

1 HOUSE BILL NO. 24
 2 INTRODUCED BY KVAALEN

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 5 CLARIFY THE LAWS RELATING TO PUBLIC CONTRACTS; AMENDING
 6 SECTIONS 82-1131, 82-1133, 82-1147, 82-1150, 82-1917,
 7 82-1922, 82-1926, AND 82-1932, R.C.M. 1947; AND REPEALING
 8 SECTIONS 82-1104, 82-1139, 82-1902, 82-1904.1, 82-1904.2,
 9 82-1906, 82-1909, 82-1913, AND 82-1915."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 82-1131, R.C.M. 1947, is amended to
 13 read as follows:

14 "82-1131. ~~Advertising for bids when required~~
 15 ~~contracts requirements advertising prohibiting subterfuge~~
 16 ~~to avoid intent of this act~~ Bids required -- advertising.

17 ~~(1) In all cases, it shall be~~ It is unlawful for the board
 18 of examiners or any offices, departments, institutions, or
 19 any agent of the state of Montana acting for or in behalf of
 20 said the state to do, to cause to be done, or to let any
 21 contract for the construction of buildings or the alteration
 22 and improvement of buildings and adjacent grounds on behalf
 23 of and for the benefit of the state ~~where~~ when the amount
 24 involved is ~~one thousand dollars (\$1,000.00)~~ \$10,000 or more
 25 without first advertising in at least one ~~(1)~~ issue each

1 week for ~~three (3)~~ consecutive weeks in two ~~(2)~~ newspapers
 2 published in the state, one ~~(1)~~ of which must be published
 3 at the seat of government, and the other in the county where
 4 the work is to be performed, calling for sealed bids to
 5 perform such work and stating the time and place, ~~when and~~
 6 ~~where such~~ bids will be considered.

7 (2) All such ~~jobs of work shall~~ may be done, caused to
 8 be done, or contracted for only after competitive bidding.

9 (3) ~~In any case, if~~ If no bid for such ~~job of work~~
 10 ~~shall be~~ is accepted, ~~such the work shall~~ may not be done or
 11 accomplished, ~~and the same shall~~ The work may be
 12 readvertised, from time to time, until ~~the same shall be~~
 13 awarded to a qualified competitive bidder, ~~therefor.~~"

14 Section 2. Section 82-1133, R.C.M. 1947, is amended to
 15 read as follows:

16 "82-1133. Number of bids required ~~certified check~~
 17 ~~to accompany bid~~ bid security. There must be bids from at
 18 least ~~two (2)~~ three responsible contractors in their
 19 respective lines when ~~said the~~ contract involves an
 20 expenditure of more than ~~two thousand dollars (\$2,000.00)~~
 21 \$3,000, each ~~Each~~ bid must be accompanied by a certified
 22 check for 5% of the amount of ~~his the bid~~ as bid security."

23 Section 3. Section 82-1147, R.C.M. 1947, is amended to
 24 read as follows:

25 "82-1147. ~~Public works contracts may include~~

1 ~~provisions required by federal agencies~~ Contract provisions
 2 necessary — federal funds. In all contracts let for state,
 3 county, municipal, and school construction, repair, and or
 4 maintenance work under any of the laws of this state, when
 5 the funds for ~~such~~ the projects are supplied in whole or in
 6 part from funds of the United States government, it shall be
 7 is lawful to insert in each of ~~said~~ the contracts any ~~and~~
 8 ~~all such~~ provisions that are, or will be, necessary to have
 9 such contract conform to ~~the provisions of the National~~
 10 ~~Industrial Recovery Act, or~~ any federal statutes or
 11 regulation, under which such funds are supplied."

12 Section 4. Section 82-1150, R.C.M. 1947, is amended to
 13 read as follows:

14 "82-1150. Basis ~~of~~ Folio measurement. (1) The
 15 following is the basis of measurement for the computation of
 16 folios in the various sizes of type ~~is hereby fixed and~~
 17 ~~prescribed as follows, when set in a column 13 ems pica~~
 18 wide, and constitutes a folio within the meaning of 82-1149
 19 through 82-1153:

- 20 (a) ~~Twelve (12) lines of six (6) point 6-point~~ type;
- 21 (b) ~~fourteen (14) lines of seven (7) point 7-point~~
- 22 type; ~~or~~
- 23 (c) ~~sixteen (16) lines of eight (8) point 8-point~~
- 24 type; ~~or~~
- 25 (d) ~~eighteen (18) lines of nine (9) point 9-point~~

1 type; or
 2 (e) ~~twenty (20) lines of ten (10) point 10-point~~
 3 ~~type, in each and every instance, by actual count,~~
 4 (2) A carefully verified, actual count shall
 5 ~~constitute a folio within the meaning of this act, when set~~
 6 ~~in a column thirteen (13) ems pica wide be made of the~~
 7 folio."

8 Section 5. Section 82-1917, R.C.M. 1947, is amended to
 9 read as follows:

10 "82-1917. Requisitions for supplies — manner of
 11 letting contracts. (1) State officers, agencies, and
 12 institutions shall tabulate in detail the amount of supplies
 13 on hand for any class of merchandise for a period as
 14 determined by the department, and the additional supplies
 15 needed for a period of time not to exceed ~~one~~ 1 year's
 16 supply. The department shall ~~make examination of~~ examine the
 17 amount of supplies on hand and shall determine from that
 18 examination and from the furnished statements, the
 19 additional amount of supplies necessary and shall make an
 20 itemized statement thereof, all of which acts of the
 21 department are subject to approval of the governor. As soon
 22 as the department determines what kind of supplies and the
 23 amount necessary for the state to purchase for its state
 24 offices, agencies, or institutions, the department shall
 25 make the purchases.

1 (2) All purchases by the department shall be based on
 2 competitive bids. On any purchase ~~where~~ when the estimated
 3 expenditure is ~~two thousand dollars (\$2,000)~~ or over, sealed
 4 bids shall be solicited by mail from each person, firm, or
 5 corporation who has filed with the department a request in
 6 writing that it be listed for solicitation on bids for such
 7 particular items set forth in such listing. However, if a
 8 person, firm, or corporation whose name is listed fails to
 9 respond to any solicitation for bids, after the receipt of
 10 two such solicitations, such listing shall, within the
 11 discretion of the department, be canceled. It is within the
 12 discretion of the department to advertise for such
 13 purchases. If bids are solicited through advertising, the
 14 advertisement shall be made in at least three newspapers,
 15 [one of which must be a daily], of general circulation
 16 printed within the state, once each week for ~~two~~ (2)
 17 consecutive weeks, and the advertisement shall state that
 18 sealed proposals will be received by the department, up to a
 19 time to be mentioned therein, for furnishing supplies for
 20 the state offices, agencies, or institutions. The notice
 21 shall also state that detailed statements of supplies to be
 22 furnished are on file at the office of the department and
 23 subject to inspection, and that at a certain time, to be
 24 therein mentioned, the proposals will be opened, and
 25 contracts awarded to the lowest responsible bidder.

1 (3) On purchases where the estimated expenditure is
 2 less than ~~two thousand dollars (\$2,000)~~, bids shall be
 3 secured without advertising, but the department shall
 4 solicit bids for the supplies by notice sent by mail to
 5 prospective suppliers whose names are listed as provided
 6 above, which notice shall contain the same information as is
 7 herein required to be set forth in advertisements.

8 (4) In the case of all bids as herein provided, there
 9 shall be separate proposals and separate contracts. Each
 10 proposal may be accompanied by sample supplies proposed to
 11 be furnished. The proposals shall be in writing, sealed, and
 12 marked, "proposals for furnishing supplies," and shall be
 13 addressed to the department of administration, Helena,
 14 Montana.

15 (5) At the time set for the opening of bids, the
 16 proposals shall be opened in public, and contracts awarded
 17 to the lowest responsible bidder. The department may reject
 18 any ~~and all bids~~ bid. If all proposals be rejected,
 19 proposals shall again be invited and proceeded with in the
 20 same manner; however, in that event, the department may,
 21 with the approval of the governor, purchase the supplies on
 22 the open market if they can be so purchased at a better
 23 price.

24 (6) With any proposal the department may require a
 25 certified check on some responsible bank, payable to the

1 treasurer of the state, equal in amount to ~~five per cent~~
 2 ~~(5%)~~ of the sum of the proposal, as a guarantee for the
 3 faithful performance of any contract awarded. After the
 4 award is made, all checks deposited as a guarantee shall be
 5 returned, except that of the successful bidder whose check
 6 shall be held until the contract is signed and the bond
 7 filed and approved, if a bond is required. All proposals
 8 shall include the delivery of the supplies to the agencies
 9 and institutions for which they are purchased.

10 ~~(7) The state officers, agencies, or institutions, may~~
 11 ~~not purchase any supplies or material, except on approval of~~
 12 ~~the department."~~

13 Section 6. Section 82-1922, R.C.M. 1947, is amended to
 14 read as follows:

15 "82-1922. ~~Transfer of contract forbidden agreement~~
 16 ~~between bidders invalidates contracts interest in contracts~~
 17 ~~by state officers forbidden penalty~~ Contract transfers and
 18 collusion prohibited -- violations and penalty. (1) No
 19 contract or order or any interest therein may be transferred
 20 by the party to whom the contract or order is given to any
 21 other party, and the state may declare void any such
 22 transfer.

23 (2) Collusion or secret agreements between bidders for
 24 the purpose of securing any advantage to the bidders as
 25 against the state in the awarding of contracts is

1 prohibited, ~~and the~~ The state may declare the contract void
 2 if the department finds sufficient evidence after a contract
 3 has been let that the contract was obtained by a bidder or
 4 bidders, by reason of collusive or secret agreement among
 5 the bidders to the disadvantage of the state.

6 ~~(2)(3)~~ All rights of action, ~~however,~~ for a breach of
 7 a contract by the contracting parties are reserved to the
 8 state.

9 (4) A person who violates the provisions of ~~this act~~
 10 59-501 or this section, or both, is guilty of a misdemeanor
 11 and shall be fined not less than ~~five hundred dollars~~ ~~(\$500)~~
 12 ~~nor or more than five thousand dollars~~ ~~(\$5,000),~~ and the
 13 state of Montana ~~shall have the right~~ may at its option ~~to~~
 14 declare any contract in violation of the provisions of ~~this~~
 15 ~~act~~ 59-501 or this section, or both, void ab initio."

16 Section 7. Section 82-1926, R.C.M. 1947, is amended to
 17 read as follows:

18 "82-1926. ~~Contract provision for preference to Montana~~
 19 ~~products failure to comply federal aid projects -- Montana~~
 20 product preference provisions. (1) Each contract awarded by
 21 any political subdivision, school district, public
 22 corporation, or agency of the state of Montana shall contain
 23 among its provisions a requirement that in all instances
 24 products manufactured or produced in this state by Montana
 25 industry and labor shall be preferred for use in all

1 projects and in all materials, supplies, and equipment,
2 procured if such products, materials, equipment, and
3 supplies are comparable in price and quality. ~~Further, in~~
4 ~~this connection,~~

5 (2) ~~it~~ It is the intent of ~~this act 82-1924, 82-1925,~~
6 ~~and 82-1926~~ that ~~wherever~~ whenever possible, products
7 manufactured and produced in this state which are suitable
8 substitutes for products manufactured or produced outside
9 the state and comparable in price, quality, and performance,
10 shall be preferred for use in all projects and in all state
11 institutions.

12 (3) Failure to comply with the law in this respect
13 shall disqualify such contractor as a qualified bidder for
14 future contracts with the state of Montana, any legal
15 subdivision of the state of Montana, any school district,
16 public corporation, or agency for a period of ~~two (2)~~ years.

17 (4) The preference ~~herein~~ given to Montana products
18 shall apply to contracts involving funds obtained from the
19 federal government unless expressly prohibited by the laws
20 of the United States or regulations adopted pursuant
21 thereto."

22 Section 8. Section 82-1932, R.C.M. 1947, is amended to
23 read as follows:

24 "82-1932. Small Designation of small business
25 set-asides—~~designation.~~ (1) Each department has authority

1 to designate as small business set-asides specified
2 commodities, equipment, or services, except those services
3 rendered and furnished by registered professions, such as,
4 but not limited to, accountants, attorneys, architects,
5 dentists, engineers, land surveyors, optometrists,
6 physicians, and pharmacists, for which purchase has been
7 requested under the Montana Small Business Purchasing Act.
8 Such a designation shall be made prior to the advertisement
9 for bids in a daily state newspaper, and when the
10 advertisement is published, it shall indicate the purchases
11 which have been designated small business set-asides. To
12 effectuate the purposes of ~~this act 82-1929 through 82-1937,~~
13 a department shall exercise this authority whenever there is
14 a reasonable expectation that bids will be obtained from at
15 least three ~~(3)~~ small businesses capable of furnishing the
16 desired property or service at a fair and reasonable price.

17 (2) In the case of purchase designated as small
18 business set-asides, invitations to bid shall be confined to
19 small businesses and bids from other businesses shall be
20 rejected. The ~~purpose purchase,~~ contract, or expenditure of
21 funds shall be awarded to the lowest responsible bidder
22 among the small businesses (considering conformity with
23 specifications and terms) in accordance with the rules and
24 ~~regulations~~ for purchasing published by the department."

25 Section 9. There is a new R.C.M. section that reads as

1 follows:

2 General procurement duties of department of
3 administration. (1) The department shall make or supervise
4 the making of all purchases of goods and services for the
5 legislature, the supreme court, and each state agency,
6 institution, and official.

7 (2) Unless otherwise provided by law, the legislature,
8 the supreme court, or any state agency, institution, or
9 official may not purchase goods or services unless the
10 purchase is supervised by the department.

11 Section 10. Repealer. Sections 82-1104, 82-1139,
12 82-1902, 82-1904.1, 82-1904.2, 82-1906, 82-1909, 82-1913,
13 and 82-1915, R.C.M. 1947, are repealed.

-End-

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TAR KVAALEN

PAT MC KITTRICK

ROSE WEBER
EXECUTIVE DIRECTOR

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CODE COMMISSIONER

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DIRECTOR RESEARCH

LC 0057

1977 Legislature
Code Commissioner Bill - Summary

House Bill No. 24

TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO PUBLIC CONTRACTS.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 82-1131. Change the words "one thousand dollars (\$1,000)" to "\$10,000" to conform to provisions of 82-3317, a more recent legislative enactment, which sets \$10,000 as minimum construction contract to which formal bid advertising requirements apply. Informal requirements are set for \$3,000 to \$10,000 contracts.

Section 2. 82-1133. Change the words "two thousand dollars (\$2,000)" to "\$3,000". Provisions relating to advertising or bidding are not required to be applied where proposed construction costs are less than \$3,000. See 82-3317. Change word "two (2)" to "three" to conform to requirement of 82-3317 that three bids need be solicited.

Section 3. 82-1147. Delete the words "the provisions of the National Industrial Recovery Act, or". Act has been repealed.

Section 4. 82-1150. Rearranged and reworded to clarify.

Section 5. 82-1917. Delete subsection (7) which prohibits purchases other than those made with department of administration approval. Subsection (7) is merged with 82-1902, 82-1906, and 82-1909 in section 9 of this bill.

Section 6. 82-1922. Replace the word "act" with the words "59-501 or this section or both". Penalty provision originally applied only to this section. The word section was amended to act as part of a two-section act, Chapter 43,

Laws, 1973, sections 59-501 and 82-1922. Chapter 326, Laws, 1974, reenacted section as part of act injecting department of administration where appropriate. The penalty application was therefore inadvertently enlarged by the 1974 reenactment.

Section 7. 82-1926. Insert the word "procured" after the word "equipment" in middle of first paragraph so as to read "for use in all projects and in all materials, supplies, and equipment procured, if...".

Section 8. 82-1932. Change the word "purpose" to "purchase" in second sentence of second paragraph to read "The purchase, contract, or expenditure of funds...".

Section 9. Composite of sections 82-1902, 82-1906, 82-1909, and 82-1917(7) insofar as those sections deal with the general purchasing duties of the department. Sections are redundant as now composed.

Section 10. Repealers.

82-1104. Substantive provisions of "Act" referred to in this section have been repealed by section 101, Chapter 199, Laws, 1965, the effect of which has been to repeal substance of section.

82-1139. 82-1917(6) leaves to the discretion of the department of administration whether to require a performance bond or labor or materials bond or both. 82-1139 requires bid security of 200% and performance bond of an equal amount, the former being retained as a performance bond after serving as bid security. 82-1917(6) is the more recent legislative enactment. 82-1139 is recommended for repeal due to the noted conflicts.

82-1904.1. Coal burning furnaces are not now installed in any state building. Preference therefore is not applicable.

82-1904.2. Conversion from coal to other heat producing agents is complete.

82-1913. 82-1917(2) and (3) set forth the department's duties as regards soliciting bids for state purchases. 82-1924 requires the department to let contracts to lowest responsible bidder. 82-1913 is redundant.

82-1915. The power of the department to contract for supplies, etc., is provided for in 82-1906. The duty to contract with lowest bidder is contained in 82-1924. Advertising, such as is required, is provided for in 82-1917(2) and (3). 82-1915 is redundant.

Approved by Committee
on State Administration

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 12 nor or more than five thousand dollars (\$5,000), and the
 13 state of Montana shall have the right may at its option to
 14 declare any contract in violation of the provisions of this
 15 act 59-501 or this section, or both, void ab initio."

16 Section 7. Section 82-1926, R.C.M. 1947, is amended to
 17 read as follows:

18 ~~"82-1926. Contract provision for preference to Montana~~
 19 ~~products failure to comply federal aid projects -- Montana~~
 20 ~~product preference provisions. (1) Each contract awarded by~~
 21 any political subdivision, school district, public
 22 corporation, or agency of the state of Montana shall contain
 23 among its provisions a requirement that in all instances
 24 products manufactured or produced in this state by Montana
 25 industry and labor shall be preferred for use in all

1 projects and in all materials, supplies, and equipment,
2 procured if such products, materials, equipment, and
3 supplies are comparable in price and quality. ~~Further, in~~
4 ~~this connection,~~

5 (2) ~~It~~ It is the intent of ~~this act 82-1924, 82-1925,~~
6 ~~and 82-1926~~ that ~~wherever~~ whenever possible, products
7 manufactured and produced in this state which are suitable
8 substitutes for products manufactured or produced outside
9 the state and comparable in price, quality, and performance,
10 shall be preferred for use in all projects and in all state
11 institutions.

12 (3) Failure to comply with the law in this respect
13 shall disqualify such contractor as a qualified bidder for
14 future contracts with the state of Montana, any legal
15 subdivision of the state of Montana, any school district,
16 public corporation, or agency for a period of ~~two~~ (2) years.

17 (4) The preference ~~herein~~ given to Montana products
18 shall apply to contracts involving funds obtained from the
19 federal government unless expressly prohibited by the laws
20 of the United States or regulations adopted pursuant
21 thereto."

22 Section 8. Section 82-1932, R.C.M. 1947, is amended to
23 read as follows:

24 "82-1932. Small Designation of small business
25 set-asides ~~designation~~. (1) Each department has authority

1 to designate as small business set-asides specified
2 commodities, equipment, or services, except those services
3 rendered and furnished by registered professions, such as,
4 but not limited to, accountants, attorneys, architects,
5 dentists, engineers, land surveyors, optometrists,
6 physicians, and pharmacists, for which purchase has been
7 requested under the Montana Small Business Purchasing Act.
8 Such a designation shall be made prior to the advertisement
9 for bids in a daily state newspaper, and when the
10 advertisement is published, it shall indicate the purchases
11 which have been designated small business set-asides. To
12 effectuate the purposes of ~~this act 82-1929 through 82-1937,~~
13 a department shall exercise this authority whenever there is
14 a reasonable expectation that bids will be obtained from at
15 least three ~~(3)~~ small businesses capable of furnishing the
16 desired property or service at a fair and reasonable price.

17 (2) In the case of purchase designated as small
18 business set-asides, invitations to bid shall be confined to
19 small businesses and bids from other businesses shall be
20 rejected. The ~~purpose~~ purchase, contract, or expenditure of
21 funds shall be awarded to the lowest responsible bidder
22 among the small businesses (considering conformity with
23 specifications and terms) in accordance with the rules ~~and~~
24 ~~regulations~~ for purchasing published by the department."

25 Section 9. There is a new R.C.M. section that reads as

1 follows:

2 General procurement duties of department of
3 administration. (1) The department shall make or supervise
4 the making of all purchases of goods and services for the
5 legislature, the supreme court, and each state agency,
6 institution, and official.

7 (2) Unless otherwise provided by law, the legislature,
8 the supreme court, or any state agency, institution, or
9 official may not purchase goods or services unless the
10 purchase is supervised by the department.

11 Section 10. Repealer. Sections 82-1104, 82-1139,
12 82-1902, 82-1904.1, 82-1904.2, 82-1906, 82-1909, 82-1913,
13 and 82-1915, R.C.M. 1947, are repealed.

-End-

1 HOUSE BILL NO. 24

2 INTRODUCED BY KVAALEN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5 CLARIFY THE LAWS RELATING TO PUBLIC CONTRACTS; AMENDING
6 SECTIONS 82-1131, 82-1133, 82-1147, 82-1150, 82-1917,
7 82-1922, 82-1926, AND 82-1932, R.C.M. 1947; AND REPEALING
8 SECTIONS 82-1104, 82-1139, 82-1902, 82-1904.1, 82-1904.2,
9 82-1906, 82-1909, 82-1913, AND 82-1915."

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

12 Section 1. Section 82-1131, R.C.M. 1947, is amended to
13 read as follows:

14 ~~"82-1131. Advertising for bids when required~~
15 ~~contracts requirements advertising prohibiting subterfuge~~
16 ~~to avoid intent of this act Bids required -- advertising.~~

17 (1) In all cases, it shall be unlawful for the board
18 of examiners or any offices, departments, institutions, or
19 any agent of the state of Montana acting for or in behalf of
20 said the state to do, to cause to be done, or to let any
21 contract for the construction of buildings or the alteration
22 and improvement of buildings and adjacent grounds on behalf
23 of and for the benefit of the state where when the amount
24 involved is ~~one thousand dollars (\$1,000.00)~~ \$10,000 or more
25 without first advertising in at least one (1) issue each

1 week for ~~three (3)~~ consecutive weeks in two (2) newspapers
2 published in the state, one (1) of which must be published
3 at the seat of government, and the other in the county where
4 the work is to be performed, calling for sealed bids to
5 perform such work and stating the time and place ~~when and~~
6 ~~where such bids will be considered.~~

7 (2) All such jobs of work shall ~~may~~ be done, caused to
8 be done, or contracted for only after competitive bidding.

9 (3) ~~In any case, if~~ If no bid for such job of work
10 ~~shall be is~~ accepted, such the work shall ~~may~~ not be done or
11 accomplished, ~~and the same shall~~ The work may be
12 readvertised, from time to time, until ~~the same shall be~~
13 awarded to a qualified competitive bidder, ~~therefor.~~"

14 Section 2. Section 82-1133, R.C.M. 1947, is amended to
15 read as follows:

16 "82-1133. Number of bids required -- ~~certified check~~
17 ~~to accompany bid bid security.~~ There must be bids from at
18 least two (2) ~~three~~ responsible contractors in their
19 respective lines when ~~said the~~ contract involves an
20 expenditure of more than ~~two thousand dollars (\$2,000.00);~~
21 \$3,000, each Each bid must be accompanied by a certified
22 check for 5% of the amount of ~~his the bid as bid security.~~"

23 Section 3. Section 82-1147, R.C.M. 1947, is amended to
24 read as follows:

25 "82-1147. ~~Public works contracts may include~~

1 ~~provisions required by federal agencies~~ Contract provisions
 2 necessary -- federal funds. In all contracts let for state,
 3 county, municipal, and school construction, repair, and or
 4 maintenance work under any of the laws of this state, when
 5 the funds for such ~~the~~ projects are supplied in whole or in
 6 part from funds of the United States government, it ~~shall be~~
 7 is lawful to insert in each of ~~said the~~ contracts any and
 8 ~~all such~~ provisions that are or will be necessary to have
 9 such contract conform to ~~the provisions of the National~~
 10 ~~Industrial Recovery Act~~ or any federal statutes or
 11 regulation under which such funds are supplied."

12 Section 4. Section 82-1150, R.C.M. 1947, is amended to
 13 read as follows:

14 "82-1150. Basis ~~of~~ Folio measurement. (1) The
 15 following is the basis of measurement for the computation of
 16 folios in the various sizes of type ~~is hereby fixed and~~
 17 ~~prescribed as follows:~~ when set in a column 13 ems pica
 18 wide, and constitutes a folio within the meaning of 82-1149
 19 through 82-1153:

- 20 (a) ~~Twelve (12)~~ lines of six ~~(6)~~-point 6-point type;
- 21 (b) ~~fourteen (14)~~ lines of seven ~~(7)~~-point 7-point
- 22 type; or
- 23 (c) ~~sixteen (16)~~ lines of eight ~~(8)~~-point 8-point
- 24 type; or
- 25 (d) ~~eighteen (18)~~ lines of nine ~~(9)~~-point 9-point

1 type; or

2 (a) ~~twenty (20)~~ lines of ten ~~(10)~~-point 10-point
 3 ~~type~~ in each and every instance, by actual count

4 (2) A carefully verified, actual count shall
 5 ~~constitute a folio within the meaning of this act, when set~~
 6 ~~in a column thirteen (13) ems pica wide be made of the~~
 7 folio."

8 Section 5. Section 82-1917, R.C.M. 1947, is amended to
 9 read as follows:

10 "82-1917. Requisitions for supplies -- manner of
 11 letting contracts. (1) State officers, agencies, and
 12 institutions shall tabulate in detail the amount of supplies
 13 on hand for any class of merchandise for a period as
 14 determined by the department and the additional supplies
 15 needed for a period of time not to exceed one 1 year's
 16 supply. The department shall ~~make examination of~~ examine the
 17 amount of supplies on hand and shall determine from that
 18 examination and from the furnished statements, the
 19 additional amount of supplies necessary and shall make an
 20 itemized statement thereof, all of which acts of the
 21 department are subject to approval of the governor. As soon
 22 as the department determines what kind of supplies and the
 23 amount necessary for the state to purchase for its state
 24 offices, agencies, or institutions, the department shall
 25 make the purchases.

1 (2) All purchases by the department shall be based on
 2 competitive bids. On any purchase where ~~when~~ the estimated
 3 expenditure is ~~two-thousand-dollars-(\$2,000)~~ or over, sealed
 4 bids shall be solicited by mail from each person, firm, or
 5 corporation who has filed with the department a request in
 6 writing that it be listed for solicitation on bids for such
 7 particular items set forth in such listing. However, if a
 8 person, firm, or corporation whose name is listed fails to
 9 respond to any solicitation for bids, after the receipt of
 10 two such solicitations, such listing shall, within the
 11 discretion of the department, be canceled. It is within the
 12 discretion of the department to advertise for such
 13 purchases. If bids are solicited through advertising, the
 14 advertisement shall be made in at least three newspapers,
 15 [one of which must be a daily], of general circulation
 16 printed within the state, once each week for ~~two-(2)~~
 17 consecutive weeks, and the advertisement shall state that
 18 sealed proposals will be received by the department, up to a
 19 time to be mentioned therein, for furnishing supplies for
 20 the state offices, agencies, or institutions. The notice
 21 shall also state that detailed statements of supplies to be
 22 furnished are on file at the office of the department and
 23 subject to inspection, and that at a certain time, to be
 24 therein mentioned, the proposals will be opened, and
 25 contracts awarded to the lowest responsible bidder.

1 (3) On purchases where the estimated expenditure is
 2 less than ~~two-thousand-dollars-(\$2,000)~~, bids shall be
 3 secured without advertising, but the department shall
 4 solicit bids for the supplies by notice sent by mail to
 5 prospective suppliers whose names are listed as provided
 6 above, which notice shall contain the same information as is
 7 herein required to be set forth in advertisements.

8 (4) In the case of all bids as herein provided, there
 9 shall be separate proposals and separate contracts. Each
 10 proposal may be accompanied by sample supplies proposed to
 11 be furnished. The proposals shall be in writing, sealed, and
 12 marked, "~~proposals--for-furnishing-supplies,~~" IN ACCORDANCE
 13 WITH THE TERMS OF THE SOLICITATION FOR BID and shall be
 14 addressed to the department of administration, Helena,
 15 Montana.

16 (5) At the time set for the opening of bids, the
 17 proposals shall be opened in public, and contracts awarded
 18 to the lowest responsible bidder. The department may reject
 19 any ~~and--all--bids bid~~. If all proposals be rejected,
 20 proposals shall again be invited and proceeded with in the
 21 same manner; however, in that event, the department may,
 22 with the approval of the governor, purchase the supplies on
 23 the open market if they can be so purchased at a better
 24 price.

25 (6) With any proposal the department may require a

1 certified check on some responsible bank, payable to the
 2 treasurer of the state, equal in amount to ~~five--per--cent~~
 3 ~~{5%}~~ of the sum of the proposal, OR A BID BOND ISSUED BY A
 4 LICENSED SURETY COMPANY as a guarantee for the faithful
 5 performance of any contract awarded. After the award is
 6 made, all checks deposited as a guarantee shall be returned,
 7 except that of the successful bidder whose check shall be
 8 held until the contract is signed and the PERFORMANCE bond
 9 IS filed and approved, if a PERFORMANCE bond is required.
 10 All proposals shall include the delivery of the supplies to
 11 ~~the agencies and institutions for which they are purchased~~
 12 IN ACCORDANCE WITH THE TERMS OF THE SOLICITATION FOR BID.

13 ~~{7}--The state officers, agencies, or institutions, may~~
 14 ~~not purchase any supplies or materials except on approval of~~
 15 ~~the department."~~

16 Section 6. Section 82-1922, R.C.M. 1947, is amended to
 17 read as follows:

18 "~~82-1922. Transfer--of--contract--forbidden--agreement~~
 19 ~~between bidders invalidates contracts--interest in contracts~~
 20 ~~by state officers forbidden--penalty~~ Contract transfers and
 21 collusion prohibited -- violations and penalty. (1) No
 22 contract or order or any interest therein may be transferred
 23 by the party to whom the contract or order is given to any
 24 other party, and the state may declare void any such
 25 transfer.

1 {2} Collusion or secret agreements between bidders for
 2 the purpose of securing any advantage to the bidders as
 3 against the state in the awarding of contracts is
 4 prohibited, ~~and the~~ The state may declare the contract void
 5 if the department finds sufficient evidence after a contract
 6 has been let that the contract was obtained by a bidder or
 7 bidders, by reason of collusive or secret agreement among
 8 the bidders to the disadvantage of the state.

9 ~~{2}{3}~~ All rights of action, ~~however,~~ for a breach of
 10 a contract by the contracting parties are reserved to the
 11 state.

12 {4} A person who violates the provisions of ~~this--act~~
 13 59-501 or this section, or both, is guilty of a misdemeanor
 14 and shall be fined not less than ~~five hundred dollars--(\$500)~~
 15 ~~nor~~ or more than ~~five thousand dollars--(\$5,000),~~ and the
 16 state of Montana ~~shall have the right~~ may at its option to
 17 declare any contract in violation of the provisions of ~~this~~
 18 ~~act 59-501 or this section, or both,~~ void ab initio."

19 Section 7. Section 82-1926, R.C.M. 1947, is amended to
 20 read as follows:

21 "~~82-1926. Contract provision for preference to Montana~~
 22 ~~products--failure to comply--federal aid projects -- Montana~~
 23 product preference provisions. (1) Each contract awarded by
 24 any political subdivision, school district, public
 25 corporation, or agency of the state of Montana shall contain

1 among its provisions a requirement that in all instances
 2 products manufactured or produced in this state by Montana
 3 industry and labor shall be preferred for use in all
 4 projects and in all materials, supplies, and equipment
 5 procured if such products, materials, equipment, and
 6 supplies are comparable in price and quality. Further--in
 7 this-connection.

8 (2) It is the intent of this-act ~~82-1924, 82-1925,~~
 9 ~~and 82-1926~~ that wherever whenever possible, products
 10 manufactured and produced in this state which are suitable
 11 substitutes for products manufactured or produced outside
 12 the state and comparable in price, quality, and performance,
 13 shall be preferred for use in all projects and in all state
 14 institutions.

15 (3) Failure to comply with the law in this respect
 16 shall disqualify such contractor as a qualified bidder for
 17 future contracts with the state of Montana, any legal
 18 subdivision of the state of Montana, any school district,
 19 public corporation, or agency for a period of two-(2) years.

20 (4) The preference herein given to Montana products
 21 shall apply to contracts involving funds obtained from the
 22 federal government unless expressly prohibited by the laws
 23 of the United States or regulations adopted pursuant
 24 thereto."

25 Section 8. Section 82-1932, R.C.M. 1947, is amended to

1 read as follows:

2 "82-1932. ~~Small~~ Designation of small business
 3 ~~set-asides---designation.~~ (1) Each department has authority
 4 to designate as small business set-asides specified
 5 commodities, equipment, or services, except those services
 6 rendered and furnished by registered professions, such as
 7 but not limited to, accountants, attorneys, architects,
 8 dentists, engineers, land surveyors, optometrists,
 9 physicians, and pharmacists, for which purchase has been
 10 requested under the Montana Small Business Purchasing Act.
 11 Such a designation shall be made prior to the advertisement
 12 for bids in a daily state newspaper, and when the
 13 advertisement is published, it shall indicate the purchases
 14 which have been designated small business set-asides. To
 15 effectuate the purposes of this-act ~~82-1929 through 82-1937,~~
 16 a department shall exercise this authority whenever there is
 17 a reasonable expectation that bids will be obtained from at
 18 least three (3) small businesses capable of furnishing the
 19 desired property or service at a fair and reasonable price.

20 (2) In the case of purchase designated as small
 21 business set-asides, invitations to bid shall be confined to
 22 small businesses and bids from other businesses shall be
 23 rejected. The purpose purchase, contract, or expenditure of
 24 funds shall be awarded to the lowest responsible bidder
 25 among the small businesses (considering conformity with

1 specifications and terms) in accordance with the rules and
2 regulations for purchasing published by the department."

3 Section 9. There is a new R.C.M. section that reads as
4 follows:

5 General procurement duties of department of
6 administration. (1) The department shall make or supervise
7 the making of all purchases of goods and services for the
8 legislature, the supreme court, and each state agency,
9 institution, and official.

10 (2) Unless otherwise provided by law, the legislature,
11 the supreme court, or any state agency, institution, or
12 official may not purchase goods or services unless the
13 purchase is supervised by the department.

14 Section 10. Repealer. Sections 82-1104, 82-1139,
15 82-1902, 82-1904.1, 82-1904.2, 82-1906, 82-1909, 82-1913,
16 and 82-1915, R.C.M. 1947, are repealed.

-End-

March 7, 1977

STANDING COMMITTEE REPORTS
Senate Committee on State Administration

That House Bill No. 24 be amended as follows:

1. Amend page 2, section 2, lines 14 through 22.
Following: line 13
Strike: section 2 in its entirety
Renumber: subsequent sections

HOUSE BILL NO. 24

INTRODUCED BY KVAALEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO PUBLIC CONTRACTS; AMENDING SECTIONS 82-1131, 82-1133, 82-1147, 82-1150, 82-1917, 82-1922, 82-1926, AND 82-1932, R.C.M. 1947; AND REPEALING SECTIONS 82-1104, 82-1139, 82-1902, 82-1904.1, 82-1904.2, 82-1906, 82-1909, 82-1913, AND 82-1915."

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

Section 1. Section 82-1131, R.C.M. 1947, is amended to read as follows:

"82-1131. Advertising ~~for bids when required~~ contracts ~~requirements advertising prohibiting subterfuge to avoid intent of this act~~ Bids required -- advertising.
 (1) ~~in all cases, it shall be~~ It is unlawful for the board of examiners or any offices, departments, institutions, or any agent of the state of Montana acting for or in behalf of said ~~the~~ state to do, to cause to be done, or to let any contract for the construction of buildings or the alteration and improvement of buildings and adjacent grounds on behalf of and for the benefit of the state ~~where~~ when the amount involved is ~~one thousand dollars (\$1,000.00)~~ \$10,000 or more without first advertising in at least one ~~it~~ issue each

week for ~~three (3)~~ consecutive weeks in two ~~it~~ newspapers published in the state, one ~~it~~ of which must be published at the seat of government, and the other in the county where the work is to be performed, calling for sealed bids to perform such work and stating the time and place ~~when and where such bids will be considered.~~

(2) All such jobs of work ~~shall may~~ be done, caused to be done, or contracted for only after competitive bidding.

(3) ~~in any case, if~~ If no bid for such job of work ~~shall be is~~ accepted, such ~~the~~ work ~~shall may~~ not be done or accomplished, and ~~the same shall~~ The work may be readvertised, from time to time, until ~~the same shall be~~ awarded to a qualified competitive bidder, ~~therefor.~~

Section 2. Section 82-1133, R.C.M. 1947, is amended to read as follows:

"82-1133. Number of bids required ~~certified check to accompany bid bid security, there must be bids from at least two (2) three~~ responsible contractors in their respective ~~lines when said the~~ contract ~~involves an expenditure of more than two thousand dollars (\$2,000.00)~~ \$3,000, each Each bid must be accompanied by a certified check for ~~5% of the amount of his the bid, as bid security.~~

Section 2. Section 82-1147, R.C.M. 1947, is amended to read as follows:

"82-1147. Public ~~works contracts may include~~

1 ~~provisions required by federal agencies~~ contract provisions
 2 necessary -- federal funds. In all contracts let for state,
 3 county, municipal, and school construction, repair, and or
 4 maintenance work under any of the laws of this state, when
 5 the funds for such ~~the~~ projects are supplied in whole or in
 6 part from funds of the United States government, it ~~shall be~~
 7 is lawful to insert in each of ~~said the~~ contracts any and
 8 ~~all such~~ provisions that are or will be necessary to have
 9 such contract conform to ~~the provisions of the National~~
 10 ~~Industrial Recovery Act~~ or any federal statutes or
 11 regulation, under which such funds are supplied."

12 Section 3. Section 82-1150, R.C.M. 1947, is amended to
 13 read as follows:

14 "82-1150. Basis--of Folio measurement. (1) The
 15 following is the basis of measurement for the computation of
 16 folios in the various sizes of type ~~is hereby fixed and~~
 17 ~~prescribed as follows:~~ when set in a column 13 ems pica
 18 wide, and constitutes a folio within the meaning of 82-1149
 19 through 82-1153:

- 20 (a) ~~Twelve (12)~~ lines of ~~six (6)-point~~ 6-point type;
- 21 (b) ~~fourteen (14)~~ lines of ~~seven (7)-point~~ 7-point
- 22 type; or
- 23 (c) ~~sixteen (16)~~ lines of ~~eight (8)-point~~ 8-point
- 24 type; or
- 25 (d) ~~eighteen (18)~~ lines of ~~nine (9)-point~~ 9-point

- 1 type; or
- 2 (e) ~~twenty (20)~~ lines of ~~ten (10)-point~~ 10-point
- 3 type, ~~in each and every instance, by actual count~~
- 4 (2) A carefully verified, actual count shall
- 5 ~~constitute a folio within the meaning of this act, when set~~
- 6 ~~in a column thirteen (13) ems pica wide~~ be made of the
- 7 folio."

8 Section 4. Section 82-1917, R.C.M. 1947, is amended to
 9 read as follows:

10 "82-1917. Requisitions for supplies -- manner of
 11 letting contracts. (1) State officers, agencies, and
 12 institutions shall tabulate in detail the amount of supplies
 13 on hand for any class of merchandise for a period as
 14 determined by the department and the additional supplies
 15 needed for a period of time not to exceed one 1 year's
 16 supply. The department shall ~~make examination of~~ examine the
 17 amount of supplies on hand and shall determine from that
 18 examination and from the furnished statements, the
 19 additional amount of supplies necessary and shall make an
 20 itemized statement thereof, all of which acts of the
 21 department are subject to approval of the governor. As soon
 22 as the department determines what kind of supplies and the
 23 amount necessary for the state to purchase for its state
 24 offices, agencies, or institutions, the department shall
 25 make the purchases.

1 (2) All purchases by the department shall be based on
 2 competitive bids. On any purchase ~~where~~ ~~when~~ the estimated
 3 expenditure is ~~two-thousand-dollars-(\$2,000)~~ or over, sealed
 4 bids shall be solicited by mail from each person, firm, or
 5 corporation who has filed with the department a request in
 6 writing that it be listed for solicitation on bids for such
 7 particular items set forth in such listing. However, if a
 8 person, firm, or corporation whose name is listed fails to
 9 respond to any solicitation for bids, after the receipt of
 10 two such solicitations, such listing shall, within the
 11 discretion of the department, be canceled. It is within the
 12 discretion of the department to advertise for such
 13 purchases. If bids are solicited through advertising, the
 14 advertisement shall be made in at least three newspapers
 15 ~~(one of which must be a daily)~~ of general circulation
 16 printed within the state, once each week for ~~two- (2)~~
 17 consecutive weeks, and the advertisement shall state that
 18 sealed proposals will be received by the department, up to a
 19 time to be mentioned therein, for furnishing supplies for
 20 the state offices, agencies, or institutions. The notice
 21 shall also state that detailed statements of supplies to be
 22 furnished are on file at the office of the department and
 23 subject to inspection, and that at a certain time, to be
 24 therein mentioned, the proposals will be opened, and
 25 contracts awarded to the lowest responsible bidder.

1 (3) On purchases where the estimated expenditure is
 2 less than ~~two-thousand-dollars-(\$2,000)~~, bids shall be
 3 secured without advertising, but the department shall
 4 solicit bids for the supplies by notice sent by mail to
 5 prospective suppliers whose names are listed as provided
 6 above, which notice shall contain the same information as is
 7 herein required to be set forth in advertisements.

8 (4) In the case of all bids as herein provided, there
 9 shall be separate proposals and separate contracts. Each
 10 proposal may be accompanied by sample supplies proposed to
 11 be furnished. The proposals shall be in writing, sealed, and
 12 marked, ~~"proposals-for-furnishing-supplies,"~~ IN ACCORDANCE
 13 WITH THE TERMS OF THE SOLICITATION FOR BID and shall be
 14 addressed to the department of administration, Helena,
 15 Montana.

16 (5) At the time set for the opening of bids, the
 17 proposals shall be opened in public, and contracts awarded
 18 to the lowest responsible bidder. The department may reject
 19 any ~~and-all-bids~~ bid. If all proposals be rejected,
 20 proposals shall again be invited and proceeded with in the
 21 same manner; however, in that event, the department may,
 22 with the approval of the governor, purchase the supplies on
 23 the open market if they can be so purchased at a better
 24 price.

25 (6) With any proposal the department may require a

1 certified check on some responsible bank, payable to the
 2 treasurer of the state, equal in amount to ~~five-per-cent~~
 3 ~~{5%}~~ of the sum of the proposal, OR A BID BOND ISSUED BY A
 4 LICENSED SURETY COMPANY, as a guarantee for the faithful
 5 performance of any contract awarded. After the award is
 6 made, all checks deposited as a guarantee shall be returned,
 7 except that of the successful bidder whose check shall be
 8 held until the contract is signed and the PERFORMANCE bond
 9 IS filed and approved, if a PERFORMANCE bond is required.
 10 All proposals shall include the delivery of the supplies to
 11 ~~the agencies and institutions for which they are purchased~~
 12 IN ACCORDANCE WITH THE TERMS OF THE SOLICITATION FOR BID.

13 ~~{7}--The state officers, agencies, or institutions may~~
 14 ~~not purchase any supplies or materials, except on approval of~~
 15 ~~the departments."~~

16 Section 5. Section 82-1922, R.C.M. 1947, is amended to
 17 read as follows:

18 "~~82-1922. Transfer of contract forbidden--agreement~~
 19 ~~between bidders invalidates contracts--interest in contracts~~
 20 ~~by state officers forbidden--penalty~~ Contract transfers and
 21 collusion prohibited -- violations and penalty. (1) No
 22 contract or order or any interest therein may be transferred
 23 by the party to whom the contract or order is given to any
 24 other party, and the state may declare void any such
 25 transfer.

1 ~~{4}~~ Collusion or secret agreements between bidders for
 2 the purpose of securing any advantage to the bidders as
 3 against the state in the awarding of contracts is
 4 prohibited, ~~and the~~ The state may declare the contract void
 5 if the department finds sufficient evidence after a contract
 6 has been let that the contract was obtained by a bidder or
 7 bidders, by reason of collusive or secret agreement among
 8 the bidders to the disadvantage of the state.

9 ~~{2}{3}~~ All rights of action, ~~however,~~ for a breach of
 10 a contract by the contracting parties are reserved to the
 11 state.

12 ~~{4}~~ A person who violates the provisions of ~~this act~~
 13 59-501 or this section, or both, is guilty of a misdemeanor
 14 and shall be fined not less than ~~five hundred dollars~~ ~~{500}~~
 15 ~~nor~~ or more than ~~five thousand dollars~~ ~~{5,000}~~, and the
 16 state of Montana ~~shall have the right~~ may at its option to
 17 declare any contract in violation of the provisions of ~~this~~
 18 ~~act 59-501 or this section, or both,~~ void ab initio."

19 Section 6. Section 82-1926, R.C.M. 1947, is amended to
 20 read as follows:

21 "~~82-1926. Contract provision for preference to Montana~~
 22 ~~products--failure to comply--federal aid projects -- Montana~~
 23 ~~product preference provisions.~~ (1) Each contract awarded by
 24 any political subdivision, school district, public
 25 corporation, or agency of the state of Montana shall contain

1 among its provisions a requirement that in all instances
 2 products manufactured or produced in this state by Montana
 3 industry and labor shall be preferred for use in all
 4 projects and in all materials, supplies, and equipment
 5 procured if such products, materials, equipment, and
 6 supplies are comparable in price and quality. Further, in
 7 this connection:

8 (2) It is the intent of ~~this act 82-1924, 82-1925,~~
 9 ~~and 82-1926~~ that wherever ~~whenever~~ possible, products
 10 manufactured and produced in this state which are suitable
 11 substitutes for products manufactured or produced outside
 12 the state and comparable in price, quality, and performance
 13 shall be preferred for use in all projects and in all state
 14 institutions.

15 (3) Failure to comply with the law in this respect
 16 shall disqualify such contractor as a qualified bidder for
 17 future contracts with the state of Montana, any legal
 18 subdivision of the state of Montana, any school district,
 19 public corporation, or agency for a period of ~~two (2)~~ years.

20 (4) The preference herein given to Montana products
 21 shall apply to contracts involving funds obtained from the
 22 federal government unless expressly prohibited by the laws
 23 of the United States or regulations adopted pursuant
 24 thereto."

25 Section 7. Section 82-1932, R.C.M. 1947, is amended to

1 read as follows:

2 "82-1932. ~~Small~~ Designation of small business
 3 set-asides---~~designation.~~ (1) Each department has authority
 4 to designate as small business set-asides specified
 5 commodities, equipment, or services, except those services
 6 rendered and furnished by registered professions, such as
 7 but not limited to, accountants, attorneys, architects,
 8 dentists, engineers, land surveyors, optometrists,
 9 physicians, and pharmacists, for which purchase has been
 10 requested under the Montana Small Business Purchasing Act.
 11 Such a designation shall be made prior to the advertisement
 12 for bids in a daily state newspaper, and when the
 13 advertisement is published, it shall indicate the purchases
 14 which have been designated small business set-asides. To
 15 effectuate the purposes of ~~this act 82-1929 through 82-1937,~~
 16 a department shall exercise this authority whenever there is
 17 a reasonable expectation that bids will be obtained from at
 18 least three ~~(3)~~ small businesses capable of furnishing the
 19 desired property or service at a fair and reasonable price.

20 (2) In the case of purchase designated as small
 21 business set-asides, invitations to bid shall be confined to
 22 small businesses and bids from other businesses shall be
 23 rejected. The ~~purpose purchase,~~ contract, or expenditure of
 24 funds shall be awarded to the lowest responsible bidder
 25 among the small businesses (considering conformity with

1 specifications and terms) in accordance with the rules and
2 regulations for purchasing published by the department."

3 Section 8. There is a new R.C.M. section that reads as
4 follows:

5 General procurement duties of department of
6 administration. (1) The department shall make or supervise
7 the making of all purchases of goods and services for the
8 legislature, the supreme court, and each state agency,
9 institution, and official.

10 (2) Unless otherwise provided by law, the legislature,
11 the supreme court, or any state agency, institution, or
12 official may not purchase goods or services unless the
13 purchase is supervised by the department.

14 Section 9. Repealer. Sections 82-1104, 82-1139,
15 82-1902, 82-1904.1, 82-1904.2, 82-1906, 82-1909, 82-1913,
16 and 82-1915, R.C.M. 1947, are repealed.

-End-