PERMANENT BUILDING FUND ADVISORY COUNCIL POLICIES

LEASING STANDARDS AND CRITERIA

Pursuant to Idaho Code § 67-5708, the Department of Administration, Division of Public Works (DPW) shall negotiate, approve and make all lease or rental agreements for facilities to be used by state departments, agencies, and institutions in the State of Idaho. Lease and rental agreements must be entered in conformance with applicable standards and criteria adopted by the Permanent Building Fund Advisory Council (PBFAC). These standards and criteria are set forth below. These standards and criteria do not supercede, replace or limit any statutory requirements that may apply.

1. Space allocation shall be made based upon the State of Idaho's Facility Use Standards (see Exhibit A). Any exceptions to the Facility Use Standards must be requested in writing to DPW and shall provide justification for the requested exception.

2. Except for month-to-month storage rental agreements, lease agreements shall be for a maximum term of five (5) years. Any exceptions shall require the prior approval of the PBFAC.

3. a. Unless exempted by the PBFAC, no state department, agency, or institution may enter into a lease for a new facility of 3,000 or more usable square feet without using a Request for Proposals (RFP) process to identify and chose the most suitable facility. The RFP will be based on the Facility Use Standards together with the agency's specific space needs. If the proposed new space will represent an expansion of the size of the agency's existing facility, the agency may be required to demonstrate the need for the expansion and how the new facility fits into the agency's five (5) year facility plan.

   b. DPW will contact the real estate and development community in the targeted area and post the RFP on the DPW home page after the RFP has been reviewed and approved by the agency. The RFP will have a submission deadline three to six weeks from RFP issuance, depending on market conditions and the complexity of the RFP. Proposals received after the closing date will not be considered until, and unless, all other proposals are rejected.

   c. Proposals will be reviewed initially by DPW's Statewide Leasing Manager for completeness. Subsequently, a committee, composed of the Leasing Manager and staff of the agency, will evaluate each proposal, using a pre-established set of rating factors and a weighted evaluation. The rating factors and the Department of Administration's recommended range of evaluation weights is attached as Exhibit B and includes such factors as

location, construction quality, and cost. The ranking sheet to be used in this RFP process is included as Exhibit C.

d. All information in the proposals shall remain confidential until a lease is signed. Any proposed property that does not provide adequate accommodations for the disabled or that does not conform to local zoning requirements will be rejected and not considered further. At any time, the committee may request additional information or clarification from a proposer regarding any of the ranked factors. As part of its evaluation, the committee may visit one or more of the proposed sites to evaluate location and facility issues.

e. Proposals will be ranked, and negotiations will begin with the representatives of the top-ranked proposal. If negotiations are successful, a lease will be completed. Should negotiations with the top-ranked proposer be unsuccessful, negotiations will be opened with the second ranking proposer, and so forth, until a suitable lease is obtained. If no acceptable proposals are received, DPW, in conjunction with the agency, will search for alternative sites.

f. This RFP requirement shall not apply to the leasing of multi-agency facilities managed by the Department of Administration, or any part thereof, or facilities leased from the Idaho State Building Authority.

4. DPW's Statewide Leasing Manager will provide a general update of all leases and leasing activity to the PBFAC at its regular meetings or upon request.

Reviewed and Approved by PBFAC 2-3-04

DESIGN PROFESSIONALS, MAINTENANCE, SERVICE CONTRACTS, EMERGENCY, DELEGATED PROJECTS

I. STATE, IN-HOUSE DESIGN/ENGINEERING PROFESSIONALS

The Permanent Building Fund Advisory Council approves the use of in-house design/engineering professionals by State Agencies under the following conditions:

- The professionals are permanent, regular employees of the state;
- The professionals must be licensed as required by Idaho Code;
- The use of in-house professionals does not exempt the State Agency from the preparation of plans and specifications and the advertising and bidding of projects as outlined in Idaho Code;
- For all projects funded from the Permanent Building Fund, and for other public works projects with estimated construction costs over $30,000, plans and specifications will be reviewed by Division of Public Works' staff; projects over $30,000 in estimated construction cost will comply with provisions of I.C. 67-5711 regarding PBFAC approval;
- The total cost of the project, including fees, contingencies and construction costs will not exceed $150,000;
- A combination of in-house design professionals and regional engineers may be used on a project;
- The Division of Public Works' Interagency Agreement will be used to specify Division/Agency responsibilities, if appropriate;
- All plans and specifications prepared by in-house design professionals must be reviewed and approved by the Division of Building Safety prior to bidding; and
- For any project under the jurisdiction of the Council as outlined in I.C. 67-5711 estimated to cost more than $30,000 but less than $80,000, authority to permit the use of in-house professionals is delegated to the Administrator of the Division of Public Works. For any project under the jurisdiction of the Council as outlined in I.C. 67-5711 estimated to cost $80,000 or more, specific approval from the Council for use of in-house professionals is required.

II. STATE, IN-HOUSE MAINTENANCE STAFFS

The Permanent Building Fund Advisory Council approves the use of in-house maintenance staff under the following conditions:

- In-house maintenance staff must be licensed (or certified) to do the work required for the public works project;
- The use of such staff is not intended to circumvent Public Works licensing requirements and competitive bidding requirements;
- The in-house maintenance staff are permanent, regular employees of the State and the employees cannot be hired solely for the project's duration;
- For any project under the jurisdiction of the Council as outlined in I.C. 67-5711 specific approval from the Council for use of in-house maintenance staff is required;
- In addition, for projects funded from the Permanent Building Fund, no funds will be used to reimburse an agency for personnel costs of permanent, regular State employees without prior specific Council approval to do so; and
- Materials purchased for use by in-house maintenance staff will be purchased following State purchasing rules and regulations.

III. SERVICE CONTRACTS

The Permanent Building Fund Advisory Council approves the use of Service Contracts for routine work for plumbing, electrical, HVAC, construction, roof repairs, glazing, sidewalk/parking lot repairs, tuckpointing, painting, and other maintenance work under the following conditions:

- The purpose of the contract is for maintenance, construction and renovation, and minor installation;
- Each Service Contract will be competitively bid; the contract will be for one year with an option for two, one-year extensions;
- A Service Contract will only be used for services the cost of which is less than $200,000 per Service Contractor, per project. The total dollar value of Service Contracts used per this section may not exceed $300,000 per project. These limits do not apply to floor covering contracts;

- The work under the Service Contract will include labor, materials and equipment, or labor only, with the state agency providing the material or equipment. (Materials and equipment only must go through the Division of Purchasing);

- Each Service Contractor will comply with the Public Works licensing laws, i.e., each contractor must be properly licensed and bonded; and

- The mechanics of specifying, bidding, billing, and extensions for Department of Administration Service Contracts will be administered by Division of Public Works' Facilities Services staff.

IV. EMERGENCY CONTRACTING AUTHORIZATIONS

Pursuant to I.C. 67-5711B, the Permanent Building Fund Advisory Council acknowledges that under emergency conditions, the normal review and approval process for public works contracts may be abridged. The Division of Public Works is required to let contracts with as much competition as is practicable. Notice of all Emergency Contracting Authorizations is to be provided at the next, regular meeting of the Council following the approval of the ECA.

V. DELEGATED PROJECT AUTHORIZATION AND PROJECT PROCEDURES

A. AUTHORIZATION

Idaho Code Section 67-5710A (2) allows the Administrator to delegate control over design, construction, and all other aspects of a Public Works or Maintenance project which costs less than $150,000 to agencies of state government on a project-by-project basis, subject to the approval of the Permanent Building Fund Advisory Council (PBFAC).

B. PBFAC DELEGATION OF AUTHORITY

For projects up to $80,000, the Administrator of the Division of Public Works (DPW) may proceed with delegation, with the stipulation that a report of the delegation be made to the Council at the next regularly scheduled PBFAC meeting.

<u>Requirements and Limitations</u>

- A responsible party of the requesting Agency shall make requests for delegation in writing. Letters of request should include an estimated project completion date and are to be accompanied by a

Delegated Project Set-Up Sheet delineating the scope of work and project budget.

- The Agency shall assume all responsibility for project budgets and shall receive funds appropriated for the project.

- The Agency must comply with all public works statutes and all applicable codes and regulations.

- The Agency must comply with guidelines and procedures of DPW and the PBFAC for project design and construction.

- State Agencies may not use Permanent Building Fund contingency funds unless specifically approved by the PBFAC.

- Sole source or limited competition is not allowed without prior written authorization of the Administrator.

- Standard documents adopted by DPW are to be used for professional service and construction contracts.

C. PROCEDURES

- Following approval of delegation, either by the Administrator or the PBFAC, the Administrator will inform the Agency in writing.

- Unless in-house design by registered professionals within the Agency has been approved, the Agency is to proceed with the selection of the design professionals as required by law and authorized by the PBFAC. This can be accomplished by use of the DPW pre-selected Regional Architects and Engineers, selection by the DPW mid-range process or by advertising and issuing requests for proposals.

- If other than in-house professionals or the DPW Regional Professional Contracts are used, the architect/engineers must be approved by the PBFAC prior to contracting with them.

- Submit plans and specifications to code authorities and obtain approval prior to bidding/construction.

- Advertise the project as required by law, and proceed with the bidding process; or utilize a Service Contract as per PBFAC policy.

- Hold a public bid opening, unless an informal bid or Service Contract is used.

- Evaluate the bids and determine low responsive bidder.
- If project costs cause the project to exceed the PBFAC approved delegated budget, report to the PBFAC for increased budget approval. [Note: per Idaho Statute §67-5710A, the maximum limit of delegation is $150,000.
- Prepare and issue contracts, and proceed with construction.
- Submit tax report form to the Idaho State Tax Commission.
- Provide for site inspection by an approved code inspector.
- Make all payments to design professionals and contractors in a timely manner.
- Conduct final inspections and obtain releases.
- Submit a final project accounting to DPW within sixty (60) days of completion for reporting to the PBFAC.
- Return all unused Permanent Building Funds to DPW.

Reviewed and Approved by PBFAC 11-1-12

MOTION PROCEDURE

DISCUSSION OF MOTION APPROVAL PROCEDURE

Council members discussed their practice of having one member present a motion and another member voicing a second. Chairman Yamashita stated his position that because the Council discusses issues presented in a thorough manner, seconding a motion is not needed. Council members agreed with the Chairman by consensus.

(Permanent Building Fund Advisory Council Minutes, October 3, 2001)

DIVISION OF PUBLIC WORKS
DOLLAR LIMITS

Project Administration:

>$100,000 All projects funded by the Permanent Building Fund (PBF) and other construction projects exceeding $100,000 of estimated construction cost, are to be administered by the Division of Public Works. Exceptions to PBF-funded projects are the University of Idaho and projects other than administrative office buildings for the Idaho Transportation Department, Department of Parks and Recreation, Department of Fish and Game, Department of Lands, Department of Water Resources, and the Idaho Water Resource Board. (I.C. 67-5711)
Effective 7-1-05

Bidding Procedures:

$25,000 < $100,000 Idaho Code 67-5711 C establishes a method to advertise and receive competitive bids for public works, and provides an informal process for projects having a written cost estimate greater than $25,000, but less than $100,000, and sets a procedure for bidding and awarding a contract. (I.C. 67-5711 C)
Effective 7-1-05

Architect/Engineer Selection:

The Division of Public Works may utilize the Regional Architect/Engineer agreements for projects where the estimated fee and expenses do not exceed $40,000.

For projects where the estimated fee does not exceed $80,000, the Mid-Range Selection process may be used.

For projects where the estimated fee exceeds the above limits or where the project requires specialized design services, a "Request for Qualifications" (RFQ) may be used.

For both the Mid-Range Selection and RFQ process, the Permanent Building Fund Advisory Council (PBFAC) will make the selection after a selection committee has submitted its rankings. (Council Policy 8-4-09)

Regional Testing Firms:

Procedures and dollar limits are the same as those enumerated for Architect/Engineer Selection. (Council Policy 12-1-04)

Service Contracts:

No annual limit — Each Service Contract will be competitively bid; the contract will be for one year with an option for two, one-year extensions.

A Service Contract may be used for services the cost of which is less than $200,000 per Service Contractor, per project. The total dollar value of Service Contracts, used pursuant to this paragraph, may not exceed $300,000 per project. These limits do not apply to floor covering contracts. (Council Policy 3-4-08)

Inmate Labor:

<$50,000 — Idaho Code 67-5713 authorizes the Administrator of the Division of Public Works to construct State-owned correctional facilities by inmate labor subject to approval of the PBFAC. The Administrator of the Division of Public Works has been delegated authority by Council to authorize the use of inmate labor for any work item where the cost, if performed by a contractor, is estimated at less than $50,000. (Council Policy)

>$50,000 — The Council may authorize the use of inmate labor when the requested portion of the work is over $50,000.
(Council Policy)

In-House Design:

<$80,000 — For any project under the jurisdiction of the PBFAC estimated to cost less than $80,000, authority to permit the use of in-house professionals is delegated to the Administrator of the Division of Public Works.
(Council Policy)

$80,000-$150,000 — The PBFAC may authorize the use of in-house design professionals when the total cost of the project, including fees, contingencies, and construction costs will not exceed $150,000. (Council Policy)

In-House Construction:

<$100,000 For any project under the jurisdiction of the Council, estimated to cost less than $100,000, authority to permit the use of in-house maintenance staff is delegated to the Administrator of the Division of Public Works.
(Council Policy, effective 7-1-05)

No Limit The PBFAC may authorize the use of in-house maintenance staff to perform construction on a Division of Public Works project. For any project under the jurisdiction of the PBFAC estimated to cost more than $100,000, specific approval from the PBFAC for use of in-house maintenance staff is required.
(Council Policy, effective 7-1-05)

Project Review:

For Asbestos (Projects typically range between $5,000 and $100,000)

Approve architects/engineers every two years.
Asbestos Testing Labs — approve every two years.
Surveys (not intended to be abated as same project) — provide a summary and get approval of all as a study.
Abatement projects to $50,000 — take to PBFAC as small projects.
Abatement projects over $50,000 — take to PBFAC once prior to bid.

For Roofing (Projects typically range between $30,000 and $200,000)

Approve architects every two years.
Projects to $80,000 — take to PBFAC as small projects.
Projects over $80,000 — take to PBFAC once following preliminary design.
Include summary and cost estimate from architect.

Other Projects (Range between $30,000 and $35,000,000)

Approve Regional Architects/Engineers every two years.
Approve mid-range and large architect/engineer selections.
Projects to $150,000 except new construction — do as small projects.
Projects $150,000–$500,000 except new buildings and additions — present to PBFAC once prior to bidding.
Projects $500,000+ and new buildings and additions — present preliminary to PBFAC at end of design development and final to PBFAC at end of construction documents.

$250,000 Architect/Engineer Travel: PBFAC has requested that there be no travel expense incurred by architects and engineers in traveling to PBFAC meetings to make presentations to the Council for projects under $250,000 in total cost unless Division of Public Works staff

feels it is not properly prepared to cover the technical aspects of the individual project. (Council Policy)

Delegation of Projects:

$80,000	The PBFAC has authorized the Administrator of the Division of Public Works to proceed with the delegation of projects up to $80,000 in cost without "prior" Council approval with the stipulation that a report of the delegation be made to Council at the next regularly scheduled PBFAC meeting. (Council Policy)
$150,000	Idaho Code authorizes the Administrator of the Division of Public Works to delegate the administration of public works projects, the cost of which is less than $150,000, with Council approval. (I.C.67-571 OA)

State Board of Education Approval:

1. Major Project Approvals — Proposed Plans

   Without regard to the source of funding, before any institution, school, or agency under the governance of the State Board of Education (SBE) begin formal planning to make capital improvements, either in the form of renovation or addition to or demolition of existing facilities, when the cost of the project is estimated to exceed $500,000, must first be submitted to the SBE for its review and approval. All projects identified on the institution's, school's, or agency's Six-Year Capital Plan must receive SBE approval.

2. Project Approvals

   Without regard to the source of funding, proposals by any institution, school, or agency under the governance of the SBE to make capital improvements, either in the form of renovation or addition to or demolition of existing facilities, when the cost of the project is estimated to be between $250,000 and $500,000, must first be submitted to the executive director for review and approval. Without regard to the source of funding, proposals by any institution, school, or agency under the governance of the SBE to make capital improvements, either in the form of renovation or addition to or demolition of existing facilities or construction of new facilities, when the cost of the project is estimated to exceed $500,000 must first be submitted to the SBE for its review and approval. Project cost must be detailed by major category (construction cost, architecture fees, contingency funds, and other). When a project is under the primary supervision of the Board of Regents or the SBE and its institutions, schools, or agencies, a separate

budget line for architects, engineers, or construction managers and engineering services must be identified for the project cost. Budgets for maintenance, repair, and upkeep of existing facilities must be submitted for SBE review and approval as a part of the annual operating budget of the institution, school, or agency.

3. Fiscal Revisions to Previously Approved Projects

Project revisions that substantially alter the use of the project causing changes in project costs between $250,000 and $500,000 must first be submitted to the executive director for review and approval. Changes in project costs of more than $500,000 must first be submitted to the SBE for its review and approval. Requests must be supported by a revised detailed project budget and justification for changes.

Revised 8-4-09

USE OF PERMANENT BUILDING FUNDS

By way of providing guidance to the Division of Public Works (DPW) and state agencies, the Permanent Building Fund Advisory Council (PBFAC) has adopted the following policy regarding the proper use of funds appropriated to the Permanent Building Fund (PBF).

In concert with Idaho Code § 57-1108, the PBFAC intends that PBF are to be used for the construction, enhancement, improvement, modification, and/or maintenance of those parts of state facilities that are needed to improve life safety, enhance programs, and maintain the useful life of the facility and are permanent elements of the facility. This may include equipment that is hardwired, plumbed, bolted to or in some other way affixed to the structure of the facility and requires the services of a trained technician to install; but excludes equipment and furniture that is not hardwired, plumbed, bolted, or otherwise affixed to the structure of the facility.

This policy applies only to projects using PBF monies and does not necessarily apply to solely agency funded projects administered by DPW.

Reviewed and Approved by PBFAC 11-1-07

USE OF THE ALTERATIONS AND REPAIR CONTINGENCY FUND

The Alterations and Repair (A&R) Contingency Fund within the Permanent Building Fund will fluctuate on a constant basis consistent with the execution of public works projects, the bidding climate, and the general economy.

To Fund Additional A&R Projects

When the Contingency Fund grows to a level beyond that needed to provide project assurance for the entire A&R program, the Permanent Building Fund Advisory Council (PBFAC) hereby authorizes the reserved funds to be utilized to fund additional A&R projects within the following parameters.

When such a decision is made by the Division of Public Works (DPW) executive staff, projects will be selected from the current fiscal year's A&R request list which was presented to the PBFAC in October of that same fiscal year. The PBFAC authorizes DPW, at its discretion, to select projects from that list based on needs and priorities, and to fund such projects from the contingency account. Council oversight will impact such projects at various stages of execution, as it does on all DPW projects.

At no time will the decision to implement additional projects with the use of the A&R Contingency Fund allow that fund to fall below a balance of $3,000,000 (three million dollars). When contingencies require the fund to fall below that level, no further new projects will be considered or initiated until the fund has again exceeded the established minimum threshold.

To provide Temporary Funds for Critical Roofing and Paving Projects

At the January PBFAC business meeting each year, the Division of Public Works submits a list of priority roofing and paving projects to be supported by the upcoming fiscal year's PBF appropriation. Partial funding for these projects is provided from the Contingency Fund for temporary use to cover the costs of the design and development phase of the architectural services until the actual appropriation is made by the Legislature. By starting design early, the projects can be bid in the spring and summer construction to occur in the warmer months of the year. Funds provided for temporary use are to be transferred back to the Contingency Fund when the fiscal year's appropriation is in place.

Reviewed and Approved by PBFAC 11-29-12

AGENCY FUNDED PROJECTS

When a request is received by DPW to establish a new project funded with agency money, the project will be set up in the DPW fiscal system at the specified amount of authorized funds. At the time the project is entered into the fiscal system, an interagency billing for ten percent (10%) of the authorized funds, or a maximum of $2 million, will be submitted to the agency. Upon receipt of the ten percent or $2 million, DPW will commence work on the project. As billings against an agency funded project are received from design consultants, contractors, and other project vendors, payments will be made in a timely manner; and additional interagency billings will be generated based on payments made.

If a project is requested with staged funding, i.e., authorization of design funding followed by construction funding, a ten percent (10%) billing will be issued at each stage of increased authorization.

This policy is to provide a process that will minimize the occurrence of a negative balance between funds received and funds expended in agency funded projects and will allow payments to be made in compliance with contract terms.

Reviewed and Approved by PBFAC 6-7-11

NON-STATE ENTITY FUNDED PROJECTS

Idaho Statute §67-5710A(1)(b) requires that facilities to be constructed "with funds under the control of a non-state entity, and owned or occupied by state entities, must have plans and specifications prepared, and all plans and specifications must be reviewed and approved by the permanent building fund advisory council . . . ." Projects that meet the above definition shall be presented to the Council for approval once, prior to start of construction.

Reviewed and Approved by PBFAC 11-29-12