

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 409

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO THE DIVISION OF PURCHASING; AMENDING SECTION 67-5718, IDAHO CODE, TO CLARIFY THE APPLICATION OF THE STATE PURCHASING LAW TO THE ACQUISITION OF MIXED SERVICES AND PRINTING AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 67-5718, Idaho Code, be, and the same is hereby amended to read as follows:

67-5718. REQUISITIONS FOR PROPERTY -- NOTICE -- FORM -- GUARANTEE -- PROCEDURE FOR BIDDING. (1) The administrator of the division of purchasing shall not make or cause to be made any acquisition until a requisition for the property to be acquired has been submitted to his office by the requisitioning agency, certifying to the satisfaction of the administrator that there are proper funds or sufficient balance in appropriations out of which the amount of the requisition may lawfully be paid, except as provided to the contrary under provisions of this chapter allowing emergency purchases.

(2) Notice shall be posted of all acquisitions of property, unless otherwise excepted by rules of the division. The notice may be posted electronically. The administrator shall also cause all invitations to bid and requests for proposals to be posted manually in a conspicuous place in the office. The notice shall describe the property to be acquired in sufficient detail to apprise a bidder of the exact nature or functionality of the property required, and shall set forth the bid opening date, time and location.

(3) To enhance small business bidding opportunities, the administrator shall seek a minimum of three (3) bids from vendors having a significant Idaho economic presence as defined in section 67-2349, Idaho Code.

(4) All sealed bids received shall be opened at the time and place specified, and in the public view, and a record of each bid shall then and there be made. Contracts shall be awarded to and orders placed with the lowest responsible bidder on the basis of initial proposals received or, if applicable, following receipt and evaluation of best and final offers or negotiations. The administrator shall have the right to reject any and all bids pursuant to rules established for the division.

(5) (a) Where both the bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture or from bidders having a significant Idaho economic presence as defined in the Idaho Code.

(b) ~~In connection with~~ Notwithstanding subsection (4) of this section, the award of any contract solely for the placement of any order for state printing, binding, engraving or stationery work, shall comply with the provisions of sections 60-101 and 60-103, Idaho Code, ~~shall apply to the extent that the same may be inconsistent with any requirements con-~~

~~tained in this section. Where property in addition to printing, binding, engraving or stationery work is included in the acquisition, the administrator shall apply the provisions of subsection (4) of this section and the preference set forth in subsection (5) (a) of this section.~~

(6) As used in this section, the word "sealed" does not preclude acceptance of electronically sealed and submitted bids in addition to bids manually sealed and submitted.