

HOUSE BILL NO. 55
INTRODUCED BY MADISON

IN THE HOUSE

DECEMBER 29, 1990 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

JANUARY 7, 1991 FIRST READING.

JANUARY 16, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 17, 1991 PRINTING REPORT.

JANUARY 18, 1991 SECOND READING, DO PASS.

JANUARY 19, 1991 ENGROSSING REPORT.

JANUARY 21, 1991 THIRD READING, PASSED.
AYES, 83; NOES, 14.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 22, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FIRST READING.

FEBRUARY 22, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 5, 1991 SECOND READING, CONCURRED IN.

MARCH 6, 1991 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 11, 1991 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 12, 1991 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 55

2 INTRODUCED BY MADISON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE
5 COUNTY BIDDING LAWS; INCREASING THE DOLLAR AMOUNTS ABOVE
6 WHICH COMPETITIVE BIDDING IS REQUIRED; REDEFINING THE
7 CRITERIA FOR BID SOLICITATION; AND AMENDING SECTIONS
8 7-5-2301, 7-5-2302, AND 7-5-2303, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 7-5-2301, MCA, is amended to read:

12 "7-5-2301. Competitive, advertised bidding required for
13 certain large purchases or construction contracts. (1)
14 Except as provided in 7-5-2304, no a contract for the
15 purchase of ~~any-vehicle, road-machinery, or other-machinery,~~
16 ~~apparatus, appliances, or equipment or for any materials or~~
17 ~~supplies~~ items, goods, or services of any kind for which
18 ~~must be paid a sum~~ in excess of \$10,000 \$25,000 or for the
19 construction of any building, road, or bridge ~~for which must~~
20 ~~be paid a sum~~ in excess of \$10,000 \$25,000 or for the repair
21 or maintenance of any building, road, or bridge ~~for which~~
22 ~~must be paid a sum~~ in excess of \$25,000 \$60,000 shall may
23 not be entered into by a county governing body without first
24 publishing a notice calling for bids ~~for furnishing the~~
25 ~~same.~~

1 (2) The notice must be published as provided in
2 7-1-2121.

3 (3) Every such contract ~~shall~~ subject to bidding must
4 be let to the lowest and best responsible bidder."

5 **Section 2.** Section 7-5-2302, MCA, is amended to read:

6 "7-5-2302. Use of competitive, nonadvertised bidding
7 for certain purchases. (1) Except as provided in 7-5-2303,
8 ~~on any purchase contract entered into by~~ a county governing
9 body may enter a contract for the purchase of ~~any vehicle,~~
10 ~~machinery, appliances, apparatus, building, or materials and~~
11 ~~supplies~~ items, goods, or services for which must be paid a
12 sum in excess of \$10,000 \$25,000 but less than \$25,000
13 \$60,000, if bids shall be are solicited without advertising
14 from persons, firms, or corporations who have ~~caused to be~~
15 filed with the governing body of the county a request in
16 writing that its name be listed with the governing body for
17 solicitations on the particular items set forth in the
18 request. The governing body shall solicit bids of from
19 listed prospective suppliers, ~~whose names are listed as~~
20 ~~provided herein, which~~ The solicitation shall must contain
21 the same information ~~as is~~ required to be set forth in
22 advertisements. If a person, firm, or corporation whose name
23 is listed fails for a period of 1 year to respond to any
24 solicitation for bids, such the listing may be canceled.

25 (2) The governing body of the county shall let such a

1 contract to the lowest and best responsible bidder.

2 (3) Compliance with the provisions of this section
3 ~~shall--be~~ is considered as meeting the requirements of
4 7-5-2301."

5 **Section 3.** Section 7-5-2303, MCA, is amended to read:

6 "7-5-2303. Use of public auction to make purchase. (1)
7 In lieu of soliciting bids, the governing body may purchase
8 at public auction ~~any--vehicle,--machinery,--appliances,~~
9 ~~apparatus,--building,--or-materials-and-supplies~~ items, goods,
10 or services for ~~which-must-be-paid-a-sum~~ an amount less than
11 \$25,000.

12 (2) Compliance with the provisions of this section
13 ~~shall-be~~ is considered as meeting the requirements of
14 7-5-2301."

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 55

INTRODUCED BY MADISON

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE COUNTY BIDDING LAWS; INCREASING THE DOLLAR AMOUNTS ABOVE WHICH COMPETITIVE BIDDING IS REQUIRED; REDEFINING THE CRITERIA FOR BID SOLICITATION; AND AMENDING SECTIONS 7-5-2301, 7-5-2302, AND 7-5-2303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-5-2301, MCA, is amended to read:

"7-5-2301. Competitive, advertised bidding required for certain large purchases or construction contracts. (1) Except as provided in 7-5-2304, ~~no a~~ contract for the purchase of ~~any-vehicle, road-machinery, or other-machinery, apparatus,--appliances, or equipment or for any materials or supplies items,--goods,--or--services~~ ANY VEHICLE, ROAD MACHINERY OR OTHER MACHINERY, APPARATUS, APPLIANCES, EQUIPMENT, OR MATERIALS OR SUPPLIES ~~of any--kind--for--which must--be--paid-a-sum~~ in excess of ~~\$10,000~~ \$25,000 ~~\$20,000~~ or for the construction of any building, road, or bridge ~~for which--must--be--paid--a--sum~~ in excess of ~~\$10,000~~ \$25,000 ~~\$50,000~~ or for the repair or maintenance of any building, road, or bridge ~~for which must be paid a sum~~ in excess of ~~\$25,000~~ \$60,000 ~~\$45,000~~ ~~shall~~ may not be entered into by a

county governing body without first publishing a notice calling for bids ~~for furnishing the same.~~

(2) The notice must be published as provided in 7-1-2121.

(3) Every such contract ~~shall~~ subject to bidding must be let to the lowest and best responsible bidder."

Section 2. Section 7-5-2302, MCA, is amended to read:

"7-5-2302. Use of competitive, nonadvertised bidding for certain purchases. (1) Except as provided in 7-5-2303, ~~on any purchase contract entered into by~~ a county governing body may enter a contract for the purchase of ~~any vehicle, machinery, appliances, apparatus, building, or materials and supplies items,--goods,--or--services~~ ANY VEHICLE, ROAD MACHINERY OR OTHER MACHINERY, APPARATUS, APPLIANCES, EQUIPMENT, OR MATERIALS OR SUPPLIES ~~for which must be paid a sum~~ in excess of ~~\$10,000~~ \$25,000 ~~\$20,000~~ but less than ~~\$25,000~~ \$60,000 ~~\$50,000~~, if bids ~~shall be~~ are solicited without advertising from persons, firms, or corporations who ~~have caused to be filed with the governing body of the county a request in writing that its name be listed with the governing body for solicitations on the particular items set forth in the request. The governing body shall solicit bids of from listed prospective suppliers, whose names are listed as provided herein,--which~~ The solicitation ~~shall~~ must contain the same information ~~as is~~ required to be set forth

SECOND READING
HB 55

1 in advertisements. If a person, firm, or corporation whose
2 name is listed fails for a period of 1 year to respond to
3 any solicitation for bids, ~~such the~~ listing may be canceled.

4 (2) The governing body of the county shall let ~~such a~~
5 contract to the lowest and best responsible bidder.

6 (3) Compliance with the provisions of this section
7 ~~shall--be~~ is considered as meeting the requirements of
8 7-5-2301."

9 **Section 3.** Section 7-5-2303, MCA, is amended to read:

10 "7-5-2303. Use of public auction to make purchase. (1)
11 In lieu of soliciting bids, the governing body may purchase
12 at public auction ~~any--vehicle,--machinery,--appliance,--~~
13 ~~apparatus,--building,--or--materials--and--supplies~~ items,--goods,
14 or--services ANY VEHICLE, ROAD MACHINERY OR OTHER MACHINERY,
15 APPARATUS, APPLIANCES, EQUIPMENT, OR MATERIALS OR SUPPLIES
16 for ~~which--must--be--paid--a--sum~~ an amount less than \$25,000
17 \$60,000.

18 (2) Compliance with the provisions of this section
19 ~~shall--be~~ is considered as meeting the requirements of
20 7-5-2301."

-End-

1 HOUSE BILL NO. 55

2 INTRODUCED BY MADISON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE
5 COUNTY BIDDING LAWS; INCREASING THE DOLLAR AMOUNTS ABOVE
6 WHICH COMPETITIVE BIDDING IS REQUIRED; REDEFINING THE
7 CRITERIA FOR BID SOLICITATION; AND AMENDING SECTIONS
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 7-5-2301, MCA, is amended to read:

12 "7-5-2301. Competitive, advertised bidding required for
13 certain large purchases or construction contracts. (1)
14 Except as provided in 7-5-2304, no a contract for the
15 purchase of any-vehicle, road-machinery, or other-machinery,
16 apparatus,--appliances, or equipment or for any materials or
17 supplies items,--goods,--or--services ANY VEHICLE, ROAD
18 MACHINERY OR OTHER MACHINERY, APPARATUS, APPLIANCES,
19 EQUIPMENT, OR MATERIALS OR SUPPLIES of any--kind--for--which
20 must--be--paid--a--sum in excess of \$10,000 \$25,000 \$20,000 or
21 for the construction of any building, road, or bridge for
22 which--must--be--paid--a--sum in excess of \$10,000 \$25,000
23 \$50,000 or for the repair or maintenance of any building,
24 road, or bridge for which must be paid a sum in excess of
25 \$25,000 \$60,000 \$45,000 shall may not be entered into by a

1 county governing body without first publishing a notice
2 calling for bids ~~for furnishing the same.~~

3 (2) The notice must be published as provided in
4 7-1-2121.

5 (3) Every such contract ~~shall~~ subject to bidding must
6 be let to the lowest and best responsible bidder."

7 **Section 2.** Section 7-5-2302, MCA, is amended to read:

8 "7-5-2302. Use of competitive, nonadvertised bidding
9 for certain purchases. (1) Except as provided in 7-5-2303,
10 ~~on any purchase contract entered into by~~ a county governing
11 body may enter a contract for the purchase of ~~any vehicle,~~
12 ~~machinery, appliances, apparatus, building, or materials and~~
13 ~~supplies items,--goods,--or--services~~ ANY VEHICLE, ROAD
14 MACHINERY OR OTHER MACHINERY, APPARATUS, APPLIANCES,
15 EQUIPMENT, OR MATERIALS OR SUPPLIES for which must be paid a
16 sum in excess of \$10,000 \$25,000 \$20,000 but less than
17 \$25,000 \$60,000 \$50,000 if bids shall be are solicited
18 without advertising from persons, firms, or corporations who
19 have caused to be filed with the governing body of the
20 county a request in writing that its name be listed with the
21 governing body for solicitations on the particular items set
22 forth in the request. The governing body shall solicit bids
23 of from listed prospective suppliers, whose names are listed
24 as--provided--herein,--which The solicitation shall must
25 contain the same information as-is required to be set forth

THIRD READING

1 in advertisements. If a person, firm, or corporation whose
2 name is listed fails for a period of 1 year to respond to
3 any solicitation for bids, such the listing may be canceled.

4 (2) The governing body of the county shall let such a
5 contract to the lowest and best responsible bidder.

6 (3) Compliance with the provisions of this section
7 ~~shall--be~~ is considered as meeting the requirements of
8 7-5-2301."

9 **Section 3.** Section 7-5-2303, MCA, is amended to read:

10 "7-5-2303. Use of public auction to make purchase. (1)
11 In lieu of soliciting bids, the governing body may purchase
12 at public auction ~~any--vehicle,--machinery,---appliances,~~
13 ~~apparatus,--building,--or--materials--and--supplies items,--goods,~~
14 or--services ANY VEHICLE, ROAD MACHINERY OR OTHER MACHINERY,
15 APPARATUS, APPLIANCES, EQUIPMENT, OR MATERIALS OR SUPPLIES
16 ~~for which--must--be--paid--a--sum~~ an amount less than \$25,000
17 \$60,000.

18 (2) Compliance with the provisions of this section
19 ~~shall--be~~ is considered as meeting the requirements of
20 7-5-2301."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 22, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 55 (third reading copy -- blue), respectfully report that House Bill No. 55 be amended and as so amended be concurred in:

1. Page 1, line 23.
Strike: "\$50,000"
Insert: "\$25,000"

Signed: Esther Bengtson
Esther G. Bengtson, Chairman

VAL 2-22-91
Asst. Coord.

SB 2-22 2:35
Sec. of Senate

SENATE
HB 55

HOUSE BILL NO. 55
INTRODUCED BY MADISON

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE COUNTY BIDDING LAWS; INCREASING THE DOLLAR AMOUNTS ABOVE WHICH COMPETITIVE BIDDING IS REQUIRED; REDEFINING THE CRITERIA FOR BID SOLICITATION; AND AMENDING SECTIONS 7-5-2301, 7-5-2302, AND 7-5-2303, MCA."

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Section 1. Section 7-5-2301, MCA, is amended to read:

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into by a county governing body without first publishing a notice calling for bids for-furnishing-the-same.

(2) The notice must be published as provided in 7-1-2121.

(3) Every such contract shall subject to bidding must be let to the lowest and best responsible bidder."

Section 2. Section 7-5-2302, MCA, is amended to read:

"7-5-2302. Use of competitive, nonadvertised bidding for certain purchases. (1) Except as provided in 7-5-2303, on-any-purchase-contract-entered-into-by a county governing body may enter a contract for the purchase of any-vehicle, machinery, --appliances, --apparatus, --building, --or--materials--and supplies items, --goods, --or--services ANY VEHICLE, ROAD MACHINERY OR OTHER MACHINERY, APPARATUS, APPLIANCES, EQUIPMENT, OR MATERIALS OR SUPPLIES for which must be paid a sum in excess of \$10,000 \$25,000 \$20,000 but less than \$25,000 \$60,000 \$50,000, if bids shall be are solicited without advertising from persons, firms, or corporations who have caused-to-be filed with the governing body of the county a request in writing that its name be listed with the governing body for solicitations on the particular items set forth in the request. The governing body shall solicit bids of from listed prospective suppliers, whose names are listed as--provided--herein,--which The solicitation shall must contain the same information as-is required to be set forth



1 in advertisements. If a person, firm, or corporation whose
2 name is listed fails for a period of 1 year to respond to
3 any solicitation for bids, ~~such~~ the listing may be canceled.

4 (2) The governing body of the county shall let ~~such a~~
5 contract to the lowest and best responsible bidder.

6 (3) Compliance with the provisions of this section
7 ~~shall--be~~ is considered as meeting the requirements of
8 7-5-2301."

9 **Section 3.** Section 7-5-2303, MCA, is amended to read:

10 "7-5-2303. Use of public auction to make purchase. (1)
11 In lieu of soliciting bids, the governing body may purchase
12 at public auction ~~any--vehicle,--machinery,---appliances,~~
13 ~~apparatus,--building,--or--materials--and--supplies~~ items,--goods,
14 or--services ANY VEHICLE, ROAD MACHINERY OR OTHER MACHINERY,
15 APPARATUS, APPLIANCES, EQUIPMENT, OR MATERIALS OR SUPPLIES
16 for ~~which--must--be--paid--a--sum~~ an amount less than \$25,000
17 \$60,000.

18 (2) Compliance with the provisions of this section
19 ~~shall--be~~ is considered as meeting the requirements of
20 7-5-2301."

-End-