DATE:    July 17, 2017

TO:     ACHD Board of Commissioners &
        Bruce S. Wong, Director

FROM:   Scott Spears, Assistant General Counsel

SUBJECT:  Ordinance No. 234 – Amending Title I of the Ada County Highway District Code, with amendments to Title 1, Section 2009 to Section 2021 of the ACHD Code, relating to the procurement of goods, services and construction, and management and supervisory authority limits, and establishing an effective date.

         PUBLIC HEARING – July 26, 2017 Commission Meeting

FACTS & FINDINGS:

1. Idaho Code Section 40-1406 provides that the Commissioners of the Ada County Highway District (the “District”) may pass ordinances for carrying into effect or discharging all powers and duties conferred upon the District.

2. Idaho Code Section 40-1406 further provides that the District may print or publish ordinances in book or pamphlet form pursuant to the authority of the Commissioners.

3. Pursuant to Idaho Code Sections 40-1310 and 40-1406, the Commissioners of the District have the authority to manage and conduct the business and affairs of the District, make and execute all necessary contracts, contract for the construction, use, maintenance, repair and improvement of highways within its system.

4. The procurement of goods, services and public works construction is governed by Title 67, Chapters 23 and 28, Idaho Code. With the passage of Senate Bill No. 1074 (effective July 1, 2017) during the 2017 legislative session, the Idaho Legislature amended Title 67, Chapter 28, Idaho Code, relating to the procurement of goods, services and public works construction, raising the threshold limits for exemptions from statutory procurement requirements as well as raising the delineations for informal and formal procurement, providing governing boards greater authority to delegate contract award authority to staff, and establishing a request for proposals process that governmental entities may utilize in making procurements of goods and services. The proposed revisions to ACHD Code Sections 2009 through 2012 are required to ensure consistency with the amendments to Title 67, Chapter 28, Idaho Code which became effective July 1, 2017.

5. With the adoption of ACHD Ordinance No. 232 (effective December 7, 2016) and Ordinance No. 233 (effective February 22, 2017), revisions to ACHD Code Section 2021 relating to management and supervisory authority limits are required to ensure consistency with other sections of the ACHD Code.
6. The procedures currently set forth in ACHD Code Section 2009 for consideration of proposers’ past performance in procurements would be greatly enhanced by amendments providing for the consideration of past or pending disputes or claims with the district and establishing an appeal process ensuring an opportunity for Commission review of adverse decisions resulting from past or pending disputes or claims with the district. The proposed amendments make revisions aimed at enhancing consideration of proposers’ past performance in procurements and establishing an appeal process.

7. ACHD staff has identified other technical edits to ACHD Code Sections 2009 through 2021 that are required to ensure consistency with other Sections of the ACHD Code. The proposed amendments make the required revisions.

8. ACHD Staff has prepared amendments to Title I Section 2009 to Section 2021 of the ACHD Code, relating to the procurement of goods, services and public works construction, and management and supervisory authority limits; which are fully set forth in Exhibit “A”, attached to Ordinance No. 234.

NOTICE OF PUBLIC HEARING:

The Notice of Public Hearing for proposed Ordinance No. 234 will publish in the Idaho Statesman as follows: (1) July 18, 2017 and (2) July 19, 2017 in accordance with Idaho Code § 40-206.

EFFECTIVE DATE:

If adopted, proposed Ordinance No. 234 will be effective August 23, 2017, following its publication as provided by Idaho Code Section 40-1406.

FISCAL IMPACT:

None

ALTERNATIVE OPTIONS:

1. The Board of Commissioners may adopt the proposed Ordinance No. 234, attached hereto as Attachment No. “1”.

2. The Board of Commissioners may make revisions to the proposed Ordinance No. 234 and adopt the proposed Ordinance No. 234 as revised.

3. The Board of Commissioners may adopt a portion of the proposed Ordinance No. 234, and remand the remaining portions of proposed Ordinance No. 234 to Staff for another public hearing which shall be re-noticed.

RECOMMENDATION:

ACHD Staff recommends adoption of the proposed Ordinance No. 234 as attached hereto.

Attachment – 1
Proposed Ordinance No. 234 with Exhibit “A”
ORDINANCE NUMBER 234

BY THE ADA COUNTY HIGHWAY DISTRICT BOARD OF COMMISSIONERS: PAUL WOODS, REBECCA W. ARNOLD, SARA M. BAKER, JIM D. HANSEN, KENT GOLDTHORPE.

AN ORDINANCE AMENDING TITLE 1 OF THE ADA COUNTY HIGHWAY DISTRICT CODE, WITH AMENDMENTS TO TITLE 1, SECTION 2009 TO SECTION 2021 OF THE ADA COUNTY HIGHWAY DISTRICT CODE, AMENDING PROCEDURES RELATING TO THE PROCUREMENT OF GOODS, SERVICES AND PUBLIC WORKS CONSTRUCTION, AMENDING PROCEDURES RELATING TO THE CONSIDERATION OF PAST PERFORMANCE IN PROCUREMENT TO INCLUDE SPECIAL CONSIDERATIONS FOR PAST OR PENDING DISPUTES OR CLAIMS WITH THE DISTRICT, AMENDING PROCEDURES RELATING TO MANAGEMENT AND SUPERVISORY AUTHORITY LIMITS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Idaho Code Section 40-1406 provides that the Commissioners of the Ada County Highway District (the “District”) may pass ordinances for carrying into effect or discharging all powers and duties conferred upon the District; and

WHEREAS, Idaho Code Section 40-1406 further provides that the District may print or publish ordinances in book or pamphlet form pursuant to the authority of the Commissioners; and

WHEREAS, pursuant to Idaho Code Sections 40-1310 and 40-1406, the Commissioners of the District have the authority to manage and conduct the business and affairs of the District, make and execute all necessary contracts, contract for the construction, use, maintenance, repair and improvement of highways within its system; and

WHEREAS, the procurement of goods, services and public works construction is governed by Title 67, Chapters 23 and 28, Idaho Code; and

WHEREAS, with the passage of Senate Bill No. 1074 (effective July 1, 2017) during the 2017 legislative session, the Idaho Legislature amended Title 67, Chapter 28, Idaho Code, relating to the procurement of goods, services and public works construction including, but not limited to, raising the threshold limits for exemptions from statutory procurement requirements as well as raising the delineations for informal and formal procurement, providing governing boards greater authority to delegate contract award authority to staff, and establishing a request for proposals process that governmental entities may utilize in making procurements of goods and services; and

WHEREAS, revisions to ACHD Code Sections 2009 through 2012 are required to ensure consistency with the amendments to Title 67, Chapter 28, Idaho Code which became effective July 1, 2017; and

WHEREAS, with the adoption of ACHD Ordinances 232 (effective December 7, 2016) and 233 (effective February 22, 2017), revisions to ACHD Code Section 2021 relating to management and supervisory authority limits are required to ensure consistency with other sections of the ACHD Code; and

WHEREAS, the procedures currently set forth in ACHD Code Section 2009 for consideration of proposers’ past performance in procurements would be greatly enhanced by amendments providing for the consideration of past or pending disputes or claims with the district and establishing an appeal process ensuring an opportunity for Commission review of adverse
determinations resulting from past or pending disputes or claims with the district; and

WHEREAS, ACHD staff has identified other technical edits to ACHD Code Sections 2009 through 2021 that are required to ensure consistency with other Sections of the ACHD Code; and

WHEREAS, The Commissioners of the District have considered amendments to Title I of the ACHD Code, specifically, Section 2009 through Section 2021 of the ACHD Code, relating to the procurement of good, services and public works construction, and management and supervisory authority limits; all as fully set forth in Exhibit “A”, attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE ADA COUNTY HIGHWAY DISTRICT, ADA COUNTY, IDAHO, that amendments to Title 1 of the Ada County Highway District Code, Section 2009 through Section 2021 of the ACHD Code, are hereby adopted as set forth in the attached Exhibit “A” as if fully set forth herein.

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith, are, to the extent of such conflict, repleaded.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby declared to be severable and if any one or more sections, subsections, or sentences of this Ordinance and the ACHD Code adopted hereby are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the ACHD Code adopted hereby and the same shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect from and after August 23, 2017, following its passage, approval and publication as provided by Idaho Code Section 40-1406.

ADOPTED BY THE ADA COUNTY HIGHWAY DISTRICT BOARD OF COMMISSIONERS THIS 26th day of July, 2017.

ADA COUNTY HIGHWAY DISTRICT
BOARD OF COMMISSIONERS

By: ____________________________  By: ____________________________
  Paul Woods, President               Rebecca W. Arnold, Vice President

By: ____________________________  By: ____________________________
  Sara M. Baker, Commissioner       Jim D. Hansen, Commissioner

By: ____________________________
  Kent Goldthorpe, Commissioner

ATTEST:

_____________________________
Bruce S. Wong, Director

ORDINANCE NO. 234
2009 PURCHASING

2009.1 Statement of General Policy

Efficient and cost-effective procurement of goods, services and public works construction is an important aspect of District operations. The District shall endeavor to purchase goods, services and public works construction by way of a publicly-accountable process that respects the shared goals of economy and quality.

2009.2 Consideration of Past Performance in Procurement

2009.2.1 Purpose and Authority

The District has the authority to establish rules and regulations for carrying into effect all powers and duties conferred to it pursuant to applicable law. See Idaho Code § 40-1406; see also Idaho Code § 40-131-(8). The purpose of this policy is to further the District’s power and duty to procure goods, services, and public works construction in a manner that “respects the shared goals of economy and quality.” See Idaho Code § 67-2801. The District has found that its experience with suppliers and contractors is a valuable measure of the contractors’ and consultants’ ability to provide goods, services, and construction in an economic and quality manner, as required by state law. This policy provides a mechanism for the consistent and equitable consideration of past performance by suppliers who have provided goods and contractors who have provided services to the District.

2009.2.2 Application

This policy applies to the procurement of goods, services, and public works construction as outlined in Title 67, Chapters 23 and 28, which are generally categorized as follows:

1. Procurement of public works construction valued at or in excess of $250,000 but not exceeding $1200,000, as outlined in Idaho Code § 67-2805(21).

2. Procurement of public works construction valued in excess of $1200,000 using the process of prequalifying contractors and accepting bids from prequalified contractors, as outlined in Idaho Code § 67-2805(32)(b).

3. The purchase or lease of personal property or the procurement of services valued at or in excess of $250,000 but not exceeding $5100,000, whereby the District solicits bids from
no fewer than three vendors, as outlined in Idaho Code § 67-2806(1).

4. The purchase or lease of personal property or the procurement of services valued in excess of $5100,000, as outlined in Idaho Code § 67-2806(2)(a).

4.5. The purchase or lease of personal property or the procurement of services valued in any amount when the method of solicitation is by request for proposals, as outlined in Idaho Code § 67-2806A.

5.6. The procurement of professional service contracts with design professionals, construction managers, and professional land surveyors, as outlined in Idaho Code § 67-2320(1).

This policy supplements existing District policies and considerations governing the procurement process for each of the categories of procurement set forth in Subsection 2009.2.2 above.

2009.2.3 Process
This policy and the considerations outlined below shall be applied any time the District is required to consider any of the following factors in the procurement of goods or services, pursuant to the statutes cited in Subsection 2009.2.2 above:

- whether the individual or entity is qualified
- whether a bid is responsive
- competence
- experience
- quality
- efficiency
- economy
- performance data
- disputes and/or claims with the District (past or pending but stayed)
- notices of insufficient work by the District or notices of violation of statement of work by the District

If any of the foregoing factors are applicable in qualifying and/or selecting a person or entity in the procurement process, then the District shall assess the following
general measures of past performance for any person or entity eligible for selection that has provided goods, services, and/or public works construction to the District within the past five (5) years:

1. With regard to goods purchased or leased:
   - whether the goods were delivered timely
   - whether the goods were invoiced correctly
   - whether the costs quoted for the goods were the prices that were ultimately paid by the District
   - whether the goods conformed to the specifications provided by the District and/or represented by the supplying party
   - whether the goods had deficiencies
   - if the goods had deficiencies, whether they were corrected within an acceptable timeframe
   - if the goods had deficiencies, whether the District was required to pay to repair or replace them

2. With regard to public works construction and other services:
   - whether the project or services were completed in a timely manner
   - whether the services and materials were invoiced correctly
   - whether there were excessive change orders
   - whether the quality of materials and workmanship was appropriate or otherwise as represented to or required by the District
   - whether the work was performed in accordance with contract specifications and applicable laws and regulations
   - whether the total project was within the original cost projections
   - whether the contractor and its staff worked professionally and courteously with the District and with the public in providing the services
   - whether the contractor complied with applicable safety standards
   - whether the contractor honored guaranties and warranties
• if the services had deficiencies, whether they were corrected by the contractor within an acceptable timeframe

• if the services had deficiencies, whether the District was required to pay to correct or replace them

2009.2.4 Evaluations/Recordkeeping
To assist in the uniform application of this policy, the District shall create and maintain evaluations for the construction, services, and significant purchase of goods it procures from time to time. The evaluations shall be maintained for a minimum of five (5) years.

2009.2.5 Disputes or Claims with the District – Score and Ranking - Determination of Disqualification or Exclusion from Solicitation – Appeal to Commission

If a person or firm, in responding to one of the solicitations set forth in subsection 2009.2.2, answers in the affirmative that it has ever been involved in a dispute or claim with the District or is involved in a pending or stayed dispute or claim with the District or has ever received a notice of insufficient work or a notice of a violation of a statement of work from the District, such affirmative answers shall be weighted more heavily against the person or firm in determining its total score and potential ranking. Additionally, if a person or firm answers in the affirmative that it has ever been involved in a dispute or claim with the District or is involved in a pending or stayed dispute or claim with the District, the person or firm's response packet will be reviewed by the Director on a case-by-case basis to determine whether to disqualify and exclude the responding person or firm from the solicitation. In making its determination, the Director shall consider the nature of the disputes or claims involved and their significance and whether they form a basis to question the ability of the person or firm to meet the standard of care in the performance of the work under the solicitation. The affected person or firm may appeal the decision of the Director to the Commission for a final determination. The appeal must be made within 7 calendar days of the transmittal of the Director's decision and it must explain why the Director's decision was in error. Commission consideration of the appeal shall include a public hearing at which the affected person, any other interested person, and the Director or designated District staff, may present evidence and testimony. The determination of the Commission shall be issued as an Order, supported by Findings of Fact and Conclusions of Law, citing the ACHD policy and standards used in evaluating the appeal and the reasons for approval or denial of the appeal. The determination of the Commission shall be final.

2010 GOODS AND SERVICES

2010.1 General
The District shall purchase goods and services from the lowest responsible bidder (formal or informal), assuring that all legal requirements of Idaho code are met. Guidelines are designed to allow the needed latitude in purchasing while buying goods and materials as economically as possible.

2010.2 Formal Bids

All goods and services with a purchase price in excess of $5100,000 requires a formal bid process, as outlined in Idaho Code Section 67-2806.(2). The bid opportunity must be advertised legally in a local newspaper and shall be approved by the District commission before a purchase order is issued. If, at any time prior to the bid opening, District staff determines or becomes aware that the bid specifications are in error and because of the error, the specified equipment either will not meet the needs of the District or there is a potential that the cost of the equipment will vary from District estimates by more than ten percent (10%), District staff shall either terminate the procurement process and start over, or District staff shall immediately prepare an addendum, providing the revised specifications and, if necessary, postponing the bid opening for a sufficient amount of time to allow the bidders an opportunity to amend their bid according to the revised specifications contained in the addendum. If necessary, District staff shall either terminate the procurement process and start over, or District staff shall issue the addendum postponing the bid opening separate from the addendum providing the revised specifications. If multiple postponements of the bid opening cause the procurement process to run more than ninety (90) days past the initially scheduled bid opening date, District staff shall terminate the procurement process and may start a new procurement at such time that the issues casing the delays have been resolved. Any time, upon review of the bids submitted, District staff determines that it will recommend that the District Commission reject all bids presented pursuant to Idaho Code Section 67-2806(2)(h), District staff shall provide all bidders with seven (7) days advance notice of the date the District Commission is scheduled to consider District staff’s recommendation.

2010.3 Semi-Formal Bids

All goods and services with a purchase price at or in excess of $250,000 but no to exceed $5100,000 shall use an informal bid process, as outlined in Idaho Code Section 67-2806(1), and a minimum of three (3) informal bids shall be obtained. The responsibility of the final selection shall be with the District Commission or the appropriate department manager or assistant manager.

2010.4 Informal PurchasesQuotes

Goods and services with a purchase price of $5,000 or less shall be guided by the best interests without need to engage in a bidquote process of any kind.

For procurements of goods and services valued at more than $5,000 and less than $250,000, District staff shall use best efforts to obtain a minimum of three (3) quotes from qualified vendors of goods and services. Staff shall adequately document the following in the project file: all price quotes obtained, the person and
company providing the quote, and the date the person provided the quote. If staff is unable, despite its best efforts, to obtain a minimum of three (3) quotes, it shall document this in the project file and describe its efforts. Selection shall be guided by the best interests of the District; however, in those instances that staff does not select the lowest quote, staff shall include an explanation of its decision in the project file.

2010.5 Used Personal Property

As authorized in Idaho Code Section 67-2803(8), the District may purchase used personal property valued in any amount, without compliance with the procurement procedures set forth in Idaho Code Section 67-2806. However, any purchase of use personal property shall be reviewed and approved by the Director or the Chief of Staff, subject to their respective authority limits set forth in Section 2021.

2010.6 Limitation on Month-to-Month Equipment Rentals

Regardless of fair market value or monthly rental rate, District Staff shall not rent the same piece or type of equipment on a month-to-month basis for a total of two (2) or more months within any twelve (12) month period without first obtaining review and approval of the Director or the Chief of Staff. Provided however, month-to-month equipment rentals approved by the Director or the Chief of Staff, shall not exceed twelve (12) months total (staff approved and Director or Chief of Staff approved). Additionally, during any twelve (12) month period (staff approved and Director or Chief of Staff approved), the cumulative month-to-month equipment rentals shall not total $50,000 or more for the same piece or type of equipment.

2010.7 Requests for Proposals

As authorized in Idaho Code Section 67-2806A, the District may utilize a request for proposals process as an alternative procurement to the competitive bidding processes required in Idaho Code Section 67-2806(2) and Idaho Code Section 67-2806(1) and subsection 2010.2 and subsection 2010.3 of this section. Any request for proposals for the procurement of goods or services shall comply with Idaho Code Section 67-2806A which provides applicability standards, factors for consideration, minimum requirements for content, and minimum requirements for notification, solicitation and consideration of contests. Any award under a request for proposals solicitation must be made by the Commission.

2010.52010.8 Notification of Deliveries

The Finance/Accounting Department shall be notified as soon as possible of capital equipment deliveries. The make, model, year and a description of the equipment shall be provided. The equipment will be added to the official fixed asset listing in the month when it is delivered.

2011 CONSTRUCTION CONTRACTS

2011.1 General
This section presents the requirements for contracts and bids and shall apply to all District highway systems. It shall be subject to the provisions of statutes regulating the letting of contracts by seeking and receiving competitive bids. It shall not be construed as changing or amending the provisions of any statute, nor does it prevent District employees from doing any work. Requirements for contracting are set out in the following Idaho Code sections:

- Title 50, Chapter 17, Local Improvement Districts
- Title 67, Chapter 23, Miscellaneous Provisions
- Title 67, Chapter 28, Purchasing by Political Subdivisions

2011.2 Informal Quotes

In accordance with Idaho eCode Section 67-2803(2) and 67-2805, the District may solicit quotes from suppliers, contractors, etc., on construction projects where the maximum total expense is not over less than $250,000.

2011.2.1 Purpose

The informal quote process allows the District to seek quotes on construction projects with a value of less than $250,000 or less. This is advised when it would not be in the best interest of the taxpayer or would require too much time to follow the guidelines of Idaho Code for advertisement, as required on projects more than $250,000.

2011.2.2 Solicitation of Quotes

On construction contracts up to $5,000, the District may acquire a single quote and proceed without any further restrictions, provided that such contracts or purchases shall be guided by the best interests of the District, as determined by the Commission. However, District staff shall use best efforts to avoid using the same public works contractor for more than $50,000 of cumulative work in a fiscal year and in such cases that staff utilizes the same public works contractor for more than $50,000 of cumulative work in a fiscal year, it shall include an explanation of its decision in the project file.

On construction contracts projects between in excess of $5,000 and but less than $250,000 in value, District staff shall use best efforts to obtain a minimum of three (3) separate quotes from appropriately licensed public works contractors. These quotes may be written, oral, or by telephone, but the preferred method is written submittal. Whatever method used, the results must be reduced to written form to support selecting the firm to do the required work. District staff shall adequately document the following in the project file: all price quotes obtained, the person and company providing the quote, and the date the person provided the quote. If staff is unable, despite its best efforts, to obtain a minimum of three (3) quotes, it shall document this in the project file and describe its efforts. Selection shall be guided by the best interests of the District; however, in those instances that staff does not select the lowest quote, staff shall include an explanation of its decision in the project file. Although not required by law, District staff shall consider whether to require the selected contractor to provide performance and payment bonds and
where District staff does not require such bonds, it shall include an explanation of its decision in the project file.

2011.3 Semi-Formal Bids

Semi-Formal bids are required when a construction contract is contemplated to exceed $250,000 but not exceed $400,000.

2011.3.1 Procurement Procedures and Award Process

The Semi-Formal Bid procurement procedure and award process shall conform to the requirements stated in Idaho Code, Section 67-2805(21) and applicable ACHD policy.

2011.4 Formal Bids

Formal bids are required when a construction contract is contemplated to exceed $400,000.

2011.4.1 Procurement Procedures and Award Process

The Formal Bid procurement procedure and award process shall conform to the requirements stated in Idaho Code Section 67-2805(32). The bid opportunity must be advertised legally in a local newspaper and shall be awarded by the District Commission before a contract is signed. If at any time prior to the bid opening, District staff determine or become aware that the bid specifications are in error and because of the error, the specified construction work either will not meet the needs of the District or there is a potential that the cost of the construction work will vary from District estimates by more than ten percent (10%), District staff shall immediately prepare an addendum, providing the revised specifications and, if necessary, postponing the bid opening for a sufficient amount of time to allow the bidders an opportunity to amend their bid according to the revised specifications contained in the addendum. If necessary, District staff shall either terminate the procurement process and start over, or District staff shall issue the addendum postponing the bid opening separate from the addendum providing the revised specifications. If multiple postponements of the bid opening cause the procurement process to run more than ninety (90) days past the initially-scheduled bid opening date, District staff shall terminate the procurement process and may start a new procurement at such time that the issues causing the delays have been resolved. Any time, upon review of the bids submitted, District staff determines that it will recommend that the District Commission reject all bids presented pursuant to Idaho Code Section 67-2805(32)(a), District staff shall provide all bidders with seven (7) days advance notice of the date the District Commission is scheduled to consider District staff’s recommendation.

2012 PROFESSIONAL SERVICE AGREEMENTS (MAJOR)

2012.1 General

This section sets guidelines for Professional Engineering, Architectural, Landscape
Architectural, and Land Surveying Design Service Agreements that exceed $25,000.

Authority for this work is given by Idaho Code, Section 67-2320, Professional Service Contracts with engineering, surveying and architects.

The use of Federal funds for services is covered under:


2012.2 Purpose

These guidelines provide direction in the selection, negotiation and management of consultant agreement for Professional Services. It covers services for engineering, surveying and architectural professional services.

2012.3 General Procedures

The following information provides detailed procedures and requirements for setting up and managing professional service agreements. Attached checklist (Exhibit 1) serves as a convenient guide for assurance that all requirements are met. The checklist should be copied and maintained in the agreement file. It can be used as a status report on progress and summary of compliance.

It shall be the responsibility of the contracted firm to produce a completed set of maps, plans, reports, appraisals, etc., with detailed information about the work for which they have been retained. They shall observe all District requirements, standards, and procedures stated in the Agreement for Services.

All material, property, or equipment acquired or produced for an agreement and a specific project becomes the property of the District and shall be delivered by the consultant without restriction or limitation on further use.

All consultants and sub-consultants must maintain all books, documents, papers, accounting records, and other evidence about the costs incurred. They must make such materials available at their offices at all reasonable times during the contract period.

Record and document retention is regulated by the Federal Highway Program Manual (FHPM), Volume 1, Chapter 6, Section 2 (23 CFR-17) and Volume 1, Chapter 7, Section 2 and 49 CFR part 18.42. These laws specify that all project records are to be available for inspection and audit at reasonable times during the
contract period and for three (3) years from the date of final payment. If there is litigation, a claim, or an audit has been announced or is underway, records must be maintained until the litigation, claim, or audit is completed and any findings have been resolved.

2012.4 Agreement Initiation and Execution

2012.4.1 Request for Consultant
A request for professional services can be made when special expertise is required, or when the work exceeds the current capability of the District's personnel. The responsible Division Supervisor or Department Manager shall begin the request for consulting services.

All consultant selection shall be by the competitive selection process. If a noncompetitive process is warranted, a request in writing shall be submitted to the Director for approval.

2012.4.2 Agreement Administrator
The District will select the Agreement Administrator, who is directly responsible for monitoring the consultant's work. He reviews and approves monthly progress reports and assures that the District's requirements are met. He is the person most familiar with and most capable of managing the project.

2012.4.3 Consultant Selection Committee
The Consultant Selection Committee shall consist of a minimum of three (3) people, one of whom shall be the Agreement Administrator. Of the other two, one shall be from outside the District. The Agreement Administrator shall be responsible for documenting the selection process and complying with the appropriate District/State/Federal requirements. The suggested checklist of activities in Exhibit 1 can be copied and used to help meet these requirements. All support documentation shall be retained in the project file.

2012.4.4 Methods of Procurement there are four methods of procurement: Competitive negotiations that may follow qualification-based selection procedures. Negotiations are held with the firm most qualified to perform such services. The price must be reasonable and fair to the public, after considering the estimated value, scope, complexity, and type of services.

If the parties are unable to come to a satisfactory contract or agreement, negotiations shall be formally terminated. Negotiations then will be undertaken with the next most qualified firm.

When consultant services are obtained by competitive negotiation, selection of the most qualified firm shall be based on one of the following methods:

a. Selection based on proposals only;

b. Selection based on proposals and interviews of a minimum of three
firms;

c. Selection based on a Statement of Interest: requesting a minimum of three firms to submit Technical Proposals; and interviewing those firms;

d. Noncompetitive negotiations when specific conditions exist that allow negotiation with a single firm;

e. Noncompetitive negotiations when the firm used is selected from the District’s yearly on-call, as-needed list;

f. Minor agreement procedures for agreements less than $25,000.

2012.4.5 Developing List of Qualified Firms
The District must carefully follow the regulations and procedures for selection of consultants. This assures the selection process is based solely on proven competence and qualifications to perform the required services at a fair and reasonable price.

The District is not required to advertise for Statements of Interest (under 49-CFR part 18, or 23 CFR part 172, “Administration of Engineering and Design Related Service Contracts”). The District may choose to advertise on specific projects.

If the District chooses to advertise for a Statement of Interest or Request for Proposals from consultants, the form for advertisement shall be similar to Exhibit 2 and Exhibit 5. It should indicate project description, scope of work, time schedule and special considerations. The Notice for Advertisement will be published in accordance with Idaho Code Section 67-2805(32). The specific dates for required submittals may vary, depending upon the complexity of the project.

The format for the Statement of Interest shall be as outlined Exhibit 2.

Each consultant submitting a Statement of Interest must provide, at a minimum, one original and 1-copy for each Selection Committee member. Each member will rate the submittal according to the evaluation/ranking form shown in Exhibit 3. No less than three firms will be selected to submit a Technical Proposal.

Disadvantaged Business Enterprises (women and minority owned) which provide the professional services required shall be considered when firms are selected for solicitation.

Noncompetitive selection and negotiation may be used to obtain engineering and design services when the award of a contract is not possible under minor agreement or competitive negotiation procedures. The District Director shall approve using this form of contracting.

The circumstances under which a contract may be awarded by noncompetitive negotiations are limited to the following:
1. The service is available only from a single source;

2. There is an emergency that will not permit the time necessary to conduct competitive selection and negotiations;

3. After soliciting several sources, competition is determined to be inadequate.

2012.4.6 Request for Proposals

Selected consultant firms may be contacted by letter and asked to respond with a proposal for the project. The format for the Request for Proposals is shown in Exhibit 5. Their response shall generally follow the format as outlined in Exhibit 6. The District reserves the right to select a consulting firm from these Proposals by either of the following procedures:

1. Selection based on the evaluation of the proposals; or

2. Selection based on a combination of proposal evaluation and an interview process.

The District shall indicate in the advertisement which method of selection will be used. The selection process will be repeated in the Request for Proposals.

All firms submitting proposal shall be rated using the same criteria.

All firms must be provided all appropriate drawings, project information and any other available information applicable to the project.

2012.4.7 Review of Proposal and Consultant Selection

There are three acceptable methods for obtaining professional services through competitive negotiations:

1. Use competitive negotiation procedures where the competitors qualifications are evaluated and the most qualified firm(s) is selected, subject to negotiation of fair and reasonable compensation.

2. Have proposals contain both technical and price information. Award shall be based solely upon the best proposal. Price shall not be used as the sole criteria for awarding engineering, surveying and design service contracts (refer to Section 67-2320, Idaho Code, and Federal Regulations 23 CFR 172).

3. A combination of qualifications and price may be used in the selection of a consultant.

The District reserves the right to select a qualified firm or firms to complete the work based on either the proposal or a combination of the proposal and interview. The District may interview up to three firms. The actual number of firms to be
interviewed will be based on qualifications. The selection committee shall rank all proposals according to the selection criteria established (an example is shown in exhibit 7).

Exhibit 3 shall be used to summarize the individual scores. Once the firm has been selected, a report shall be prepared including the following items:

1. Ranking of firms, in order of priority;
2. Basis for selection of the firm;
3. Summary of methods used throughout the selection process;
4. Copies of correspondence;
5. Summary of the strengths and weaknesses of each proposal rated.

2012.4.8 Agreement Cost Elements
Specific cost considerations, outlined below, should be negotiated and addressed in the agreement documentation. This section describes standard contractual cost elements. The "Estimate for Preliminary Engineering," Exhibit 8, is an example of a format for estimating the engineering for design work.

1. Lump Sum Amounts
Agreements can be provided for a total "lump sum" amount. This is done if the proposed work can be specifically outlined, costs can be closely estimated, and the scope of the work is limited without large contingencies. The total shall be independently estimated by the District and compared to the consultant's proposed costs. Any differences shall be negotiated and justified. Base pay rates and payroll administrative additives have to be well-supported in lump sum agreements. Refer to the Payroll and Overhead Additives paragraph below. These costs will be included in the agreement files as documentation of the project cost.

2. Actual cost Plus Fixed Fee Amount
   a. Direct Labor
      Specific job classes (specific people, if possible), at the firm's pay rates (for those persons), multiplied by amount of time to perform the agreement-related work.
   b. Payroll and Overhead Additives
      For all agreements, documentation should be submitted for payroll fringe benefits and general administrative overhead. A list of the specific items related to direct labor cost is needed to support the percentage additive rates used in the Agreement. Any questions on allowable costs must be compared with Federal Acquisition Regulations and discussed with the Internal Review Section.
c. Fixed Fee
The fixed fee for the consultant shall be negotiated with the rest of the Agreement. The fixed fee will be paid in proportion to the payment for the total Agreement amount, excluding other direct costs. If the scope of work is reduced from the original agreement, then the fixed fee shall be adjusted accordingly, as outlined in the agreement.

Increases in the fixed fee shall be considered and included as a part of Supplemental Agreements. An increase in fixed fee cannot be approved unless there is a change in the scope of the work.

The items to be considered in negotiating and establishing the fixed fee follow:

- The extent, scope, complexity and character of the work.
- Duration and cost of services.
- Extent of District’s support of contract.
- Character and complexity of consultant’s business.
- Consideration of firm’s professional investment and personnel knowledge.
- Recognized degree of responsibility assigned to the consultant.
- Consultant’s past and present performance in such areas as quality of product, quality control, efficiency of cost controls, timeliness in meeting schedules and compliance with contractual provisions.
- Direct out-of-pocket costs are not included in the determination of the fixed fee amount.

d. Other Direct costs
Other direct costs are out-of-pocket cost items that can be specifically related to the agreement and are expenses of performing the work. They include materials, equipment, travel, printing costs, computer services or other charges that the consultant may incur from outside sources as a direct result of the agreement. The direct charges are repaid wholly, if proper, as they are billed. They should be
itemized and estimated as part of the total agreement amount. The same costs cannot be included in both Direct Costs and Overhead charges. The fixed fee cannot be applied to other direct costs.

2012.4.9 Consultant Negotiations
The Agreement Administrator shall advise the selected firm by letter and set a meeting to negotiate the agreement.

The selected consultant must submit the following information a minimum of two weeks before the scheduled negotiation meeting:

1. Agreed scope of work for the project;
2. Estimate of man-hours and cost for each work element;
3. Total estimated cost of the work;
4. Time schedule for the project;
5. The most recent State, Federal or independent audit of the firm’s accounting system, if not submitted before;
6. A recent audit and support documentation for proposed amounts also should be provided for major sub-consultants, with the cost/price analysis. “Major” can be defined as $25,000 and greater.

Some agreements may require a pre-negotiation meeting with selected firm. This meeting resolves questions and arrives at a mutual understanding of the work. This meeting should identify the specific work tasks and the general personnel classification the firm will use on the project. After the pre-negotiation meeting, the District shall prepare an independent man-hour estimate which shall be used during the negotiation meeting.

The consultant and the District enter the negotiation meeting to agree on costs, completion date and wording. Estimated man-hours for specific activities should be discussed and adjusted up or down as needed. The agreement files should include the negotiation process between the District’s estimate and the consultant’s estimate.

After the negotiation meeting and acceptance of all items, a final agreement for services can be prepared for approval.

2012.4.10 Agreement Approval
The final agreement should include all revisions decided at the negotiation meeting. The final cost proposal, or summary, should be included as an appendix to the agreement with a vicinity map of the project area.

Agreement approval and signing shall be in accordance with policies and
guidelines adopted by the Highway District Board of Commissioners.

Idaho Code 59-514, pertaining to Personal Service Contracts and publication requirements relating to those contracts, must be followed. Personal Service Contracts are interpreted as those agreements with an individual. They do not include companies or organizations with more than one individual. If the agreement with an individual is $10,000, then a notice must be published before to proceeding with the agreement. The Agreement Administrator is responsible for the publication.

2013 AGREEMENT ADMINISTRATION

2013.1 Agreement Administration

Agreement administration includes monitoring the consultant's progress; assuring that the District receives the work specified at the right time; and that expenses are proper. The Agreement Administrator should be satisfied that progress is being made toward producing the product or service specified in that agreement, and should require documentation that the quality is satisfactory.

The agreement should include milestones to measure the progress of the work. If there are periodic steps or identifiable activities specified with time and progress payments, it is easy to assure that adequate progress is being made on the agreement. Potential measurement tools are a list of products or identifiable services, submittal of draft reports and periodic project reviews.

2013.2 Monthly Progress Reports

The consulting firm must submit monthly reports (Exhibit 9) to the project Agreement Administrator. Each report should list the items detailed in the agreement and give an estimate of the percentage of work completed for each item. If necessary, additional reports or data to support measurement of progress shall be submitted with monthly reports. A narrative statement of the work accomplished, delays encountered, or nonperformance experienced during the month also shall be included. Progress reports are required each month regardless of whether any payments are due on the agreement. This requirement can be varied if the work is temporarily delayed; agreement time is suspended; and for single sum payments, or short term agreements.

The Agreement Administrator shall review the monthly progress report and address any action required. Particular attention should be directed toward a need for time extensions or supplemental agreements.

2013.3 Progress Payments

The consultant will submit a progress payment report within ten working days after the month in which the work was done. Items listed for payment should correspond with detailed information shown on the monthly progress report. Cost items should
be reviewed for consistency with the agreement. Large amounts should be traced to provide further support.

The Agreement Administrator should be assured, through documentation or knowledge of the work being performed, that the direct costs are related to the work specified and are reasonable costs.

The Agreement Administrator will review the following details:

- The invoice is to be signed by the consultant.
- Agreement amount, employee benefits and overhead, fixed fee and services to be provided are confirmed. These should agree with the cost elements on the invoice. The labor additive and overhead rates should be updated and supported every year, but not less than every 18-months.
- The fringe benefit and indirect overhead rates are applied to direct labor rates.
- Labor costs are checked for agreement between employee rates, hours, and work performed. Hours and rates should be on the invoices to allow for rate review. The consultant should submit correspondence with the progress report to explain pay changes or new people assigned to work.
- Direct costs: Copies of receipts from other parties should be provided to verify significant direct costs. Direct costs should be reasonable based on knowledge of consultant work. Direct costs must be authorized according to Federal Acquisition Regulations, 48 CFR part 31-202.
- Fixed fee: This is calculated based on percentage of work completed, but should not exceed total amount specified in the Agreement.
- Invoice arithmetic will be checked. Make comments and necessary corrections. Initial and date invoice to verify that the document has been reviewed.
- Payment must be equal to or less than the consultant's progress and total progress payments shall not exceed 95% of the total agreement amount, including approved supplementals.
- Substantiate and document any questioned payment.

2013.4 Supplemental Agreements

The District may specify additional work; determine that additional compensation is warranted; or grant additional contract time, at the request of the consultant. If a revision to an Engineering Agreement is needed, a Supplemental Engineering Agreement (Exhibit 10) shall be prepared and approved.
The Agreement Administrator will thoroughly evaluate the document for accuracy and compliance with the terms of the original agreement. Justification of increased cost or time, requires the same documentation and compliance with procedures as the original Agreement.

Supplemental Agreements do not require independent cost estimates when the increased work amounts are decided jointly between the consultant and the Agreement Administrator. The document will be submitted for approval with recommendations and supporting justification, to the Director or Board of Commissioners.

A claim or Supplemental Agreement **ever-$20,000 in excess of staff authority limits set forth in Section 2021.1** must be submitted with supporting documentation and justification, to the District Board of Commissioners for approval.

Following an approval, a Notice to Proceed on Supplemental Agreement will be prepared by the Agreement Administrator and sent to the consultant.

**2013.5 Final Acceptance and Payment**

After work completion and before final payment, the Agreement Administrator will rate the adequacy of the consultant's conformance with the terms, conditions, and specifications of the contract. He will determine the propriety of agreement claims. All data, records, drawings, any capital assets, etc., that are the property of the District and a final invoice shall be requested from the firm. The Agreement Administrator should prepare a letter ending the agreement. Final payment is subject to thorough review.

It is important that there is adequate documentation of agreement administration. The Agreement Administrator should request the Accounting Department to provide an independent review of total payments to date and the final payment request. Errors, omissions and questionable items should be discussed and resolved before authorizing final payment.

**2014 PROFESSIONAL SERVICES AGREEMENTS (MINOR)**

**2014.1 General Procedures**

The same general process used in regular professional services agreements for Professional Engineering, Architectural, Landscape Architectural, and Land Surveying Design services is followed for negotiated agreements under $25,000. The following procedures apply to minor agreements:

- Consultants on the "short list" do not have to be interviewed.
- Costs shall be appropriately supported by data and the records documented accordingly.
- A report of consultant selection shall be prepared by the Agreement Administrator. The selection process may be less formal.
- District Commission approval is not required. The District Director, Department Managers, Division Supervisors, Coordinators and Project Managers are authorized to execute minor agreements according to limits in policies and guideline adopted by the Highway District Commission.

A suggested checklist for minor agreements is contained in Exhibit 11. This format can be copied and used to document that the minimum requirements have been met. The basic requirements are the same, except that the number of items has been reduced.

There are some circumstances in inspection of materials, bridge inspection, right-of-way, etc. that may require continuing agreements with firms that have specific expertise. These situations may warrant special consideration. Each need will be reviewed independently and separately.

The Department or Division requesting a consultant for a continuing need shall prepare a request. The Director shall approve it before beginning the selection process. The request should address the following:

- The need for a consultant;
- Time required;
- Type of work to be performed;
- Cost estimate;
- Type of agreement: lump sum, cost plus, piece work.

2014.2 Consultant Invitation

Refer to Section 2012.4.1, Request for Consultant, for the procedures on beginning the invitation.

2014.3 Consultant Selection

Each firm will be rated according specific criteria. The successful firm should be advised by letter, establishing a date for the Agreement negotiation. Section 2012.4.9 outlines items to be included in the letter. Firms should be notified of the choice and thanked for their participation.

The District and consultant should concur with the Agreement provisions, costs and completion date, during the meeting. Variations between the selected consultant's proposal and the District's preliminary plan shall be resolved and documented in the Agreement records.

2014.4 Agreement Approval
The final agreement should include all revisions decided at the negotiation meeting. The final cost proposal, or summary, should be included as an appendix to the agreement with a vicinity map of the project area.

Agreement approval and signing shall be in accordance with policies and guidelines adopted by the District Board of Commissioners.

Idaho Code Section 59-514, pertaining to Personal Service Contracts and requirements to publish information relative to those contracts or agreements, must be followed. Personal Service Contracts are interpreted as those Agreements with an individual. They do not include companies or organizations with more than one individual. If the Agreement is with an individual for more than $10,000, then a notice must be published before to proceeding with the agreement. The Agreement Administrator is responsible for insuring the publication is made.

- Purpose and justification for using consultant;
- Firms contacted;
- Basis for selection of the firm;
- Cost and man-hour estimates;
- Projected schedule and contract time to complete work; and
- Assurance that all Federal and State professional service procurement procedures were satisfied.

After the Agreement has been signed, a copy of the signed agreement and a Notice to Proceed on the Agreement can be transmitted to the consultant by the Agreement Administrator.

2014.5 Agreement Administration

The Agreement Administrator shall supervise and manage the agreement, assuring all requirements are met. Agreement Administration (Section 2013) requirements should be met to assure good administrative procedure and adequate record documentation.

2015 ON-CALL SERVICE AGREEMENTS

2015.1 General Procedures

The same general requirements noted in Section 2012, Professional Service Agreements, apply to this section except as modified by the following:

2015.1.1 Selection
This section allows for the selection of two or more consulting firms to provide on-call services to the District. This is for a minimum period of one year, and can be extended to two years.

2015.1.2 When Used
This section will only be used when it is in the best interest of the District and minimizes administrative time preparing, interviewing and selecting a consultant.

2015.1.3 Negotiation
When on-call consultant services are used, each project shall be negotiated on an individual basis.

2015.1.4 Selection of More than One Firm
If more than one consultant is selected, the District will make reasonable effort to share work equally among all firms.

2015.2 Consultant Selection

Selection of the consultant(s) shall be accomplished according to Section 2012, Professional Service Agreements, except as follows:

- The selection of a consultant or consultants shall be by submittal of a proposal. The proposal shall be rated without an interview.

2015.3 Agreement Administration

Agreement administration shall be done according to Section 2013, Agreement Administration.

2016 OTHER AGREEMENTS

The Commission and the Director have authority to sign other agreements. They may authorize Department Heads to negotiate and sign other agreements. Such agreements include lease, rental, and exempt personal and professional services pursuant to Section 67-2803(4), Idaho Code. All such agreements shall be approved either through the budget process, or individually by the Commission or Director.

2017 OFFICE AND SAFETY SUPPLIES

All office and safety supplies shall be purchased through the Administration Department. The District stocks a limited supply of items. Every effort will be made to supply each department with necessary supplies.

2018 PIGGY BACK PURCHASES

Piggy back purchase shall be authorized only by the District Commission and shall be in accordance with Idaho code Section 67-6803(1). Staff must provide adequate supporting documents to determine that the procurement duplicates the price and substance of a contract for like goods or services that has been competitively bid by the District, the state of
Idaho, one (1) of its political subdivisions, or an agency of the federal government and that it is in the best interests of the District to purchase by this method. If the contract is more than 12 months old, staff must also provide documentation that it has performed an informal price study comparing the price under the contract with current prices for the goods or services.

2019 EMERGENCY PURCHASES

In case of an emergency, the District Commissioners may pass a resolution declaring the need to spend public funds in accordance with Idaho Code Section 67-2808(1). When the resolution is adopted, the Commissioners have exclusive authority to spend any amount required in the emergency. "Emergencies" will include any disaster, public calamity, or other life-threatening situation.

2020 SOLE SOURCE PURCHASES

The District Commissioners have exclusive authority to approve sole source purchases. Idaho Code Section 67-2808(2) defines a sole source purchase as one for which there is only one (1) source reasonably available and on or more situations itemized in Idaho Code Section 67-2802(2)(a)(i) through (viii) are applicable.

2021 MANAGEMENT AND SUPERVISORY AUTHORITY LIMITS


Authority limits for construction, equipment and services agreements, concept, design, right-of-way change, construction, equipment and services supplemental agreements/addenda, construction change orders shall be as follows and are cumulative, as provided:

<table>
<thead>
<tr>
<th>Signing Authority</th>
<th>Construction, Equipment, Goods &amp; Services Agreements *</th>
<th>Design, ROW Change, Construction, Equipment, Goods, &amp; Services, Supplemental Agreements/Addenda #</th>
<th>Construction Changes/ Change Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum Single</td>
<td>Maximum Single + Cumulative</td>
<td>Maximum Single</td>
</tr>
<tr>
<td>Director</td>
<td>$400,000</td>
<td>$400,000 40%</td>
<td>$400,000 † 25%</td>
</tr>
<tr>
<td>Deputy Director</td>
<td>$300,000</td>
<td>$300,000 35%</td>
<td>$300,000 15%</td>
</tr>
<tr>
<td>Manager</td>
<td>$250,000</td>
<td>$250,000 25%</td>
<td>$250,000 10%</td>
</tr>
<tr>
<td>Superintendent/Supervisor and all others below Superintendent/Supervisor</td>
<td>$175,000</td>
<td>$175,000 20%</td>
<td>$175,000 5%</td>
</tr>
<tr>
<td>Project Managers/Project Coordinators (Excludes all others below)</td>
<td>$100,000</td>
<td>$100,000 10%</td>
<td>$100,000 25%</td>
</tr>
</tbody>
</table>

*The Project Threshold is a co-signing authority for significant changes, in
addition to the normal department signing authorities.

Cumulative amount is based on amount of original Agreement/Contract. The Commission may reset cumulative totals back to zero during a project on a case-by-case basis.

OR

Cumulative amount is based on amount of original Agreement or project phase as appropriate (Design, Right-of-Way, Construction).

# The Maximum Single and Cumulative Signing Authorities set forth herein notwithstanding, Supplemental Agreements/Addenda shall not exceed forty percent (40%) of the original Agreement’s dollar amount and shall not supplement an Agreement over twelve (12) months old. Any attempted multiple supplemental procurement within a twelve (12) month period, supplemental procurement exceeding forty percent (40%) of the original Agreement’s dollar amount, or supplemental procurement or made in excess of twelve (12) months from the date of the original Agreement shall require approval of the Commission or a new procurement conducted in accordance with applicable Idaho laws and ACHD Policies, with award by the Commission or staff in accordance Section 2021.5, and execution of a new Agreement.

Anything exceeding their authority limit shall require approval from the next level of supervision and the Commission for any authority beyond the Director. Nothing shall prevent staff from seeking Commission approval for any contract amounts.

Agreements include License Agreements, and any financial commitments of the District established by the License Agreement cannot exceed the staff member’s authority limits.

**For purposes of this policy, the Traffic Programs Administrator shall have the same authority as the Traffic Services Department Manager.

For projects with original amounts under $50,000, the Director or Deputy Director may sign any change up to $5,000 regardless of cumulative changes to date.

The Deputy Director for Planning and Projects may sign supplement agreements for final design to bid plan changes, record drawings and consultant support for condemnation without presentation to the Commission that do not exceed the greater of $10,000 or 35% of the original contract amount and all cumulative changes to date.

For projects with total cost (which includes design, right-of-way and construction) under $100,000, the cumulative limits apply to the project total.

If the sum of the change orders plus the extension of quantities exceed 15% of the original contract amount the Construction Supervisor/Coordinator shall notify
in writing the project manager, the Engineering Deputy Director and the Plans and Projects Deputy Director. The notice shall include a summary of the overages, their justification and who approved them. If the 15% threshold is exceeded because of a change order the change order shall be approved in accordance with Chapter 5 of the Capital Project Management Guide (PMG). If the 15% threshold is exceeded because of extensions of quantities or overruns, the Engineering Deputy Director must approve the change in writing and shall provide a copy of the approval to the Director and the Administration Manager within 48 hours.

If a capital construction project schedule, budget, or contract amount is changed, approval is governed by these decision authorities except that whenever a change order is for the addition or removal of a roadway feature that impacts the function of the roadway from the users and/or stakeholder's perspective, the change order, regardless of its amount, must be approved by an affirmative vote of a majority of the Commission present at the Commission meeting at which the change order is considered by the Commission. For capital construction projects requested by a partner agency under the FYWP, any change order requested by the partnering agency may only be approved by the Commission and the cost of the change order shall be the responsibility of the partnering agency unless the Commission agrees to the change order by an affirmative vote of a supermajority of the Commission present at the Commission meeting at which the change order is considered by the Commission.

2021.2 Authority Limits – Real Estate and Right-of-Way Acquisition and Administrative Settlements

Authority limits for real estate and right-of-way acquisition and administrative settlements in excess of established just compensation, as provided in Sections 4008.5, 4009.4 and 4010.1, shall be as follows:

<table>
<thead>
<tr>
<th>Signing Authority</th>
<th>ROW Contract for Property</th>
<th>Administrative Settlements in Excess of Established Just Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director</td>
<td>$500,000</td>
<td></td>
</tr>
<tr>
<td>Deputy Director</td>
<td>$400,000</td>
<td></td>
</tr>
<tr>
<td>Manager</td>
<td>$200,000</td>
<td>NTE $90,000</td>
</tr>
<tr>
<td>Supervisor</td>
<td>$100,000</td>
<td>NTE $20,000</td>
</tr>
<tr>
<td>Agent</td>
<td>N/A</td>
<td>NTE $5,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signing Authority</th>
<th>Easements/Right-of-Way/Releases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Director</td>
<td>District as Grantee – $500,000</td>
</tr>
<tr>
<td>Manager</td>
<td>District as Grantee – $200,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signing Authority</th>
<th>Easements/Real Property/Releases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Director</td>
<td>District as Grantor/Grantee – $500,000</td>
</tr>
<tr>
<td>Manager</td>
<td>District as Grantor/Grantee – $200,000</td>
</tr>
<tr>
<td>Signing Authority</td>
<td>Quit Claim Deeds/Right-of-Way</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>Deputy Director</td>
<td>District as Grantee – $500,000</td>
</tr>
<tr>
<td>Manager</td>
<td>District as Grantee – $200,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signing Authority</th>
<th>Quit Claim Deeds/Real Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Director</td>
<td>District as Grantor/Grantee – $500,000</td>
</tr>
<tr>
<td>Manager</td>
<td>District as Grantor/Grantee – $200,000</td>
</tr>
</tbody>
</table>

### 2021.3 Authority Limits for Approval of Delay in Construction Completion

Authority limits for approval of delay in construction completion shall be as follows:

<table>
<thead>
<tr>
<th>Approver</th>
<th>Project Completion Delay in Change Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum Single</td>
</tr>
<tr>
<td>Director</td>
<td>All Other</td>
</tr>
<tr>
<td>Deputy Director</td>
<td>All Other, as delegated</td>
</tr>
<tr>
<td>Manager</td>
<td>25 calendar days</td>
</tr>
<tr>
<td>Supervisor</td>
<td>15</td>
</tr>
<tr>
<td>Coordinator</td>
<td>5</td>
</tr>
<tr>
<td>Inspector</td>
<td>2</td>
</tr>
</tbody>
</table>

### 2021.4 Authority Limits for Miscellaneous Procurements Valued at Less than $25,000

<table>
<thead>
<tr>
<th>Approver</th>
<th>Authority Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superintendent &amp;</td>
<td>$25,000 w/ approval of Manager</td>
</tr>
<tr>
<td>Department Supervisor</td>
<td></td>
</tr>
<tr>
<td>Crew Chief</td>
<td>$5,000 w/ approval of Superintendent</td>
</tr>
</tbody>
</table>

### 2021.5 Authority Limits for Approval of Bids for Procurement of Public Works and Procurement of Services and Personal Property

<table>
<thead>
<tr>
<th>Approver</th>
<th>Authority Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director</td>
<td>$400,000 Public Works (under I.C. 67-2806)</td>
</tr>
<tr>
<td></td>
<td>$400,000 Services and Personal Property (under I.C. 67-2806)</td>
</tr>
<tr>
<td>Deputy Director</td>
<td>$300,000 Public Works (under I.C. 67-2806)</td>
</tr>
<tr>
<td></td>
<td>$300,000 Services and Personal Property (under I.C. 67-2806)</td>
</tr>
<tr>
<td>Manager</td>
<td>$250,000 to $100,000 for Public Works (under I.C. 67-2805)</td>
</tr>
<tr>
<td></td>
<td>$250,000 to $50,000 for Services and Personal Property (under I.C. 67-2806)</td>
</tr>
</tbody>
</table>

### 2021.6 Authority Limits for Overtime Pay, as Set Forth in Section 2503.2.3

#### Maintenance and Traffic Operations

<table>
<thead>
<tr>
<th>Approver</th>
<th>Authority Limit Per Week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director or Chief of Staff</td>
<td>Any additional hours</td>
</tr>
<tr>
<td>Deputy Director</td>
<td>Up to 30 hours</td>
</tr>
<tr>
<td>Manager</td>
<td>Up to 25 hours</td>
</tr>
<tr>
<td>Superintendent</td>
<td>Up to 15 hours</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Approver</th>
<th>Authority Limit Per Week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy or Chief of Staff</td>
<td>More than 10 hours</td>
</tr>
<tr>
<td>Deputy Director</td>
<td>Up to 10 hours</td>
</tr>
</tbody>
</table>
2021.7 Authority Limits for Development Review Requests and Procedures

2021.7.1 Staff-Level Approval Authority
The Development Services Manager shall have authority to give staff-level approval, as authorized in Section 7101.6.1.

2021.7.2 Management-Level Approval Authority to Modify Dimensions/Standards Upon Required Findings of Fact and Conclusions Pursuant to Section 7101.6.5.

<table>
<thead>
<tr>
<th>Approver</th>
<th>Authority Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director</td>
<td>By no more than seventy-five percent (75%) on arterial roadways</td>
</tr>
<tr>
<td>Deputy Director-Engineering</td>
<td>By no more than sixty percent (60%) on arterial roadways</td>
</tr>
<tr>
<td>Development Services Manager</td>
<td>By no more than forty percent (40%) on arterial roadways; and all dimensional standards on collector and local roadways.</td>
</tr>
</tbody>
</table>

2021.8 Approval of Software

The Information Technology Manager is authorized to approve all software for installation on District-owned computers and personal use, as provided in Section 2008.1 and 2008.2.

The Information Technology Manager is authorized to approve all software purchases under $25,000. The Information Management Technology Committee is authorized to approve software purchases greater than $25,000.

2021.9 Residential Traffic Management (Traffic Calming)

The Director shall have authority to approve exceptions to Residential Traffic Management (Traffic Calming) policies established in Section 5104.2 so long as the exception does not jeopardize public safety and any financial obligation imposed upon or assumed by the District and does not exceed $10,000.

2021.10 Flexible Time Off (FTO)

As provided in Section 2504.7.3, the use of FTO is subject to the approval of the supervisor/department manager as well as review by the Deputy Director, if appropriate.

2021.11 Grievance Track Disputes Procedure

As provided in Section 2509.1.43-7, the Director retains the ultimate authority to reinstate the employee or otherwise reverse the decision of the hearing officer/Department Manager.

2021.12 Removal of Encroachments
As provided in Section 4003.1, the Director is authorized by Idaho Code 40-2319 to require the removal of fences, buildings or other obstructions from the public right-of-way.

2021.13 Barrier Traffic Striping on Intersection Approaches

As provided in Section 5101.2.3, modification of barrier traffic striping is to be done only under authorization of the Traffic Engineering Section.


As provided in Section 5101.11, the Traffic Engineering Section reviews and approves the final plan and special provisions for all roadway projects and authorizes any actions needed by the Traffic Operations Section about signal timing and coordination, signing and marking or striping, to integrate the roadway segment into the overall roadway system.

2021.15 Traffic Operations – Signs and Markers

As provided in Section 5202.3, all work orders for signs and markers shall be approved by the Traffic Operations Superintendent or his representative.

a. As provided in Section 5202.6, significant variations from standards for sign installation shall have approval from the Sign Crew Chief or the Traffic Engineering Section Supervisor.

b. As provided in Section 5202.9.3, replacement and new installations of stop signs and stop ahead signs require the authorization of the Traffic Engineering Section.

2021.16 Traffic Operations – Work Orders

a. As provided in Section 5204.2, work orders requiring a new sign, marking, or striping or change of traffic control device installations and modifications require the approval of the Traffic Engineering Supervisor or the Traffic Services Manager or designee.

b. Approval for other maintenance work orders will be by the Superintendent of Traffic Operations or his representative.

2021.17 Commuteride Vanpool

a. As provided in Section 5304.3, the District Commuteride Office may approve a request by a driver or back-up driver for their spouses to operate the van during non-commute hours.

b. As provided in Section 5304.4, the District Commuteride Office is authorized to make the final selection of the first back-up driver.
c. As provided in Section 5304.6.5, seat sharing arrangements must be approved by the District Commuteride Office.

d. As provided in Section 5304.6.8, leaves of absence must be approved by the District Commuteride Office.

2021.18 Sidewalk Construction, Repair or Removal

a. As provided in Section 6005.1, the Director or his/her designee shall cause the repair of any sidewalk determined to be dangerous or unsafe for public use.

b. As provided in Section 6005.6, the ACHD Director and/or the Deputy Director of Maintenance shall have the authority to waive, in whole or in part, a property owner’s responsibility to repair a sidewalk determined to be dangerous, unsafe, or unable to meet Federal Accessibility Standards, when such repair would be an undue financial hardship for the property owner.

2021.19 Five-Year Moratorium

As provided in Section 6006.1, the District Pavement Cut Committee is authorized to allow cutting of highway surfaces that are less than five years old.

2021.20 Temporary Highway Use Permits

a. As provided in Section 6007.1.1, the Deputy Director of Engineering is authorized to approve activities that are excluded from the permit requirement.

b. As provided in Section 6007.32, the Deputy Director of Engineering is authorized to evaluate applications for Temporary Highway Use Permits and either approve or disapprove the application or request a conference with the Applicant per Section 6007.3.

c. As provided in Section 6007.5, the Deputy Director of Engineering is authorized to waive or reduce the annual permit fee upon a showing of good cause. Provided further that upon a showing of good cause, the Deputy Director of Engineering may also waive or reduce the fee imposed for failure to obtain a permit prior to commencing work or occupancy of the right-of-way.

d.—

e. As provided in Section 6007.6, the Deputy Director of Engineering is authorized to waive or reduce any additional permit changes, and the Deputy Director of Engineering may impose an occupancy fee for extended use of local and collector roads up to a maximum when a permittee’s use exceeds the granted time frame in the permit.

f.—
As provided in Section 6007.87.3, the Deputy Director of Engineering is authorized to determine the amount required for a surety bond in excess of $25,000 and the form of the surety bond. The Deputy Director of Engineering is also authorized to waive the surety bond requirement in certain circumstances.

As provided in Section 6007.11.51.2, the Deputy Director of Engineering may require additional traffic control measures as necessary to provide for the safety of the public and protection of private property.

As provided in Section 6007.11.72, the Deputy Director of Engineering is authorized by express permission to allow the closure of a highway by reason of a permitted activity.

As provided in Section 6007.112.84.4, the Deputy Director of Engineering is authorized to approve a lesser minimum depth of 2½ feet for electric power and communications cable where supplemental protection is provided.

As provided in Section 6007.112.84.6, the Deputy Director of Engineering is authorized to approve the installation of pressure irrigation in the highway subject to certain requirements.

As provided in Section 6007.112.406.1, the Deputy Director of Engineering is authorized to allow, by express written permission, the use of any tool, appliance or equipment providing noise of sufficient volume to disturb the peace or repose of occupants of neighboring property between the hours of 10:00 p.m. and 6:00 a.m.

As provided in Section 6007.112.417.1, the District's inspectors may authorize a permittee to leave the work site at the end of the workday without back filling the highway cut and trench and providing a permanent or temporary surface repair.

As provided in Section 6007.112.417.1, the Deputy Director of Engineering is authorized to waive nightly paveback requirements under certain circumstances.

As provided in Section 6007.112.417.2, the Deputy Director of Engineering is authorized to allow more than forty-five thirty (4530) calendar days for permanent surface repairs to be made following installation of a temporary patch.

As provided in Section 6007.112.417.5, the Deputy Director of Engineering is authorized to approve temporary patches or surface repairs from materials other than hot/cold mix or steel plates.
District Staff is authorized to approve and sign License Agreements subject to the approval thresholds set forth in Section 2021.1, with the estimated dollar value of the subject improvements determining approval authority of District staff.

2021.22 Development Procedures – Final Plats

As provided in Section 7102.2, the District Director and the President of the Commission upon joint concurrence may approve or conditionally approve a final plat and the President of the Commission shall execute said plat.

2021.23 Development Procedures – Financial Guarantee of Subdivision Improvement Agreements

a. As provided in Section 7103.2, the Development Services Manager may, but is not obligated to, grant an extension of a Subdivision Improvement Agreement for up to one year under certain circumstances.

b. The District Director may, but is not obligated to, grant a second one year extension.

c. Any changes in the performance obligations covered by a Subdivision Improvement Agreement must be approved in writing by the Development Services Manager.

2021.22.02201.24 Development Procedures – Project Inspection Requirements

As provided in Section 7108.1, the District Development Services Department Staff is authorized to approve changes to District-approved plans or design if such becomes necessary.

2021.22.02201.25 Impact Fee Individual Assessments Procedures and Documentation

a. As provided in Section 7312.2, the Development Services Manager/Impact Fee Administrator is authorized to approve the use of trip generation rates from the ITE Trip Generation Manual in lieu of traffic counts.

b. As provided in Section 7312.2, the Development Services Manager/Impact Fee Administrator is authorized to approve alternative methods for determining the factors in the Impact Fee formula.

c. As provided in Section 7312.3, the Development Services Manager/Impact Fee Administrator is authorized to accept, accept with conditions, or reject the documentation and analysis submitted by the Developer or Fee Payer or require the Developer or Fee Payer to submit additional documentation.

2021.24.02201.26 Winter Maintenance

a. As provided in Section 9011.1, the on-call supervisor is authorized to determine when street-sanding/anti-icing will begin.
b. As provided in Section 9011.2, the on-call supervisor is authorized to determine when snow plowing will begin.

c. Anti-icing will begin when, in the discretion of the on-call supervisor, weather forecasts indicate that vehicles equipped with proper ice and snow traction devices will not be able to safely travel District roadways. Priority for anti-icing is as follows: arterials, collectors, major intersections, overpasses, bridges, hospitals, fire stations, railroad crossings, school crossings and streets with grades over 6 percent.

2021.262021.27 Actual Cost Utility Relocation Agreements

The Utility Coordinator is authorized to approve and sign Actual Cost Utility Relocation Agreements and any modifications thereto and there are no dollar limits to the approval or signing authority of the Utility Coordinator as to said Agreements or modifications.

2021.262021.28 Legal Review and Approval of Agreements

In the following instances, agreements must be submitted to the ACHD-Legal DepartmentOffice of the General Counsel for review and approval.

a. The agreement requires Commission approval.

b. Substantive changes were made to an ACHD Legal-Approved Form (i.e., anything more than filling in blanks). In such cases, a redline draft showing the proposed changes must be provided.

c. There are doubts about whether the Legal DepartmentOffice of the General Counsel should review the agreement.

d. Any agreement proposed by an outside contractor/vendor.