

1 House BILL NO. 207  
 2 INTRODUCED BY VINCENT  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SCHOOL  
 5 DISTRICTS TO CONTRACT FOR ARCHITECTURAL SERVICES UNDER  
 6 CERTAIN CIRCUMSTANCES; AND ESTABLISHING THE PROCEDURES FOR  
 7 AWARDING SUCH CONTRACTS."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10 Section 1. There is a new R.C.M. section numbered  
 11 75-6815 that reads as follows:

12 75-6815. Contracts for architectural services required  
 13 under certain circumstances. Whenever the estimated cost of  
 14 any building, furnishing, repairing, or other work for the  
 15 benefit of a school district exceeds four thousand dollars  
 16 (\$4,000) and requires architectural services, such services  
 17 shall be by contract.

18 Section 2. There is a new R.C.M. section numbered  
 19 75-6816 that reads as follows:

20 75-6816. Procedures pursuant to awarding a contract  
 21 for architectural services. The trustees of a school  
 22 district shall adhere to the following procedure in awarding  
 23 a contract for architectural services when such services are  
 24 required:

25 (1) Interview representatives of at least three (3)

1 architectural firms after advertising that interviews will  
 2 be conducted for the purpose of procuring architectural  
 3 services. The advertisement shall be published in a  
 4 newspaper of general statewide circulation, shall include a  
 5 description of the proposed work for which architectural  
 6 services are needed, and shall be made for at least twice  
 7 each week for three (3) consecutive weeks. Following a  
 8 reasonable time period after all interested firms have  
 9 notified the trustees of their interest, the trustees shall  
 10 give reasonable public notice of the schedule of interviews.  
 11 These interviews shall be open to the public.

- 12 (2) During each interview, the trustees shall:  
 13 (a) review current statements of the qualifications  
 14 and past performance records of the firm, as provided by the  
 15 firm;  
 16 (b) conduct discussions with the firm regarding  
 17 anticipated concepts and the relative merits of alternative  
 18 methods for furnishing the required services;  
 19 (c) consider questions and testimony from the public;  
 20 (d) consider or request any other information of the  
 21 firm which they, the trustees, deem relevant.

22 The trustees may interview all firms together or  
 23 separately.

24 (3) Upon completion of the interviews, and after a  
 25 reasonable time period and a reasonable public notice, the

1 trustees shall hold a public meeting. At this meeting, the  
 2 trustees shall discuss their tentative selection of a firm,  
 3 the criteria upon which they judged the firms, and they  
 4 shall consider any questions and testimony from the public.  
 5 If the trustees find cause during this public meeting, they  
 6 may reconsider their selection.

7 (4) Following the meeting mentioned in subsection (3)  
 8 above, the trustees shall select one (1) firm from those  
 9 interviewed and shall give reasonable public notice of their  
 10 selection. In addition, the trustees shall give reasonable  
 11 public notice of and hold a public meeting to announce their  
 12 final determination of a firm and to discuss the criteria  
 13 upon which they based their selection. The trustees shall  
 14 also consider any questions and testimony from the public  
 15 regarding the architectural services to be performed. But  
 16 the trustees shall not award a contract for architectural  
 17 services prior to this public meeting.

18 (5) For the purposes of this act, "reasonable public  
 19 notice" means a notice or advertisement published in a  
 20 newspaper or newspapers that will give notice to the largest  
 21 number of people in the district as determined by the  
 22 trustees; and "reasonable time period" means a time between  
 23 public meetings and public notices sufficient to allow the  
 24 public to be cognizant of such events as determined by the  
 25 trustees.

1 Section 3. There is a new R.C.M. section numbered  
 2 75-6817 that reads as follows:

3 75-6817. Negotiation of fees. After selecting a firm,  
 4 the trustees shall negotiate with the selected firm a fair  
 5 and reasonable fee for the architectural services as  
 6 described by the school district's scope of the work. In  
 7 the event the trustees and the firm are unable to negotiate  
 8 a fair and reasonable fee, the trustees may select another  
 9 firm, provided the trustees again give reasonable public  
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12 Section 4. There is a new R.C.M. section numbered  
 13 75-6818 that reads as follows:

14 75-6818. Tentative and final proposals -- public  
 15 meetings. Following the awarding of the contract, the  
 16 trustees shall meet as often as necessary with the  
 17 architectural firm to review the firm's plans and proposals.  
 18 At least two (2) of these meetings, one (1) to review the  
 19 firm's preliminary plans and one (1) to review the firm's  
 20 final proposals, shall be public meetings held after the  
 21 trustees have given reasonable public notice. At these  
 22 meetings, the trustees shall consider any questions and  
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 25 75-6819 that reads as follows:

1 75-6819. Encouraged to award contract to Montana  
 2 firms. The trustees are encouraged, but not required, to  
 3 award architectural contracts to firms based or operating in  
 4 Montana.

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 6 75-6820 that reads as follows:

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 8 penalty. (1) Each contract entered into by a school  
 9 district for architectural services shall contain a  
 10 prohibition against contingent fees as follows: "The  
 11 architectural firm warrants that it has not employed or  
 12 retained any company or person, other than a bona fide  
 13 full-time employee, to solicit or secure this agreement, and  
 14 that he has not paid or agreed to pay any person, company,  
 15 corporation, individual, or firm, other than a bona fide  
 16 full-time employee, any fee, commission, percentage, gift,  
 17 or any other consideration, contingent upon or resulting  
 18 from the award or making of this agreement." Upon the  
 19 breach or violation of this prohibition, the trustees shall  
 20 have the right to terminate the agreement without liability  
 21 and, at its discretion, to deduct from the contract price,  
 22 or otherwise recover, the full amount of such fee,  
 23 commission, percentage, gift, or consideration.

24 (2) Any individual, corporation, partnership, firm, or  
 25 company, other than a bona fide full-time employee, is

1 prohibited from offering, agreeing, or contracting to  
 2 solicit or secure school district contracts for  
 3 architectural services for any other individual, company,  
 4 corporation, partnership, or firm.

5 (3) A public official or employee is prohibited from  
 6 soliciting or securing, whether for consideration or not, a  
 7 contract for professional services for another.

8 (4) A person convicted of violating subsections (1),  
 9 (2), or (3) of this section shall be fined not to exceed  
 10 five hundred dollars (\$500) or be imprisoned in the county  
 11 jail for any term not to exceed six (6) months, or both.

-End-

STATE OF MONTANA

REQUEST NO. 217-75

FISCAL NOTE

Form BD-15

In compliance with a written request received February 11, 19 75, there is hereby submitted a Fiscal Note for House Bill 207 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:


House Bill 207 requires school districts to contract for architectural services where the estimated cost of work requiring architectural services exceeds \$4,000, and establishes the procedures for awarding such contracts.

ASSUMPTIONS:

1. House Bill 207 requires nine newspaper advertisements for each architectural service contract. Each advertisement utilizes 2 column inches of space priced at \$3.25 per column inch.
2. No additional costs are anticipated for the required public meetings.
3. No estimates of the frequency of required architectural service contracts are possible.

FISCAL IMPACT:

Enactment of House Bill 207 would result in school district expenditures for newspaper advertising of \$58.50 for each architectural service contract awarded.

  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: February 17, 1975

Approved by Committee  
on Education

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16 dollars ~~(\$4,000)~~ (\$50,000) and requires architectural  
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20 75-6816. Procedures pursuant to awarding a contract  
21 for architectural services. The trustees of a school  
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24 required:

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4 ~~newspaper of general~~ CIRCULATED statewide ~~circulation~~ AND  
5 shall include a description of the proposed work for which  
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7 least twice each week for three (3) consecutive weeks.  
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15 and past performance records of the firm, as provided by the  
16 firm;

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24 separately.

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22 breach or violation of this prohibition, the trustees shall  
23 have the right to terminate the agreement without liability  
24 and, at its discretion, to deduct from the contract price,  
25 or otherwise recover, the full amount of such fee,

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5 solicit or secure school district contracts for  
6 architectural services for any other individual, company,  
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8 (3) A public official or employee is prohibited from  
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11 (4) A person convicted of violating subsections (1),  
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14 jail for any term not to exceed six (6) months, or both.

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23 have the right to terminate the agreement without liability  
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14 jail for any term not to exceed six (6) months, or both.

-End-

Montana 24, 1975

SENATE COMMITTEE OF THE WHOLE

AMENDMENTS TO HOUSE BILL NO. 207

That House Bill No. 207, third reading, be amended as follows:

1. Amend page 1, section 2, lines 25 through line 7 on page 2.  
Following: "(1)"  
Strike: lines 25 on page 1 through line 7 on page 2 in their entirety  
Insert: "Interview representatives of at least three (3) certified architectural firms, provided that at least three (3) such firms apply, after advertising that interviews will be conducted for the purpose of procuring architectural services. The advertisements shall be published in a newspaper of general statewide circulation at least twice each week for three (3) consecutive weeks, or no less than two (2) times in the semi-monthly publication of the Montana state department of administration that provides for the statewide announcement of projects requiring professional services. The advertisements shall include a description of the proposed work for which architectural services are needed."

HOUSE BILL NO. 207

INTRODUCED BY VINCENT

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SCHOOL DISTRICTS TO CONTRACT FOR ARCHITECTURAL SERVICES UNDER CERTAIN CIRCUMSTANCES; AND ESTABLISHING THE PROCEDURES FOR AWARDING SUCH CONTRACTS."

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~~architectural--firms--after-advertising-that-interviews-will be-conducted-for--the--purpose--of--procuring--architectural services.---The--advertisement--shall--be--published--in--a newspaper-of-general CIRCULATED statewide--circulation; AND shall--include--a-description-of-the-proposed-work-for-which architectural-services-are-needed,-and-shall-be-made-for--at least--twice--each--week--for--three--(3)--consecutive-weeks; INTERVIEW REPRESENTATIVES OF AT LEAST THREE (3) CERTIFIED ARCHITECTURAL FIRMS, PROVIDED THAT AT LEAST THREE (3) SUCH FIRMS APPLY, AFTER ADVERTISING THAT INTERVIEWS WILL BE CONDUCTED FOR THE PURPOSE OF PROCURING ARCHITECTURAL SERVICES. THE ADVERTISEMENTS SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL STATEWIDE CIRCULATION AT LEAST TWICE EACH WEEK FOR THREE (3) CONSECUTIVE WEEKS, OR NO LESS THAN TWO (2) TIMES IN THE SEMI-MONTHLY PUBLICATION OF THE MONTANA STATE DEPARTMENT OF ADMINISTRATION THAT PROVIDES FOR THE STATEWIDE ANNOUNCEMENT OF PROJECTS REQUIRING PROFESSIONAL SERVICES. THE ADVERTISEMENTS SHALL INCLUDE A DESCRIPTION OF THE PROPOSED WORK FOR WHICH ARCHITECTURAL SERVICES ARE NEEDED. Following a reasonable time period after all interested firms have notified the trustees of their interest, the trustees shall give reasonable public notice of the schedule of interviews. These interviews shall be open to the public.~~

- (2) During each interview, the trustees shall:

1 (a) review current statements of the qualifications  
2 and past performance records of the firm, as provided by the  
3 firm;

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6 trustees shall meet as often as necessary with the  
7 architectural firm to review the firm's plans and proposals.  
8 At least two (2) of these meetings, one (1) to review the  
9 firm's preliminary plans and one (1) to review the firm's  
10 final proposals, shall be public meetings held after the  
11 trustees have given reasonable public notice. At these  
12 meetings, the trustees shall consider any questions and  
13 testimony from the public.

14 Section 5. There is a new R.C.M. section numbered  
15 75-6819 that reads as follows:

16 75-6819. Encouraged to award contract to Montana  
17 firms. The trustees are encouraged, but not required, to  
18 award architectural contracts to firms based or operating in  
19 Montana.

20 Section 6. There is a new R.C.M. section numbered  
21 75-6820 that reads as follows:

22 75-6820. Prohibition against contingent fees --  
23 penalty. (1) Each contract entered into by a school  
24 district for architectural services shall contain a  
25 prohibition against contingent fees as follows: "The

1 architectural firm warrants that it has not employed or  
2 retained any company or person, other than a bona fide  
3 full-time employee, to solicit or secure this agreement, and  
4 that he has not paid or agreed to pay any person, company,  
5 corporation, individual, or firm, other than a bona fide  
6 full-time employee, any fee, commission, percentage, gift,  
7 or any other consideration, contingent upon or resulting  
8 from the award or making of this agreement." Upon the  
9 breach or violation of this prohibition, the trustees shall  
10 have the right to terminate the agreement without liability  
11 and, at its discretion, to deduct from the contract price,  
12 or otherwise recover, the full amount of such fee,  
13 commission, percentage, gift, or consideration.

14 (2) Any individual, corporation, partnership, firm, or  
15 company, other than a bona fide full-time employee, is  
16 prohibited from offering, agreeing, or contracting to  
17 solicit or secure school district contracts for  
18 architectural services for any other individual, company,  
19 corporation, partnership, or firm.

20 (3) A public official or employee is prohibited from  
21 soliciting or securing, whether for consideration or not, a  
22 contract for professional services for another.

23 (4) A person convicted of violating subsections (1),  
24 (2), or (3) of this section shall be fined not to exceed  
25 five hundred dollars (\$500) or be imprisoned in the county

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1 jail for any term not to exceed six (6) months, or both.

-End-