

Bidding & Procurement Basics



IAC Resources

INTRODUCTION TO
**BIDDING &
PROCUREMENT**
2024



IAC IDAHO
ASSOCIATION OF
COUNTIES



IDAHO
ASSOCIATION OF
COUNTIES

General Resources

Chapter 28, Title 67 – Purchasing by Political Subdivisions:

<https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH28/>

Chapter 19, Title 54 – Public Works:

<https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH19/>

Idaho Division of Purchasing – Writing Effective Specifications:

https://purchasing.idaho.gov/wp-content/uploads/Publications/writing_effective_specs.pdf

Idaho Public Purchasing Association: <https://nigp-idaho.org/>

NIGP The Institute for Public Procurement: <https://www.nigp.org>

Public Surplus (IAC endorsed online auction site for surplus county property):

<https://idcounties.org/programs-and-services/public-surplus-program/>



Bidding & Procurement Best Practices

Review and update policies

Delegate where appropriate (if allowed in policy)

Perform a legal risk review of procurement process, documents, and other materials

Be fair and consistent

Separation of duties (requestor, purchaser, approver, payer)

Why is Public Purchasing Different?

67-2801. LEGISLATIVE INTENT. Efficient and cost-effective procurement of goods, services and public works construction is an important aspect of local government operations. Local public agencies should endeavor to buy goods, services and public works construction by way of a publicly accountable process that respects the shared goals of economy and quality. Political subdivisions of the state shall endeavor to purchase goods and services from vendors with a significant Idaho economic presence.



Exclusion From Procurement Law

- Acquisition of personal property which has already been competitively bid by another state, local, or federal agency
- Purchases of goods and services for which the total cost is less than \$75,000
- Compensation of employees
- Procurement of interest in real property
- Procurement of insurance
- Costs of participating in a joint powers agreement
- Purchase of used personal property
- Cooperative purchasing
- “Piggybacking” legal procurement of state of Idaho or political subdivision
- Purchase of goods for direct resale
- Procurement of travel and training
- Purchase of goods and services from Idaho Correctional Industries
- Repair of heavy equipment and machinery
- Purchase of public utilities
- Purchase of food for use in county jails or detention facilities
- Purchase of used equipment at auction (with BOCC approval)

Delegation of Purchasing Authority

- The BOCC may delegate purchasing authority to another elected official or county employee ([§31-602](#))

Procurement of Public Works Construction

No bid required if procurement is less than \$50k

Informal bid process is required for procurement between \$50k and \$200k

- Solicit three bids and select the lowest

- If impractical to secure 3 bids, county may accept less than 3 bids

- If no bids, county may select a contractor without further bidding

- Can reject bids and start over

Formal bid process is required for procurement above \$200k

- Category A: sealed open bid process, must select lowest bid

- Category B: includes two steps, a prequalification of bidders followed by a sealed bid process, must select the lowest bid

- Can reject bids and start over

- If no bids, county may select a contractor without further bidding

Licensed Public Works Contractors

For public works construction projects valued greater than \$100,000 the county must hire a licensed public works contractor

There are no licensing requirements for projects less than \$100,000



Procurement of Personal Property

- No bid required if purchase price is less than \$75k
- Informal bid process is required for procurement between \$75k and \$150k
 - Solicit three bids and select the lowest
 - If impractical to secure 3 bids, county may accept less than 3 bids
 - If no bids, county may proceed with purchase without further bidding
 - Can reject bids and start over
- Formal bid process is required for procurement of personal property above \$150k
 - Receive three sealed open bids and select the lowest
 - Can reject bids and start over
 - If no bids, county may select a contractor without further bidding

Qualified Based Selection (QBS)

- For Design Professional Services Over \$50K
- General Description of the Service being solicited
- Measurable scoring and ranking w/criteria
- Scoring and Ranking to be made available to the public
- Publish notice twice in paper - similar to public works notice
 - Cannot ask for Price!
 - May establish and select from a pre-approved list
 - Associated or Phased project
 - Services less than \$50K follow the over \$50K guidance or establish own agency guidelines based on competence and qualifications

Request for Proposal

When to use the RFP?:

Fixed specifications might preclude the discovery of a cost-effective solution;
A specific problem is amenable to several solutions; or
Price is not the sole determining factor for selection.

At a minimum, an RFP shall state:

The instructions of the process;
The scope of work for the goods or services contemplated;;
The selection criteria;
The contract terms; and
The scoring methodology applying relative weights to factors considered.

Cooperative Purchasing

Bidding and procurement not required if goods and services are cooperatively purchased:

- “Piggyback” off bids from State of Idaho or other local government entities

- Purchase through an association which follows bidding and procurement laws

Emergency Purchasing

- A board of county commissioners may initiate emergency procurements outside of the formal procurement process if the BOCC declares an emergency to safeguard life, health, or property

Sole Source Purchasing

- Sole source purchasing occurs when only one vendor is able to provide the good or service, i.e.:
 - Where the compatibility of equipment, components, accessories, computer software, replacement parts or service is the paramount consideration;
 - Where a sole supplier's item is needed for trial use or testing;
 - The purchase of public works construction, services or personal property for which it is determined there is no functional equivalent;
 - The purchase of public utility services;
 - The purchase of products, merchandise or trademarked goods for resale at a political subdivision facility; or
 - Where competitive solicitation is impractical, disadvantageous or unreasonable under the circumstances.