

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 160

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PURCHASING BY POLITICAL SUBDIVISIONS; AMENDING SECTION 67-2808, IDAHO CODE, TO PROVIDE THAT A SOLE SOURCE DECLARATION MAY BE WITHOUT AN EMERGENCY DECLARATION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-2808, Idaho Code, be, and the same is hereby amended to read as follows:

67-2808. EMERGENCY EXPENDITURES -- AND SOLE SOURCE EXPENDITURES. (1) Emergency expenditures.

(a) The governing board of a political subdivision may declare that an emergency exists and that the public interest and necessity demand the immediate expenditure of public money if:

(i) There is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster;

(ii) It is necessary to do emergency work to prepare for the national or local defense; or

(iii) It is necessary to do emergency work to safeguard life, health, or property.

(b) Upon making the declaration of emergency, any sum required in the emergency may be expended without compliance with formal bidding procedures.

(2) Sole source expenditures.

(a) The governing board of a political subdivision may declare that there is only one (1) vendor if there is only one (1) vendor for the public works construction, services, or personal property to be acquired. For purposes of this subsection, only one (1) vendor shall refer to situations where there is only one (1) source reasonably available and shall include, but not be limited to, the following situations:

(i) Where public works construction, services, or personal property is required to respond to a life-threatening situation or a situation ~~which~~ that is immediately detrimental to the public welfare or property;

(ii) Where the compatibility of equipment, components, accessories, computer software, replacement parts, or service is the paramount consideration;

(iii) Where a sole supplier's item is needed for trial use or testing;

(iv) The purchase of mass-produced movies, videos, books, or other copyrighted materials;

(v) The purchase of public works construction, services, or personal property for which it is determined there is no functional equivalent;

1 (vi) The purchase of public utility services;  
2 (vii) The purchase of products, merchandise, or trademarked goods  
3 for resale at a political subdivision facility; or  
4 (viii) Where competitive solicitation is impractical, disadvan-  
5 tageous, or unreasonable under the circumstances.

6 (b) Upon making the declaration that there is only one (1) vendor for  
7 public works construction, services, or personal property, unless the  
8 public works construction, services, or personal property is required  
9 for a life-threatening situation or a situation that is immediately  
10 detrimental to the public welfare or property, notice of a sole source  
11 procurement shall be published in the official newspaper of the politi-  
12 cal subdivision at least fourteen (14) calendar days prior to the award  
13 of the contract.

14 (c) A sole source declaration made pursuant to the provisions of this  
15 subsection may be made without an emergency declaration under subsec-  
16 tion (1) of this section.