

# SECTION 2000 – GENERAL ADMINISTRATION

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## 2000 GENERAL ADMINISTRATION

### 2000.1 Overview

This section outlines the general administration procedures of the District. It includes information on finance and accounting, purchasing, and District files.

### 2000.2 Fiduciary Duty

An employee shall not violate the Fiduciary Duty owed to the District, which requires that the expenditure of District resources shall only be expended for legitimate District business. An employee shall not expend District Resources unless the expenditure is reasonable, prudent, and for the benefit of the District.

## 2001 FINANCE / ACCOUNTING

The Finance/Accounting Department is responsible for planning, reporting and managing the financial affairs of the District. The department provides financial information to all District departments to aid sound financial decision making. The goal of the Department is to maintain an internal system of control and preserve the financial integrity of the District.

## 2002 COST REPORTING

All District departments shall follow a cost reporting system. They shall collect and report all charges attributable to a project or process managed by the District. The cost reporting system shall be managed by the Finance/Accounting Department. It outlines procedures to be followed by all departments. Cost reports will be available for audit purposes and public information.

### 2002.1 Project Cost Estimates

Project cost estimates shall be completed before any project is added to the cost reporting system. A project authorization form obtained from Accounting shall be completed. It shall include a distribution of labor, material, equipment and contract costs by division. Each project sponsor will estimate the project cost by adding the work costs of all divisions involved on the project.

### 2002.2 Project Completion

After the project is done, the project sponsor shall submit a signed project completion form to the Accounting Department, asking that the project be dropped from the cost accounting system. A project review shall be conducted to assure that all procedures have been completed, particularly any reimbursements due to the District.

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

### 2002.3 Cost Accounting

All costs attributable to a project or process shall be reported to the Accounting Department on employee time sheets, material use reports, and purchase orders. A listing of all current District activities shall be distributed periodically by the Accounting Department. Cost reports shall be compiled monthly and made available by the Accounting Department.

### 2003 YEAR-END INVENTORY

A physical inventory of parts and materials shall be taken at each fiscal year end. An inventory may be taken during the fiscal year if necessary. The inventory shall be conducted according to directions and standards provided by the Finance/Accounting Department.

### 2004 FINANCIAL STATEMENTS

The Finance/Accounting Department shall furnish a monthly financial statement to the Commission, Director and all department heads.

#### 2004.1 Audit

According to Idaho Code 40-1317 there shall be an annual audit of the District financial affairs. The final audit report shall be submitted to the Commission for approval. A copy will be forwarded to the Idaho Legislative Auditor's Office and to the Federal Single Audit Clearinghouse. A statement of the District's financial condition shall be filed in the office and published according to Idaho Code.

#### 2004.2 Highway District Finance Report

A District finance report shall be completed each year on forms provided by the State Auditor's Office. The report shall be approved by the District Commission, submitted to the State Auditor's Office and published, according to Idaho Code 40-708.

#### 2004.3 Financial Statement Publication

Idaho Code 40-708 states the Highway District finance report shall be published one (1) time between January 1 and January 15. Idaho Code 40-1317 states that a statement of financial condition of the District be published in at least one (1) issue of some newspaper published in the county.

Adopted: Res. 469 (7/13/94)

2000 - 2

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)



## 2005 BUDGET

The Highway District shall adopt a budget and hold a public hearing on the budget proposals.

### 2005.1 Fiscal Year Budget

The District fiscal year budget shall begin on the first day of October each year. The budget shall be finished no later than the Tuesday following the first Monday in September for the following fiscal year.

### 2005.2 Mid-Year Budget Review

A mid-year budget review may be conducted in April of each year to consider proposed changes to the current year budget. The budget review is conducted by the District Director and Commission.

### 2005.3 Budget Hearings

As provided in Idaho Code 40-1327, the District shall provide public notice of and hold the budget hearing. The proposed budget shall be available for public inspection. The District Commission shall hear any and all comments on the budget proposals.

### 2005.4 Tax Levy Certification

The District shall certify its property tax revenue needs to the Board of County Commissioners (Ada County Clerk/Auditor/Recorder) no later than the second Monday in September. See Idaho Code 63-625.

## 2006 INVESTMENTS

The Treasurer is authorized to invest idle funds of the District. These investments are limited to areas prescribed by Idaho Code.

### 2006.1 Confirmation of Investments

Each investment shall be approved by the Commission at its next scheduled meeting. Any investment of funds for more than one (1) year shall be approved by the Commission before the investment is completed.

## 2007 EMPLOYEE PAY

All district employees shall be compensated for hours worked according to all State and Federal statutes in effect at that time.

Adopted: Res. 469 (7/13/94)

2000 - 3

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

## 2007.1 Time Sheets

Each District employee shall electronically submit a time sheet biweekly. However, it is recommended that employee's enter their time sheet weekly to ensure accuracy. The time sheet shall be filled out completely to enable payroll and the cost system to be updated accurately. Each time sheet shall be electronically submitted by the employee and electronically approved by the immediate supervisor. Time sheets shall be approved and submitted to the Finance/Accounting Department by 10:00 a.m. each Monday.

## 2007.2 Payday

The District payroll schedule has 26 pay periods during a year. Payday occurs at the end of the work day every other Thursday.

## 2008 INFORMATION TECHNOLOGY SYSTEMS

The information technology (IT) systems are maintained by the Information Technology section.

### 2008.1 Authorized Software

This section ensures that all computer software installed on District owned equipment is in compliance with copyright laws. It also minimizes the chance of computer virus destroying data.

All software must be approved for installation by the Information Technology Manager before the software is installed on a District owned computer. This includes software owned by an employee, purchased by the District, and public domain and shareware software. Employee owned software, if approved for installation, must have original diskettes and all manuals on the District premises while the software is on the District owned computer.

Any unauthorized software found on a District owned personal computer will be removed and possibly result in disciplinary action against the person responsible for the computer. The severity of disciplinary action may vary and could result in termination of employment.

### 2008.2 Internet/Computer Use Policy

#### 2008.2.1 General

The Ada County Highway District provides computer hardware, software and networking and Internet access (hereinafter collectively the "ACHD Computer System" or "System") to its employees and temporary contract personnel

Adopted: Res. 469 (7/13/94)

2000 - 4

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

(hereinafter collectively "staff"). All staff members are encouraged to become fully familiar with and use the ACHD Computer System.

Except for such limited personal use as may be authorized under the following section entitled "Personal Use Restricted," all staff use of the ACHD Computer System shall be in connection with the official business of the District and the authorized duties and responsibilities of the user, including browsing on the World Wide Web, use of e-mail and attachments thereto sent internally or outside of ACHD offices and Internet communications and attachments thereto. All staff use of the System, including e-mail, use of the Internet and authorized personal use, shall be accomplished in a responsible and professional manner, at all times conforming with general office courtesies and network etiquette. Without limiting the foregoing, no use of the system which contains abusive, discriminatory, obscene, profane, threatening, harassing, malicious or other unprofessional language, drawings or pictures will be allowed, nor may the System be used for commercial gain, personal gain, or political purposes nor for any use which is illegal, pornographic or obscene. No uses, which may cause congestion or disruption of computer network system, including but not limited to, such activities as the distribution of chain letters, are permitted. Attachments to incoming e-mail should be related to the official business of the District.

Each staff member is individually responsible for compliance with this policy and for his or her use of the ACHD Computer System, including, with limitation, the content of communications sent or received via e-mail or the Internet. It is the responsibility of each staff member receiving incoming e-mail to notify the sender to cease sending e-mail into the ACHD Computer System, which conflicts with this policy.

All data, information and products generated by use of the System, whether in connection with the performance of the official duties of staff or in connection with approved personal use of the System, are the property of ACHD. All emails are captured and retained in the email archive system. Internet usage is tracked, as well. Data, information and products generated in connection with approved personal use of the System is not considered public records subject to disclosure under the Idaho Public Records law and Section 2023. No staff or authorized personal use is private or confidential. All use is subject to examination and inspection by the Director, Deputy Director or the Department Managers, and no member of the staff should or may have an expectation of privacy concerning their personal use of the System but shall not be considered public records subject to Idaho Code Sections 74-101 through 74-124. No member of the staff can be assured exclusive or private use of the ACHD Computer System or of any computer workstation.

Except with the prior permission of the Director, Deputy Director, Department Manager or IT Supervisor, individuals who are not ACHD staff members or Commissioners are not authorized to use the ACHD Computer System for any purpose.

Adopted: Res. 469 (7/13/94)

2000 - 5

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

Only application software, which is owned by ACHD, may be used on the ACHD Computer System. Staff shall respect all applicable copyright and software licensing agreements. Staff cannot download or duplicate software on the ACHD Computer System for personal use in violation of any copyright or software licensing agreement. With the prior approval of the IT Supervisor, a staff member may download or duplicate and use for personal purposes application software on the ACHD Computer System which is not copyrighted or licensed, and may download or duplicate files which are not copyrighted or licensed from or onto the ACHD Computer System, provided each download onto the ACHD Computer System is scanned for viruses prior to use.

#### 2008.2.2 Personal Use Restricted

Game playing is a personal use subject to the restrictions set forth in this section. Personal use of the ACHD Computer System offers staff the opportunity to improve their skills and develop familiarity with computer hardware, software and networking, which ultimately benefits ACHD operations. Accordingly, with prior authorization by the staff member's Department Manager of the personal use(s) proposed, a staff member may use his or her computer workstation for such authorized use(s), subject to the following:

1. No personal use of the ACHD Computer system will be allowed during the staff member's paid hours of employment by ACHD and then only at times when the general public does not have access to the work area where the personal use will take place.
2. All personal use of the ACHD Computer System is subject to availability and must comply with the ACHD general computer use policy set forth in the preceding section, and without limiting the foregoing, no personal use which contains abusive, discriminatory, obscene, profane, threatening, harassing, malicious or other unprofessional language, drawings or pictures will be allowed, nor may the System be used for commercial, personal gain, or political purposes nor for any use which is illegal, pornographic or obscene.

#### 2008.2.3 Policy Compliance

Violations of this policy by any staff member may be considered cause for disciplinary action in accordance with the ACHD Personnel Policy Handbook, Section 2500 of the ACHD Policy Manual.

### 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

Adopted: Res. 469 (7/13/94)

2000 - 6

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

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 \$50,000 but not exceeding \$200,000, as outlined in Idaho Code § 67-2805(1).
2. Procurement of public works construction valued in excess of \$200,000 using the process of prequalifying contractors and accepting bids from prequalified contractors, as outlined in Idaho Code § 67-2805(2)(b).
3. The purchase or lease of personal property or the procurement of services valued at or in excess of \$50,000 but not exceeding \$100,000, 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 \$100,000, as outlined in Idaho Code § 67-2806(2).
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.

Adopted: Res. 469 (7/13/94)

2000 - 7

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

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

Adopted: Res. 469 (7/13/94)

2000 - 8

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

- 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

Adopted: Res. 469 (7/13/94)

2000 - 9

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

#### 2009.2.4 Evaluations/Recordkeeping

To assist in the uniform application of this policy, the District staff designated as responsible for administering an agreement ("Agreement Administrator") shall create evaluations for the construction, services, and significant purchase of goods it procures from time to time. The evaluations shall be maintained by the District Division initiating the agreement for a minimum of five (5) years.

#### 2009.2.5 Conflict of Interest

If at any time during the administration of an agreement and/or prior to filing out the contractor performance evaluation form the Agreement Administrator has a conflict of interest relating to the contractor or any employee of such contractor, or otherwise has a personal relationship with such contractor, or any employee of such contractor, or a business associate of such contractor who may have a financial interest in the procurement or the project, any of which could jeopardize the Agreement Administrator's objectivity or violate the District's Code of Ethics set forth in Policy Section 2512, the Agreement Administrator shall disclose the matter to the designating authority who shall immediately remove them from administration of the agreement and designate a suitable replacement who shall fulfill the duties of the Agreement Administrator, including but not limited to, completion of the contractor evaluation.

#### 2009.2.6 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

Adopted: Res. 469 (7/13/94)

2000 - 10

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)



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.

#### 2009.2.7 Vendor Watch List - Determination of Disqualification or Exclusion from Solicitation – Appeal to Commission

In addition to ACHD Section 2009.2.6, if a person or firm identified in subsection 2009.2.2 has been involved in a dispute or claim with the District five (5) years prior to the effective date of this Ordinance or any time thereafter, or is involved in a pending or stayed dispute or claim with the District or has received a notice of insufficient work or a notice of a violation of a statement of work from the District five (5) years prior to the effective date of this Ordinance or any time thereafter, or has otherwise performed grossly negligent work under a contract with the District as determined by the Director in consultation with the Executive Team five (5) years prior to the effective date of this Ordinance or any time thereafter, the Director in consultation with the Executive Team, may place the person or firm on the ACHD Vendor Watch List which shall result in the disqualification and exclusion of such person or firm from District solicitations for a period not to exceed five (5) years from the date they are placed on the ACHD Vendor Watch List. In making its determination, the Director shall consider the nature of the disputes, claims or grossly negligent work 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 work for ACHD. 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.

Adopted: Res. 469 (7/13/94)

2000 - 11

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

The use of Federal funds for the purchase of goods and services is covered under:

- 48 CFR 31. Contract Cost Principles and Procedures (Federal Acquisition Regulations “FARS”).
- 2 CFR 200. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards “Uniform Guidance.”
- ACHD Federally-Funded Policy and Procedure, Adopted October 1, 2018 per ACHD Resolution No. 2256. See Exhibit 14.

## 2010.2 Agreement Administrator

Coincident with initiating the purchase of goods and services, the Division Supervisor or Department manager, with the approval of the Chief of Staff, shall designate an Agreement Administrator who shall be directly responsible for managing the solicitation and monitoring the contractor’s performance under the agreement. The Agreement Administrator shall have knowledge and experience in the subject matter and should be the person most familiar with and most capable of managing solicitation and monitoring the contractor’s performance under the agreement.

If at any time during the contractor solicitation and selection process, the Agreement Administrator has a conflict of interest relating to any contractor that has submitted a response in response to a solicitation or any employee of such contractor, or otherwise has a personal relationship with such contractor, or any employee of such contractor, or a business associate of such contractor who may have a financial interest in the outcome of the solicitation, any of which could jeopardize the Agreement Administrator’s objectivity or violate the District’s Code of Ethics set forth in Policy Section 2512, the Agreement Administrator shall disclose the matter to the designating authority who shall immediately remove the Agreement Administrator from the solicitation and designate a suitable replacement.

## 2010.3 Formal Bids

All goods and services with a purchase price in excess of \$100,000 requires a formal bid process, as outlined in Idaho Code Section 67-2806(2). Legal notice of the bid opportunity must be published as outlined in Idaho Code Section 67-2806(2) in a local newspaper and the bid opportunity shall be approved/awarded by the District commission, or District staff as authorized in Section 2021.5, before a purchase order is issued. After release of the solicitation, Procurement and Contracting Administration shall be the only authorized point of contact for exchange of information or communication with potential bidders. Bids submitted by vendors who are disqualified and excluded from the solicitation as provided in Section 2009.2.6 or Section 2009.2.7 will not be opened and will be returned to the vendor at the conclusion of the solicitation.

Adopted: Res. 469 (7/13/94)

2000 - 12

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

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 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, or the Director or the Chief of Staff as authorized in Section 2021.5, 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 or the Director or the Chief of Staff is scheduled to consider District staff's recommendation.

#### 2010.4 Informal Bids

All goods and services with a purchase price at or in excess of \$50,000 but not to exceed \$100,000 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 Director, the Chief of Staff or their designee. After release of the solicitation, Procurement and Contracting Administration or if applicable, the Agreement Administrator, shall be the only authorized points of contact for exchange of information or communication with potential bidders. Bids submitted by vendors who are disqualified and excluded from the solicitation as provided in Section 2009.2.6 or Section 2009.2.7 will not be opened and will be returned to the vendor at the conclusion of the solicitation.

#### 2010.5 Quotes

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 quote process of any kind.

For procurements of goods and services valued at more than \$5,000 and less than \$50,000, District staff shall use best efforts to obtain a minimum of three (3) quotes from qualified vendors of goods and services who are not disqualified and excluded from District solicitations as provided in Section 2009.2.6 or Section 2009.2.7. Staff shall adequately document the following in the project file: all price quotes obtained, the person and company providing the quote, and

Adopted: Res. 469 (7/13/94)

2000 - 13

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

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 a written and detailed explanation of its decision in the project file and the applicable Deputy Director must approve the selection.

#### 2010.6 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.

#### 2010.7 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 combined). Additionally, during any twelve (12) month period (staff approved and Director or Chief of Staff approved combined), the cumulative month-to-month equipment rentals shall not total \$50,000 or more for the same piece or type of equipment.

#### 2010.8 Requests for Proposals

##### 2010.8.1 General

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 2010.3 and subsection 2010.4 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.

##### 2010.8.2 Solicitation of Proposals

The District shall solicit Proposals from vendors, by issuing a Request for Proposals (RFP). The Request for Proposals shall indicate project description, scope of work, time schedule, special considerations, and the criteria and procedures to be used for the selection of qualified persons or firms to provide the goods or services. The criteria shall include, but not be limited to, cost,

demonstrated technical competence, experience with similar projects, past performance, prior experience with the District including disputes, claims or notices of insufficient work or violation of a statement of work.

Notice of the RFP will be provided in accordance with Idaho Code Section 67-2806(2) or Idaho Code Section 67-2806(1) as applicable; if published in a newspaper, a legal notice shall be published a local newspaper. The specific dates for required proposals may vary, depending upon the complexity of the project. Selected vendors may also be contacted by letter and asked to respond to the RFP with a Proposal for the procurement. After release of the solicitation, Procurement and Contracting Administration shall be the only authorized point of contact for exchange of information or communication with potential vendors, Proposal Evaluation, Rating and Ranking Committee interviews excepted.

The District reserves the right to select a vendor by either of the following procedures:

1. Selection based on the evaluation of the Proposal documents; or
2. Selection based on a combination of Proposal document evaluation and an interview process.

The District shall indicate in the RFP which method of selection will be used.

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

Proposal documents provided by vendors shall follow the required response format as outlined in the RFP.

### 2010.8.3 RFP Evaluation, Rating and Ranking Committee

The RFP Evaluation, Rating and Ranking Committee shall consist of a minimum of three (3) people from the District who have knowledge and experience in the subject matter, one of whom shall be the Agreement Administrator. Of the others, one shall be designated by the Division Supervisor or Department Manager with the approval of the Chief of Staff, and the other(s) shall be designated by the Chief of Staff.

If at any time during the vendor evaluation, rating and ranking process, any member of the RFP Evaluation, Rating and Ranking Committee has a conflict of interest relating to any vendor that has submitted a Proposal in response to a RFP or any employee of such vendor, or otherwise has a personal relationship with such vendor, or any employee of such vendor, or a business associate of such vendor who may have a financial interest in the outcome of the solicitation, any of which could jeopardize the Committee member's objectivity or violate the District's Code of Ethics set forth in Policy Section 2512, the Committee member

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

shall disclose the matter to the designating authority who shall immediately remove them from the Committee and designate a suitable replacement.

The Agreement Administrator shall be responsible for documenting the evaluation, rating and ranking process and complying with the appropriate District/State/Federal requirements. All support documentation shall be retained in the project file.

#### 2010.8.4 Proposal Evaluation, Rating and Ranking

All vendors submitting Proposal documents shall be evaluated, rated and ranked by the Proposal Evaluation, Rating and Ranking Committee using the same criteria and procedures set forth in the RFP. Provided however, proposal documents submitted by vendors who are disqualified and excluded from the solicitation as provided in Section 2009.2.6 or Section 2009.2.7 will not be opened and will not be included for evaluation, rating and ranking and will be returned to the vendor at the conclusion of the solicitation.

Each Committee member will objectively evaluate and rate the vendor based solely on the Proposal submittals according to the Evaluation Criteria forms provided in the RFP and not based on previous work experience with the vendor or other unspecified criteria.

Each Committee member shall sign their name to each of the evaluation and rating forms utilized by them. Ratings shall result in numeric scores and according to the procedures set forth in the RFP, the vendors shall be ranked based upon their total numeric score with the vendor receiving the highest numeric score being ranked the highest.

If vendor interviews are provided for in the RFP, the Proposal Evaluation, Rating and Ranking Committee will interview some or all of the vendors in accordance with the interview procedures set forth in the RFQ. The Committee members shall objectively evaluate and rate the vendor interviews based solely according to the Interview Evaluation Criteria forms provided in the RFP and not based on previous work experience with the vendor or other unspecified criteria. Ratings shall result in numeric scores and according to the procedures set forth in the RFP, the vendors shall be ranked based exclusively upon their total numeric score (Proposal score and interview score) with the vendor receiving the highest numeric score being ranked the highest.

#### 2010.8.5 Award

The Agreement Administrator and Chief of Staff shall recommend award to the highest ranked responsive vendor unless such award is not in the best interest of the District. Any award under a request for proposals solicitation must be made by the Commission.

Adopted: Res. 469 (7/13/94)

2000 - 16

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

## 2010.9 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

The use of Federal funds for procurement of construction is covered under:

- 48 CFR 31. Contract Cost Principles and Procedures (Federal Acquisition Regulations "FARS").
- 2 CFR 200. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards "Uniform Guidance."
- ACHD Federally-Funded Policy and Procedure, Adopted October 1, 2018 per ACHD Resolution No. 2256. See Exhibit 14.

### 2011.2 Agreement Administrator

Coincident with initiating the purchase of construction services, the Division Supervisor or Department manager shall, with the approval of the Chief of Staff, designate an Agreement Administrator who shall be directly responsible for managing the solicitation and monitoring the contractor's performance under the agreement. The Agreement Administrator shall have knowledge and experience in the subject matter and should be the person most familiar with and most capable of managing solicitation and monitoring the contractor's performance under the agreement.

If at any time during the contractor solicitation and selection process, the Agreement Administrator has a conflict of interest relating to any contractor that has submitted a response in response to a solicitation or any employee of such contractor, or otherwise has a personal relationship with such contractor, or any employee of such contractor, or a business associate of such contractor who may have a financial interest in the outcome of the solicitation, any of which could

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2000 - 17

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

jeopardize the Agreement Administrator's objectivity or violate the District's Code of Ethics set forth in Policy Section 2512, the Agreement Administrator shall disclose the matter to the designating authority who shall immediately remove the Agreement Administrator from the solicitation and designate a suitable replacement.

### 2011.3 Quotes

In accordance with Idaho Code 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 less than \$50,000.

#### 2011.3.1 Purpose

The informal quote process allows the District to seek quotes on construction projects with a value of less than \$50,000.

#### 2011.3.2 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 a written and detailed explanation of its decision in the project file and the applicable Deputy Director must approve the selection.

On construction projects in excess of \$5,000 but less than \$50,000 in value, District staff shall use best efforts to obtain a minimum of three (3) separate quotes from appropriately licensed public works contractors who are not disqualified and excluded from District solicitations as provided in Section 2009.2.6 or Section 2009.2.7. 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 a written and detailed explanation of its decision in the project file and the applicable Deputy Director must approve the selection. 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 a written and detailed explanation of its decision in the project file and the applicable Deputy Director must approve the decision.

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2000 - 18

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## 2011.4 Informal Bids

Informal bids are required when a construction project valued at or in excess of \$50,000 but not exceeding \$200,000.

### 2011.4.1 Procurement Procedures and Award Process

The informal Bid procurement procedure and award process shall conform to the requirements stated in Idaho Code, Section 67-2805(1) and applicable ACHD policy and the bid opportunity shall be approved/awarded by District staff as authorized in Section 2021.5. After release of the solicitation, Procurement and Contracting Administration or if applicable, the Agreement Administrator, shall be the only authorized points of contact for exchange of information or communication with potential bidders. Bids submitted by contractors who are disqualified and excluded from the solicitation as provided in Section 2009.2.6 or Section 2009.2.7 will not be opened and will be returned to the vendor at the conclusion of the solicitation.

## 2011.5 Formal Bids

Formal bids are required when a construction project is valued in excess of \$200,000.

### 2011.5.1 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(2). Legal notice of the bid opportunity must be published as outlined in Idaho Code Section 67-2805(2) in a local newspaper and the bid opportunity shall be approved/awarded by the District Commission, or District staff as authorized in Section 2021.5, before a contract is signed. After release of the solicitation, Procurement and Contracting Administration shall be the only authorized point of contact for exchange of information or communication with potential bidders. If at any time prior 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

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the District Commission, the Director or the Chief of Staff as authorized in Section 2021.5, reject all bids presented pursuant to Idaho Code Section 67-2805(2)(a), District staff shall provide all bidders with seven (7) days advance notice of the date the District Commission or the Director or the Chief of Staff is scheduled to consider District staff's recommendation.

## 2012 PROFESSIONAL SERVICES SOLICITATION AND AGREEMENT ADMINISTRATION

### 2012.1 Definitions

"Professional Services" are professional engineering and design, surveying and architectural services provided by licensed consultants as provided in Idaho Code Section 67-2320.

"Professional Services Agreement (Major)" is an agreement with a consultant to perform a specific professional services scope of work or project with a service fee anticipated to exceed \$25,000 and is solicited with the issuance of a request for qualifications.

"Professional Services Agreement (Minor)" is an agreement with a consultant to perform a specific professional services scope of work or project with a service fee anticipated to be less than \$25,000 and is solicited with the issuance of a request for qualifications.

"On-Call Professional Services Consultant List" is a list of pre-approved qualified consultants to perform specific professional services scopes of work or projects by category upon selection from the list which is solicited with the issuance of a request for qualifications.

"On-Call Professional Services Agreement" is an agreement with a consultant to perform a variety of professional services scopes of work or projects on an on-call basis and which is solicited with the issuance of a request for qualifications.

"Request for Qualifications" or "RFQ" is a solicitation document issued by the District soliciting statements of qualifications and performance data from professional services consultants and describing the nature of the services to be performed and providing the criteria and procedures to be used for evaluation and selection of qualified consultants to perform the services.

### 2012.2 Solicitation Methodology Guidelines

When professional services are required, the District may utilize the following options as applicable:

Professional Services Agreement (Major)  
Professional Services Agreement (Minor)  
On-Call Professional Services Consultant List  
On-Call Professional Services Agreement

Adopted: Res. 469 (7/13/94)

2000 - 20

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

Solicitation methodology shall first be guided by the best interest of the District. The RFQ process shall be used for Professional Services Agreement (Major) and Professional Services Agreement (Minor) if the project or professional services are uniquely complex or difficult and it is in the best interest of the District to engage in a project specific RFQ process. The On-Call Professional Services Consultant List and the On-Call Professional Services Agreement shall be used if the project or professional services are routine and when it is in the best interest of the District to minimize administrative time preparing, interviewing and selecting a consultant. In addition, when the District has previously awarded a Professional Services Agreement to a person or firm for an associated or phased project, it may, at its discretion negotiate a new Professional Services Agreement with that person or firm if such is in the best interest of the District.

### 2012.3 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.

### 2012.4 Monthly Progress Reports

The consulting firm must submit monthly written reports to the project Agreement Administrator. Each written 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 written 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.

### 2012.5 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 adequate documentation 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.

Adopted: Res. 469 (7/13/94)

2000 - 22

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## 2012.6 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 shall be prepared and it must be approved by both the applicable Deputy Director and the Chief of Staff.

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 written recommendations, relevant supporting documents, and a written justification first to the Chief of Staff for review and then to the Director or Board of Commissioners.

A claim or Supplemental Agreement in excess of staff authority limits set forth in Section 2021.1 must be submitted with relevant supporting documentation and justification, first to the Chief of Staff for review and then 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.

## 2012.7 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. The Agreement Administrator 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.

## 2012.8 Conflict of Interest

If at any time during the administration of an agreement and/or prior to filing out the consultant performance evaluation form the Agreement Administrator has a

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conflict of interest relating to the consultant or any employee of such consultant, or otherwise has a personal relationship with such consultant, or any employee of such consultant, or a business associate of such consultant who may have a financial interest in the outcome of the solicitation or project, any of which could jeopardize the Agreement Administrator's objectivity or violate the District's Code of Ethics set forth in Policy Section 2512, the Agreement Administrator shall disclose the matter to the designating authority who shall immediately remove them from administration of the agreement and designate a suitable replacement who shall fulfill the duties of the Agreement Administrator including, but not limited to, completion of the consultant evaluation.

## 2013 PROFESSIONAL SERVICE AGREEMENTS (MAJOR)

### 2013.1 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 these professional services is covered under:

- 23 CFR 172. Procurement, Management, and Administration of Engineering and Design Related Services.
- 48 CFR 31. Contract Cost Principles and Procedures (Federal Acquisition Regulations "FARS").
- 2 CFR 200. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards "Uniform Guidance."
- ACHD Federally-Funded Policy and Procedure, Adopted October 1, 2018 per ACHD Resolution No. 2256. See Exhibit 14.

### 2013.2 Purpose

These guidelines provide direction in the selection, negotiation and management of consultant agreement for engineering, surveying and architectural professional services (professional services).

### 2013.3 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.

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

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 District Records Management Policy, Section 2024, and the applicable record retention schedules adopted under Section 2024.3 which specify that all project records are to be available for inspection and audit at reasonable times during the contract period and for a minimum of ten (10) years from the project completion date. The District's retention requirement greatly exceeds the minimum requirement of the federal government for federal aid projects set forth at 2 CFR part 200.333. 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.

#### 2013.4 Consultant Solicitation, Ranking and Selection

##### 2013.4.1 Request for Consultant Services, Agreement Administrator

A request for professional services may be made when professional services or special expertise is required, or when the work exceeds the current capability of the District's personnel.

All consultant selection shall be by the competitive selection process. However, an initial consideration will be whether the District has previously awarded a contract to a consultant for an associated or phased project in which case, the District, may in its discretion, and based upon its satisfaction with the quality of the prior work, negotiate an extended or new professional services contract with that consultant as authorized in Idaho Code Section 67-2320(4). If a noncompetitive process as authorized in Idaho Code Section 67-2320(4) is warranted, a request in writing shall be submitted to the Director for approval. If the opportunity to negotiate an extended or new contract with a consultant for an associated or phased project is not present or otherwise not in the District's best interest, the responsible Division Supervisor or Department Manager shall begin the request for consultant services.

Coincident with initiating the request for consultant services, the Division Supervisor or Department manager, with the approval of the Chief of Staff, shall

Adopted: Res. 469 (7/13/94)

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

designate an Agreement Administrator who shall be directly responsible for managing the solicitation and monitoring the consultant's work. The Agreement Administrator shall have knowledge and experience in the subject matter and should be the person most familiar with and most capable of managing the project.

If at any time during the consultant solicitation, ranking or selection process, the Agreement Administrator has a conflict of interest relating to any consultant that has submitted a Statement of Qualifications in response to a Request for Qualifications or any employee of such consultant, or otherwise has a personal relationship with such consultant, or any employee of such consultant, or a business associate of such consultant who may have a financial interest in the outcome of the solicitation, any of which could jeopardize the Agreement Administrator's objectivity or violate the District's Code of Ethics set forth in Policy Section 2512, the Agreement Administrator shall disclose the matter to the designating authority who shall immediately remove the Agreement Administrator from the solicitation and designate a suitable replacement.

#### 2013.4.2 Request for Qualifications and Statement of Qualifications

The District shall solicit a Statement of Qualifications (SOQ) from consultants, by issuing a Request for Qualifications (RFQ). The Request for Qualifications shall indicate project description, scope of work, time schedule, special considerations, and the criteria and procedures to be used for the selection of qualified persons or firms to perform the professional services. The criteria shall include, but not be limited to, demonstrated technical competence, experience with similar projects, past performance, prior experience with the District including disputes, claims or notices of insufficient work or violation of a statement of work, and Disadvantaged Business Enterprise (DBE) utilization commitment (if applicable).

A Legal Notice of the Request for Qualifications will be published in accordance with Idaho Code Section 67-2805(2) in a local newspaper. The specific dates for required submittals may vary, depending upon the complexity of the project. Selected consultant firms may also be contacted by letter and asked to respond to the Request for Qualifications with a Statement of Qualifications for the project. The format for the RFQ is shown in Exhibit 5. After release of the Request for Qualifications, Procurement and Contracting Administration shall be the only authorized point of contact for exchange of information or communication with potential vendors, Consultant Evaluation, Rating and Ranking Committee interviews and Consultant Selection Committee communications excepted.

The District reserves the right to select a consultant firm by either of the following procedures:

1. Selection based on the evaluation of the SOQ documents; or

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)



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

The District shall indicate in the RFQ which method of selection will be used.

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

SOQ documents provided by firms shall follow the required response format as outlined in the RFQ.

As authorized by Idaho Code, Section 67-2320(2)(i), the RFQ may request information concerning a firm's rates, overhead and multipliers, if any, however such information shall not be used by the District for the purpose of ranking the consultants in order of preference.

#### 2013.4.3 Consultant Evaluation, Rating and Ranking Committee

The Consultant Evaluation, Rating and Ranking Committee shall consist of a minimum of three (3) people from the District who have knowledge and experience in the subject matter, one of whom shall be the Agreement Administrator. Of the others, one shall be designated by the Division Supervisor or Department Manager and the other(s) shall be designated by the Chief of Staff.

If at any time during the consultant evaluation, rating and ranking process, any member of the Consultant Evaluation, Rating and Ranking Committee has a conflict of interest relating to any consultant that has submitted a Statement of Qualifications in response to a Request for Qualifications or any employee of such consultant, or otherwise has a personal relationship with such consultant, or any employee of such consultant, or a business associate of such consultant who may have a financial interest in the outcome of the solicitation, any of which could jeopardize the Committee member's objectivity or violate the District's Code of Ethics set forth in Policy Section 2512, the Committee member shall disclose the matter to the designating authority who shall immediately remove them from the Committee and designate a suitable replacement.

The Agreement Administrator shall be responsible for documenting the evaluation, rating and ranking 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.

#### 2013.4.4 Consultant Evaluation, Rating and Ranking

All firms submitting SOQ documents shall be evaluated, rated and ranked by the Consultant Evaluation, Rating and Ranking Committee using the same criteria and procedures set forth in the RFQ. Provided however, SOQ documents submitted by Professional Services Consultants who are

Adopted: Res. 469 (7/13/94)

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

disqualified and excluded from the solicitation as provided in Section 2009.2.6 or Section 2009.2.7 will not be opened and will not be included for evaluation, rating and ranking and will be returned to the consultant at the conclusion of the solicitation.

Each Committee member will objectively evaluate and rate the consultant based solely on the SOQ submittals according to the Evaluation Criteria forms provided in the RFQ and not based on previous work experience with the firm or other unspecified criteria.

Each Committee member shall sign their name to each of the evaluation and rating forms utilized by them. Ratings shall result in numeric scores and according to the procedures set forth in the RFQ, the consultants shall be ranked based upon their total numeric score with the consultant receiving the highest numeric score being ranked the highest.

Exhibit 4 shall be used to rate the individual consultants. Exhibit 3 shall be used to summarize the individual scores for ranking.

#### 2013.4.5 Consultant Selection Committee

The Consultant Selection Committee shall consist of a minimum of three (3) people from the District, one of whom shall be the Agreement Administrator. Of the other members of the Consultant Selection Committee, one shall be designated by the General Counsel and the other(s) shall be designated by the Chief of Staff.

If at any time during the consultant selection process, any member of the Consultant Selection Committee has a conflict of interest relating to any consultant that has submitted a Statement of Qualifications in response to a Request for Qualifications or any employee of such consultant, or otherwise has a personal relationship with such consultant, or any employee of such consultant, or a business associate of such consultant who may have a financial interest in the outcome of the solicitation, any of which could jeopardize the Committee member's objectivity or violate the District's Code of Ethics set forth in Policy Section 2512, the Committee member shall disclose the matter to the designating authority who shall immediately remove them from the Committee and designate a suitable replacement.

All support documentation shall be retained in the project file.

#### 2013.4.6 Consultant Selection and Negotiation

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 Consultant Selection Committee shall select the three (3) highest ranked consultants as those are the firms determined to be best qualified to provide the required services by virtue of their numeric scores and resulting ranking based upon the SOQ documents submitted by the consultants.

If consultant interviews are provided for in the RFQ, the Consultant Selection Committee will interview the three (3) highest ranked consultants in accordance with the interview procedures set forth in the RFQ. The Committee members shall objectively evaluate and rate the consultant interviews based solely according to the Interview Evaluation Criteria forms provided in the RFQ and not based on previous work experience with the firm or other unspecified criteria. Ratings shall result in numeric scores and according to the procedures set forth in the RFQ, the consultants shall be ranked based exclusively upon their total numeric score from the interviews with the consultant receiving the highest numeric score being ranked the highest.

The Consultant Selection Committee shall enter into negotiations beginning with the highest ranked firm that does not have a negative history of past performance as reflected in past performance evaluations prepared and maintained by the District under Section 2009.2. The decision not to negotiate with a consultant due to a negative history of past performance as reflected in past performance evaluations prepared and maintained by the District under Section 2009.2. will be communicated in writing to the consultant and will be subject to appeal by the consultant as provided in Section 2009.2.6.

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 highest ranked firm.

If the Consultant Selection Committee is unable to negotiate a satisfactory contract or agreement with any of the selected consultants, it shall continue with the selection (including interviews if applicable) and negotiation process with the next three (3) highest ranked consultants.

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.

2013.4.7 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 fully, 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.

#### 2013.4.8 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

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

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.

#### 2013.4.9 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 and 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 proceeding with the agreement. The Agreement Administrator is responsible

for the publication.

## 2014 PROFESSIONAL SERVICES AGREEMENTS (MINOR)

### 2014.1 General Procedures

The procedures and requirements provided in Section 2013, Professional Service Agreements (Major), shall be followed for negotiated agreements with Professional Services consultants in amounts under \$25,000 except as follows:

- A Legal Notice of the Request for Qualifications, published in accordance with Idaho Code Section 67-2805(2), is not required.
- 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.

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

## 2014.2 Consultant Invitation

Refer to Section 2013.4.1, Request for Consultant Services, Agreement Administrator, for the procedures on beginning the invitation. After release of the Request for Qualifications, Procurement and Contracting Administration or if applicable, the Agreement Administrator, shall be the only authorized points of contact for exchange of information or communication with potential consultants.

## 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 2013.4.8 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;

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)



- 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. Professional Services Solicitation and Agreement Administration (Section 2012) requirements should be met to assure good administrative procedure and adequate record documentation.

### 2015 ON-CALL PROFESSIONAL SERVICES CONSULTANT LIST

#### 2015.1 General Procedures

The same general requirements and procedures provided in Section 2013, Professional Service Agreements (Major), apply to this section except as modified by the following:

##### 2015.1.1 Purpose

This section allows for the establishment of a list of pre-approved professional services consultants by services category following publication of a legal notice of the Request for Qualifications in a local newspaper, in accordance with Section 2013.4.2, and the section of professional services consultants from the list without additional notice as authorized in Idaho Code, Section 67-2320(2)(h).

##### 2015.1.2 When Used

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

##### 2015.1.3 Negotiation

When the on-call consultant professional consultant services list is used, each project shall be negotiated on an individual basis.

#### 2015.2 Consultant Evaluation and Rating Committees

Consultant Evaluation and Rating Committees shall be assigned to evaluate and rate Statement of Qualifications submitted by professional services consultants that are responsive in one or more of the professional services categories set forth in the Request for Qualifications. Each Evaluation and Rating Committee

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shall consist of a minimum of three (3) people from the District who have knowledge and/or expertise in the professional services category or categories to be evaluated and rated by the Committee, one of whom shall be the Committee Chair who shall perform the functions of the Agreement Administrator.

The Committee Chair and one other member of the Committee shall be designated by the applicable Division Supervisor or Department Manager. The other Committee member(s) shall be designated by the Chief of Staff.

If at any time during the consultant evaluation and rating process, any member of the Consultant Evaluation and Rating Committee has a conflict of interest relating to any consultant that has submitted a Statement of Qualifications in response to a Request for Qualifications or any employee of such consultant, or otherwise has a personal relationship with such consultant or any employee of such consultant or known business associate of such consultant which could jeopardize the Committee member's objectivity or violate the District's Code of Ethics set forth in Policy Section 2512, the Committee member shall disclose the matter to the designating authority who shall immediately remove them from the Committee and designate a suitable replacement. The Committee Chair shall be responsible for documenting the evaluation and rating process and complying with the appropriate District/State/Federal requirements.

All support documentation shall be retained in the RFQ project file.

### 2015.3 Consultant Evaluation and Rating – Establishment of On-Call List

Evaluation and Rating of the consultant(s) for the on-call list shall be accomplished according to Section 2013, Professional Service Agreements, and as follows:

All firms submitting responsive SOQ documents shall be evaluated and rated by the applicable Consultant Evaluation and Rating Committee using the same criteria and procedures set forth in the RFQ. Provided however, SOQ documents submitted by Professional Services Consultants who are disqualified and excluded from the solicitation as provided in Section 2009.2.6 or Section 2009.2.7 will not be opened and will not be included for evaluation, rating and ranking and will be returned to the consultant at the conclusion of the solicitation.

Each Committee member will objectively evaluate and rate the consultant based solely on the SOQ submittals according to the Evaluation Criteria forms provided in the RFQ and not based on previous work experience with the firm or other unspecified criteria.

Each Committee member shall sign their name to the evaluation and rating forms utilized by them. Ratings shall result in numeric scores calculated according to the Evaluation Criteria forms provided in the RFQ.

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The numeric scores shall be assigned to the corresponding professional services consultant and the on-call list containing the various categories and subcategories shall be established with those consultants receiving a seventy percent (70%) or higher of the possible points being placed on the on-call list. Each qualified and responsive consultant whose name appears on the on-call list shall be deemed pre-approved to perform work in the category so listed. Professional services consultants' names shall appear on the on-call list in alphabetical order and their respective numeric scores will not be shown on the on-list.

Once established, the on-call list shall remain in effect for a period of three (3) years during which period it may be updated periodically, with professional services consultant's being added to, or removed from the on-call upon request communicated to the Chief of Staff, or as a result of evaluation of changed circumstances. During the period that the on-call list is in effect, professional services consultants shall have an affirmative obligation to notify the Chief of Staff of any changed circumstances, including but not limited to, personnel changes, that may affect the professional services consultant's qualifications and impact its numeric score and potentially, its pre-approved status. Any time a request for addition to the list or a notification of changed circumstances is received by the Chief of Staff, the Chief of Staff shall reconstitute the applicable Consultant Evaluation and Rating Committee(s) which shall evaluate and rate the subject professional services consultant(s) according to applicable the Evaluation Criteria forms provided in the RFQ and the on-call list shall be updated according to the results of the committee's work.

#### 2015.4 Consultant Selection Committee

A Consultant Selection Committee shall be formed for the purpose of selecting consultants from the on-list for a specific project. The Consultant Selection Committee shall consist of a minimum of three (3) people from the District, one of whom shall be the Agreement Administrator as defined in 2013.4 who shall have knowledge and/or experience in the professional services category related to the project and who shall be designated by the Division Supervisor or Department Manager with the approval of the Chief of Staff. Of the other members of the Consultant Selection Committee, one shall be designated by the General Counsel and the other(s) shall be designated by the Chief of Staff.

If at any time during the consultant selection process, any member of the Consultant Selection Committee has a conflict of interest relating to any consultant that has submitted a Statement of Qualifications in response to a Request for Qualifications or any employee of such consultant, or otherwise has a personal relationship with such consultant, or any employee of such consultant, or a business associate of such consultant who may have a financial interest in the outcome of the solicitation, any of which could jeopardize the Committee

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member's objectivity or violate the District's Code of Ethics set forth in Policy Section 2512, the Committee member shall disclose the matter to the designating authority who shall immediately remove them from the Committee and designate a suitable replacement. The Agreement Administrator shall be responsible for documenting the selection process and complying with the appropriate District/State/Federal requirements. All support documentation shall be retained in the project file.

## 2015.5 Consultant Selection and Negotiation

### 2015.5.1 Selection

Selection of the consultant(s) from the on-call list shall be accomplished according to Section 2013, Professional Service Agreements, except as follows:

The Consultant Selection Committee shall select at least three (3) pre-approved professional services consultants from the on-call list category or subcategory that most closely matches the project which the Committee determines to be the most qualified for the project. The Consultant Selection Committee shall then rank the selected consultants according to the procedures set forth in the RFQ, based upon their total numeric score with the consultant receiving the highest numeric score being ranked the highest.

If consultant interviews are provided for in the RFQ, the Consultant Selection Committee will interview the selected consultants in accordance with the interview procedures set forth in the RFQ and the Committee members shall objectively evaluate and rate the consultant interviews solely according to the Interview Evaluation Criteria forms provided in the RFQ and not based on previous work experience with the firm or other unspecified criteria. Ratings shall result in numeric scores and according to the procedures set forth in the RFQ, the selected consultants shall be ranked based exclusively upon their total numeric score from the interviews with the consultant receiving the highest numeric score being ranked the highest.

### 2015.5.2 Negotiation

The Consultant Selection Committee shall enter into negotiations beginning with the highest ranked firm as provided in Section 2013.4.8 that does not have a negative history or past performance as reflected in evaluations of past performance prepared and maintained by the District under Section 2009.2. The decision not to negotiate with a consultant due to a negative history of past performance as reflected in evaluations of past performance prepared and maintained by the District under Section 2009.2 will be communicated to the consultant and is subject to appeal by the consultant as provided in Section 2009.2.6.

The price must be reasonable and fair to the public, after considering the estimated value, scope, complexity, and type of services.

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

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 highest ranked firm.

If the Consultant Selection Committee is unable to negotiate a satisfactory contract or agreement with any of the selected consultants, it shall continue with the selection (including interviews if applicable) and negotiation process with three (3) more consultants randomly selected from the applicable on-call list category or subcategory.

#### 2015.6 Agreement Administration

Agreement administration shall be done according to Section 2012, Professional Services Solicitation and Agreement Administration.

### 2016 ON-CALL SERVICE AGREEMENTS

#### 2016.1 General Procedures

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

##### 2016.1.1 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.

##### 2016.1.2 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.

##### 2016.1.3 Negotiation

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

##### 2016.1.4 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.

#### 2016.2 Consultant Selection

Selection of the consultant(s) shall be accomplished according to Section 2013, Professional Service Agreements, except as follows:

Adopted: Res. 469 (7/13/94)

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

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

### 2016.3 Agreement Administration

Agreement administration shall be done according to Section 2012, Professional Services Solicitation and Agreement Administration.

## 2017 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; provided however, that all such agreements with multi-year terms must be approved and signed by the Commission.

## 2018 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.

## 2019 PIGGY BACK PURCHASES-PURCHASING PROGRAMS

### 2019.1 Piggy Back Purchases

#### 2019.1.1 Contracts Competitively Bid by State of Idaho, its Political Subdivisions, or Federal Government

Piggy back purchases when the procurement duplicates the price and substance of a contract for like goods or services that has been competitively bid by the state of Idaho, one of its political subdivisions, or an agency of the federal government shall be authorized only by the District Commission and shall be in accordance with Idaho code Section 67-2803(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.

#### 2019.1.2 Federal GSA and MAS Schedules

Piggy back purchases from federal Government Services Administration (GSA) schedules or federal Multiple Award Schedules (MAS) shall be authorized only by

Adopted: Res. 469 (7/13/94)

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

the District Commission and shall be in accordance with Idaho code Section 67-2803(9). Staff must provide adequate supporting documents to determine that the procurement qualifies under Idaho Code Section 67-2803(9) and that it is in the best interests of the District to purchase by this method. If the GSA schedule or MAS 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.

#### 2019.1.3 Idaho Department of Administration Contracts

Piggy back purchases from contracts entered into by the Idaho Department of Administration, Division of Purchasing, shall be authorized only by the District Commission and shall be in accordance with Idaho code Section 67-2803(10). Staff must provide adequate supporting documents to determine that the procurement qualifies under Idaho Code Section 67-2803(10) 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.

#### 2019.2 Cooperative Purchasing Agreements or Programs

Purchases made under or through cooperative purchasing agreements or programs shall be authorized only by the District Commission and shall be in accordance with Idaho code Section 67-2807. Staff must provide adequate supporting documents to determine that the procurement qualifies under Idaho Code Section 67-2807 and that it is in the best interests of the District to purchase by this method. If the cooperative purchasing agreement or program 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.

### 2020 EMERGENCY AND SOLE SOURCE PURCHASES

#### 2020.1 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.

#### 2020.2 Sole Source Purchases

The District Commissioners have exclusive authority to pass a resolution declaring and approving 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 when one or more situations including, but not limited

Adopted: Res. 469 (7/13/94)

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

to, those itemized in Idaho Code Section 67-2802(2)(a)(i) through (viii) are applicable.

**2021 MANAGEMENT AND SUPERVISORY AUTHORITY LIMITS**

**2021.1 Authority Limits – Construction, Equipment, Goods and Services Agreements, Design, Right-of-Way Change, Construction, Equipment, Goods and Services Supplemental Agreements/Addenda, Construction Change Orders**

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:

Signing Authority ^	Construction, Equipment, Goods & Services Agreements *	Design, ROW Change, Construction, Equipment, Goods, & Services, Supplemental Agreements/Addenda #		Construction Changes/ Change Orders	
		Maximum Single	Maximum Single	† Cumulative	Maximum Single
Director	\$400,000	\$400,000	40%	\$400,000	†† 25%
Chief of Staff	\$350,000	\$350,000	38%	\$350,000	20%
Deputy Director	\$300,000	\$300,000	35%	\$300,000	15%
Manager	\$250,000	\$250,000	25%	\$250,000	10%
Superintendent/Supervisor (Excludes all others below Superintendent/Supervisor)	\$175,000	\$175,000	20%	\$175,000	5%
Project Managers/Project Coordinators/All other Coordinators (Excludes all others below)	\$100,000	\$100,000	10%	\$100,000	2½%

^The authorized District staff or person designated as “Acting” in their capacity.

\*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

Adopted: Res. 469 (7/13/94)

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)



notwithstanding, Supplemental Agreements/Addenda shall not exceed forty percent (40%) of the original Agreement's dollar amount and except for Professional Services Agreements under 67-2320, shall not supplement an Agreement over twelve (12) months old. Any attempted multiple supplemental procurement within a twelve (12) month period or supplemental procurement exceeding forty percent (40%) of the original Agreement's dollar amount, or supplemental procurement made in excess of twelve (12) months from the date of the original Agreement, except for Professional Services Agreements under 67-2320, 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. Professional Services Agreements under 67-2320 are subject to the forty percent (40%) limitation set forth herein.

\*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 Development and Technical Services Deputy Director and the Planning and Project Management 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 Development and Technical Services Deputy Director must approve the change in writing and shall provide a copy of

Adopted: Res. 469 (7/13/94)

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

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 Integrated Five-Year Work Plan (IFYWP), 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:

<b>Signing Authority</b>	<b>ROW Contract for Property</b>	<b>Administrative Settlements in Excess of Established Just Compensation</b>
Director	\$500,000	
Deputy Director	\$400,000	
Manager	\$200,000	10% of Approved Determination of J.C. NTE \$50,000
Supervisor	\$100,000	10% of Approved Estimate of J.C. NTE 20,000
Agent	N/A	10% of Approved Estimate of J.C. NTE \$5,000

<b>Signing Authority</b>	<b>Easements/Right-of-Way/Releases</b>
Deputy Director	District as Grantee – \$500,000
Manager	District as Grantee – \$200,000

<b>Signing Authority</b>	<b>Easements/Real Property/Releases</b>
Deputy Director	District as Grantor/Grantee – \$500,000
Manager	District as Grantor/Grantee – \$200,000

<b>Signing Authority</b>	<b>Quit Claim Deeds/Right-of-Way</b>
Deputy Director	District as Grantee – \$500,000
Manager	District as Grantee – \$200,000

<b>Signing Authority</b>	<b>Quit Claim Deeds/Real Property</b>
Deputy Director	District as Grantor/Grantee – \$500,000
Manager	District as Grantor/Grantee – \$200,000

Adopted: Res. 469 (7/13/94)

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

Prior to making any offer to the property owner:

1. Any settlement in excess of the established just compensation shall require supporting documentation and a detailed written justification;
2. All administrative settlements require a written detailed justification and advanced approval of the Chief of Staff and General Counsel;
3. Any improvements on private property to be included with an ACHD project require prior approval of the Chief of Staff and the Development and Technical Services Deputy Director.

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

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

Approver	Project Completion Delay in Change Orders	
	Maximum Single	Cumulative
Director	All Other	All Other
Deputy Director	All Other, as delegated	All Other, as delegated
Manager	25 calendar days	50 calendar days
Supervisor	15	25
Coordinator	5	10
Inspector	2	5

### 2021.4 Authority Limits for Miscellaneous and Quotation Based Procurements Valued at Less than \$50,000

Approver	Authority Limit
Superintendent & Department Supervisor	\$50,000 w/ approval of Manager
Crew Chief	\$5,000 w/ approval of Superintendent

### 2021.5 Authority Limits for Approval/Award of Formal and Informal Bids for Procurement of Public Works and Procurement of Services and Personal Property and Procurement of Professional Services

Approver*	Authority Limit
Director#	\$400,000 Public Works (under I.C. 67-2805) \$400,000 Services and Personal Property (under I.C. 67-2806) \$400,000 Professional Services (under I.C. 67-2320)
Chief of Staff#	\$350,000 Public Works (under I.C. 67-2805) \$350,000 Services and Personal Property (under I.C. 67-2806) \$350,000 Professional Services (under I.C. 67-2320)
Deputy Director	\$300,000 Public Works (under I.C. 67-2805) \$300,000 Services and Personal Property (under I.C. 67-2806) \$300,000 Professional Services (under I.C. 67-2320)
Manager	\$250,000 Public Works (under I.C. 67-2805) \$250,000 Services and Personal Property (under I.C. 67-2806) \$250,000 Professional Services (under I.C. 67-2320)

\*The authorized District staff or person designated as "Acting" in their capacity.

Adopted: Res. 469 (7/13/94)

2000 - 45

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

#The Director or Chief of Staff is authorized to reject formal and informal bids within their approval/award authority limits

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

Maintenance and Traffic Operations

Approver	Authority Limit Per Week
Director or Chief of Staff	Any additional hours
Deputy Director	Up to 30 hours
Manager	Up to 25 hours
Superintendent	Up to 15 hours

All Others

Approver	Authority Limit Per Week
Deputy or Chief of Staff	More than 10 hours
Deputy Director	Up to 10 hours
Manager	Up to 5 hours
Supervisor	Up to 2 hours

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.

Approver	Authority Limit
Director	By no more than seventy-five percent (75%) on arterial roadways
Deputy Director- Development and Technical Services	By no more than sixty percent (60%) on arterial roadways
Development Services Manager	By no more than forty percent (40%) on arterial roadways; and all dimensional standards on collector and local roadways.

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.

Adopted: Res. 469 (7/13/94)

2000 - 46

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

#### 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 2509.1.7, the Director retains the ultimate authority to reinstate the employee or otherwise reverse the decision of the 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, modification of barrier traffic striping is to be done only under authorization of the Traffic Engineering Section.

#### 2021.14 Project Review Procedures – Traffic

- a. As provided in Section 5101.1, 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.
- b. As provided in Section 5101.7, the Traffic Services Manager may approve an exception to ACHD specifications for pole types, luminaires, and other appurtenances.

#### 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.

Adopted: Res. 469 (7/13/94)

2000 - 47

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

#### 2021.16 Traffic Operations – Work Orders

- a. As provided in Section 5204.2, work orders requiring traffic control device installations and modifications require the approval of the Traffic Engineering Supervisor, the Traffic Services Manager or designee.
- b. Approval of maintenance work orders should 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 Development and Technical Services is authorized to approve activities that are excluded from the permit requirement.

Adopted: Res. 469 (7/13/94)

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

- b. As provided in Section 6007.2, the Deputy Director of Development and Technical Services 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 6007.7.3, the Deputy Director of Development and Technical Services 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 Development and Technical Services is also authorized to waive the surety bond requirement in certain circumstances.
- d. As provided in Section 6007.11.1.2, the Deputy Director of Development and Technical Services may require additional traffic control measures as necessary to provide for the safety of the public and protection of private property.
- e. As provided in Section 6007.11.2, the Deputy Director of Development and Technical Services is authorized by express permission to allow the closure of a highway by reason of a permitted activity.
- f. As provided in Section 6007.12.4.4, the Deputy Director of Development and Technical Services is authorized to approve a lesser minimum depth of 2½ feet for electric power and communications cable where supplemental protection is provided.
- g. As provided in Section 6007.12.4.6, the Deputy Director of Development and Technical Services is authorized to approve the installation of pressure irrigation in the highway subject to certain requirements.
- h. As provided in Section 6007.12.6.1, the Deputy Director of Development and Technical Services 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 9:00 p.m. and 8:00 a.m.
- i. As provided in Section 6007.12.7.1, 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.
- j. As provided in Section 6007.12.7.1, the Deputy Director of Development and Technical Services is authorized to waive nightly paveback requirements under certain circumstances.
- k. As provided in Section 6007.12.7.2, the Deputy Director of Development and Technical Services is authorized to allow more than thirty (30) calendar days for permanent surface repairs to be made following

Adopted: Res. 469 (7/13/94)

2000 - 49

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

installation of a temporary patch.

- I. As provided in Section 6007.12.7.5, the Deputy Director of Development and Technical Services is authorized to approve temporary patches or surface repairs from materials other than hot/cold mix or steel plates.

#### 2021.21 License Agreements

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 Development and Technical Services Deputy 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.

#### 2021.24 Development Procedures – Development Agreements

- a. The Development Services Manager is authorized to approve and execute Development Agreements entered into pursuant to Section 7106.7, Section 7203.6, Section 7207.5 and Section 7213.2.
- b. Any changes in the performance obligations covered by a Development Agreement must be approved in writing by the Development Services Manager.

#### 2021.25 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.



## 2021.26 Impact Fee Individual Assessments Procedures and Documentation

- a. As provided in Section 7312.2, the 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 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 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.

## 2021.27 Winter Maintenance

- a. As provided in Section 9011.1, the on-call supervisor is authorized to determine when 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.

## 2021.28 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.

## 2021.29 Legal Review and Approval of Agreements

In the following instances, agreements must be submitted to the Office 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.

Adopted: Res. 469 (7/13/94)

2000 - 51

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

- c. There are doubts about whether the Office of the General Counsel should review the agreement.
- d. Any agreement proposed by an outside contractor/vendor.

2022 RESERVED

2023 DISTRICT RECORDS

2023.1 General

All records including papers, correspondence, memoranda agreements, reports, documents, maps, plans, and all other writings containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by the District are records of the Ada County Highway District and shall be disclosed in accordance with Title 9, Chapter 3, Idaho Code, ("Idaho Public Records Law") and as those code sections may be amended from time to time. In the event of any conflict between any provisions of Section 2023 and the Idaho Public Records Law, the Idaho Public Records Law shall govern.

2023.2 District Records – Right to Examine

All records maintained by the District shall be open to the public at all reasonable times for inspection unless expressly exempted from disclosure by the provisions of the Idaho Public Records Law or Section 2023. The right to copy public records shall include the right to make photographs or photographic or other copies while the records are in the possession of the custodian of records using equipment provided by the District.

2023.3 Records Requests

All persons requesting access to the District's public records shall be required to make a written request. To ensure proper tracking and prompt and efficient administration of records requests, persons are encouraged but not required to utilize the District's web-based system for making public records requests. In cases of disability or inaccessibility to necessary equipment, the person making the records request may coordinate with the District's Legal Department for entry of their request into the District's web-based system by the District on their behalf. The person making the request shall be required to provide their name, mailing address and telephone number. A public records request submitted by electronic mail or facsimile shall be deemed to be a written request and upon receipt, the records request shall be entered into the District's web-based system to ensure proper tracking and prompt and efficient administration of records requests. The public records request shall be deemed to be received on the date the District official or employee receives a written request from the District's web-based system. Regular business hours of the District are 8:00 a.m. to 4:30 p.m., Monday through Friday.

Adopted: Res. 469 (7/13/94)

2000 - 52

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

### 2023.3.1 Response Time

All non-exempt public records maintained by the District shall be promptly prepared and made available for inspection to any person during regular business hours, as well as a copy of the District's current records retention schedule. Promptness is to be determined by the facts and circumstances of each public records request. However, the District shall acknowledge in writing all public records requests within three (3) business days after the date the request is received. The acknowledgement shall either grant the request, deny the request, or give notice that additional time is needed to fill the request. However, in the instance of a public records request that is granted within three (3) business days after the date the request is received, then the District shall not be obligated to send a written acknowledgement. If more than three (3) business days are required to retrieve or locate any requested records, the District shall notify the person making the request in writing and shall provide the public records to the person no later than ten (10) business days following receipt of the request. If the District determines that an existing electronic document must be converted to another electronic format by the district or a third party and that such conversion cannot be completed within ten (10) business days, the District and the requester, with due consideration given to any limitations that may exist due to the conversion process.

### 2023.3.2 Scope of the Request

A person making a public records request shall not be asked the reason for the request, except to inquire pursuant Idaho Code Section 74-102 whether a list of persons will be used for mailing or telephone list, or if additional information is necessary for the District to evaluate a fee waiver, or for purposes of protecting personal information from disclosure under state and federal law. When a request, or other public records coordinator to the District, may contact the person making the request to determine if the person wants to narrow or clarify the scope of records sought. A person may request to view or copy existing written documents and electronic files containing information relating to the conduct or administration of the public's business prepared, owned, used, or retained by the District. The District will not prepare new documents in response to a public records request.

### 2023.3.3 Fee Schedule for Public Records Requests

Idaho Code Section 74-102 authorizes the District to establish a copying fee schedule not to exceed the actual cost to the District for copying the record.

No fee shall be charged for the first two (2) hours of labor in responding to a request for public records or for copying the first one hundred (100) pages of paper records that are requested. The District may establish a fee to recover the actual labor and copying costs associated with locating and copying documents if: (1) the request is for more than one hundred (100) pages; (2) the request includes records from which exempt information must be deleted; or (3) the actual labor associated with responding to requests for public records, in

compliance with Section 2022, exceeds two (2) person hours.

Pursuant to Idaho code Section 74-102, the Board of Commissioners for the Ada County Highway District hereby adopts the following fee schedule, which may be amended from time to time upon approval of the Commission to be used for public records requests.

[Fee Schedule for Public Records Requests on following page.]

Adopted: Res. 469 (7/13/94)

2000 - 54

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10);  
Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord.  
226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248  
(3/10/21)

**ADA COUNTY HIGHWAY DISTRICT  
FEE SCHEDULE FOR PUBLIC RECORDS REQUESTS**

I.C. Reference	Type of Work Involved	Costs
74-102(10)(a)	Photocopying not more than 100 pages - Standard 8½" x 11", 11" x 14", or 11" x 17" sheet	Free
74-102(10)(a)	First two (2) hours of labor in responding to a request	Free
74-102(10)(b)(i)	Request is for more than 100 pages photocopying Standard 8 ½" x 11", 11" x 14", or 11" x 17" sheet	\$25 an hour for labor after first 2 hours plus \$.09 a page photocopying charge after first 100 pages
74-102(10)(b)(ii)	Request includes records from which exempt information must be deleted	\$25 an hour for labor after first 2 hours plus \$.09 a page photocopying charge after first 100 pages
74-102(10)(b)(iii)	Where actual labor associated with locating and photocopying documents for a request exceeds two (2) person hours	\$25 an hour for labor after first 2 hours plus \$.09 a page photocopying charge after first 100 pages
74-102(10)(d)	Electronic information retrieval/other information retrieval than photocopying or copying to CD or tape	\$5 per copy
74-102(10)(d)(i)	Where ACHD has an out-of-pocket cost	Actual out-of-pocket cost
74-102(10)(d)(ii)	If ACHD has a standard that it charges for selling the same information in the form of a publication	Standard charge

**2023.3.4 Fee Waivers and Exemptions**

Pursuant to Idaho Code Section 74-102(10)(f), the District will not charge any cost or fee for copies or labor if all of the following three conditions are satisfied: (1) the requesting party demonstrates that examination and/or copying of public records is likely to contribute significantly to the public's understanding of the operations of activities of the District; (2) the requesting party demonstrates that examination and/or copying of public records is not primarily in the individual interest of the requester including but not limited to the requester's interest in litigation in which the requester is or may become a party; and (3) the requesting party demonstrates that examination and/or copying of public records will not occur if the fees are charged because the requester has insufficient financial resources to pay such fees. To show the requester meets this section, a written document, signed by the requester stating the basis the requester is seeking a waiver of fees must be presented to the District. Copies of documents that reflect the requester's financial inability to pay may be required by the Director. The Director will make the determination whether or not the basis as set forth by the requester is sufficient to waive some or all of the fees or costs assessed.

Adopted: Res. 469 (7/13/94)

2000 - 55

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

The requester may appeal such decision to the Commission.

#### 2023.3.5 No Multiple Requests to Avoid Payment of Fees

A requester may not file multiple requests for public records solely to avoid payment of fees. When the District reasonably believes that one (1) or more requesters is segregating a request into a series of requests to avoid payment of fees authorized pursuant to this section, the District may aggregate such requests and charge the appropriate fees. The District may consider the time period in which the requests have been made in its determination to aggregate the related requests. The District shall not aggregate multiple requests on unrelated subjects from one (1) requester.

#### 2023.3.6 Advance Payment of Fees

The District may require advance payment of fees authorized by Section 2023. Any portion of the advance payment in excess of the actual costs of labor and copying fees shall be returned to the requester by the District.

#### 2023.3.7 Prepayment of Fees

Prepayment of costs associated with copying records shall be required if the fees and costs assessed are estimated to be more than \$20. In these instances, the District's staff responding to such request shall notify the requester of the estimated costs. One-half of the estimated costs must be paid to ACHD by the requester prior to the collection and collation of the public records request. The balance is due at the time the requester picks up the records. If the records are to be mailed, the full amount associated with filling the public records request is due before the records will be mailed. Any sums in excess over actual costs and fees will be promptly refunded to the requester.

#### 2023.3.8 Denials of Public Records Requests

Pursuant to the Idaho Public Records Law, certain records may be withheld from disclosure due to their confidential nature. Any time that a person submitting a public records request is not allowed access to a document or any portion of a document which falls within the scope of the request, it is a denial. All denials of public records requests shall be in writing and shall include reference to the specific statutory provision which is the basis for the denial and the requesting person's right to file an appeal within 180 days from the date of mailing of the notice of denial. Where possible, exempted portions of a record or document, or specific pages of a record or document, shall be removed or redacted out so that the rest of the material can be provided to the person making the request. Notice of a partial denial shall, in all respects, be made in the same manner as a complete denial.

## 2024 RECORDS MANAGEMENT

### 2024.1 General – Purpose/Intent/Philosophy

To establish a records and information management (RIM) program and assist those departments that requires records retention support and procedures. The goal of the RIM program is to:

- Manage records efficiently and economically;
- Increase District control and standardization of record keeping practices;
- Ensure rapid access and retrieval of records;
- Enhance management decision-making capabilities;
- Foster compliance;
- Demonstrate District accountability;
- Streamline redundancy and optimize District business processes; and
- Meet the Generally-Accepted Record Keeping Principles (GARP).

RIM provides for controls and security of all records, regardless of media, from their creation or receipt, through their processing, distribution, organization, storage, and retrieval to disposition. Information flows through the District in the form of paper and electronic records, such as word processing documents, spreadsheets, e-mail, graphical images, and voice or data transmissions. Information can be stored on a variety of storage media, such as microfilm, microfiche, diskette, optical disk, CD-ROM, videotape, and paper.

The District shall use Record Retention Guidelines and Schedules to govern records and information disposition, retention, and disposal.

Electronic media should be used in lieu of paper copy and electronic media shall be reproduced, retained and maintained in accordance with the requirements of Idaho Code Section 40-1337A and District approved retention guidelines and schedules, systems, software, and hardware.

District policy shall destroy all records except those that are specifically authorized to be preserved. The Record Retention Guidelines and Schedules will identify those records that will be kept permanently and signify the retention period for all other District records with lesser retention periods. District records must meet the required retention period prior to disposition/deletion/ destruction.

Adopted: Res. 469 (7/13/94)

2000 - 57

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

## 2024.2 Responsibilities

All employees are responsible and accountable for creating and maintaining accurate and complete Records of District business activities. During the ordinary course of business, all ACHD employees shall utilize District- approved technology and media to create, capture, control, manage, archive, and retrieve records.

The Records Management staff is responsible for all aspects of records management, including the design, implementation, and maintenance of records systems and their operations. The Records Management staff is responsible for oversight and approval of all RIM system-related design and development.

From time to time the Information Records Administrator may review and recommend any changes to the District record retention guidelines and schedules. The Information Records Administrator may consult with members of the Records Management Staff or Records Coordinators on an as needed basis. The Legal department has final review and approval of all District related record keeping policy prior to District adoption.

Record Coordinators will be responsible for ensuring that District business records are routinely reviewed to determine when business records should be scanned, transferred, or destroyed in accordance to District approved policy. Record Coordinators are required to work closely with the Records Management staff to ensure compliance with District Records policy.

## 2024.3 Record Retention Schedule

The District acknowledges that it maintains many business records that are used in the administration and operation of the public's business. Business records are prepared, owned, used, or retained by the District and are subject to the Idaho Public Records Law. Pursuant to Idaho Code and the District's Public Records Policy, the District shall adopt designated categories of records retention and disposition that identify these records. These categories of records identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the District and document the organization, function, policies, decisions, procedures, operations, or other activities of the District.

Idaho Code Section 40-1337 does not clearly define the retention requirements for most records. The law classifies general categories of records as permanent, semi-permanent, or temporary. Permanent records are to be kept for not less than ten (10) years after creation. Semi-permanent records are to be kept for not less than five (5) years after creation or completion of the matter for which the record is held. Temporary records are to be kept not less than two (2) years.

Adopted: Res. 469 (7/13/94)

2000 - 58

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)



Because of these broad designations, Idaho Code authorizes the Highway District to adopt more specific retention guidelines and schedules based on their own legal, financial, administrative, or historical need, within the statutory categories.

The District shall adopt specific Record Retention Guidelines and Schedules for all District records. Record Retention Guidelines and Schedules shall be compliant with applicable rules and regulations and finalized into an operational retention schedule.

The Legal Department will have final review and approval of all retention guidelines and schedules prior to District adoption. Adopted retention guidelines and schedules will be centralized into a District Records Management Procedure Manual that will be distributed to District staff.

Records will be maintained according to the adopted Record Retention Guidelines and Schedules. Those records that meet short-term retention requirements will systematically be deleted or destroyed, and those records with long-term retention requirements will be maintained and protected.

Disposition of records due for destruction must conform to adopted RIM procedures. Deletion/destruction of District records must be authorized by signature of the department head of the originating department and the Legal Department.

Individual department records shall be scanned into the District's Electronic Content Management (ECM) system.

Record destruction delays may be authorized by the individual department head. Delays must also be approved by the Records Management staff.

Record preservation processes, which override the adopted Record Retention Guidelines and Schedules, must be implemented during litigation and tax audits.

#### 2024.4 Record Disposal / Destruction

In order to protect District interests and ensure a compliant destruction policy, the District will follow a standard format for documenting the disposition and destruction of its records.

Records destruction will be documented and approved on a standard Records Destruction form prior to the physical destruction or deletion of District records.

Record Destruction forms will be created by the Records Management staff. Record Destruction forms can be created by Department Coordinators for those records that are stored/retained in active offices that have met the District approved retention policy. All Record Destruction forms will be circulated by the Records Management staff for approval.

Adopted: Res. 469 (7/13/94)

2000 - 59

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

Fully-approved Record Destruction forms will be returned to the Records Management Department for arrangement of the physical destruction or deletion of the records.

Duplicate copies, convenience copies, drafts, and information that are considered non-record do not have to follow the record destruction process.

#### 2024.5 Legal Preservation Hold

The law requires the District to make all reasonable efforts to preserve information that may be relevant to a claim/lawsuit, including electronic data. The District will institute a record hold process when litigation arises.

Legal preservation holds will override the retention schedule process, and destruction of relevant records will cease during litigation.

A preservation hold communication will be delivered by the Legal Department to appropriate individuals and to the Records Management staff requesting that all relevant information relating to the claim/litigation be placed on a litigation hold list. Research will be performed to identify applicable information.

Once the claim/litigation has been resolved, a communication will be delivered from the Legal Department to the appropriate individuals and to the Records Management staff notifying them that the claim/litigation preservation hold has been lifted and normal record destruction can resume.

#### 2024.6 Permanent District Records

Permanent District records are those records that are deemed to be of extreme long-term value for legal, fiscal, or administrative requirements.

Permanent District records shall be established and identified through the adoption of Record Retention Guidelines and Schedules.

Permanent District records shall be stored in the safest and most secure manner possible. Permanent records retained electronically should be backed-up, and those back-ups should be stored at an offsite location.

#### 2024.7 Vital District Records

Vital District records are considered to be those records that are necessary for continuation of business in the event of a disaster. Some vital records may be classified as vital but may only be vital during their active status and may not be considered a permanent record.

Vital District records shall be established and identified through the Records Retention Schedule process.

Adopted: Res. 469 (7/13/94)

2000 - 60

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

Vital District records shall be stored in the safest and most secure manner possible. Vital records retained electronically should be backed-up, and those back-ups should be stored at an offsite location.

#### 2024.8 District File Plan/Metadata Model

The District will establish a Standard File Plan/Metadata model for all District records in order to create consistent management of its records in the normal course of business.

Record Retention Guidelines and Schedules will be developed from the Standard File Plan for all District departments in order to create simplicity and reduce record storage duplication of District information.

The Standard File Plan/Metadata model will be merged into the District's Electronic Content Management (ECM) system in order to capture and retain information in a consistent manner.

#### 2024.9 District Record Procedure Manual

The District shall maintain a separate Records Management Procedure Manual that will document its records management processes.

The Records Management staff will be responsible for creation and maintenance of the procedures manual with oversight from the RIM Committee and the Legal Department and adoption by the District.

The RIM policy and procedures manual will include all RIM-related procedures that support the requirements of the District's RIM policy.

The Records Management Procedure Manual will document the process for capture of information into the ECM system and will provide RIM Department templates including but not limited to, Retention Guidelines and Schedules, Metadata Model, Destruction Forms, sample legal hold notices, and District policy.

#### 2024.10 RIM Training

In order to facilitate the procedures for managing District information, a RIM training curriculum will be established for District employees. RIM training will be mandatory for all ACHD employees and will be conducted by the Records Management staff.

#### 2024.11 Administrative Compliance Audit

To ensure the best interest of the District is protected, a periodic compliance audit will be performed to confirm compliance with District RIM policy. The compliance

Adopted: Res. 469 (7/13/94)

2000 - 61

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

audit will be performed by the Records Management staff with support of the Department Records Coordinator.

Results of the compliance audit will be shared with the RIM Committee, Director, and the Commission.

#### 2024.12 Communication/Distribution

This policy will be communicated to appropriate department personnel through available communication avenues.

#### 2024.13 Review and Revisions

Additions, deletions and revisions to this policy are the responsibility of the Records Management staff with possible oversight from the RIM Committee and final approval from the Legal Department prior to adoption by the District.

### 2025 PERSONNEL FILES

#### 2025.1 General

The personnel files are maintained by the Human Resources Department and consist of all the files necessary to manage a personnel system. Most of these files are considered confidential. The District maintains a personnel file on each employee; these files are confidential and shall be kept in a locked file cabinet.

Employees have a right to examine their own personnel file during normal working hours. Advanced request for access is required. Upon receipt of the request, the Personnel Office will schedule the review. No personnel files can be taken from the Personnel Office.

Access by District supervisors and managers to the information in the personnel files is on a need-to-know basis. Release of information to a third party, outside the District, will not be allowed without written authorization and release by the employee, or without a valid subpoena issued for a proper purpose by a court of competent jurisdiction.

#### 2025.2 Current Employees

Personnel files for current employees are kept in the active files until termination. Each file includes all pertinent information for each employee.

#### 2025.3 Terminated Employees

When a current employee is terminated, their personnel file is placed in the inactive drawer. It is held for five years from date of termination. After five

Adopted: Res. 469 (7/13/94)

2000 - 62

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

years, the file is purged and parts of it are laserfiched. Date of hire and date of termination are entered in an electronic file for easy access.

#### 2025.4 Temporary Employees

Temporary employees are separated into two categories: limited-term and short-term.

##### 2025.4.1 Limited-Term Employees

Limited-term employees are provided the same benefits as current employees on District payroll. Their files are in the active file. The files for limited-term employees are handled the same as for current employees.

##### 2025.4.2 Short-Term Employees

Short-term employees are hired through an employment agency for payroll purposes. The only record in Personnel is their application on which the date of hire and hourly wage has been noted. These records are kept only two years.

#### 2026 (RESERVED)

#### 2027 COMMISSION FILES

Commission files are maintained by the Executive Assistant. These files are as follows: Correspondence to and from the Board of Commissioners, Commission meeting minutes, Resolutions and Ordinances make up the Commission files.

#### 2028 LEGAL FILES

The legal files contain such things as legal correspondence, documents, notices, and work product notes. These are created by the in-house attorney, an attorney retained by the District, or by similar information sent to the District by outside attorneys. These files are considered confidential. Any employee needing information from or copies of any portion of a legal file shall first consult with the District's attorney.

#### 2029 FINANCIAL RECORDS

All District financial records are controlled by the Treasurer and are kept in either the Accounting office or the vault. Most of the records are for general use. Permission is required from an employee of the Accounting Division before removing any financial records.

The District investment files, payroll files, and bank statement files are confidential. Requests for information from these files shall be made to the Treasurer.

Other files maintained by the Accounting Division include: payable files; purchase orders; packing slips; invoices; vouchers and copy of check; receivable files, including invoices and back-up invoices; cash receipt copies; job cost reports; financial reports; equipment

Adopted: Res. 469 (7/13/94)

2000 - 63

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

leases; audit reports; LID transcripts; retired bonds and registered bond lists; development files; letters of credit, surety agreements and developer's Certificate of Deposit; inventory reports; and budgets.

## 2030 RIGHT-OF-WAY FILES

Active right-of-way acquisition and negotiation files with property owners are maintained in the Right-of-Way division office. These files are exempt from the Public Information Act under Section 9-340 of the Idaho Code. They are considered a negotiation and acquisition work product until the project is completed.

## 2031 SECURITY VIDEO SURVEILLANCE POLICY

### 2031.1 Video Surveillance of District Facilities for Safety and Security

Proper video surveillance, where deemed necessary for employee and public safety and security purposes, has been established for District facilities. The District recognizes the need to balance an individual's right to privacy and the need to ensure the safety and security of employees, users, visitors, and property. The following guidelines are to be followed with the video surveillance:

- a. The video surveillance system equipment is installed to monitor only those spaces that have been identified as requiring video surveillance;
- b. Only authorized personnel shall be permitted to operate the video surveillance systems;
- c. The video surveillance cameras shall be visible and shall be restricted so that authorized personnel cannot adjust or manipulate cameras to view spaces that are not intended to be covered by the video surveillance program;
- d. Video surveillance system equipment shall never monitor the inside of areas where the public and employees have a higher expectation of privacy (e.g., restrooms or change areas);
- e. Every reasonable attempt should be made by authorized personnel to ensure video monitors are not in a position that enables the public and/or unauthorized staff to view the monitors.

### 2031.2 Video Surveillance Images – Retention

The security video surveillance system images are not intended to be preserved but rather, the storage media is to be reused and the video images retained only until routinely recorded over based upon video surveillance system capability. Therefore, security video surveillance system images are a transitory record, and they are not a "writing" or a "public record."

Adopted: Res. 469 (7/13/94)

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

If any security video surveillance system images are transferred and saved to a separate storage system for use by the District, then they are considered to be a “writing” or a “public record” and shall be classified as a temporary record and retained by the District for a minimum of two (2) years, unless they are considered litigation related, in which case they shall be classified as a permanent record and shall be retained by the District as such.

2032 (RESERVED)

2033 SALE, TRANSFER, OR EXCHANGE OF SURPLUS REAL PROPERTY (NON RIGHT-OF-WAY) OR PERSONAL PROPERTY, LEASING OF SURPLUS REAL PROPERTY

The District Commissioners, may sell, transfer, exchange, or lease surplus real (non right-of-way) or personal property no longer needed or useful to the District when it is in the best interest of the District and the public. This is according to Title 67, Chapter 23, and Title 40, Chapter 13 of the Idaho Code.

2033.1 Sale or Exchange of Personal or Real (Non Right-of-Way) Surplus Property with a Value of Ten Thousand Dollars (\$10,000) or Less

2033.1.1 Sale or Exchange

Sale or Exchange. Personal or real (non right-of-way) property, no longer useful to the district, not exceeding ten thousand dollars (\$10,000) in value, as determined by District employees with adequate knowledge of the same, may be sold or exchanged by the District Commissioners at a private sale to a member of the general public or at an auction conducted during any regular board meeting without advertisement.

2033.1.2 Best Interests of the District

The District’s disposition of the surplus personal property shall be in a manner which will serve the best interests of the District and the public.

2033.1.3 Conveyance “as-is”

The District’s disposition of the surplus personal property shall be on an “as-is” basis and without warranty of any kind.

2033.1.4 Disinterested Parties

The District Commissioners, District Director, District employees, and their families related by blood or marriage within the second degree must be personally disinterested, directly or indirectly, in the sale or exchange of any property belonging to the District, or in any contract made by the District or other person on behalf of the District, unless otherwise authorized by law.

2033.2 Sale or Exchange of Real (Non Right-of-Way) Surplus Property and/or Personal Surplus Property with a Value in excess of Ten Thousand Dollars (\$10,000)

Adopted: Res. 469 (7/13/94)

2000 - 65

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

### 2033.2.1 Determination of Value – Hearing Required

Before disposing of all surplus real property (non right-of-way), and personal property exceeding ten thousand dollars (\$10,000) in value as determined by District employees with adequate knowledge of the same, the District Commissioners shall first conduct a public hearing upon proper notice.

### 2033.2.2 Hearing Notice – Description of Property

1. The hearing notice shall be published in accordance with the provisions of Idaho Code, Section 40-206, as follows:
  - a. Notice of Hearing shall be published in the daily newspaper having the largest circulation in Ada County;
  - b. At least two (2) consecutive times; and
  - c. The last notice shall be published not less than five (5) days prior to the hearing.
2. In the case of surplus real property, the hearing notice shall include a legal description of the property.
3. In the case of surplus personal property, the hearing notice shall include the make, model, year of manufacture, and Vehicle Identification Number, or serial number as applicable.

### 2033.2.3 Notice to Owners of Property and Cities or County

1. Notice of the public hearing shall also be provided to owners of property within 600 feet of the surplus real property not less than five (5) days prior to the hearing.
2. Notice of the public hearing shall also be provided to the relevant jurisdiction (city or county), not less than fifteen (15) days prior to the hearing. The notice shall remind the recipient that approval or denial of the proposed surplus property declaration by the District Commissioners is not contingent upon the city or county's consent.

### 2033.2.4 Public Hearing – Resolution Required

At the public hearing, any person interested may appear and show cause that the personal or real property is still useful to the District and that the sale or exchange should not be made. If the District Commissioners determine that sale or exchange of the surplus real or personal property is in the best interests of the District and the public, then the District shall adopt a resolution finding that the personal or real property is no longer useful to the District and finding that the personal or real property should be sold or exchanged and establishing procedures for the sale including, but not limited to, the date and time of the sale

Adopted: Res. 469 (7/13/94)

2000 - 66

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)



and whether the sale will be by live public auction, by receipt of sealed bids, or by some other commercially reasonable means. The public hearing and sale shall not be conducted at the same regular meeting.

#### 2033.2.5 Adjacent Property Owners Given First Option to Purchase

Before the District disposes of surplus real property at public sale, the District shall first notify any person who owns real property which is contiguous with the surplus real property that he has first option to purchase the surplus real property for an amount not less than the current determined value. If more than one (1) adjoining property owner wants to purchase the surplus real property, a private auction shall be held for such parties by either live auction or receipt of sealed bids which shall be conducted and/or managed by District Staff designated and authorized by the Commission President, Commission acceptance of the results of the private auction shall occur at a regular meeting. Sale to an adjacent property owner shall require execution of a purchase and sale agreement, which shall serve the best interests of the District, with the terms of the sale including a non-refundable payment of not less than ten percent (10%) of the sale price in cash or cashier's check, no later than 4:30pm on the day of the sale and the remaining balance to be paid in cash or cashier's check at the closing, no more than ninety (90) calendar days following the day of the sale. If no owner of adjoining property exercises his option to buy, the district may proceed to public sale under the procedures established by the District Commissioners in their resolution.

#### 2033.2.6 Sale to General Public - Live Public Auction or Sealed Bids – Terms of Sale

If the surplus real or personal property is to be sold to the general public, the sale shall be on a non-discriminatory basis and in a commercially reasonable manner, including a sale price not less than the determined value and the execution of a purchase and sale agreement, which will serve the best interests of the District and the public. The sale shall occur via a live public auction or consideration of solicited sealed bids as established by the Commission and shall be conducted and/or managed by District Staff designated and authorized by the Commission President at a location (such as the site of the real or personal property), date, and time established by the Commission. Commission acceptance of the results of the sale shall occur at a regular meeting. At the direction of the Commission, the surplus personal property may also be sold to the general public at a live or web-based public auction managed and conducted by an auctioneer under contract with the District to perform such auction services. For surplus real property, the terms of the sale shall be a non-refundable payment of not less than ten percent (10%) of the sale price in cash or by cashier's check, no later than 4:30pm on the day of the public auction (or no later than 10:30 am the following business day if the public auction was conducted outside of normal District business hours) and the remaining balance shall be paid in cash or by cashier's check at the closing, no more than ninety (90) calendar days following the day of the public auction. In the event the highest bidder fails to satisfy the terms of sale, the second highest bidder shall be given an opportunity to complete the sale

Adopted: Res. 469 (7/13/94)

2000 - 67

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

at its bid amount. If the second highest bidder declines, then the surplus property may be sold at a private sale in accordance with Subsection 2033.2.10.

#### 2033.2.7 Notice of Public Auction

Notice of public auction shall be as follows:

- a. For both surplus real and personal property, notice of the public auction shall be published in the daily newspaper having the largest circulation in Ada County at least two (2) consecutive times with the last notice published not less than ten (10) days prior to the auction and shall set forth the date, time and location of the public auction as well as the minimum acceptable bid which shall be the value as determined pursuant to Subsection 2033.2.1.
- b. In the case of surplus real property, notice of the public auction shall be posted on the surplus real property not less than five (5) days prior to the auction.
- c. The notice of public auction shall include the terms of sale.

#### 2033.2.8 Sale or Transfer Offered to One (1) Government Entity

If the surplus real or personal property is to be offered for sale or transfer to one (1) governmental entity, the sale shall be conducted in accordance with Section 2033.3.

#### 2033.2.9 Sale or Transfer Offered to More than One (1) Government Entity

If the surplus real or personal property is to be offered for sale or transfer to more than one (1) governmental entity, the sale may be conducted via sealed bids to be opened at a regular meeting.

#### 2033.2.10 Private Sale – Terms of Sale

Any surplus real or personal property unsold after public auction or solicitation of sealed bids may be sold at a private sale to a member of the general public at a regular meeting in a commercially reasonable manner including a sale price not less than the determined value or at a price less than the determined value with Commission approval following negotiations, as directed by the Commission, and execution of a purchase and sale agreement, and which will serve the best interests of the District and the public. The terms of the sale shall be a non-refundable payment of not less than ten percent (10%) of the sale price in cash or by cashier's check contemporaneous with the execution of the purchase and sale agreement and the remaining balance shall be paid in cash or by cashier's check at the closing, no more than ninety (90) calendar days following the execution of the purchase and sale agreement.

#### 2033.2.11 Disinterested Parties

The District Commissioners, District Director, District employees, and their families related by blood or marriage within the second degree must be personally disinterested, directly or indirectly, in the sale or exchange of any property belonging to the District, or in any contract made by the District or other person on behalf of the District unless otherwise authorized by law.

#### 2033.2.12 Conveyance “as-is”

The District’s disposition of surplus real or personal property shall be on an “as-is” basis and without warranty of any kind and, in the case of surplus real property, shall be by “Quitclaim Deed.”

### 2033.3 Transfer of Real (Non Right-of-Way) or Personal Property to another Government Body

#### 2033.3.1 Conveyance to Another Government Unit

The District Commissioners may convey or transfer real property (non right-of-way) or personal property to another governmental unit including: the United States, the state of Idaho, any city, county, or village, unit of government or district with or without consideration. Such conveyance or transfer may be made without consideration or payment when it is in the best interest of the District and the public in the judgment of the District Commissioners.

#### 2033.3.2 Written Agreement

Prior to any such conveyance or transfer, a written agreement shall be made between units of government or districts for a conveyance or transfer of real or personal property from one to the other with or without consideration.

#### 2033.3.3 Notice of Agreement

For conveyances or transfers of real or personal property with a value of ten thousand dollars (\$10,000) or less, the property may be conveyed or transferred without notice as provided herein. For conveyances or transfers of real or personal property with a value in excess of ten thousand dollars (\$10,000), notice of the general terms of the agreement shall be published for a total of three (3) times as follows: two (2) consecutive times with the first publication made not less than twelve (12) days before the meeting, and the third publication made not less than five (5) days before the meeting. Notice shall be published in the daily newspaper having the largest circulation in Ada County and if the other governmental unit is located in another county, in the county in which such unit is located and having general circulation within such county. The notices shall give time and place of the next regular or special meeting of each respective unit at which time the governing board of such units propose to ratify the agreement.

#### 2033.3.4 Ratification and Approval of Agreements by Resolution

In order to be valid, the agreement for conveyance, transfer or exchange of real or personal property must be ratified and approved by resolution, after notice as

provided herein by a two-thirds (2/3) vote of each governing body, except no such approval shall be required from the United States or the state of Idaho.

#### 2033.3.5 Conveyance “as-is”

The District’s disposition of real or personal property to another government body shall be on an “as-is” basis and without warranty of any kind and in the case of surplus real property, shall be by “Quitclaim Deed.”

### 2033.4 Leasing Surplus Real Property

#### 2033.4.1 Comparative Market Analysis, Determination of Fair Rental Value

Before advertising and marketing a surplus real property for lease, a comparative market analysis shall be obtained by the District to determine the fair rental value of the surplus commercial real property.

#### 2033.4.2 Advertisement and Marketing of Leasing Opportunity

Advertisement of the availability of the surplus real property for lease as residential or commercial property at the fair rental value, as determined by the comparative market analysis, shall be published in the daily newspaper having the largest circulation in Ada County for not less than ten (10) consecutive days. Any other marketing of such surplus real property for lease shall be on a non-discriminatory basis and will occur in a commercially-reasonable manner.

#### 2033.4.3 Lease Agreement

If the surplus real property is to be leased to the general public for residential or commercial purposes, the lease shall be on a non-discriminatory basis and in a commercially-reasonable manner, including a rental price not less than the determined fair rental value, unless otherwise determined by the Commission to be in the best interest of the District and the public, an adequate security deposit, and the execution of a lease agreement, which will serve the best interests of the District and the public. In the case of a residential lease, the lease agreement shall reflect and contain commercially-reasonable terms and conditions of a residential lease and shall not have a term exceeding one (1) year. In the case of a commercial lease, the lease agreement shall reflect and contain commercially-reasonable terms and conditions of a commercial lease and may be a “Triple Net Lease,” shall not have a term exceeding five (5) years, unless otherwise approved by the Commission, and if for a term of more than one (1) year, shall include a non-appropriation clause.

#### 2033.4.4 Disinterested Parties, Prohibited Leases

The District Commissioners, District Director, District employees, and their families related by blood or marriage within the second degree must be personally disinterested, directly or indirectly, in the lease of any surplus real property belonging to the District, or in any contract or agreement relating thereto made by the District or other person on behalf of the District, unless otherwise authorized by law. In addition, surplus real property shall not be leased to

Adopted: Res. 469 (7/13/94)

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Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

persons who are not a U.S. citizen or national, or not an alien lawfully present in the United States according to the terms of United States Code, Title 8, Section 1101 et seq.

## 2033.5 Commuteride Van Donation

### 2033.5.1 Criteria for Commuteride Van Donation

- The receiving organization must be a present or historic grantee of FTA funding. Proof of having received an FTA grant must be provided; or
- The receiving organization must be a registered 501(c)(3) or governmental agency. Proof of non-profit status must be demonstrated through provision of an approved 501(c)(3) determination letter.

### 2033.5.2 Letter of Request and Resolution by Receiving Organization

- Receiving organization must submit a letter of request. The letter of request must fully explain the applicant's "transit purpose" in requesting the vehicle.
- The receiving organization must adopt and provide a resolution stating its intent to use the vehicle for a "transit purpose" that serves a public benefit. The "transit purpose" must not be in competition with or otherwise supplant any existing Commuteride operations or services. The vehicle may not be used for revenue-generating services.
- The determination of whether the receiving organization is proposing an acceptable transit purpose and public benefit will be at the sole discretion of the ACHD Commission.

### 2033.5.3 Agreement Required

The receiving organization must execute an agreement with the District. Terms of the agreement shall include:

- The receiving organization must agree that its use of the vehicle will be in accordance with Section 2033.5.2 and its resolution;
- Upon disposal of the transferred vehicle, the receiving organization must agree to return to ACHD the proceeds from the sale of the donated vehicle;
- The receiving organization must agree to display recognition on

Adopted: Res. 469 (7/13/94)

2000 - 71

Revised: Res. 675 (1/29/03); Ord. 201 (4/12/06); Ord. 205 (8/27/08); Ord. 209 (8/25/10); Ord. 210 (9/15/10); Res. 967 (12/8/10); Ord. 216 (7/13/11); Ord. 220 (11/7/12); Ord. 221 (11/14/12); Res. 1092 (5/1/13); Ord. 226 (7/2/14); Ord. 229 (6/25/15); Res. 2129 (8/10/16); Res. 2164 (11/9/16); Ord. 234 (8/23/17); Ord. 248 (3/10/21)

the vehicle that it was donated by ACHD Commuteride;

- The receiving organization must assume all maintenance, insurance and operating costs for the donated vehicle;
- The receiving organization must acknowledge that it is receiving the donated vehicle “as is” and without warranty or guarantee of any kind; and
- The receiving organization must agree to indemnify, defend and hold harmless ACHD from all issues or liability arising from the receiving organization’s use of the donated vehicle.

#### 2033.5.4 Donation Procedures

- In accordance with the procedures set forth in Section 2033.1 or Section 2033.2, as applicable, the Commuteride van must be considered or declared by the Commission to be no longer useful to the district and therefore, surplus personal property
- If the receiving organization is a governmental entity, the donation must also be conducted in accordance with the procedures set forth in Section 2033.3.
- If the receiving organization is not a governmental agency, the van must have a value of \$10,000 or less per Section 2033.1 or, if valued at more than \$10,000, the van must first be offered for sale to the general public, and it must be unsold after attempts at a public sale per Section 2033.2.