

1 House BILL NO. 92  
 2 INTRODUCED BY Linell Seifert Bentham W. Burt  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 16-1803, R.C.M. 1947, TO PROVIDE A BIDDING PROCEDURE FOR  
 6 COUNTY PURCHASES EXCEEDING TEN THOUSAND DOLLARS (\$10,000);  
 7 LIMITING A CONTRACT PERIOD TO FIVE (5) YEARS; PROVIDING A  
 8 SOLICITATION OF BIDS; AND ALLOWING THE DEPARTMENT OF  
 9 ADMINISTRATION TO SERVE AS PURCHASING AGENT FOR A COUNTY BY  
 10 MUTUAL CONSENT."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 16-1803, R.C.M. 1947, is amended to  
 14 read as follows:

15 "16-1803. Procedure when request for bids is necessary  
 16 in making contracts for purchases and for construction of  
 17 buildings exceeding four ten thousand dollars (~~\$4,000~~  
 18 \$10,000). (1) No contract shall be entered into between by a  
 19 ~~board-of-county commissioners~~ county governing body for the  
 20 purchase of any ~~automobile, truck, or other~~ vehicle, or road  
 21 machinery, or for any other machinery, apparatus, appliances  
 22 or equipment, or for any materials or supplies of any kind  
 23 for which must be paid a sum in excess of four ten thousand  
 24 dollars (~~\$4,000~~) (\$10,000), or for the construction of any  
 25 building, for which must be paid a sum in excess of four ten

1 thousand dollars (~~\$4,000~~) (\$10,000), without first  
 2 publishing a notice calling for bids for furnishing the  
 3 same, which notice must be published at least once a week,  
 4 for three (3) consecutive weeks before the date fixed  
 5 therein for receiving bids, in the official newspaper of the  
 6 county, and every such contract shall be let to the lowest  
 7 and best responsible bidder; provided that the provisions of  
 8 this section shall not apply to contracts for public  
 9 printing entered into in accordance with the provisions of  
 10 chapter 12 of Title 16 and provided further, that the  
 11 provisions of this section shall not apply to contracts for  
 12 purchases, which in the opinion of the board governing body,  
 13 are made necessary by fires, flood, explosion, storm,  
 14 earthquake, or other elements, epidemic, riot, insurrection,  
 15 or for the immediate preservation of order, or of the public  
 16 health, or for the restoration of a condition of usefulness  
 17 which has been destroyed by accident, wear, tear, mischief,  
 18 or for the relief of a stricken community overtaken by  
 19 calamity.

20 (2) When the amount to be paid as the purchase price  
 21 for any ~~automobile, truck, or other~~ vehicle, or road  
 22 machinery of any kind, or for any other machinery,  
 23 apparatus, appliance or equipment, or for any materials or  
 24 supplies of any kind, shall exceed one four thousand dollars  
 25 (~~\$1,000.00~~) (\$4,000) the ~~board--of--commissioners~~

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1 county governing body may provide for the payment of such  
 2 purchase price in installments extending over a period of  
 3 not more than ~~three-(3)~~ five (5) years; ~~provided--that--when~~  
 4 ~~the--purchase-price-is-extended-over-a-term-of-two-(2)-years~~  
 5 ~~or-at-least-forty-(40%)-per-cent-thereof-shall-be--paid--the~~  
 6 ~~first--year--and-the-remainder-the-second-year-and-when-such~~  
 7 ~~purchase-price-is-extended-over-a-term-of-three-(3)-years-at~~  
 8 ~~least-one-third-of-such-purchase-price-to-be-paid-each-year,~~  
 9 provided that, at the time of entering into the agreement  
 10 for such purchase, there shall be an unexpended balance of  
 11 appropriation in the budget for the then current fiscal year  
 12 available and sufficient to meet and take care of such  
 13 portion of the purchase price as is payable during the then  
 14 current fiscal year, and the budget for each following year,  
 15 in which any portion of such purchase price is to be paid,  
 16 shall contain an appropriation for the purpose of paying the  
 17 same.

18 (3) Every contract entered into for the rental of  
 19 machinery, equipment, apparatus, appliances, materials or  
 20 supplies of any kind, which shall provide for payment of  
 21 rental, by the county, and that after a certain fixed amount  
 22 has been paid as rental, the property shall become the  
 23 property of the county, or any other similar provisions or  
 24 conditions, shall be deemed and construed to be a contract  
 25 for sale of such property, and all of the provisions of this

1 section shall apply thereto and govern and control the same.

2 (4) On any purchase contract entered into by a county  
 3 governing body for the purchase of any vehicle, machinery,  
 4 appliances, apparatus, building or materials and supplies,  
 5 for which must be paid a sum in excess of four thousand  
 6 dollars (\$4,000) but less than ten thousand dollars  
 7 (\$10,000), bids shall be solicited without advertising, from  
 8 persons, firms or corporations who have caused to be filed  
 9 with the governing body of the county a request, in writing,  
 10 that its name be listed with the governing body for  
 11 solicitations on the particular items set forth in the  
 12 request. However, if a person, firm, or corporation whose  
 13 name is listed fails to respond to any solicitation for  
 14 bids, such listing may be cancelled. The governing body  
 15 shall solicit bids of prospective suppliers whose names are  
 16 listed as provided herein, which solicitation shall contain  
 17 the same information as is required to be set forth in  
 18 advertisements. In lieu of soliciting bids, the governing  
 19 body may purchase any vehicle, machinery, appliances,  
 20 apparatus, building or materials and supplies, for which  
 21 must be paid a sum less than ten thousand dollars (\$10,000),  
 22 at public auction. Compliance with the provisions of the  
 23 section shall be considered as meeting the requirements of  
 24 section 16-1803 (1).

25 (5) The state department of administration may

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1 serve as a purchasing agent for the county governing body by  
2 mutual consent of both parties."

-End-

HB92

Approved by Comm.  
on Local Government

HOUSE BILL NO. 92

INTRODUCED BY KENDALL, SEIFERT, BERTELSEN, W. BAETH

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 16-1803, R.C.M. 1947, TO PROVIDE A BIDDING PROCEDURE FOR COUNTY PURCHASES EXCEEDING TEN THOUSAND DOLLARS (\$10,000); LIMITING A CONTRACT PERIOD TO FIVE (5) YEARS; PROVIDING A SOLICITATION OF BIDS; AND ALLOWING THE DEPARTMENT OF ADMINISTRATION TO SERVE AS PURCHASING AGENT FOR A COUNTY BY MUTUAL CONSENT."

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

Section 1. Section 16-1803, R.C.M. 1947, is amended to read as follows:

"16-1803. Procedure when request for bids is necessary in making contracts for purchases and for construction of buildings, ROADS AND BRIDGES exceeding four ten thousand dollars ~~(\$47,000)~~ (\$10,000). (1) No contract shall be entered into between by a board-of-county commissioners county governing body for the purchase of any ~~automobile, truck, or other~~ vehicle, or road machinery, or for any other machinery, apparatus, appliances or equipment, or for any materials or supplies of any kind for which must be paid a sum in excess of four ten thousand dollars ~~(\$47,000)~~ (\$10,000), or for the construction of any building, ROAD OR

BRIDGE for which must be paid a sum in excess of four ten thousand dollars ~~(\$47,000)~~ (\$10,000), without first publishing a notice calling for bids for furnishing the same, which notice must be published at least once a week, for three (3) consecutive weeks before the date fixed therein for receiving bids, in the official newspaper of the county, and every such contract shall be let to the lowest and best responsible bidder; provided that the provisions of this section shall not apply to contracts for public printing entered into in accordance with the provisions of chapter 12 of Title 16 and provided further, that the provisions of this section shall not apply to contracts for purchases, which in the opinion of the board governing body, are made necessary by fires, flood, explosion, storm, earthquake, or other elements, epidemic, riot, insurrection, or for the immediate preservation of order, or of the public health, or for the restoration of a condition of usefulness which has been destroyed by accident, wear, tear, mischief, or for the relief of a stricken community overtaken by calamity.

(2) When the amount to be paid as the purchase price for any ~~automobile, truck, or other~~ vehicle, or road machinery of any kind, or for any other machinery, apparatus, appliance or equipment, or for any materials or supplies of any kind, shall exceed one four thousand dollars

1 ~~(\$1,000.00)~~ (\$4,000) the ~~board--of--county--commissioners~~  
 2 county governing body may provide for the payment of such  
 3 purchase price in installments extending over a period of  
 4 not more than ~~three-(3)~~ five (5) years; ~~provided--that--when~~  
 5 ~~the--purchase-price-is-extended-over-a-term-of-two-(2)-years~~  
 6 ~~or-at-least-forty-(40%)-per-cent-thereof-shall-be--paid--the~~  
 7 ~~first--year--and-the-remainder-the-second-year-and-when-such~~  
 8 ~~purchase-price-is-extended-over-a-term-of-three-(3)-years-at~~  
 9 ~~least-one-third-of-such-purchase-price-to-be-paid-each-year,~~  
 10 provided that, at the time of entering into the agreement  
 11 for such purchase, there shall be an unexpended balance of  
 12 appropriation in the budget for the then current fiscal year  
 13 available and sufficient to meet and take care of such  
 14 portion of the purchase price as is payable during the then  
 15 current fiscal year, and the budget for each following year,  
 16 in which any portion of such purchase price is to be paid,  
 17 shall contain an appropriation for the purpose of paying the  
 18 same.

19 (3) Every contract entered into for the rental of  
 20 machinery, equipment, apparatus, appliances, materials or  
 21 supplies of any kind, which shall provide for payment of  
 22 rental, by the county, and that after a certain fixed amount  
 23 has been paid as rental, the property shall become the  
 24 property of the county, or any other similar provisions or  
 25 conditions, shall be deemed and construed to be a contract

1 for sale of such property, and all of the provisions of this  
 2 section shall apply thereto and govern and control the same.

3 (4) On any purchase contract entered into by a county  
 4 governing body for the purchase of any vehicle, machinery,  
 5 appliances, apparatus, building or materials and supplies,  
 6 for which must be paid a sum in excess of four thousand  
 7 dollars (\$4,000) but less than ten thousand dollars  
 8 (\$10,000), bids shall be solicited without advertising, from  
 9 persons, firms or corporations who have caused to be filed  
 10 with the governing body of the county a request, in writing,  
 11 that its name be listed with the governing body for  
 12 solicitations on the particular items set forth in the  
 13 request, AND THE GOVERNING BODY OF THE COUNTY SHALL LET SUCH  
 14 CONTRACT TO THE LOWEST AND BEST RESPONSIBLE BIDDER.  
 15 However, if a person, firm, or corporation whose name is  
 16 listed fails FOR A PERIOD OF ONE (1) YEAR to respond to any  
 17 solicitation for bids, such listing may be cancelled. The  
 18 governing body shall solicit bids of prospective suppliers  
 19 whose names are listed as provided herein, which  
 20 solicitation shall contain the same information as is  
 21 required to be set forth in advertisements. In lieu of  
 22 soliciting bids, the governing body may purchase any  
 23 vehicle, machinery, appliances, apparatus, building or  
 24 materials and supplies, for which must be paid a sum less  
 25 than ten thousand dollars (\$10,000), at public auction.

1 Compliance with the provisions of the section shall be  
2 considered as meeting the requirements of section 16-1803

3 (1).

4 (5) The state department of administration may serve  
5 as a purchasing agent for the county governing body by  
6 mutual consent of both parties."

-End-

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

Section 1. Section 16-1803, R.C.M. 1947, is amended to read as follows:

"16-1803. Procedure when request for bids is necessary in making contracts for purchases and for construction of buildings, ROADS AND BRIDGES exceeding four ten thousand dollars ~~(\$4,000)~~ (\$10,000). (1) No contract shall be entered into between by a board-of-county commissioners county governing body for the purchase of any ~~automobile, truck, or other~~ vehicle, or road machinery, or for any other machinery, apparatus, appliances or equipment, or for any materials or supplies of any kind for which must be paid a sum in excess of four ten thousand dollars ~~(\$4,000)~~ (\$10,000), or for the construction of any building, ROAD OR

BRIDGE for which must be paid a sum in excess of four ten thousand dollars ~~(\$4,000)~~ (\$10,000), without first publishing a notice calling for bids for furnishing the same, which notice must be published at least once a week, for three (3) consecutive weeks before the date fixed therein for receiving bids, in the official newspaper of the county, and every such contract shall be let to the lowest and best responsible bidder; provided that the provisions of this section shall not apply to contracts for public printing entered into in accordance with the provisions of chapter 12 of Title 16 and provided further, that the provisions of this section shall not apply to contracts for purchases, which in the opinion of the board governing body, are made necessary by fires, flood, explosion, storm, earthquake, or other elements, epidemic, riot, insurrection, or for the immediate preservation of order, or of the public health, or for the restoration of a condition of usefulness which has been destroyed by accident, wear, tear, mischief, or for the relief of a stricken community overtaken by calamity.

(2) When the amount to be paid as the purchase price for any ~~automobile, truck, or other~~ vehicle, or road machinery of any kind, or for any other machinery, apparatus, appliance or equipment, or for any materials or supplies of any kind, shall exceed ~~one~~ four thousand dollars

1 ~~(\$1,000-00)~~ (\$4,000) the ~~board--of--county--commissioners~~  
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2 considered as meeting the requirements of section 16-1803

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5 as a purchasing agent for the county governing body by  
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 10 provided that, at the time of entering into the agreement  
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 12 appropriation in the budget for the then current fiscal year  
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 16 in which any portion of such purchase price is to be paid,  
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 18 same.

19 (3) Every contract entered into for the rental of  
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 21 supplies of any kind, which shall provide for payment of  
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 23 has been paid as rental, the property shall become the  
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 4 governing body for the purchase of any vehicle, machinery,  
 5 appliances, apparatus, building or materials and supplies,  
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 7 dollars (\$4,000) but less than ten thousand dollars  
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 9 persons, firms or corporations who have caused to be filed  
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-End-