

1 2 hours BILL NO. 590
 2 INTRODUCED BY Kunde, by request
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW CONTRACTORS ON
 5 SPECIAL IMPROVEMENT DISTRICTS AND RURAL SPECIAL IMPROVEMENT
 6 DISTRICTS TO SUBMIT ALTERNATIVE FORMS OF BID SECURITY UNDER
 7 THE GENERAL PROVISIONS OF TITLE 6, CHAPTERS 4 AND 5, R.C.M.
 8 1947; AMENDING SECTIONS 11-2209, 11-2213, 16-1607 AND
 9 16-1609, R.C.M. 1947."

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

12 Section 1. Section 11-2209, R.C.M. 1947, is amended to
 13 read as follows:

14 "11-2209. Bid for work and award of contract.
 15 (1) Notice inviting proposals, and referring to the
 16 specifications on file, shall be published at least twice in
 17 a daily, semiweekly, or weekly newspaper, published and
 18 circulated in said city, designated by the council for that
 19 purpose, and in case there is no newspaper published in said
 20 city, then it shall be posted in at least three (3) public
 21 places.

22 The city council may call for bids or proposals for
 23 several kinds and types of materials for any improvements
 24 proposed to be made under sections 11-2201 to 11-2243 of
 25 this code, reserving the right to select the kind or type of

1 material to be used in making any such improvements, after
 2 the bids or proposals therefor shall have been opened,
 3 examined, and declared.

4 (2) The time fixed for the opening of bids shall be
 5 not less than ten (10) days from the time of the final
 6 publication of said notice. All proposals or bids offered
 7 shall be accompanied by ~~a check payable to the city,~~
 8 ~~certified by a responsible bank for an amount which shall~~
 9 ~~not be less than ten per centum (10%) of the aggregate of~~
 10 ~~the proposal~~ bid security as provided for in Title 6,
 11 chapter 5, R.C.M. 1947. Said proposals or bids shall be
 12 delivered to the clerk of the said city council, provided,
 13 ~~however, that no proposal or bids shall be considered unless~~
 14 ~~accompanied by said check.~~ The bids shall be opened in
 15 public at a time and place to be designated by the city
 16 council at the previous council meeting. The city council
 17 may reject any and all proposals or bids should it deem this
 18 for the public good, and also the bid of any party who has
 19 been delinquent or unfaithful in any former contract with
 20 the municipality, and shall reject all proposals or bids
 21 other than the lowest regular proposal or bid of any
 22 responsible bidder, and may award the contract for said work
 23 or improvement to the lowest responsible bidder at the
 24 prices named in his bid.

25 (3) If the bids are rejected, or no bids are received,

INTRODUCED BILL

1 the city council may, at any time within two (2) years
 2 thereafter, and whenever and as often as the city council
 3 deems it advantageous, readvertise for proposals or bids for
 4 the performance of the work as herein provided, without
 5 further proceedings, and thereafter proceed in the manner in
 6 this section provided, and shall thereupon return to the
 7 proper parties the ~~checks~~ bid securities corresponding to
 8 the bids so rejected. But the ~~checks~~ bid securities
 9 accompanying such accepted proposals or bids shall be held
 10 by the city clerk of said city until the contract for doing
 11 said work, as hereinafter provided, has been entered into,
 12 either by said lowest bidder, or by the owners of over fifty
 13 per centum (50%) of the frontage, whereupon said ~~certified~~
 14 ~~check~~ bid security shall be returned to said bidder. But if
 15 said bidder fails, neglects, or refuses to enter into the
 16 contract to perform said work or improvements, as
 17 hereinafter provided, then the ~~certified-check~~ bid
 18 securities accompanying his bid, and the amount therein
 19 mentioned, shall be declared to be forfeited to said city,
 20 and shall be collected by it and paid into the general fund.
 21 The provisions hereof shall be applicable to all special
 22 improvement districts created within one (1) year preceding
 23 the passage and approval of this act."

24 Section 2. Section 11-2213, R.C.M. 1947, is amended to
 25 read as follows:

1 "11-2213. Bond of contractor. All contractors,
 2 contracting owners included, shall, at the time of executing
 3 any contract for street work, execute a bond to the
 4 satisfaction and approval of the city council, ~~with--two--or~~
 5 ~~more--sureties,--and-payable-to-such-city,--in-a-sum-not-less~~
 6 ~~than-twenty-five-per-cent-of-the--amount--of--the--contract,~~
 7 ~~conditioned--for--the--faithful-performance-of-the-contract,~~
 8 ~~and-indemnifying-the-city-from--any--detriment,--damage,--or~~
 9 ~~loss--growing--out--of--said-work,--and--the-sureties-shall~~
 10 ~~justify-before-any-person-competent-to-administer--an--oath,~~
 11 ~~in--double-the-amount-mentioned-in-said-bond,--over-and-above~~
 12 ~~all-statutory-exemptions,--provided,--however,--that--nothing~~
 13 ~~herein--contained--shall--be--construed--as--to--prevent--or~~
 14 ~~prohibit-the-city-council-from-requiring-or-accepting-in-any~~
 15 ~~case-a-bond-furnished-by--a--surety--company--authorized--to~~
 16 ~~transact--business--in-the-state-of-Montana; in the form and~~
 17 manner provided for in Title 6, chapter 4, R.C.M. 1947."

18 Section 3. Section 16-1607, R.C.M. 1947, is amended to
 19 read as follows:

20 "16-1607. Notice inviting proposals--publication and
 21 posting--opening bids--readvertisement--contract for
 22 purchase. (1) A notice inviting proposals and referring to
 23 specifications on file with the engineer selected as
 24 hereinbefore provided shall be published at least twice in a
 25 daily, semiweekly or weekly newspaper published and

1 circulated nearest to the boundaries of the said proposed
2 improvement district, and which paper shall be designated by
3 the board of county commissioners for that purpose, and a
4 copy of said notice shall be posted in at least three public
5 places within the boundaries of the proposed district.

6 (2) The board of county commissioners may call for
7 bids for proposals for several kinds or types of materials
8 for any of the improvements proposed, reserving the right to
9 select the kind of type or materials to be used in making
10 any or all of said improvements after the bids or proposals
11 therefor shall have been opened, examined and declared.

12 (3) The time fixed for the opening of the bids shall
13 not be less than fifteen days from the time of the final
14 publication of said notice. All proposals or bids offered
15 shall be accompanied by ~~a--check-payable-to-the-board-of~~
16 ~~county-commissioners,-certified-by-a-responsible--bank--for~~
17 ~~an--amount--which-shall-not-be-less-than-ten-per-cent-of-the~~
18 ~~aggregate-of-said-proposal~~ bid security as provided for in
19 Title 6, chapter 5, R.C.M. 1947. Such proposals or bids
20 shall be delivered to the county clerk, and the board of
21 county commissioners shall, in open session, publicly open
22 and examine and declare the same, ~~;-provided;-;-however;-;-that~~
23 ~~no-proposal-or-bid-shall-be-considered-unless-accompanied-by~~
24 ~~said-check-~~

25 (4) The board of county commissioners may reject any

1 and all proposals or bids should it deem this for the public
2 good, and also the bid of any party who has been delinquent
3 or unfaithful in any former contract with the board of
4 county commissioners, and shall reject all proposals, other
5 than the lowest regular proposal or bid of any responsible
6 bidder, and may award the contract for such work or
7 improvement, to the lowest responsible bidder at the prices
8 named in his bid.

9 (5) If the bids are rejected or no bids are received
10 the board of county commissioners may within six months
11 thereafter readvertise for proposals or bids for the
12 performance of the work as in the first instance, without
13 further proceedings, and thereafter proceed in the manner in
14 this section provided, and shall thereupon return to the
15 proper parties the ~~checks~~ bid securities accompanying the
16 bids so rejected, but the ~~check~~ bid security accompanying
17 said accepted proposal or bid shall be held by the county
18 clerk until the contract for doing said work as hereinafter
19 provided has been entered into, either by the said lowest
20 bidder, or by the owners of over fifty per cent of frontage,
21 whereupon said ~~certified--check~~ bid security shall be
22 returned to said bidder, but if said bidder fails, neglects
23 or refuses to enter into the contract to perform said work
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25 ~~check~~ bid security accompanying his bid, in the amount

1 ~~herein~~ therein mentioned, shall be declared to be forfeited
 2 to the said board of county commissioners, and shall be
 3 collected by it, and paid into the general fund of the
 4 county.

5 (6) If the proposed improvement consists of the
 6 purchase of an existing improvement, the board of county
 7 commissioners may, in their discretion, after the creation
 8 of the said special improvement district, and after ordering
 9 the proposed improvement, enter into a contract for the
 10 purchase of said improvement, upon such terms as they deem
 11 just, without advertising for bids, or proposals, provided,
 12 however, that the total purchase price shall not exceed the
 13 amount set forth in the notice required by section 16-1602."

14 Section 4. Section 16-1609, R.C.M. 1947, is amended to
 15 read as follows:

16 "16-1609. Bond of contractor or contracting owners.
 17 All contractors and contracting owners included shall at the
 18 time of executing any contract for any work, execute a bond
 19 to the satisfaction and approval of the board of county
 20 commissioners, ~~with two or more sureties, payable to said~~
 21 ~~county in a sum not less than twenty-five per cent of the~~
 22 ~~amount of the contract, conditioned for the faithful~~
 23 ~~performance of the contracts, indemnifying the county from~~
 24 ~~any detriment, damage or loss growing out of said work, and~~
 25 ~~the sureties shall justify before any person competent to~~

1 ~~administer an oath in double the amount mentioned in said~~
 2 ~~bond, over and above all statutory exemptions, provided,~~
 3 ~~however, that nothing herein contained shall be considered~~
 4 ~~as to prevent or prohibit the board of county commissioners~~
 5 ~~from requiring or accepting in any case a bond furnished by~~
 6 ~~a surety company authorized to transact business in the~~
 7 ~~state of Montana; in the form and manner provided for in~~
 8 Title 6, chapter 4, R.C.M. 1947."

-End-

Approved by Committee
on Business and Industry

1 Clause BILL NO. 590
2 INTRODUCED BY Kimble, by request
3

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19 purpose, and in case there is no newspaper published in said
20 city, then it shall be posted in at least three (3) public
21 places.

22 The city council may call for bids or proposals for
23 several kinds and types of materials for any improvements
24 proposed to be made under sections 11-2201 to 11-2243 of
25 this code, reserving the right to select the kind or type of

SECOND READING

1 material to be used in making any such improvements, after
2 the bids or proposals therefor shall have been opened,
3 examined, and declared.

4 (2) The time fixed for the opening of bids shall be
5 not less than ten (10) days from the time of the final
6 publication of said notice. All proposals or bids offered
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15 public at a time and place to be designated by the city
16 council at the previous council meeting. The city council
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20 the municipality, and shall reject all proposals or bids
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-2- HB 590

1 the city council may, at any time within two (2) years
 2 thereafter, and whenever and as often as the city council
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 22 improvement districts created within one (1) year preceding
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24 Section 2. Section 11-2213, R.C.M. 1947, is amended to
 25 read as follows:

1 "11-2213. Bond of contractor. All contractors,
 2 contracting owners included, shall, at the time of executing
 3 any contract for street work, execute a bond to the
 4 satisfaction and approval of the city council, ~~with--two--or~~
 5 ~~more--sureties,--and-payable-to-such-city,--in-a-sum-not-less~~
 6 ~~than-twenty-five-per-cent-of-the-amount-of-the-contract,~~
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 8 ~~and-indemnifying-the-city-from-any-detriment,--damage,--or~~
 9 ~~loss--growing--out--of--said--work,--and--the-sureties-shall~~
 10 ~~justify-before-any-person-competent-to-administer--an--oath,~~
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18 Section 3. Section 16-1607, R.C.M. 1947, is amended to
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 24 hereinbefore provided shall be published at least twice in a
 25 daily, semiweekly or weekly newspaper published and

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2 improvement district, and which paper shall be designated by
3 the board of county commissioners for that purpose, and a
4 copy of said notice shall be posted in at least three public
5 places within the boundaries of the proposed district.

6 (2) The board of county commissioners may call for
7 bids for proposals for several kinds or types of materials
8 for any of the improvements proposed, reserving the right to
9 select the kind of type or materials to be used in making
10 any or all of said improvements after the bids or proposals
11 therefor shall have been opened, examined and declared.

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18 ~~aggregate-of-said-proposal~~ bid security as provided for in
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22 and examine and declare the same, ~~7-provided,--however,--that~~
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1 and all proposals or bids should it deem this for the public
2 good, and also the bid of any party who has been delinquent
3 or unfaithful in any former contract with the board of
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5 than the lowest regular proposal or bid of any responsible
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7 improvement, to the lowest responsible bidder at the prices
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10 the board of county commissioners may within six months
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12 performance of the work as in the first instance, without
13 further proceedings, and thereafter proceed in the manner in
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17 said accepted proposal or bid shall be held by the county
18 clerk until the contract for doing said work as hereinafter
19 provided has been entered into, either by the said lowest
20 bidder, or by the owners of over fifty per cent of frontage,
21 whereupon said certified--check bid security shall be
22 returned to said bidder, but if said bidder fails, neglects
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14 Section 4. Section 16-1609, R.C.M. 1947, is amended to
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 24 ~~any detrimental damage or loss growing out of said work, and~~
 25 ~~the sureties shall justify before any person competent to~~

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 7 ~~state of Montana; in the form and manner provided for in~~
 8 ~~Title 6, chapter 4, R.C.M. 1947.~~

-End-

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2 INTRODUCED BY House BILL NO. 590
3 Kenah, by request

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW CONTRACTORS ON
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11 thereafter readvertise for proposals or bids for the
12 performance of the work as in the first instance, without
13 further proceedings, and thereafter proceed in the manner in
14 this section provided, and shall thereupon return to the
15 proper parties the ~~checks~~ bid securities accompanying the
16 bids so rejected, but the ~~check~~ bid security accompanying
17 said accepted proposal or bid shall be held by the county
18 clerk until the contract for doing said work as hereinafter
19 provided has been entered into, either by the said lowest
20 bidder, or by the owners of over fifty per cent of frontage,
21 whereupon said ~~certified--check~~ bid security shall be
22 returned to said bidder, but if said bidder fails, neglects
23 or refuses to enter into the contract to perform said work
24 and improvements as hereinafter provided, then the ~~certified~~
25 ~~check~~ bid security accompanying his bid, in the amount

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1 ~~herein~~ therein mentioned, shall be declared to be forfeited
 2 to the said board of county commissioners, and shall be
 3 collected by it, and paid into the general fund of the
 4 county.

5 (6) If the proposed improvement consists of the
 6 purchase of an existing improvement, the board of county
 7 commissioners may, in their discretion, after the creation
 8 of the said special improvement district, and after ordering
 9 the proposed improvement, enter into a contract for the
 10 purchase of said improvement, upon such terms as they deem
 11 just, without advertising for bids, or proposals, provided,
 12 however, that the total purchase price shall not exceed the
 13 amount set forth in the notice required by section 16-1602."

14 Section 4. Section 16-1609, R.C.M. 1947, is amended to
 15 read as follows:

16 "16-1609. Bond of contractor or contracting owners.
 17 All contractors and contracting owners included shall at the
 18 time of executing any contract for any work, execute a bond
 19 to the satisfaction and approval of the board of county
 20 commissioners, ~~with two or more sureties, payable to said~~
 21 ~~county in a sum not less than twenty-five per cent of the~~
 22 ~~amount of the contract, conditioned for the faithful~~
 23 ~~performance of the contracts, indemnifying the county from~~
 24 ~~any detriment, damage or loss growing out of said work, and~~
 25 ~~the sureties shall justify before any person competent to~~

1 ~~administer an oath in double the amount mentioned in said~~
 2 ~~bond, over and above all statutory exemptions, provided,~~
 3 ~~however, that nothing herein contained shall be considered~~
 4 ~~as to prevent or prohibit the board of county commissioners~~
 5 ~~from requiring or accepting in any case a bond furnished by~~
 6 ~~a surety company authorized to transact business in the~~
 7 ~~state of Montana in the form and manner provided for in~~
 8 Title 6, chapter 4, R.C.M. 1947."

-End-

1 HOUSE BILL NO. 590
 2 INTRODUCED BY KIMBLE
 3 (BY REQUEST)
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW CONTRACTORS ON
 6 SPECIAL IMPROVEMENT DISTRICTS AND RURAL SPECIAL IMPROVEMENT
 7 DISTRICTS TO SUBMIT ALTERNATIVE FORMS OF BID SECURITY UNDER
 8 THE GENERAL PROVISIONS OF TITLE 6, CHAPTERS 4 AND 5, R.C.M.
 9 1947; AMENDING SECTIONS 11-2209, 11-2213, 16-1607 AND
 10 16-1609, R.C.M. 1947."
 11

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

13 Section 1. Section 11-2209, R.C.M. 1947, is amended to
 14 read as follows:

15 "11-2209. Bid for work and award of contract.

16 (1) Notice inviting proposals, and referring to the
 17 specifications on file, shall be published at least twice in
 18 a daily, semiweekly, or weekly newspaper, published and
 19 circulated in said city, designated by the council for that
 20 purpose, and in case there is no newspaper published in said
 21 city, then it shall be posted in at least three (3) public
 22 places.

23 The city council may call for bids or proposals for
 24 several kinds and types of materials for any improvements
 25 proposed to be made under sections 11-2201 to 11-2243 of

1 this code, reserving the right to select the kind or type of
 2 material to be used in making any such improvements, after
 3 the bids or proposals therefor shall have been opened,
 4 examined, and declared.

5 (2) The time fixed for the opening of bids shall be
 6 not less than ten (10) days from the time of the final
 7 publication of said notice. All proposals or bids offered
 8 shall be accompanied by ~~a check payable to the city,~~
 9 ~~certified by a responsible bank for an amount which shall~~
 10 ~~not be less than ten per centum (10%) of the aggregate of~~
 11 ~~the proposal bid security as provided for in Title 6,~~
 12 chapter 5, R.C.M. 1947. Said proposals or bids shall be
 13 delivered to the clerk of the said city council, ~~provided,~~
 14 ~~however, that no proposal or bids shall be considered unless~~
 15 ~~accompanied by said check.~~ The bids shall be opened in
 16 public at a time and place to be designated by the city
 17 council at the previous council meeting. The city council
 18 may reject any and all proposals or bids should it deem this
 19 for the public good, and also the bid of any party who has
 20 been delinquent or unfaithful in any former contract with
 21 the municipality, and shall reject all proposals or bids
 22 other than the lowest regular proposal or bid of any
 23 responsible bidder, and may award the contract for said work
 24 or improvement to the lowest responsible bidder at the
 25 prices named in his bid.

1 (3) If the bids are rejected, or no bids are received,
 2 the city council may, at any time within two (2) years
 3 thereafter, and whenever and as often as the city council
 4 deems it advantageous, readvertise for proposals or bids for
 5 the performance of the work as herein provided, without
 6 further proceedings, and thereafter proceed in the manner in
 7 this section provided, and shall thereupon return to the
 8 proper parties the ~~checks~~ bid securities corresponding to
 9 the bids so rejected. But the ~~checks~~ bid securities
 10 accompanying such accepted proposals or bids shall be held
 11 by the city clerk of said city until the contract for doing
 12 said work, as hereinafter provided, has been entered into,
 13 either by said lowest bidder, or by the owners of over fifty
 14 per centum (50%) of the frontage, whereupon said ~~certified~~
 15 check bid security shall be returned to said bidder. But if
 16 said bidder fails, neglects, or refuses to enter into the
 17 contract to perform said work or improvements, as
 18 hereinafter provided, then the ~~certified~~ check bid
 19 securities accompanying his bid, and the amount therein
 20 mentioned, shall be declared to be forfeited to said city,
 21 and shall be collected by it and paid into the general fund.
 22 The provisions hereof shall be applicable to all special
 23 improvement districts created within one (1) year preceding
 24 the passage and approval of this act."

25 Section 2. Section 11-2213, R.C.M. 1947, is amended to

1 read as follows:

2 "11-2213. Bond of contractor. All contractors,
 3 contracting owners included, shall, at the time of executing
 4 any contract for street work, execute a bond to the
 5 satisfaction and approval of the city council, ~~with two or~~
 6 ~~more sureties, and payable to such city, in a sum not less~~
 7 ~~than twenty-five per cent of the amount of the contract,~~
 8 ~~conditioned for the faithful performance of the contract,~~
 9 ~~and indemnifying the city from any detriment, damage, or~~
 10 ~~loss growing out of said work, and the sureties shall~~
 11 ~~justify before any person competent to administer an oath,~~
 12 ~~in double the amount mentioned in said bond, over and above~~
 13 ~~all statutory exemptions; provided, however, that nothing~~
 14 ~~herein contained shall be construed as to prevent or~~
 15 ~~prohibit the city council from requiring or accepting in any~~
 16 ~~case a bond furnished by a surety company authorized to~~
 17 ~~transact business in the state of Montana; in the form and~~
 18 manner provided for in Title 6, chapter 4, R.C.M. 1947."

19 Section 3. Section 16-1607, R.C.M. 1947, is amended to
 20 read as follows:

21 "16-1607. Notice inviting proposals--publication and
 22 posting--opening bids--readvertisement--contract for
 23 purchase. (1) A notice inviting proposals and referring to
 24 specifications on file with the engineer selected as
 25 hereinbefore provided shall be published at least twice in a

1 daily, semiweekly or weekly newspaper published and
 2 circulated nearest to the boundaries of the said proposed
 3 improvement district, and which paper shall be designated by
 4 the board of county commissioners for that purpose, and a
 5 copy of said notice shall be posted in at least three public
 6 places within the boundaries of the proposed district.

7 (2) The board of county commissioners may call for
 8 bids for proposals for several kinds or types of materials
 9 for any of the improvements proposed, reserving the right to
 10 select the kind of type or materials to be used in making
 11 any or all of said improvements after the bids or proposals
 12 therefor shall have been opened, examined and declared.

13 (3) The time fixed for the opening of the bids shall
 14 not be less than fifteen days from the time of the final
 15 publication of said notice. All proposals or bids offered
 16 shall be accompanied by ~~a--check-payable-to-the-board-of~~
 17 ~~county-commissioners, certified-by-a-responsible--bank--for~~
 18 ~~an-amount--which-shall-not-be-less-than-ten-per-cent-of-the~~
 19 ~~aggregate-of-said-proposal~~ bid security as provided for in
 20 Title 6, chapter 5, R.C.M. 1947. Such proposals or bids
 21 shall be delivered to the county clerk, and the board of
 22 county commissioners shall, in open session, publicly open
 23 and examine and declare the same, ~~provided, however, that~~
 24 ~~no-proposal-or-bid-shall-be-considered-unless-accompanied-by~~
 25 ~~said-check.~~

1 (4) The board of county commissioners may reject any
 2 and all proposals or bids should it deem this for the public
 3 good, and also the bid of any party who has been delinquent
 4 or unfaithful in any former contract with the board of
 5 county commissioners, and shall reject all proposals, other
 6 than the lowest regular proposal or bid of any responsible
 7 bidder, and may award the contract for such work or
 8 improvement, to the lowest responsible bidder at the prices
 9 named in his bid.

10 (5) If the bids are rejected or no bids are received
 11 the board of county commissioners may within six months
 12 thereafter readvertise for proposals or bids for the
 13 performance of the work as in the first instance, without
 14 further proceedings, and thereafter proceed in the manner in
 15 this section provided, and shall thereupon return to the
 16 proper parties the ~~checks~~ bid securities accompanying the
 17 bids so rejected, but the ~~check~~ bid security accompanying
 18 said accepted proposal or bid shall be held by the county
 19 clerk until the contract for doing said work as hereinafter
 20 provided has been entered into, either by the said lowest
 21 bidder, or by the owners of over fifty per cent of frontage,
 22 whereupon said ~~certified--check~~ bid security shall be
 23 returned to said bidder, but if said bidder fails, neglects
 24 or refuses to enter into the contract to perform said work
 25 and improvements as hereinafter provided, then the ~~certified~~

1 ~~check bid security~~ accompanying his bid, in the amount
 2 ~~herein therein~~ mentioned, shall be declared to be forfeited
 3 to the said board of county commissioners, and shall be
 4 collected by it, and paid into the general fund of the
 5 county.

6 (6) If the proposed improvement consists of the
 7 purchase of an existing improvement, the board of county
 8 commissioners may, in their discretion, after the creation
 9 of the said special improvement district, and after ordering
 10 the proposed improvement, enter into a contract for the
 11 purchase of said improvement, upon such terms as they deem
 12 just, without advertising for bids, or proposals, provided,
 13 however, that the total purchase price shall not exceed the
 14 amount set forth in the notice required by section 16-1602."

15 Section 4. Section 16-1609, R.C.M. 1947, is amended to
 16 read as follows:

17 "16-1609. Bond of contractor or contracting owners.
 18 All contractors and contracting owners included shall at the
 19 time of executing any contract for any work, execute a bond
 20 to the satisfaction and approval of the board of county
 21 commissioners, ~~with two or more sureties, payable to said~~
 22 ~~county in a sum not less than twenty-five per cent of the~~
 23 ~~amount of the contract, conditioned for the faithful~~
 24 ~~performance of the contracts, indemnifying the county from~~
 25 ~~any detriment, damage or loss growing out of said work, and~~

1 ~~the sureties shall justify before any person competent to~~
 2 ~~administer an oath in double the amount mentioned in said~~
 3 ~~bond, over and above all statutory exemptions, provided,~~
 4 ~~however, that nothing herein contained shall be considered~~
 5 ~~as to prevent or prohibit the board of county commissioners~~
 6 ~~from requiring or accepting in any case a bond furnished by~~
 7 ~~a surety company authorized to transact business in the~~
 8 ~~state of Montana in the form and manner provided for in~~
 9 ~~Title 6, chapter 4, R.C.M. 1947."~~

-End-