete within thirty (30) days after the acceptance. Contractors cannot withhold from subcontractors greater than 5% of the total amount payable to the subcontractor as retainage. The contractor shall remit the

retainage to the subcontractor within 30 days after completion of the subcontract. I.C. § 54-1926(3)

f. It shall be illegal for the invitation for bids, or any person acting or purporting to act on behalf of Fremont County to require that such bonds be furnished by a particular surety company, or through a particular agent or broker. I.C. § 54-1926(3)

10. Failure of County to Require Payment Bond

a. If Fremont County fails to obtain a payment bond, it shall promptly make payment to all subcontractors upon demand by the subcontractors. Any creditor of any subcontractor shall have a right of action against Fremont County for such payment within one (1) year after the furnishing of materials or labor. I.C. § 54-1928.

NOTE: This creates a one (1) year statute of limitations.

11. Relief for Contractor from a Public Works Bid Due to Mistake

a. If a bidder desires relief from a bid due to mistake, he must establish each of the following:

i. That a clerical or mathematical mistake was made;

ii. That the bidder gave Fremont County written notice of the mistake within five (5) calendar days after the opening of bids, specifying in detail how the mistake occurred; and

iii. That the mistake was material. I.C. § 54-1904C

b. If Fremont County determines that a bidder is entitled to relief from a bid because of mistake, Fremont County shall prepare a written report documenting the facts which establish the existence of each element as outlined in I.C. § 54-1904C. The report is a public record and shall be filed with Fremont County. I.C. § 54-1904B

c. The bidder claiming mistake shall be entitled to relief from the bid and have any bid security returned. I.C. § 54-1904B

d. Bidders not satisfying the conditions in I.C. § 54-1904C shall forfeit any bid security. Bidders failing to execute a contract and not satisfying the conditions of a mistake in I.C. § 54-1904C also forfeit any bid security. I.C. § 54-1904B

e. A bidder who claims mistake or who forfeits his bid security is prohibited from participating in any rebidding of that project. I.C. § 54-1904D

12. Notice of Contract by County to the State Tax Commission

a. Within thirty (30) days after Fremont County awards a contract for construction to a public works contractor who is required to be licensed pursuant to chapter 19, title 54, Idaho Code, Fremont County must notify the State Tax Commission of the following:

- i. That the contract has been awarded; and
- ii. The name and address of the prime contractor; I.C. § 54-1904A.

C. Procurement of Public Works Construction

1. Public Works Bid Threshold Matrix

PUBLIC WORKS PROCUREMENT	
Dollar Thresholds	Fremont County Policy
Less than \$1,000	Open Market Purchase; No quotes required
\$1,000 to \$5,000	Open Market Public Works Procurement; No quotes required; purchases guided by best interests of Fremont County as determined by the BOCC. There is no requirement for the contractor to have a public works license.
More than \$5,000 Less than \$10,000	There is no requirement for the contractor to have a public works license.
More than \$10,000; less than \$25,000	Contractor must have a Public Works License; Procurement must be routed through the claims process, except in the case of emergency repairs. Obtain from any licensed contractor, guided by the best interests of Fremont County as determined by the BOCC purchase.
More than \$25,000; less than \$100,000	Informal Public Works Bid; Must solicit three (3) written bids from owner-designated licensed contractors and award to the lowest responsive bidder. Contact the Clerk's Office for solicitation procedure and for verification of licensing. Bids will be read into the record at a BOCC Open Business Meeting. Public Works project in excess of \$25,000 must have a written contract drafted by the PA's Office and approved by the BOCC at an Open Business Meeting.
Over \$100,000 - Category A Formal Bid Process	Formal Sealed Bid Process; All contractors must be licensed. Contact the Clerk's Office for solicitation procedure or to schedule a bid coordination meeting.

Over \$100,000 – Category B	Formal Sealed Bid Process; Prequalification required and then formal bid process. Contractors must be licensed. Contact the Clerk’s Office for solicitation procedure or to schedule a bid coordination meeting.
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*Note: If the procurement requires bidding, in addition to the above information, please see Section XII for other bidding information.

2. The Design-Build Method of Construction May be Used

a. The design-build method of construction may be used by public officials in contracts for the construction, repair or improvement of public works, public buildings, public places or other work. I.C. § 67-2309.

b. A "design-build contract" is a contract between a public entity and a non-governmental party in which the nongovernmental party contracting with the public entity agrees to both design and build a structure, roadway or other item specified in the contract. I.C. § 67-2309.

3. Projects Less Than \$50,000 – Open Market

a. Contracts or purchases wherein expenditures are less than \$50,000 can be purchased on the open market provided such contracts or purchases shall be guided by the best interests of Fremont County as determined by the Commissioners. I.C. § 67-2803(2)

b. The licensing requirements for public works contractors do not apply to any construction, alteration, improvement or repair involving any single project involving any number of trades or crafts with an estimated cost of less than \$50,000. I.C. § 54-1903(9)

**4. Projects Between \$25,000 and \$100,000 – Solicitation For Bids
(3 Licensed Public Works Contractors)**

a. The following procedures must be followed when Fremont County contemplates an expenditure to procure public works construction valued in excess of \$50,000 but less than \$200,000. I.C. § 67-2805(1)

i. The solicitation for bids for the public works construction shall be supplied to at least 3 County designated licensed public works contractors by written means, either by electronic or physical delivery. I.C. § 67-2805(1)(a)

ii. The solicitation for bids shall describe the construction work to be completed in sufficient detail to allow an experienced public works contractor to understand the construction project Fremont County seeks to build. I.C. § 67-2805(1)(a)