Kamiah Joint School District #304

FINANCIAL MANAGEMENT 7408

Board Policy 7408: Entering into Professional Service Contracts **Status:** ADOPTED

Original Adopted Date: 07/17/2023 | **Last Revised Date:** 07/15/2024 | **Last Reviewed Date:** 07/21/2025

Selection of Public Works Professionals to be Based on Qualifications

Notwithstanding any other provision of law to the contrary, the District and their agents shall make selections for professional engineering, architectural, landscape architecture, construction management, and professional land surveying services, by persons and firms licensed pursuant to Idaho law to perform such professional services, on the basis of qualifications and demonstrated competence, and shall negotiate contracts or agreements with licensed professional(s) selected to provide the requested professional service(s).

For such contracts of $30,000 or more per year, the District shall publish the following information within 15 days on the State Controller's website:

1. The parties;
2. The amount of the contract; and
3. A one sentence description of the contract's purpose.

Additionally, such contracts shall be published as required in Policy 4130 Public Access to District Website.

No proposal, bid, or qualifications for contracts of $100,000 or more shall be accepted or denied based on environmental, social, and governance standards, including screening or scoring bids, in whole or in part, on subjective ethical or sustainability criteria unrelated to the specifications in a solicitation or qualifications of a bidder.

Procedures to Select Public Works Professionals for Contracts Greater than $100,000

In carrying out this policy the Board shall use the following guidelines when 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 $100,000, excluding, however, those professional services contracts previously awarded by the District for an associated or phased project, and for which the expenditure is otherwise exempt from the bidding process otherwise required by law. To implement this policy:

1. The Board or its designee will provide a general description of the services being solicited and encourage persons or firms engaged in the services being solicited to submit statements of qualifications and past performance data.

2. The Board or its designee will establish and make available to the public a request for qualifications that includes the criteria and the procedures to be used for measurable scoring, ranking, and selection of qualified persons or firms to perform such services.

3. After receiving responses to a request for qualifications, the Board or its designee shall score and rank the responding persons and firms based on their qualifications and demonstrated competence pursuant to the Board's or its designee's established criteria and procedures. The list of ranked respondents, including the scoring used to develop the ranking, shall be made available to the public. Some examples of selection criteria for consideration may include but are not limited to:

A. A description of the firm, including its location and longevity;
B. Its past performance;
C. Its project manager and key staff experience, education, and training;
D. Its experience with similar projects;
E. Its specific approach to projects or assignments;
F. Its proposed schedule, if applicable; and
G. Its quality control procedures.

4. The Board or its designee shall select for negotiation the persons or firms whom the District determines to be the highest-ranked and best qualified.

5. The Board or its designee shall next negotiate with the highest-ranked person or firm for a contract or an agreement to perform such services at a price determined by the District to be reasonable and fair to the public after considering the estimated value, the scope, the complexity, schedule, and the nature of the services required.

6. In the event the Board or its designee is unable to negotiate a satisfactory contract or agreement with the highest-ranked person or firm, it shall formally terminate negotiations and undertake negotiations with the next highest-ranked person or firm, following the procedure prescribed above.

7. In the event the Board or its designee is unable to negotiate a satisfactory contract or agreement with any of the selected persons or firms, it may recommence negotiations as described in the two items immediately above, until a contract or agreement is reached, or may, in its discretion, cancel the procurement.

8. **Published Request for Qualifications.** When the Board solicits proposals for qualifications 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 $100,000, it shall publish public notice in the same manner as required for procurement of public works construction projects set forth in Procedure 7405P, which sets forth the procedures required by Section 67-2805(2) of Idaho Code.

9. **A List of Qualified Professionals.** In fulfilling the requirements of the items above, the Board may establish and select from a list of two or more persons or firms selected and preapproved for consideration by the District. When creating a preapproved list of qualified professionals, the Board or its designee shall first publish notice as set forth in the item immediately above. When selecting from such list, no notice shall be required; and

10. Any list established under this item will be valid for up to five years, unless canceled by the Board prior to the list's expiration where the Board has first determined in open session that cancellation of the list would be in the public's best interest.

Procedures to Select Public Works Professionals for Contracts Less than $100,000

When 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 $100,000, the Board may use the guidelines set forth in the above paragraphs, or may establish its own guidelines for selection based on demonstrated competence and qualifications to perform the type of services required, which shall then be followed by negotiation of the fee at a price determined by the Board to be fair and reasonable after considering the estimated value, scope, complexity, schedule, and nature of services required.

Approvals for Phased Projects

When the Board has previously awarded a professional services contract to a person or firm for an associated or phased project, the District may, at its discretion and in accordance with all provisions of

Section 59-1026 of Idaho Code, negotiate an extended or new professional services contract with that person or firm.

Legal References	Description
IC § 59-1026	Willful and Knowing Avoidance of Competitive Bidding and Procurement Statutes
IC § 67-2320	Professional Service Contracts with Design Professionals, Construction Managers and Professional Land Surveyors
IC § 67-2347	Prohibition of Environmental, Social, and Governance Standards in Public Contracts
IC § 67-2803	Exclusions
IC § 67-2805	Procurement of Public Works Construction
IC § 67-2810	Publication of Contractee, Amount, and Purpose of Personal Service Contracts -- Definition

Other References	Description
Idaho State Department of Education	Policies and Procedures Used Template

Cross References

Code	Description
4130	Public Access to District Website
7400	Miscellaneous Procurement Standards
7400	Miscellaneous Procurement Standards
7400	Miscellaneous Procurement Standards
7400	Miscellaneous Procurement Standards
7400	Miscellaneous Procurement Standards
7405	Public Works Contracting and Procurement
7405	Public Works Contracting and Procurement