

## **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

### **IDAHO PUBLIC WORKS CONTRACTORS LICENSE BOARD**

#### **24.39.50 – Rules of the Public Works Contractors License Board**

##### **Who does this rule apply to?**

*This rule applies to those who hold a public works contractor or construction manager license issued by the Division and the Public Works Contractors License Board.*

##### **What is the purpose of this rule?**

*The rule prescribes the requirements and application process for licensing of public works contractors and construction managers to perform construction and management services on any public works project in Idaho. This includes all branches of public works contractors across all classes of licenser.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Professions, Vocations, and Businesses -

- [Title 54, Chapter 19, Idaho Code](#) – Public Works Contractors
- [Title 54, Chapter 45, Idaho Code](#) – Public Works Construction Management Act
- [54-1907, Idaho Code](#) – Duties and Powers of the Board

##### **Who do I contact for more information on this rule?**

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## 24.39.50 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

### 000. LEGAL AUTHORITY.

This chapter is adopted pursuant to Sections 54-1907, 67-2604, 67-2614, 67-9409, and 67-9406 Idaho Code, as amended. (7-1-24)

### 001. TITLE.

These rules govern the practice of public works contractors in Idaho. (7-1-24)

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS.

**01. Compiled.** A type of financial statement in which the information presented is based solely upon representations by an organization's management. (7-1-24)

**02. Estimated Cost.** The total aggregate amount of the value of all the separate or individual jobs, parts, components, or undertakings involved in the construction of a single project when combined and considered as a whole. (7-1-24)

**03. Financial Statement.** A balance sheet and income statement prepared in accordance with generally accepted accounting principles. (7-1-24)

**04. Incidental Work.** Work, the nature of which does not require any additional trade licenses and which may be carried out in conjunction with an activity for which the licensee is licensed, but is not intended to produce an amount of income over ten percent (10%) of the total bid amount. (7-1-24)

**05. Independent Audit Report.** A report prepared by an independent certified public accountant presenting opinion on the fairness of the organization's financial statements and prepared in accordance with generally accepted auditing standards. (7-1-24)

**06. Qualified Individual.** The person qualifying by examination as to the experience and knowledge required by Section 54-1910(a), Idaho Code. (7-1-24)

**07. Reviewed.** A financial statement that is accompanied by the opinion of a certified public accountant stating that, based upon representations by the organization's management, the reviewer has a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements in order for the statements to be in accordance with generally accepted accounting principles. (7-1-24)

### 011. -- 099. (RESERVED)

### 100. LICENSURE.

**01. Renewal.** (7-1-24)

**a. Filing Deadline.** Applications for renewal of a license must be filed by the last working day of the month in which the license expires. (7-1-24)

**b. Extension of Time.** A petition for an extension of time in which to renew must be filed by the last working day of the month in which the license expires and may be extended once for a period not to exceed sixty (60) days. Approval of a petition for extension of time authorizes operation as a contractor. (7-1-24)

**c. Failure to File.** If the licensee fails to file a timely application for renewal or petition for extension, the license lapses and expires on the last day of the license period. Licenses not renewed in a timely manner are considered delinquent for a period of one (1) year from the last day of the license period and may be renewed at any time during that year. (7-1-24)

**d. Expedited Licensure.** Upon an applicant's request and payment of a fee of one hundred dollars (\$100), the Division will expedite its review and determination of a license application. (7-1-24)

**02. Petition to change or add types of construction.** A petition to change or add types of construction must be supported by evidence, satisfactory to the administrator, of work history, job performance, experience, equipment, and financial responsibility. (7-1-24)

**03. Application.** The applicant must submit to the administrator, on such forms and in a format as the administrator prescribes. (7-1-24)

**a.** For Class A, AA, AAA, and Unlimited license applications, financial statements must be accompanied by an independent auditor's report, or be reviewed. For Class B and CC license applications, financial statements must be accompanied by an independent audit report or be reviewed or compiled by a certified public accountant. For Class C and Class D license applications, financial statements must be accompanied by an independent audit report or be reviewed, compiled, or on the form provided by the administrator. (7-1-24)

**b.** Applicants requesting a higher licensing class must provide documentation of having performed projects similar in scope and character to those for which license is requested. Licenses granted under this rule are valid for twelve (12) months from the date of issuance. (7-1-24)

**c.** Extension of Time to File Financial Statement. The administrator may grant an extension of time to file the annual financial statement if the licensee provides an interim compiled balance sheet and income statement for the applicant's fiscal year-to-date. A renewal application must be filed prior to the first day of the licensing period, and is valid for a period of twelve (12) months from the date of the issuance. (7-1-24)

**d.** Type IV Self Declaration. Upon initial licensure for Type IV licensure or anytime thereafter, an applicant or licensee may voluntarily self-declare a specialty trade of craft. Any self-declaration shall not guarantee competency or otherwise construed as an endorsement to practice the scope of work by the Division of Occupational and Professional Licenses. (7-1-24)

**04. Examination.** The Board approves all subject areas and topics to be included in the public works contractor license examination. Applicants for licensure must pass an examination as approved by the Board. (7-1-24)

**a.** Professional Testing Services. The administrator may contract with a professional testing service to administer the examination. (7-1-24)

**b.** Individual Qualified By Examination. Written notice that the Qualified Individual of a public works contractor has ceased to be connected with the contractor must be provided to the Administrator. (7-1-24)

**05. Limitations.** (7-1-24)

**a.** One License. A licensee will be permitted to hold only one (1) class of license at any given time. (7-1-24)

**b.** Previous License Null and Void. When a licensee of one class has been issued a license of another class, the previous license is null and void. (7-1-24)

**c.** Total Bid Cost. The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except Class Unlimited, may not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids must include all bids of the subcontractors. Subcontractor bids are not considered a separate bid for the purposes of computing the bid on a given public works project. (7-1-24)

**d.** Two or More Licensees. Two (2) or more licensees of the same class or of different classes are not permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee. (7-1-24)

**06. Construction Manager Examinations.** (7-1-24)

**a.** If the applicant fails an examination, the applicant may take the examination a second time. If the applicant fails to achieve a passing grade, the applicant must wait for a period set by the Administrator before taking

the examination again. The applicant must then take and pass all sections of the examination. (7-1-24)

**101. -- 110. (RESERVED)**

**111. FINANCIAL REQUIREMENTS.**

The financial requirements for obtaining and maintaining a heavy, highway, building, and specialty construction license under this act must be as described in this section for each respective class. An applicant requesting a license for each class identified in this section must have a minimum net worth and possess an amount of working capital as provided in Table 111.01:

<b>TABLE 111.01 – FINANCIAL REQUIREMENTS</b>		
<b>LICENSE CLASS</b>	<b>NET WORTH</b>	<b>WORKING CAPITAL</b>
Unlimited	\$1,000,000	\$600,000
AAA	\$600,000	\$200,000
AA	\$450,000	\$150,000
A	\$300,000	\$100,000
B	\$150,000	\$50,000
CC	\$75,000	\$25,000
C	\$25,000	\$7,500
D	\$10,000	\$3,000

(3-28-23)

**112. -- 199. (RESERVED)**

**200. PRACTICE STANDARDS.**

**01. Business Organization -- Changes In Organization Or Structure -- Members of Joint Ventures - Changes For Reasons Other Than Death.** A licensed public works contractor or construction manager who undergoes a change in business organization or structure (such as a change from an individual proprietor to a partnership, corporation, limited liability partnership, limited liability company, joint venture, or other combination thereof), or where there is a change in ownership, must file an application for a new license on behalf of such successor organization or new owners within sixty (60) days after such change occurs. The administrator may authorize the continuous operation of the licensee as a contractor during the interim period until the application of the successor organization is reviewed; provided written notice of such change is filed within thirty (30) days after such change occurs. Each participant in a joint venture must be licensed at the time of bidding. Where there is a change in the surviving members of a licensed partnership, limited liability company, or limited liability partnership, due to a reason other than the death of one (1) of the partners, the remaining or succeeding member or members are required to file an application for an original license. (7-1-24)

**02. License Number On Bids.** Licensee must place his license number on any and all bids submitted or contracts entered into, for any public works projects in the state of Idaho. (7-1-24)

**03. Changes In License Certificate.** (7-1-24)

**a.** When any change in the license certificate has been approved by the Board, a new license certificate will be issued. (7-1-24)

**201. -- 399. (RESERVED)**

**400. FEES.**

**01. Public Works Contractor.**

<b>License Class</b>	<b>Initial Fee (Not to exceed)</b>	<b>Renewal Fee (Not to exceed)</b>
Unlimited	\$550	\$440
AAA	\$450	\$360
AA	\$350	\$280
A	\$250	\$160
B	\$150	\$120
CC	\$125	\$100
C	\$100	\$80
D	\$50	\$40

(4-2-26)

**02. Construction Manager:**

<b>License Activity</b>	<b>Fee (Not to exceed)</b>
Initial Licensing	\$200
License Renewal	\$200
Inactive License	\$50
License Reinstatement	\$200
Certificate of Authority	\$100

(4-2-26)

**401. -- 999. (RESERVED)**