



Twin Falls City Council Agenda

Monday, November 27, 2017, 5:00 PM

City Council Chambers
305 Third Avenue East - Twin Falls, Idaho

Members: Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Chris Talkington, Gregory Lanting, Christopher Reid, Ruth Pierce

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) CONSIDERATION OF AMENDMENTS TO AGENDA
- 4) PROCLAMATIONS: None
- 5) GENERAL PUBLIC INPUT
- 6) CONSENT CALENDAR
 - a) Request to approve the Accounts Payable November 14-27, 2017.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - b) Request to approve the City Council Minutes for November 13, 2017.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - c) Request to approve an alcohol license to Petro's at 303 Main Avenue East to sell beer and wine for consumption off premises only.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - d) Request to approve the Annual Festival of Lights Parade on Friday, December 1, 2017.
Purpose: Action By: Ryan Howe, Sergeant
 - e) Request to vacate a portion of an existing sewer and access easement
Purpose: Action By: Erin Steel, Engineer 1, Scott Allen, JUB Engineers
- 7) ITEMS OF CONSIDERATION
 - a) Presentation of value awards to several City Employees by the Employee Recognition Committee.
Purpose: Presentation By: Matt Hicks Employee Recognition Committee
 - b) Request to waive all building permit fees associated with an expansion of the property located at 511 Hankins Road.
Purpose: Action By: Nathan Murray, Economic Development Director
 - c) Request to accept the 2017 Professional Services Roster.
Purpose: Action By: Erin Steel, Engineer 1

- d) Request to authorize negotiations with top ranked firm to conduct a feasibility study for a community recreation center

Purpose: Action By: Wendy Davis, Parks and Recreation Director

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

9) PUBLIC HEARINGS: None

10) ADJOURNMENT

- a) Executive Session § 74-206(1) (c) To acquire an interest in real property which is not owned by a public agency.

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Leila Sanchez (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall
 - wait to be recognized by the Mayor or Chairman
 - approach the microphone/podium
 - state their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning and Zoning shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.
 4. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 5. A City Staff Report shall summarize the application and history of the request.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 8. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council or Planning & Zoning Commission, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor or Chairman may again establish time limits.
 9. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning and Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



Twin Falls City Council Minutes

Monday, November 13, 2017, 3:30 PM

****Special Meeting Notice****

The City Council will meet at the City Council Chambers located at 305 Third Avenue East - Twin Falls, Idaho, at 3:30 p.m., for the purpose of touring the Wills Booster Station. Tour led by Lee Glaesemann, Staff Engineer

The regular meeting will follow at 5:00 p.m.

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Shawn Barigar, Vice Mayor Suzanne Hawkins, Councilmembers Nikki Boyd, Chris Talkington, Greg Lanting, Ruth Pierce
Absent: Councilmember Christopher Reid
Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, Deputy City Manager Brian Pike, City Attorney Fritz Wonderlich, Captain Matt Hicks, Senior Planner Jonathan Spendlove.

Mayor Barigar called the meeting to order at 3:35 PM
A quorum was present.

Mayor Barigar announced that the City Council will adjourn to tour the Wills Booster Station and will reconvene at 5:00 PM

Mayor Barigar asked for a moment of silence for the passing of Orville Hansen

Councilmember Pierce gave history on Orville Hansen

2) PLEDGE OF ALLEGIANCE

Mayor Barigar invited the Boy Scouts to lead us in the Pledge of Allegiance to the flag. Mayor Barigar asked all present, who wished, to recite the Pledge of Allegiance to the Flag.

Mayor Barigar had Boy Scouts from Troop 42, 90 and 59 introduce themselves.

3) CONSIDERATION OF AMENDMENTS TO AGENDA

City Manager Rothweiler asked that Executive Session 74-206 1(F) be added to the agenda item 10 (a).

MOTION:

Councilmember Talkington moved to add Executive Session 74-206 1(F) to agenda item 10 (a). Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in

favor of the motion. Approved 6 to 0.

City Manager Rothweiler asked that the October 30, 2017 City Council minutes be added to the Consent Calendar.

MOTION:

Councilmember Lanting moved to add to the Consent Calendar the October 30, 2017 City Council minutes. Vice Mayor Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. . Approved 6 to 0.

4) PROCLAMATIONS

- a) Small Business Saturday - Request made by the Twin Falls Chamber of Commerce

Mayor Barigar read proclamation and presented it to John Bringhurst, Twin Falls Chamber of Commerce

John Bringhurst, Twin Falls Chamber thanked City Council.

- b) No Shave November - 2017 - Request made by Javier Paredes, Twin Falls Police Department

Mayor Barigar read proclamation and presented it to Detective Jason Kelly, Twin Falls Police Department.

Detective Kelly gave a report on events and thanked City Council. Discussion

ensued on the following:

Website to donate

Make donations at the Police Department.

Council express their appreciation for No Shave November campaign.

5) GENERAL PUBLIC INPUT

6) CONSENT CALENDAR

MOTION:

Councilmember Boyd moved to approve the amended Consent Calendar. Councilmember Lanting seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

- a) Request to approve the Accounts Payable for November 2 - 10, 2017.
b) Request to approve the City Council Meeting Minutes for October 30, 2017.

7) ITEMS OF CONSIDERATION

- a) Introduction of Youth Council Executive Board.

Vice Mayor Hawkins introduced the Youth Council Executive Board and Youth Council Members.

- b) Presentation of value awards to several City Employees by the Employee Recognition Committee.

Captain Hick reviewed the value awards program and presented value awards to the following employees:

Gretchen Scott, Human Resources
Sargent Brent Wright, Twin Falls Police Department
Captain Matt Hicks, Twin Falls Police Department

City Council expressed their appreciation.

- c) Twin Falls Urban Renewal Agency Main Avenue Redevelopment Project Update.

Perrin A Robinson, CH2M gave an update on the Urban Renewal Agency Main Avenue redevelopment project.

Discussion ensued on the following: -

Is labor a problem?

-Businesses are appreciative of the work being done.

-Project is under budget

- d) International City/County Management Association (ICMA) Credentialed Manager Recognition for City Manager Travis Rothweiler and Deputy City Manager Mitchel Humble.

Mayor Barigar presented the ICMA credentialed manager recognition to City Manager Travis Rothweiler and Deputy City Manager Mitchel Humble.

City Council congratulated City Manager Rothweiler and Deputy City Manager Humble.

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

-Councilmember Boyd gave a report on the bubble for the city pool.

-Vice Mayor Hawkins gave a report on activities at the Twin Falls Public Library. City

Manager Rothweiler reported on the following:

-Bubble preparation work is being done this week and the bubble will be going up on November 22, 2017.

-Hansen Building will be moving into the New City Hall Tuesday and Wednesday of this week.

-Public guided tours of the new City Hall, Festival of Lights parade and lighting of the Christmas tree will be held on December 1, 2017.

-City employee luncheon will be December 13, 2017.

9) PUBLIC HEARINGS

- a) Request for a **PUD Amendment** to the Canyon Village PUD #270 to remove residential development requirements for property located at the NW Corner of Eastland Drive North and Cheney Drive. c/o Kent Taylor on behalf of Northeast Investments. LLC (app 2897)

Kent Taylor, Northeast Investments, LLC requested an amendment to the Canyon village PUD #270 to remove residential development requirements for property located at the NW Corner of Eastland Drive North and Cheney Drive.

Discussion ensued on the following: -
Hardy board should be allowed.
-Townhomes should be in the PUD

Senior Planner Spendlove reviewed the request. Discussion

ensued on the following:
Square footage limitations
Building height limitations
Density
Driveway approach

Public Input:

The following spoke with concerns regarding use of hardy board, driveway approaches, C C & R's, and effect on property tax values.

Nathan Welch, Twin Falls, Idaho Ann
Taylor, Twin Falls, Idaho Jan Hyatt,
Twin Falls, Idaho Brent Hyatt Twin
Falls, Idaho Newel Tyler Ellison, Twin
Falls, Carla Smith, Twin Falls, Idaho
Diana Wickeran, Twin Falls, ID
Suzanne Alder, Twin Falls, Idaho Max
Newlan, Twin Falls, Idaho
Public Hearing closed.

Ken Taylor said that the house being built is a quality home and that hardy board is not the same as siding. Requirement should be placed the same as other developers

City Attorney Fritz said that C C & R's would be enforced by homeowner association or home owner.

Discussion ensued on the following: CC &
R's will stay in place.
Development on a busy corner

10) ADJOURNMENT

- a) EXECUTIVE SESSION 74-206 (1)(c) To acquire an interest in real property which is not owned by a public agency.

MOTION:

Councilmember Lanting moved to adjourn to Executive Session 74-206(1)(c) To acquire an interest in real property which is not owned by a public agency and Session 74-206(1)(f) To

communicate with legal counsel for the public agency to discuss the legal ramifications of the legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

The meeting adjourned at 07:26: PM

Sharon Bryan, Deputy City Clerk



City of Twin Falls
103 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303

Print Form

Alcohol License

Please attach a copy of your state license

Business Name: Petro's LLC State License # 22615
Doing Business As: Petro's
Physical Address: 303 Main Ave E City, State, Zip: Twin Falls, ID 83301
Legal Description of Place of Business Lot _____ Block _____ Subdivision _____
Mailing Address: 3090 Highlawn Dr City, State, Zip: Twin Falls, ID 83301
Contact Person: Susan Petruzzelli Phone # 208-732-0032

Beer:	<i>Bottled for consumption off the premises only</i>	<i>(\$ 50.00)</i>	☒
	<i>Bottled for consumption on premises</i>	<i>(\$150.00)</i>	☐
	<i>Bottled for Draught for consumption on premises</i>	<i>(\$200.00)</i>	☐
Wine:	<i>Retailed Sales for consumption off premises only</i>	<i>(\$200.00)</i>	☒
	<i>Wine by the Drink for consumption on premises only</i>	<i>(\$200.00)</i>	☐
Liquor:	<i>Liquor license & fees cover wine license and fees</i>	<i>(\$562.50)</i>	☐

License expires June 30th

Total Fee \$ 150.00

pd Receipt 12125888

Applicant is an: Individual ☐ Partnership ☐ Corporation ☒

If a partnership, name all partners:

Name: Susan Petruzzelli
Name: Paul Petruzzelli
Name: _____

If a corporation or association, name all officers: LLC

Name: Susan Petruzzelli
Title: member
Name: Paul Petruzzelli
Title: member

Name: _____
Title: _____
Name: _____
Title: _____

Date of incorporation or organization: 2016 Place of incorporation or organization: Idaho

Principal place of business in Idaho: Twin Falls

Owner of premises: Paul and Susan Petruzzelli

Name of person who will manage business of selling beer at retail: Susan Petruzzelli

(If a partnership, all partners must sign)

Signature of applicant Susan Petruzzelli Susan Petruzzelli

Name: Susan Petruzzelli Birth date: 8/27/66

Signature of applicant _____

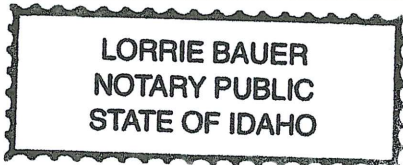
Name: _____ Birth date: _____

Signature of applicant _____

Name: _____ Birth date: _____

Signature of applicant _____

Name: _____ Birth date: _____



Subscribed and sworn to before me this 14 day of November, 20 17

Notary Public for Idaho

Residing at: Twin Falls

Notary Expiration Date: 12-16-21

For Questions call 208-735-7245 [Click here for the City Code \(Title 3 then Chapter 7,8, & 9\)](#)

Return completed form to: Deputy City Clerk, City of Twin Falls, 103 Main Ave. East, Twin Falls, ID 83301

CITY STAFF USE ONLY:

Approvals:

Planning and Zoning: Yes _____ No _____

Comments:

Police Department: Yes _____ No _____

Comments:

City Clerk: Yes _____ No _____

Comments:

State of Idaho

Idaho State Police

Premise Number: 2T-22615

Retail Alcohol Beverage License

License Year: 2018

License Number: 22615

Cycle Tracking Number: 96832

This is to certify, that Petro's LLC
doing business as: Petro's

is licensed to sell alcoholic beverages as stated below at:
303 Main Ave E, Twin Falls, Twin Falls County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.
County and city licenses are also required in order to operate.

Liquor	No
Beer	Yes <u>\$50.00</u>
On-premise consumption	No
Kege to go	Yes <u>\$20.00</u>
Restaurant	No
Wine by the bottle	Yes <u>\$100.00</u>
Wine by the glass	No
Multipurpose arena	No
Growlers	No

TOTAL FEE: \$170.00

Signature of Licensee, Corporate Officer, LLC Member or Partner

Alan Petros

PETRO'S LLC
PETRO'S
303 MAIN AVE E
TWIN FALLS, ID 83301

Mailing Address

License Valid: 11/06/2017 - 06/30/2018

Expires: 06/30/2018

244



THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED



Date: Monday, November 27, 2017
To: Honorable Mayor and City Council
From: Ryan Howe, Sergeant

Request:

Request to approve the Annual Festival of Lights Parade on Friday, December 1, 2017.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

Michelle Campbell, on behalf of the Times-News, has submitted this Special Event Application for the Annual Festival of Lights Parade. This event is to be held on Friday, December 1, 2017, at 6:00 p.m. The parade will begin on Main Avenue in the area of the Magic Valley High School and will travel east on Main Avenue to the area of Jerome Street and Main Avenue. The route has been altered this year due to anticipated construction.

There will be an estimated 40 floats that will be decorated with holiday lights; approximately 200 to 300 people will be in the parade. It is estimated that 6,000 to 10,000 people will be in attendance to observe the parade, depending on weather conditions. The parade application fee has been paid.

The parade setup will begin at 4:30 p.m. Main Avenue West/North will be closed from Buhl Street where the staging area will be located. Main Avenue will be closed from Buhl Street to Idaho Street where the parade floats will disperse.

The Twin Falls City Street Department will provide the traffic cones and barricades for the event.

A required Certificate of Liability Insurance has been provided for this event naming the City of Twin Falls as the certificate holder.

Approval Process:

Consent of the Council

Budget Impact:

This event will require a total of ten (10) Twin Falls Police Officers and four (4) non-sworn Police Department employees. A briefing will be held at 4:00 p.m.; the street closures will take place at 5:00 p.m. The parade is scheduled to start at 6:00 p.m. and is estimated to conclude by 7:30 p.m. Total overtime cost for the Twin Falls Police Department will be approximately \$3,000. This cost has been included in the Twin Falls Police Department's overtime budget.

Regulatory Impact:

N/A

History:

N/A

Analysis:

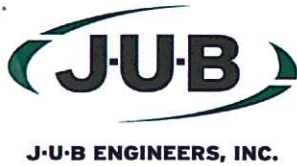
N/A

Conclusion:

Several relevant City Staff Members have approved this Parade Application.

Attachments:

None



J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

October 16, 2017

Renee Carraway-Johnson
City of Twin Falls
P.O. Box 1907
Twin Falls, Idaho 83303-1907

Re: Partial Sewer Easement Vacation Request

Dear Renee,

Please accept this letter as a formal request of Inland Pacific Corporation Profit Sharing Plan, c/o Kevin Mortensen, to vacate a portion of an existing sewer and access easement, instrument number 2017-007907.

This applicant is making this request to allow for the orderly redevelopment of property. Currently the sewer main is located in the same location of a planned structure. The sewer main can be rerouted, and a new sewer line easement recorded, to provide continued service to the planned new structure(s) and a current upstream user.

The following items are attached for your use:

- 1) Vacation request letter
- 2) Recorded sewer easement document
- 3) Sewer easement vacation legal description
- 4) Sewer easement vacation location exhibit

If you have any questions, do not hesitate to contact me. Please schedule this item for City Council consideration at the earliest available meeting date.

Sincerely,
J-U-B ENGINEERS, Inc.

Scott L. Allen
Project Manager

CC: Kevin Mortensen

Encl: Attachments 1-4 as described above

SEWER AND ACCESS EASEMENT

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, Chasewood Partners, Ltd., a Utah limited partnership, by: Cbires, Inc., its general manager, by: Kevin Mortensen, President and Inland Pacific Corporation Profit Sharing Plan, by: Kevin L. Mortensen, Trustee, hereafter referred to as "Grantor(s)" does hereby irrevocably grant and convey unto the CITY OF TWIN FALLS, IDAHO, a municipal corporation, hereafter referred to as "Grantee", a sewer and access easement to be located upon, pass through, and across lands owned by Grantor, in the City of Twin Falls, Idaho in a portion of Lots 8 and 9 of Block 1 in Ashton Addition. Said easement rights-of-way are particularly described as:

SEE ATTACHED
"SEWER EASEMENT"

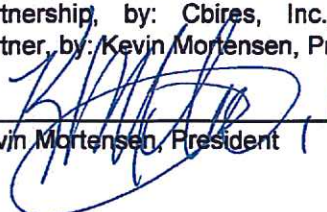
Grantor agrees not to build or permit any obstruction, building or other structure, over, on, around or about said easement rights-of-way that would interfere with Grantee's right hereunder including Grantee's right of ingress and egress for maintenance and upkeep.

This easement agreement, together with the attached Easement legal description, covers all of the agreements by the parties hereto. This grant of easement shall bind the parties, their heirs, personal representatives, lawful assigns and successors in interest.

TO HAVE AND HOLD, said easements unto Grantee, its successors and assigns this 9TH day of MAY, 2017.

GRANTOR(s)

Chasewood Partners, Ltd., a Utah limited partnership, by: Cbires, Inc., its general partner, by: Kevin Mortensen, President


Kevin Mortensen, President

Inland Pacific Corporation Profit Sharing Plan


Kevin L. Mortensen, Trustee

TWIN FALLS COUNTY
Recorded for:

JUB ENGINEERS

11:39:49 AM 05-22-2017

2017-007907

No. Pages: 3 Fee: \$ 16.00

KRISTINA GLASCOCK

County Clerk

Deputy: BHUNTER

STATE OF IDAHO)

County of Twin Falls) ss.

On this 9th day of May, 2017, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Chasewood Partners, Ltd., a Utah limited partnership, by: Cbires, Inc., its general manager, by: Kevin Mortensen, President, known to me to be the person who executed the foregoing grant of easement, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year of this certificate first above written.



Tanya C. Lutz
Notary Public in and for Idaho
Residing at Filer, ID
My Commission Expires 9/1/2022

STATE OF IDAHO)

County of Twin Falls) ss.

On this 9th day of May, 2017, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Inland Pacific Corporation Profit Sharing Plan, by: Kevin L. Mortensen, Trustee, known to me to be the person who executed the foregoing grant of easement, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year of this certificate first above written.



Tanya C. Lutz
Notary Public in and for Idaho
Residing at Filer, ID
My Commission Expires 9/1/2022

SEWER EASEMENT VACATION DESCRIPTION
for
Inland Pacific Corporation Profit Sharing Plan

A strip of land being 15.00 feet in width located in a part of Lot 8 of the Ashton Addition in the Southwest Quarter of the Southwest Quarter of Section 10, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, the centerline of which is more particularly described as follows:

COMMENCING at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 10, from which the Southwest corner of said Section 10 bears South 00°10'49" East, 1328.06 feet;

THENCE South 00°10'49" East along the westerly boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 48.33 feet;

THENCE North 89°49'11" East for a distance of 42.30 feet to a found $\frac{5}{8}$ inch rebar with plastic cap on the easterly Right-of-Way of Blue Lakes Boulevard North;

THENCE North 42°50'49" East along said easterly Right-of-Way for a distance of 24.95 feet to a found $\frac{5}{8}$ inch rebar with plastic cap;

THENCE North 81°23'31" East along said easterly Right-of-Way for a distance of 3.01 feet to a point on an existing sewer line easement centerline;

THENCE South 00°10'49" East along said centerline for a distance of 142.29 feet;

THENCE South 89°46'27" East along said centerline and parallel with the southerly Right-of-Way of Heyburn Avenue East for a distance of 7.50 feet to POINT OF BEGINNING of sewer easement vacation;

THENCE South 89°46'27" East along said centerline for a distance of 136.16 feet to the POINT OF TERMINUS of said easement centerline.

The above described vacation parcel contains 2042 square feet, more or less, and is subject to restrictions of record.





SEWER LINE VACATION EXHIBIT
INLAND PACIFIC CORP. PROFIT SHARING PLAN
TWIN FALLS, IDAHO



JUB
J-U-B ENGINEERS, INC.



Date: Monday, November 27, 2017
To: Honorable Mayor and City Council
From: Matt Hicks Employee Recognition Committee

Request:

Presentation of value awards to several City Employees by the Employee Recognition Committee.

Time Estimate:

Staff presentation will take approximately fifteen (15) minutes.

Background:

The Employee Recognition Committee has invited the recipients of the value awards to attend the City Council meeting for recognition of their outstanding public service and dedication to the City of Twin Falls and its citizens.

Approval Process:

Budget Impact:

Regulatory Impact:

History:

N/A

Analysis:

N/A

Conclusion:

Attachments:

1. Employee Recognition Form

Employee Recognition Nominee Form

Do you know an employee who, through performance, attitude, behavior or actions exemplifies the City's Core Values? If so, we want to recognize them. Complete the form below to nominate them for Employee Recognition. We ask that you please be as detailed as possible about the event or action that prompted you to want to recognize exemplary services of another employee. Please feel free to add additional supporting documents.

Nominee Information

Date Submitted: _____

Name: _____

Department: _____ Contact No: _____

Please Pick One Core Value Category

_____ Integrity _____ Connection _____ Honesty _____ Commitment _____ Teamwork

Date of Event or Action: _____

Details of Event or Action

Other Active Participants To Recognize With A Thank You

Name: _____ Name: _____

Name: _____ Name: _____

Nominator Information (If you prefer to remain anonymous to nominee please check here ☐)

Name: _____

Department: _____ Contact No: _____

Please submit completed form electronically to pt-erc@tfid.org, fold and put in Employee Recognition Mailbox in mailroom, or mail to: Attn: Employee Recognition Committee P.O Box 1907 Twin Falls, ID 83303

INTEGRITY	CONNECTION	HONESTY	COMMITMENT	TEAMWORK
We: Take pride in our actions. Are good and faithful stewards. Display a positive, courteous attitude. Treat everyone with fairness, consistency, and understanding. Have courage to always do the right thing. Hold ourselves to high standards.	We: Actively listen. Engage in open dialogue in all directions. Explain the "why". Seek to provide clarity and be "on the same page." Continually strive for ways to effectively communicate. Are consistent. Respect the opinions of others and promote open dialogue.	We: Are genuine and transparent. Trust decisions of others. Are accountable for our actions. Do what we say. Lead by example.	We: Foster a supportive culture. Appreciate that each individual is an investment. Recognize that the little things sometimes make the biggest difference. Provide necessary tools and resources. Promote career progression and personal growth. Advocate for the health and safety of everyone. Celebrate our successes.	We: Are stronger as a team than individually. Collaborate at all levels to seek solutions. Strive for unity and understanding. Share knowledge. Encourage creativity, fresh ideas, and critical thinking. Recognize the talents and capabilities of each individual. Cultivate meaningful relationships. Are dedicated to each other.



Date: Monday, November 27, 2017
To: Honorable Mayor and City Council
From: Nathan Murray, Economic Development Director

Request:

Request to waive all building permit fees associated with an expansion of the property located at 511 Hankins Road.

Time Estimate:

Approximately five minutes.

Background:

On August 23, 2017, the Idaho Department of Commerce announced a tax reimbursement incentive (TRI) for the construction of an additional production facility by Jacyo, Inc. within the City of Twin Falls. The addition is a capital investment of \$21m with 360 new jobs. New total state revenues are estimated to be \$33.6m.

The state elected to provide a TRI with an estimated value of \$4.9m over a twelve year period. In addition, Twin Falls County is offering a partial property tax abatement over a five year period. The City of Twin Falls plans to waive the building permit fee of approximately \$62,000 to help facilitate construction of a new 160,000 sf manufacturing and warehouse facility.

Approval Process:

A majority vote of the Council would approve this request.

Budget Impact:

Approx. \$62,000.00

Regulatory Impact:

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends waiving the building permit to participate with the State of Idaho and the County of Twin Falls as part of a complete incentive package for the Jayco expansion in the City of Twin Falls.

Attachments:

1. State Economic Advisory Council Minutes 8/23/17
2. Jayco expansion press release



C.L. "Butch" Otter, Governor

Megan Ronk, Director

Economic Advisory Council Meeting

Wednesday, August 23, 2017

700 West State Street, Boise – J.R. Williams Building

Members Present Via Phone:

Steve Meyer, *Region 1*
Robin Woods, *Region 2*
Mike Reynoldson, *Region 3*
John Craner, *Region 4*
Rick Phillips, *Region 5*
Mark Young, *Region 6*
Margaret Watson, *At-Large*

Commerce Staff Present:

Megan Ronk, *Director*
Bobbi-Jo Meuleman, *Chief Operations Officer*
Susie Davidson, *Business Attraction Manager*
Cindy Lee, *Grants & Contracts Manager*
Dennis Porter, *Community Development Program Manager*
Patrick Watson, *Senior Research Analyst*
Ewa Szewczyk, *Grants & Contracts Program Specialist*
Audra Fink, *Administrative Assistant*

Commerce Staff Present Via Phone:

Eric Forsch, *Senior Business Attraction Specialist*
Andrea Vlassis-Zahn, *Business Attraction Specialist*

Call to Order & Welcome

Chairman Steve Meyer called the meeting to order at 3:02 p.m.

Council Vote on Approval of Minutes:

Chairman Meyer noted that the minutes for the July 20, 2017 Economic Advisory Council (EAC) meeting had been distributed and if there are no corrections he would entertain a motion to approve the minutes as distributed.

Moved by: Mark Young

Seconded by: Robin Woods

All in favor. No discussion.

Motion approved.

Application Overview

Megan let the council know that Governor C.L. "Butch" Otter appointed Dave Wilson, from Sun Valley, to represent Region 7. According to Megan, Governor Otter has also identified a candidate for the at-large position. If the candidate agrees to the appointment the Economic Advisory Council will no longer have any vacancies.

Director Ronk introduced Project ID and Project Hammer.

Motion to Move to Executive Session

Chairman Meyer announced the Council will review the details of two applications for refundable tax credit under the Idaho Reimbursement Incentive Act that have been received by the Director and submitted to this Council for review. **The applications contain records and information exempt from public disclosure under Idaho Code §§ 9-340D(6) and 67-4708. Chairman Meyer entertained a motion under Idaho Code § 67-2345(1)(d) to go into executive session to review the applications.**

Margie Watson moved to enter into executive session. Robin Woods seconded.

Roll call vote to move into executive session:

John Craner – Aye
Steve Meyer – Aye
Mike Reynoldson -- Aye
Margie Watson – Aye
Robin Woods - Aye
Mark Young - Aye

Prior to the start of the meeting Rick Phillips recused himself from the discussion and vote on Project ID due to a conflict. Rick joined the call during executive session, but after Project ID discussions had concluded at 2:35 p.m. During executive session Mark Young left the call due to a scheduling conflict at 2:35 p.m., but after Rick joined the call, therefore a quorum was maintained.

With over two-thirds majority in favor of moving into executive session, the Council moved into executive session at 3:17 p.m.

Return to Public Session

Chairman Meyer noted that the Council returned to the public session at 3:56 p.m.

Chairman Meyer indicated the Council:

1. Reviewed and discussed the applications submitted for refundable tax credits; and
2. Closed the Executive Session after discussions were concluded. The motion to close the Executive Session was made by Robin Woods, seconded by Rick Phillips.

Review of Tax Reimbursement Incentive for PROJECT ID

Chairman Meyer entertained a motion for PROJECT ID.

Motion:

In the matter of the application for PROJECT ID, I move that the Council approve the application and instruct the Director to enter into an agreement with PROJECT ID upon the following terms:

- A post-performance refundable tax credit which represents 25% for twelve years.
- No less than 20 new jobs or 60% of the total annual projected jobs, whichever is greater.

- Average annual wages must equal or exceed the Cassia County average wage of \$32,847
- Subject to confirmation of the proposed property tax exemption pledged as match.

The tax credit certificate will be issued post-performance upon review and verification by Commerce. The company must maintain operations in Idaho for the term of the agreement. The Director may add additional terms, not otherwise conflicting with the above conditions, including allowance for a maximum two-year construction phase during the term of the agreement, if applicable.

The motion was made by Mike Reynoldson, seconded by Margie Watson.

Roll call vote to approve the TRI application for PROJECT ID:

John Craner – Aye
 Steve Meyer – Aye
 Mike Reynoldson -- Aye
 Margie Watson – Aye
 Robin Woods – Aye
 Mark Young -- Absent
Rick Phillips – Recused

Review of Tax Reimbursement Incentive for PROJECT HAMMER

Chairman Meyer entertained a motion for PROJECT HAMMER.

Motion:

In the matter of the application for PROJECT HAMMER, I move that the Council approve the application and instruct the Director to enter into an agreement with PROJECT HAMMER upon the following terms:

- A post-performance refundable tax credit which represents 24% for twelve years.
- No less than 20 new jobs or 70% of the total annual projected jobs, whichever is greater.
- Average annual wages must equal or exceed the Twin Falls County average wage of \$32,472
- Subject to confirmation of the proposed property tax exemption pledged as match.

The tax credit certificate will be issued post-performance upon review and verification by Commerce. The company must maintain operations in Idaho for the term of the agreement. The Director may add additional terms, not otherwise conflicting with the above conditions, including allowance for a maximum two-year construction phase during the term of the agreement, if applicable.

The motion was made by John Craner, seconded by Robin Woods.

Roll call vote to approve the TRI application for PROJECT HAMMER:

John Craner – Aye
 Steve Meyer – Aye

Rick Phillips – Aye
Mike Reynoldson -- Aye
Margie Watson – Aye
Robin Woods – Aye
Mark Young - Absent

Final Thoughts

Director Ronk will follow-up with the council regarding the date for the October in-person meeting in Boise.

Motion

Margie Watson moved to close the meeting. Rick Phillips seconded.

All ayes – motion approved.

Chairman Meyer adjourned the meeting at 4:05 p.m.



NEWS RELEASE

Jayco, Inc. • P.O. Box 460 | Middlebury, IN 46540 | (574) 825-5861 | Fax: (574) 825-7354 | E-Mail: info@jayco.com | www.jayco.com

For Immediate Release

MIDDLEBURY, IN – October 3, 2017

Jayco, Inc. to Add Production Facility to Twin Falls, Idaho Campus

After an extensive search, Jayco®, Inc., a subsidiary of Thor Industries, Inc. (NYSE: THO), has decided to expand their manufacturing footprint in Twin Falls, Idaho. The expansion, initiated to improve service to dealers in the western US and Canada, maximizes existing synergies built over the past 10 years at their Idaho campus.

“Our executive team considered several western states when searching for the right fit for expansion,” stated Matt Thompson, Chief Operating Officer for Jayco, Inc. “We concluded that capitalizing on the benefits offered in Twin Falls outweighed benefits outside the state of Idaho.” Thompson added, “Governor Butch Otter and his team, the Idaho Commerce Department, and Don Hall, Twin Falls County Commissioner, were especially helpful in the process and supported what we were trying to accomplish in the region.”

Idaho Lieutenant Governor Brad Little shared “there is nothing more heartening then when the economic conditions are right for an existing Idaho company to deepen its roots and create more great opportunities for Idahoans. The expansion of Jayco further confirms Idaho’s leadership in growing jobs and incomes in America.”

City of Twin Falls Economic Development Director Nathan Murray shared “Jayco has been a strong corporate partner in the City of Twin Falls for more than a decade. Their business continues to grow and we’re very pleased that they elected to expand further in our community.” Murray continued, “We look forward to continuing that partnership and seeing Jayco grow.”

“Jayco’s expansion brings more high-quality jobs and a significant investment to our region, but more importantly it represents the success of both Jayco and southern Idaho,” said Don Hall, Twin Falls County Commissioner. “Jayco took a chance on Twin Falls in 2005 and now we’re celebrating their expansion and 12 years of working to manufacture and deliver innovative recreation trailers that are built with craftsmanship right here in Twin Falls.”

Jayco plans to start the process immediately and looks forward to fast-tracking the project with the assistance and support of both the State of Idaho and the City of Twin Falls.

About Jayco, Inc.

Jayco, Inc., manufactures and markets towable and motorized RVs through its Jayco, Starcraft, Entegra Coach, and Highland Ridge RV divisions. For more information about Jayco or its products, call 1-800-RV-JAYCO, visit www.jayco.com or write Jayco, Inc., PO Box 460, Middlebury, Indiana 46540.

###



Date: Monday, November 27, 2017
To: Honorable Mayor and City Council
From: Erin Steel, Engineer 1

Request:

Request to accept the 2017 Professional Services Roster.

Time Estimate:

5 Minutes

Background:

To maintain compliance with Idaho statute 67-2320, the City of Twin Falls Engineering Department publicly released a Request for Qualifications (RFQ), seeking proposals from all interested parties wanting to perform professional services (design professionals, construction managers, and professional land surveyors) for the City of Twin Falls and the Urban Renewal Agency (URA). All interested firms submitted a proposal sharing qualifications in different professional service categories most frequently sought by the City. All respondents' proposals were reviewed to ensure minimum qualifications were met. From these respondents, a professional services roster was created.

As infrastructure projects become available, project managers will consult the professional services roster and select (based on a scoring criteria) the most qualified firm for the project. The professional services roster will help keep the City in compliance with state statute, and allow project managers an easy and efficient way to make the best decision possible.

Approval Process:

Accepting the 2017 RFQ Professional Service Roster will keep the City in Compliance with Idaho Code and help Project managers use the most qualified firms for projects.

Budget Impact:

None

Regulatory Impact:

None

History:

N/A

Analysis:

N/A

Conclusion:

The Engineering Departments recommends accepting the 2017 Professional Services Roster.

Attachments:

1. Idaho Code 67-2320
2. QBS Policy Manual
3. Professional Service Roster



Idaho Statutes

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 23

MISCELLANEOUS PROVISIONS

67-2320. PROFESSIONAL SERVICE CONTRACTS WITH DESIGN PROFESSIONALS, CONSTRUCTION MANAGERS AND PROFESSIONAL LAND SURVEYORS. (1) Notwithstanding any other provision of law to the contrary, it shall be the policy of this state that all public agencies and political subdivisions of the state of Idaho and their agents shall make selections for professional engineering, architectural, landscape architecture, construction management and professional land surveying services, including services by persons licensed pursuant to chapters 3, 12, 30 and 45, title 54, Idaho Code, on the basis of qualifications and demonstrated competence and shall negotiate contracts or agreements for such services on the basis of demonstrated competence and qualifications for the type of services required at fair and reasonable prices.

(2) In carrying out this policy, public agencies and political subdivisions of the state shall use the following minimum guidelines in securing contracts for engineering, architectural, landscape architecture, construction management and land surveying services on projects for which the professional service fee is anticipated to exceed the total sum of twenty-five thousand dollars (\$25,000), excluding professional services contracts previously awarded for an associated or phased project, and the expenditure is otherwise exempt from the bidding process provided by law:

(a) Encourage persons or firms engaged in the services being solicited to submit statements of qualifications and performance data;

(b) Establish and make available to the public the criteria and procedures used for the selection of qualified persons or firms to perform such services;

(c) Select the persons or firms whom the public agency or political subdivision determines to be best qualified to provide the required services, ranked in order of preference, pursuant to the public agency or political subdivision's established criteria and procedures;

(d) Negotiate with the highest ranked person or firm for a contract or agreement to perform such services at a price determined by the public agency or political subdivision to be reasonable and fair to the public after considering the estimated value, the scope, the complexity and the nature of the services;

(e) When unable to negotiate a satisfactory contract or agreement, formally terminate negotiations and undertake negotiations with the next highest ranked person or firm, following the procedure prescribed in subsection (2)(d) of this section;

(f) When unable to negotiate a satisfactory contract or agreement with any of the selected persons or firms, continue with the selection and negotiation process provided in this section until a contract or agreement is reached;

(g) When public agencies or political subdivisions solicit proposals for engineering, architectural, landscape architecture, construction management or land surveying services for which the professional service fee is anticipated to exceed the total sum of twenty-five thousand dollars (\$25,000), they shall publish public notice in the same manner as required for bidding of public works construction projects.

(h) In fulfilling the requirements of subsections (2)(a) through (2)(g) of this section, a public agency or political subdivision may limit its selection from a list of three (3) persons or firms selected and preapproved for consideration by the public agency or political subdivision. In establishing a preapproved list a public agency or political subdivision shall publish notice as set forth in subsection (2)(g) of this section. When selecting from such list, no notice shall be required.

(i) In fulfilling the requirements of subsections (2)(a) through (2)(g) of this section, a public agency or political subdivision may request information concerning a person's or firm's rates, overhead and multipliers, if any, however such information shall not be used by the public agency or political subdivision for the purpose of ranking in order of preference as required in subsection (2)(c) of this section.

(3) In securing contracts for engineering, architectural, landscape architecture, construction management or land surveying services on projects for which the professional service fee is anticipated to be less than the total sum of twenty-five thousand dollars (\$25,000), the public agency or political subdivision may use the guidelines set forth in paragraphs (a) through (g) of subsection (2) of this section or establish its own guidelines for selection based on demonstrated competence and qualifications to perform the type of services required, followed by negotiation of the fee at a price determined by the public agency or political subdivision to be fair and reasonable after considering the estimated value, the scope, the complexity and the nature of services.

(4) When a public agency or political subdivision of the state has previously awarded a professional services contract to a person or firm for an associated or phased project the public agency or political subdivision may, at its discretion, negotiate an extended or new professional services contract with that person or firm.

(5) (a) For the purposes of this section, "public agency" shall mean the state of Idaho and any departments, commissions, boards, authorities, bureaus, universities, colleges, educational institutions or other state agencies which have been created by or pursuant to statute other than courts and their agencies and divisions, and the judicial council and the district magistrate's commission;

(b) For the purposes of this section, "political subdivision" shall mean a county, city, airport, airport district, school district, health district, road district, cemetery district, community college district, hospital district, irrigation district, sewer district, fire protection district, or any other district or municipality of any nature whatsoever having the power to levy taxes or assessment, organized under any general or special law of this state. The enumeration of certain districts herein shall not be construed to exclude other districts or municipalities from this definition.

History:

[67-2320, added 1984, ch. 188, sec. 1, p. 438; am. 1998, ch. 410, sec. 4, p. 1273.]

How current is this law?

Search the Idaho Statutes and Constitution

QBS – POLICY MANUAL

A Summary of Policy Positions of the QBS Board on Issues Commonly Encountered Adopted December 9, 2016

Contents:

1. Respondent Participating in the Selection/Interview Process
 2. Engineering Rule
 3. Non-Profit Organizations
 4. Proprietary Information
 5. Design Build
 6. Projects with Anticipated Fees under \$25000
 7. Phased or Associated Projects
 8. Contract Engineering Service
 9. **Hiring Rosters**
 10. Term Agreement
 11. Agent
 12. Sub-Consultants
 13. Definition of Services
-

1. Respondent Participating in the Selection/Interview Process

To avoid the appearance of favoring one respondent to an RFQ over another, an entity should not allow another respondent to participate in any part of the process in ranking and/or final selection of the successful candidate, including the interview phase. Ethically, interviews with entities which have submitted proposals should not be conducted in an executive session. Interviews should be open to the public but closed to respondents that have been selected for interviews.

In addition, a respondent should refrain from attending or participating in any part of the process in ranking and/or final selection of the successful candidate, including the interview phase. Implementation of this practice will avoid the appearance that respondents and/or organizations issuing the RFQ could be taking an unfair advantage of the presentation and evaluation process. Moreover, ethics rules for respondents should prohibit them from such participation.

2. Engineering Rule

During the 2009 legislative session the following ISBPEPLS rule was approved by the Idaho State Legislature:

05. Selection on the Basis of Qualifications. A Licensee or Certificate Holder should seek professional employment or professional service work on the basis of qualifications and competence for proper accomplishment of the work assignment. On selections for professional engineering and land surveying services that are required pursuant to Idaho Code Section 67-2320, a licensee or certificate holder, in response to solicitations described in Idaho Code Section 67-2320(2)(a) shall not submit information that constitutes a bid for services requested.

The rule formally prohibits engineers and land surveyors from responding to “Requests for Proposals” or “Requests for Qualifications” that include requests for fee proposals. RFP’s and RFQ’s that include such requests are in violation of Idaho Code 67-2320.

In 2016 IBPEPLS issued a further interpretation of their rule stating:

The Board has determined that providing a bid for services on public projects by a licensee either as the prime consultant or as a sub-consultant is a violation of this rule. The QBS law requires that licensees compete for work only on the basis of qualifications. The intent of the law is to ensure public projects benefit from technical expertise as demonstrated by technical qualifications, not cost.

3. Non-Profit Organizations

If the organization making the request is a not a ‘political subdivision’ of the state, QBS does not apply even if government funds are being used through a grant or other means. Idaho QBS is a process with which governmental agencies that procure design services must comply. The QBS requirements are triggered not by the source of the funds but by the organization procuring the services. However if federal funding is being utilized the requirements of the Brooks Act would most likely will apply, regardless of the organization’s status.

4. Proprietary Information

Requests for qualifications which include requests for detailed proprietary information about the proposing entity’s financial solvency and ability to deliver service: Under the QBS law organization issuing the RFQ is not restricted from asking for this information as long as it does not ask for any details or specifics about the fees for the project within the RFQ (political subdivisions are allowed to request hourly, overhead and multiplier rates but none of this information may be used in the ranking process of the respondents). If the RFQ includes a request for proprietary information should be exempt from any public records request under the Idaho State statutes. This protects the individual firms/organizations providing that information.

5. Design Build

For ITD projects in their Design-Build program, QBS is specifically excluded from the procurement process. However, the ITD process mandates review and consideration of qualifications in their two-step design-build selection process.

If design build is being used as the delivery system for a project outside of ITD’s system, the QBS process as outlined in 67-2320 is not required to be used by law but it is the position of the QBS Council that qualifications of the designer must be included in the design-build procurement process. If the design build process is utilized, it is in the best interest of the agency/public entity to employ the QBS process. This should be accomplished through the use of a two envelope system in which the qualifications are ranked prior to the consideration of the cost proposals.

6. Projects with Anticipated Fees under \$25000

If projected fees for a specific project are expected to be less than \$25,000 this does not release the governmental entity from the need to use qualifications, not cost (fee amounts) as their initial guide in selecting a design professional. It does release the entity from the more onerous requirements of 67-2320 (2) which requires a very formal procurement process. Section 3 from

Idaho Code 67-2320 concerning projects under \$25,000 allows only two options - to follow the formal process OR establish your own guidelines based upon competence. Nothing in the law allows the entity/political subdivision to use cost (fee proposals) as the factor upon which to choose a design professional.

(3) In securing contracts for engineering, architectural, landscape architecture, construction management or land surveying services on projects for which the professional service fee is anticipated to be less than the total sum of twenty-five thousand dollars (\$25,000), the public agency or political subdivision *may use the guidelines set forth in paragraphs (a) through (g) of subsection (2) of this section or establish its own guidelines for selection based on demonstrated competence and qualifications to perform the type of services required, **followed** by negotiation of the fee at a price determined by the public agency or political subdivision to be fair and reasonable after considering the estimated value, the scope, the complexity and the nature of services. (emphasis added)*

The law states that if the total fee is anticipated to be over \$25,000, there are specific steps that must be taken to procure a design professional's services including advertising a request for qualifications. If the total anticipated fee is projected to be less than \$25,000 the entity must "establish its own guidelines for selection based on demonstrated competence and qualifications to perform the type of services required, followed by negotiation of the fee at a price."

At no time can the entity issuing the RFQ request fee amounts/proposals prior to initial selection, but must negotiate with the top ranked firm, based upon qualifications criteria that you have established. If the negotiations are not successful, the next ranked firm/respondent can be selected and fee negotiations begun with them. Technically if anticipated fees will be in excess of \$25,000 a Request for Qualifications should be issued and advertised publicly.

At no time may a single project be subdivided into a series of contracts in order to achieve fee amounts below \$25,000 in order to evade the QBS requirement. Under statute a contract can be extended or a new contract negotiated for an associated or phased project but that does not allow a single project to be artificially divided into multiple projects either through "phasing over time" or through "geographical split."

7. Phased or Associated Projects

Neither of the terms "Phased" or "Associated" is defined in the law and interpretation of what constitutes an associated project is generally left up to the political entity. However, the QBS Council suggests that a "significant nexus" be evident between the initial project and a subsequent associated or phased project to meet the criteria. If the entity has an existing, current relationship with a firm (meaning a previous contract) that meets your qualifications for this project and believes the project to be "associated" with the original contract then the entity can proceed to enter into a contract with that firm without going through the QBS process.

Phased or associated project eligibility for design professional who are not primary parties to the agreement: An associate partner or sub-consultant who has entered into an agreement with the primary party in accordance with Idaho Code 67-2320(4) would generally not be considered the person or firm to which that the public agency or political subdivision of the state has previously awarded a professional services contract" and therefore not eligible for that privilege.

Idaho Code 67-2320(4) When a public agency or political subdivision of the state has previously awarded a professional services contract to a person or firm for an associated or phased project the public agency or political subdivision may, at its discretion, negotiate an extended or new professional services contract with that person or firm.

8. Contract Engineering Service

Engineers Engaged by Public Agency/Political Subdivision to Serve as Appointed Engineers (Contract Engineers)

A contract city or county engineer must be hired through the QBS process (based upon qualifications as the foremost consideration). Once a contract engineer is appointed as a City Engineer, for example, he/she or their firm may then provide any and all services and duties that might normally be provided by a City Engineer, including projects for the City (or other political subdivision) that may arise and would require engineering services. As long as the contract engineer is considered the appointed City Engineer his/her services may be provided for any current or future city project. Its best practice that the RFP for city engineer services spell out what the specific scope of the assignment will be.

If an entity hires a firm to serve as city/county engineer through the QBS process and their contract references this type of design work as part of its responsibilities that entity may engage that particular firm to provide engineering services without utilizing the QBS process for procuring those services.

9. Hiring Rosters

Idaho Code 67-2320(h) In fulfilling the requirements of subsections (2)(a) through (2)(g) of this section, a public agency or political subdivision may limit its selection from a list of three (3) persons or firms selected and preapproved for consideration by the public agency or political subdivision. In establishing a preapproved list a public agency or political subdivision shall publish notice as set forth in subsection (2)(g) of this section. When selecting from such list, no notice shall be required.

How Many Firms on The Roster?

While the language discusses the selection of a design professional “from a list of three persons or firms” it is common interpretation (and has been widely applied throughout the state) that this means “from a list of **at least** three persons or firms”. In other words, the list is not limited to three. Please check with your attorney on this language.

Generally a roster of between three and five is typical depending on the number of potential assignments and volume of work. Any roster of more than five firms (or “wide open”) is NOT advantageous to either the agency or consulting community. The exception is a statewide agency (like ITD) who may develop a roster of qualified firms using “minimum acceptance criteria”. In that case, the roster may have many firms listed.

Developing a Hiring Roster:

QBS operates so firms may be selected and pre-approved for project assignments if a list of at least three design professionals or design/engineering firms is established through the publication process set forth in section 2(g). Common practice is to:

1. determine what service categories, if any, are needed (a separate roster will be selected for each service category),
2. establish basic criteria for the required service category(s),
3. determine the number of firms desired to be on the roster for each service category (unless it's a "minimum acceptance criteria" roster),
4. publish the notice,
5. receive the responses,
6. evaluate the responses for the various service categories using a quantitative scoring system, and then:
7. select the roster:
 - a. for each service category, select the highest ranked firms to place on the roster based on the number of firms desired to be on the roster, or
 - b. select the firms for each service category that meet the "minimum acceptance criteria".

Once this determination has been made the firms are placed on the roster for consideration of future projects (in each service category).

After the roster is determined, it is recommended that firms on the roster NOT be ranked. This allows the agency or political subdivision to select who they believe is the best firm for each specific assignment off the roster based on that firm's strengths and weaknesses relative to the assignment. (If a roster were ranked, the agency or political subdivision will be obligated to always begin negotiations with the highest ranked firm, rather than giving the entity the ability to begin negotiations with the firm that might be best suited for that particular project).

Assigning a Project Off the Roster if Work Includes Multiple Service Categories:

If an upcoming project spans several service categories what are the options for picking out of multiple roster categories for the upcoming project?

Based on our experience, we find no problems with choosing from several categories to identify a top firm or top firms to complete the project. Typically, the entity will pick a firm off the roster or shortlist off the roster that is aligned with the majority of the project work type. However once the entity goes through the QBS process in setting up the hiring roster, obligations under the QBS law are considered fulfilled.

Short Listing from the Roster for Larger or More Complex Projects:

For a specific large or more complex project where more information regarding qualifications is desired from multiple firms on the hiring roster, it is common practice to send out a "mini" RFQ to several or even all of the firms on hiring roster asking for their response the particular project. The firms/respondents can then be ranked further based on their specific responses, then negotiations may begin with the highest ranked firm regarding scope and fees as long as all the firms on the roster were originally selected through the formal QBS process

In summary:

- 1) don't "rank" your roster(s), and
- 2) select at least three firms for each category of roster you want to fill, and
- 3) once your rosters are in place select or "short list" from the roster aligned with the preponderance of the project work at hand.

10. Term Agreement

Some public entities, such as the Idaho Transportation Department, may use a Term Agreement list. This is addressed under section 2(h) allowing for pre-approved lists. This section states that firms may be selected and pre-approved as long as the list is established through the full QBS process stated in section 2 (setting criteria, publication and ranking by that criteria). ITD's Term Agreement, for example, was found to qualify as a pre-approved list under this section. Cities and counties working with ITD or utilizing state or federal transportation funding can utilize the ITD list as long as the criteria for selection established by the city/county is the same as that used by ITD to establish the list.

11. Agent

The meaning of the term "Agent" is important, particularly as it applies to a situation when a design professional, as defined under the law, engages a secondary design professional to work on the project. This would involve a situation when a public agency hires a consultant through the QBS process to complete a project, and during the course of that project they need to hire a sub-consultant to complete their work.

What is the correct process for selecting that sub-consultant?

Previous interpretations have indicated that the QBS requirement does not apply to relationships between two private parties, only between a political subdivision and a private party and, therefore, QBS does not apply even though the project is a public project and the funds are public funds. The QBS Council engaged Jeremy Chou of Givens Pursley LLP, to issue a written opinion. In his written opinion, Jeremy indicated that the QBS law was amended in 1994 to add the word "agent" to the law, but that the definition was not defined. Because of that, we should use the interpretation in a manner that gives the statute's words their plain, usual and ordinary meaning. Thus, where a private party acts as an agent of a public agency, meaning it has the legal authority to act for or represent that entity in a legal sense (a rare assignment), it is bound to follow the QBS procedure. However, if the private party is not an agent or is acting as a consultant without authority to act legally on behalf of the entity, compliance with the QBS process is not necessary.

The application of QBS on the sub-consultant is dependent on what the original contract identified what the consultant was authorized to do, what was said in their scope of work and to what extent they were allowed to act on behalf of the public entity to complete the project. If the contract provides that the consultant may legally act as an "agent" of the entity, the consultant must use the formal statutory QBS process in the selection of sub-consultants.

*Idaho Code 67-2320. Professional service contracts with design professionals, construction managers and professional land surveyors. (1) Notwithstanding any other provision of law to the contrary, it shall be the policy of this state that all public agencies and political subdivisions of the state of Idaho and **their agents** shall make selections for*

professional engineering, architectural, landscape architecture, construction management and professional land surveying services, including services by persons licensed pursuant to Chapters 3, 12, 30 and 45, [Title 54](#), Idaho Code, on the basis of qualifications and demonstrated competence and shall negotiate contracts or agreements for such services on the basis of demonstrated competence and qualifications for the type of services required at fair and reasonable prices. (emphasis added)

12. Sub-Consultants:

Policy for Design Firms:

The QBS law only requires use of QBS in the selection of the primary design professional. When the subsequent portions of the required services (sub-consulting services) are awarded to design professionals based on the lowest fee proposal the benefits for QBS are weakened. It also becomes difficult to convince governmental agencies that choosing firms based upon their qualifications is in their best interest and can result in a better defined scope of work and project outcome if the design firms who champion the QBS process do not approach the engagement of their sub-consultants in the same manner. The QBS Council understands that relationships between a design firm and its partners/sub-consultants is a private issue and outside the scope of QBS law. However, as part of our education process we encourage design firms to follow the same general process that QBS requires of governmental entities, which is that the best qualified firm can best fulfill the determined scope of work for the best negotiated fee, providing the best value to the agency.

In 2016 IBPEPLS issued a further interpretation of their rule stating:

The Board has determined that providing a bid for services on public projects by a licensee either as the prime consultant or as a sub-consultant is a violation of this rule. The QBS law requires that licensees compete for work only on the basis of qualifications. The intent of the law is to ensure public projects benefit from technical expertise as demonstrated by technical qualifications, not cost.

Policy for Agencies:

We recommend that public agencies be educated to foresee this situation and address the hiring of sub-consultants at the time of the Request for Proposal stage of selection of the prime consultant. When the prime consultant to be selected will not be acting as an Agent, the following statements should be added to the Request for Proposals:

1. "All known design-professional sub-consultants needed to complete the project (individual or firm) must be identified in the consultant's proposal. (This should include all professions listed in Idaho Code 67-2320)."
2. "If unforeseen conditions require the need for addition of a sub-consultant, those identified in Idaho Code 67-2320 should be hired based on qualifications and not price."

13. Definition of Services

67-2320.PROFESSIONAL SERVICE CONTRACTS WITH DESIGN PROFESSIONALS, CONSTRUCTION MANAGERS AND PROFESSIONAL LAND SURVEYORS. (1) Notwithstanding any other provision of law to the contrary, it shall be the policy of this state that all public agencies and political subdivisions of the state of Idaho and their agents shall make selections for professional engineering, architectural, landscape architecture, construction management and professional land surveying services, including services by persons licensed pursuant to chapters 3, 12, 30 and 45, [title 54](#), Idaho Code, on the basis of qualifications and demonstrated competence and shall negotiate contracts or agreements for such services on the basis of demonstrated competence and qualifications for the type of services required at fair and reasonable prices.

The QBS section of the law applies to all proposed projects when one of the following conditions apply:

- The project or solicitation calls for the services to be performed by a person licensed in engineering, architectural, landscape architecture, construction management and/or professional land surveying services, and/or;
- The project or solicitation calls for any level of services for engineering, architectural, landscape architecture, construction management and professional land surveying as defined by the applicable state law, even if the project or solicitation does not specifically call for the person providing the services to be licensed or if the level of services is considered to be minimal.

When this is the case, only an RFQ solicitation may be used to acquire the required services.

Any call for these services must be procured through the processes defined in Idaho Code 67-2320.

The use of unlicensed individuals or firms for the design services defined would be in violation of Idaho Code 67-2320.

QBS – POLICY MANUAL

A Summary of Policy Positions of the QBS Board on Issues Commonly Encountered Adopted December 9, 2016

Contents:

1. Respondent Participating in the Selection/Interview Process
 2. Engineering Rule
 3. Non-Profit Organizations
 4. Proprietary Information
 5. Design Build
 6. Projects with Anticipated Fees under \$25000
 7. Phased or Associated Projects
 8. Contract Engineering Service
 9. Hiring Rosters
 10. Term Agreement
 11. Agent
 12. Sub-Consultants
 13. Definition of Services
-

1. Respondent Participating in the Selection/Interview Process

To avoid the appearance of favoring one respondent to an RFQ over another, an entity should not allow another respondent to participate in any part of the process in ranking and/or final selection of the successful candidate, including the interview phase. Ethically, interviews with entities which have submitted proposals should not be conducted in an executive session. Interviews should be open to the public but closed to respondents that have been selected for interviews.

In addition, a respondent should refrain from attending or participating in any part of the process in ranking and/or final selection of the successful candidate, including the interview phase. Implementation of this practice will avoid the appearance that respondents and/or organizations issuing the RFQ could be taking an unfair advantage of the presentation and evaluation process. Moreover, ethics rules for respondents should prohibit them from such participation.

2. Engineering Rule

During the 2009 legislative session the following ISBPEPLS rule was approved by the Idaho State Legislature:

05. Selection on the Basis of Qualifications. A Licensee or Certificate Holder should seek professional employment or professional service work on the basis of qualifications and competence for proper accomplishment of the work assignment. On selections for professional engineering and land surveying services that are required pursuant to Idaho Code Section 67-2320, a licensee or certificate holder, in response to solicitations described in Idaho Code Section 67-2320(2)(a) shall not submit information that constitutes a bid for services requested.

The rule formally prohibits engineers and land surveyors from responding to “Requests for Proposals” or “Requests for Qualifications” that include requests for fee proposals. RFP’s and RFQ’s that include such requests are in violation of Idaho Code 67-2320.

In 2016 IBPEPLS issued a further interpretation of their rule stating:

The Board has determined that providing a bid for services on public projects by a licensee either as the prime consultant or as a sub-consultant is a violation of this rule. The QBS law requires that licensees compete for work only on the basis of qualifications. The intent of the law is to ensure public projects benefit from technical expertise as demonstrated by technical qualifications, not cost.

3. Non-Profit Organizations

If the organization making the request is a not a ‘political subdivision’ of the state, QBS does not apply even if government funds are being used through a grant or other means. Idaho QBS is a process with which governmental agencies that procure design services must comply. The QBS requirements are triggered not by the source of the funds but by the organization procuring the services. However if federal funding is being utilized the requirements of the Brooks Act would most likely will apply, regardless of the organization’s status.

4. Proprietary Information

Requests for qualifications which include requests for detailed proprietary information about the proposing entity’s financial solvency and ability to deliver service: Under the QBS law organization issuing the RFQ is not restricted from asking for this information as long as it does not ask for any details or specifics about the fees for the project within the RFQ (political subdivisions are allowed to request hourly, overhead and multiplier rates but none of this information may be used in the ranking process of the respondents). If the RFQ includes a request for proprietary information should be exempt from any public records request under the Idaho State statutes. This protects the individual firms/organizations providing that information.

5. Design Build

For ITD projects in their Design-Build program, QBS is specifically excluded from the procurement process. However, the ITD process mandates review and consideration of qualifications in their two-step design-build selection process.

If design build is being used as the delivery system for a project outside of ITD’s system, the QBS process as outlined in 67-2320 is not required to be used by law but it is the position of the QBS Council that qualifications of the designer must be included in the design-build procurement process. If the design build process is utilized, it is in the best interest of the agency/public entity to employ the QBS process. This should be accomplished through the use of a two envelope system in which the qualifications are ranked prior to the consideration of the cost proposals.

6. Projects with Anticipated Fees under \$25000

If projected fees for a specific project are expected to be less than \$25,000 this does not release the governmental entity from the need to use qualifications, not cost (fee amounts) as their initial guide in selecting a design professional. It does release the entity from the more onerous requirements of 67-2320 (2) which requires a very formal procurement process. Section 3 from

Idaho Code 67-2320 concerning projects under \$25,000 allows only two options - to follow the formal process OR establish your own guidelines based upon competence. Nothing in the law allows the entity/political subdivision to use cost (fee proposals) as the factor upon which to choose a design professional.

(3) In securing contracts for engineering, architectural, landscape architecture, construction management or land surveying services on projects for which the professional service fee is anticipated to be less than the total sum of twenty-five thousand dollars (\$25,000), the public agency or political subdivision *may use the guidelines set forth in paragraphs (a) through (g) of subsection (2) of this section or establish its own guidelines for selection based on demonstrated competence and qualifications to perform the type of services required, **followed** by negotiation of the fee at a price determined by the public agency or political subdivision to be fair and reasonable after considering the estimated value, the scope, the complexity and the nature of services. (emphasis added)*

The law states that if the total fee is anticipated to be over \$25,000, there are specific steps that must be taken to procure a design professional's services including advertising a request for qualifications. If the total anticipated fee is projected to be less than \$25,000 the entity must "establish its own guidelines for selection based on demonstrated competence and qualifications to perform the type of services required, followed by negotiation of the fee at a price."

At no time can the entity issuing the RFQ request fee amounts/proposals prior to initial selection, but must negotiate with the top ranked firm, based upon qualifications criteria that you have established. If the negotiations are not successful, the next ranked firm/respondent can be selected and fee negotiations begun with them. Technically if anticipated fees will be in excess of \$25,000 a Request for Qualifications should be issued and advertised publicly.

At no time may a single project be subdivided into a series of contracts in order to achieve fee amounts below \$25,000 in order to evade the QBS requirement. Under statute a contract can be extended or a new contract negotiated for an associated or phased project but that does not allow a single project to be artificially divided into multiple projects either through "phasing over time" or through "geographical split."

7. Phased or Associated Projects

Neither of the terms "Phased" or "Associated" is defined in the law and interpretation of what constitutes an associated project is generally left up to the political entity. However, the QBS Council suggests that a "significant nexus" be evident between the initial project and a subsequent associated or phased project to meet the criteria. If the entity has an existing, current relationship with a firm (meaning a previous contract) that meets your qualifications for this project and believes the project to be "associated" with the original contract then the entity can proceed to enter into a contract with that firm without going through the QBS process.

Phased or associated project eligibility for design professional who are not primary parties to the agreement: An associate partner or sub-consultant who has entered into an agreement with the primary party in accordance with Idaho Code 67-2320(4) would generally not be considered the person or firm to which that the public agency or political subdivision of the state has previously awarded a professional services contract" and therefore not eligible for that privilege.

Idaho Code 67-2320(4) When a public agency or political subdivision of the state has previously awarded a professional services contract to a person or firm for an associated or phased project the public agency or political subdivision may, at its discretion, negotiate an extended or new professional services contract with that person or firm.

8. Contract Engineering Service

Engineers Engaged by Public Agency/Political Subdivision to Serve as Appointed Engineers (Contract Engineers)

A contract city or county engineer must be hired through the QBS process (based upon qualifications as the foremost consideration). Once a contract engineer is appointed as a City Engineer, for example, he/she or their firm may then provide any and all services and duties that might normally be provided by a City Engineer, including projects for the City (or other political subdivision) that may arise and would require engineering services. As long as the contract engineer is considered the appointed City Engineer his/her services may be provided for any current or future city project. Its best practice that the RFP for city engineer services spell out what the specific scope of the assignment will be.

If an entity hires a firm to serve as city/county engineer through the QBS process and their contract references this type of design work as part of its responsibilities that entity may engage that particular firm to provide engineering services without utilizing the QBS process for procuring those services.

9. Hiring Rosters

Idaho Code 67-2320(h) In fulfilling the requirements of subsections (2)(a) through (2)(g) of this section, a public agency or political subdivision may limit its selection from a list of three (3) persons or firms selected and preapproved for consideration by the public agency or political subdivision. In establishing a preapproved list a public agency or political subdivision shall publish notice as set forth in subsection (2)(g) of this section. When selecting from such list, no notice shall be required.

How Many Firms on The Roster?

While the language discusses the selection of a design professional “from a list of three persons or firms” it is common interpretation (and has been widely applied throughout the state) that this means “from a list of **at least** three persons or firms”. In other words, the list is not limited to three. Please check with your attorney on this language.

Generally a roster of between three and five is typical depending on the number of potential assignments and volume of work. Any roster of more than five firms (or “wide open”) is NOT advantageous to either the agency or consulting community. The exception is a statewide agency (like ITD) who may develop a roster of qualified firms using “minimum acceptance criteria”. In that case, the roster may have many firms listed.

Developing a Hiring Roster:

QBS operates so firms may be selected and pre-approved for project assignments if a list of at least three design professionals or design/engineering firms is established through the publication process set forth in section 2(g). Common practice is to:

1. determine what service categories, if any, are needed (a separate roster will be selected for each service category),
2. establish basic criteria for the required service category(s),
3. determine the number of firms desired to be on the roster for each service category (unless it's a "minimum acceptance criteria" roster),
4. publish the notice,
5. receive the responses,
6. evaluate the responses for the various service categories using a quantitative scoring system, and then:
7. select the roster:
 - a. for each service category, select the highest ranked firms to place on the roster based on the number of firms desired to be on the roster, or
 - b. select the firms for each service category that meet the "minimum acceptance criteria".

Once this determination has been made the firms are placed on the roster for consideration of future projects (in each service category).

After the roster is determined, it is recommended that firms on the roster NOT be ranked. This allows the agency or political subdivision to select who they believe is the best firm for each specific assignment off the roster based on that firm's strengths and weaknesses relative to the assignment. (If a roster were ranked, the agency or political subdivision will be obligated to always begin negotiations with the highest ranked firm, rather than giving the entity the ability to begin negotiations with the firm that might be best suited for that particular project).

Assigning a Project Off the Roster if Work Includes Multiple Service Categories:

If an upcoming project spans several service categories what are the options for picking out of multiple roster categories for the upcoming project?

Based on our experience, we find no problems with choosing from several categories to identify a top firm or top firms to complete the project. Typically, the entity will pick a firm off the roster or shortlist off the roster that is aligned with the majority of the project work type. However once the entity goes through the QBS process in setting up the hiring roster, obligations under the QBS law are considered fulfilled.

Short Listing from the Roster for Larger or More Complex Projects:

For a specific large or more complex project where more information regarding qualifications is desired from multiple firms on the hiring roster, it is common practice to send out a "mini" RFQ to several or even all of the firms on hiring roster asking for their response the particular project. The firms/respondents can then be ranked further based on their specific responses, then negotiations may begin with the highest ranked firm regarding scope and fees as long as all the firms on the roster were originally selected through the formal QBS process

In summary:

- 1) don't "rank" your roster(s), and
- 2) select at least three firms for each category of roster you want to fill, and
- 3) once your rosters are in place select or "short list" from the roster aligned with the preponderance of the project work at hand.

10. Term Agreement

Some public entities, such as the Idaho Transportation Department, may use a Term Agreement list. This is addressed under section 2(h) allowing for pre-approved lists. This section states that firms may be selected and pre-approved as long as the list is established through the full QBS process stated in section 2 (setting criteria, publication and ranking by that criteria). ITD's Term Agreement, for example, was found to qualify as a pre-approved list under this section. Cities and counties working with ITD or utilizing state or federal transportation funding can utilize the ITD list as long as the criteria for selection established by the city/county is the same as that used by ITD to establish the list.

11. Agent

The meaning of the term "Agent" is important, particularly as it applies to a situation when a design professional, as defined under the law, engages a secondary design professional to work on the project. This would involve a situation when a public agency hires a consultant through the QBS process to complete a project, and during the course of that project they need to hire a sub-consultant to complete their work.

What is the correct process for selecting that sub-consultant?

Previous interpretations have indicated that the QBS requirement does not apply to relationships between two private parties, only between a political subdivision and a private party and, therefore, QBS does not apply even though the project is a public project and the funds are public funds. The QBS Council engaged Jeremy Chou of Givens Pursley LLP, to issue a written opinion. In his written opinion, Jeremy indicated that the QBS law was amended in 1994 to add the word "agent" to the law, but that the definition was not defined. Because of that, we should use the interpretation in a manner that gives the statute's words their plain, usual and ordinary meaning. Thus, where a private party acts as an agent of a public agency, meaning it has the legal authority to act for or represent that entity in a legal sense (a rare assignment), it is bound to follow the QBS procedure. However, if the private party is not an agent or is acting as a consultant without authority to act legally on behalf of the entity, compliance with the QBS process is not necessary.

The application of QBS on the sub-consultant is dependent on what the original contract identified what the consultant was authorized to do, what was said in their scope of work and to what extent they were allowed to act on behalf of the public entity to complete the project. If the contract provides that the consultant may legally act as an "agent" of the entity, the consultant must use the formal statutory QBS process in the selection of sub-consultants.

*Idaho Code 67-2320. Professional service contracts with design professionals, construction managers and professional land surveyors. (1) Notwithstanding any other provision of law to the contrary, it shall be the policy of this state that all public agencies and political subdivisions of the state of Idaho and **their agents** shall make selections for*

professional engineering, architectural, landscape architecture, construction management and professional land surveying services, including services by persons licensed pursuant to Chapters 3, 12, 30 and 45, [Title 54](#), Idaho Code, on the basis of qualifications and demonstrated competence and shall negotiate contracts or agreements for such services on the basis of demonstrated competence and qualifications for the type of services required at fair and reasonable prices. (emphasis added)

12. Sub-Consultants:

Policy for Design Firms:

The QBS law only requires use of QBS in the selection of the primary design professional. When the subsequent portions of the required services (sub-consulting services) are awarded to design professionals based on the lowest fee proposal the benefits for QBS are weakened. It also becomes difficult to convince governmental agencies that choosing firms based upon their qualifications is in their best interest and can result in a better defined scope of work and project outcome if the design firms who champion the QBS process do not approach the engagement of their sub-consultants in the same manner. The QBS Council understands that relationships between a design firm and its partners/sub-consultants is a private issue and outside the scope of QBS law. However, as part of our education process we encourage design firms to follow the same general process that QBS requires of governmental entities, which is that the best qualified firm can best fulfill the determined scope of work for the best negotiated fee, providing the best value to the agency.

In 2016 IBPEPLS issued a further interpretation of their rule stating:

The Board has determined that providing a bid for services on public projects by a licensee either as the prime consultant or as a sub-consultant is a violation of this rule. The QBS law requires that licensees compete for work only on the basis of qualifications. The intent of the law is to ensure public projects benefit from technical expertise as demonstrated by technical qualifications, not cost.

Policy for Agencies:

We recommend that public agencies be educated to foresee this situation and address the hiring of sub-consultants at the time of the Request for Proposal stage of selection of the prime consultant. When the prime consultant to be selected will not be acting as an Agent, the following statements should be added to the Request for Proposals:

1. "All known design-professional sub-consultants needed to complete the project (individual or firm) must be identified in the consultant's proposal. (This should include all professions listed in Idaho Code 67-2320)."
2. "If unforeseen conditions require the need for addition of a sub-consultant, those identified in Idaho Code 67-2320 should be hired based on qualifications and not price."

13. Definition of Services

67-2320.PROFESSIONAL SERVICE CONTRACTS WITH DESIGN PROFESSIONALS, CONSTRUCTION MANAGERS AND PROFESSIONAL LAND SURVEYORS. (1) Notwithstanding any other provision of law to the contrary, it shall be the policy of this state that all public agencies and political subdivisions of the state of Idaho and their agents shall make selections for professional engineering, architectural, landscape architecture, construction management and professional land surveying services, including services by persons licensed pursuant to chapters 3, 12, 30 and 45, [title 54](#), Idaho Code, on the basis of qualifications and demonstrated competence and shall negotiate contracts or agreements for such services on the basis of demonstrated competence and qualifications for the type of services required at fair and reasonable prices.

The QBS section of the law applies to all proposed projects when one of the following conditions apply:

- The project or solicitation calls for the services to be performed by a person licensed in engineering, architectural, landscape architecture, construction management and/or professional land surveying services, and/or;
- The project or solicitation calls for any level of services for engineering, architectural, landscape architecture, construction management and professional land surveying as defined by the applicable state law, even if the project or solicitation does not specifically call for the person providing the services to be licensed or if the level of services is considered to be minimal.

When this is the case, only an RFQ solicitation may be used to acquire the required services.

Any call for these services must be procured through the processes defined in Idaho Code 67-2320.

The use of unlicensed individuals or firms for the design services defined would be in violation of Idaho Code 67-2320.

Company Name	Architecture	Landscape Architecture	Civil Roadway	Civil Traffic	Professional Land Surveying	Civil Structural	Civil Bridge	Civil WW Collection	Civil Sewer Lift Station Design	Civil Sewer Collection Hydraulic Modeling	Civil Stormwater	Civil Water Distribution	Civil Water Supply	Civil Water Dist Modeling	Civil Pressurized Irrigation	Civil Wastewater Treatment	Electrical	Environmental	HVAC	HVAC control systems	Geotechnical	Geotechnical lab	Bidding and Construction Services	Planning
AEI Engineering, Inc.																	X							
All Seasons Landscaping																								
Breckon Land Design		X	X							X	X	X			X									
Brockway Engineering								X	X	X	X	X	X	X	X									
CH2M			X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Civil Science			X	X	X	X	X	X	X	X	X	X	X	X	X			X					X	
CTA Architects Engineers	X	X	X		X	X		X	X		X	X	X	X	X		X		X	X	X		X	
DC Engineering																	X		X	X				
DKS Associates				X																				
EHM Engineers			X	X	X	X	X	X	X		X	X	X		X						X	X	X	
ESI-Engineered Structures Inc.																							X	
Franson Civil Engineers								X		X	X	X	X	X	X			X					X	
Garcia Land Surveying					X																			
Grade Tek					X																			
Great West Engineering			X			X	X	X	X	X	X	X	X	X	X	X		X					X	
GSBS Architects	X	X																						X
Harper-Leavitt, Engineering Inc.(HLE)			X		X	X	X	X	X		X	X	X		X	X							X	
Horrocks Engineers			X	X																			X	
Insight Architects	X																							
J-U-B Engineers, Inc.	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X		X	
Keller Associates			X	X		X	X	X	X	X	X	X	X	X	X	X	X	X					X	
KPFF Consulting Engineers						X																		
LCA Architects	X																							
Lochner, Inc.			X	X		X	X				X			X	X						X		X	
Lochsa Engineering						X	X																	
McAlvain Construction Inc.																							X	
Mountain Waterworks								X	X			X	X		X									
Materials, Testing & Inspection (MTI)																					X	X		
Murraysmith			X					X	X	X	X	X	X	X		X								
Myers Anderson Architecture	X																							
Paragon Consulting, Inc.			X	X							X												X	
Pivot North Architecture	X																							
Precision Engineering			X	X																				
Riedesel Engineering				X				X				X											X	
Slichter Ugrin Architecture	X																							
SPF-Water Engineering								X	X	X	X	X	X	X	X	X		X					X	
Stack Rock Group		X																						
Terracon																		X			X			
T-O Engineers		X	X	X	X			X	X	X	X	X	X			X		X					X	



Date: Monday, November 27, 2017
To: Honorable Mayor and City Council
From: Wendy Davis, Parks and Recreation Director

Request:

Request to authorize negotiations with top ranked firm to conduct a feasibility study for a community recreation center

Time Estimate:

Presentation will take approximately 10 minutes. Staff suggests allowing some time for questions and discussion.

Background:

In April 2017, City Council approved the Charter for the Twin Falls Recreation Center Ad Hoc Committee. One of the first tasks of that committee was to develop a Request for Qualifications (RFQ) for a firm to assist in the process of developing a plan to build a recreation center to meet the diverse needs of the community. The selected firm shall provide comprehensive services to facilitate the process and assist the City by conducting a recreation center feasibility study to include the following:

- Facilitate meetings
- Conduct a needs assessment
- Conduct a financial assessment
- Conduct a location analysis
- Identify amenities
- Provide preliminary design services

The RFQ was published September 27, 2017. Five proposals were received and a committee of seven consisting of four members from the Ad Hoc Committee, two City Staff, and one Council member reviewed the five proposals. The committee selected three firms to present to the full Ad Hoc Committee. The presentations were scheduled Friday, November 17, 2017.

Presentations by VCBO Architecture out of Salt Lake City, LCA Architects out of Boise, and Pivot North Architecture out of Boise were heard. The committee evaluated the presentation content with the same 50 point matrix used to evaluate the written proposals. The results of the committee's ranking is as follows:

- 1-Pivot North Architecture
- 2-LCA Architects
- 3-VCBO Architecture

The Twin Falls Recreation Center Ad Hoc Committee recommends that Council authorize staff to negotiate a contract with Pivot North Architecture, the number one ranked firm.

Approval Process:

A simple majority will approve this request.

Budget Impact:

The current budget for the purposes of pursuing a recreation center is \$10,000. When Council was approached in April, staff asked for support from council to allocate additional funds to conduct a feasibility study, with funding source to be determined, quite likely with reserves.

Upon successful negotiation, staff will return with a request to approve a contract and fund the study.

Regulatory Impact:

Approval of the request will allow staff to move forward with negotiations for a contract to conduct a feasibility study.

History:

N/A

Analysis:

N/A

Conclusion:

Twin Falls Recreation Center Ad Hoc Committee recommends Council authorization. Staff supports this recommendation.

Attachments:

None