

HOUSE BILL NO. 482

INTRODUCED BY MEYER, RASMUSSEN, SCULLY, RAMIREZ, FABREGA,
MOORE, TROPILA, SIVERTSEN, MENAHAN, HARPER, MANUEL, RYAN

IN THE HOUSE

January 30, 1979	Introduced and referred to Committee on State Administration.
February 13, 1979	Committee recommend bill do pass as amended. Report adopted.
February 14, 1979	Printed and placed on members' desks.
February 16, 1979	Second reading, do pass.
February 17, 1979	Considered correctly engrossed.
February 19, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 20, 1979	Introduced and referred to Committee on State Administration.
March 10, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 13, 1979	Second reading, concurred in as amended.
March 16, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 17, 1979	Returned from second house. Concurred in as amended.
March 19, 1979	On motion, consideration passed for the day.

March 20, 1979

On motion, consideration passed until the 71st Legislative Day.

March 29, 1979

Second reading, amendments rejected.

On motion, Conference Committee requested.

March 30, 1979

Conference Committee appointed.

April 4, 1979

On motion, taken from Conference Committee and referred to second reading.

Conference Committee dissolved.

April 5, 1979

Second reading, amendments adopted.

April 6, 1979

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

1 *HOUSE* BILL NO. *482*
 2 INTRODUCED BY *Meyer Rasmussen*
 3 *Salvage Mann* *Wright* *Wendell*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE COMPETITIVE *Wendell*
 5 BIDS FOR LEASES AND RENTAL AGREEMENTS ENTERED INTO BY THE *from*
 6 STATE; AMENDING SECTIONS 18-4-101, 18-4-102, 18-4-201
 7 THROUGH 18-4-203, 18-4-213, AND 18-4-214, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 18-4-101, MCA, is amended to read:
 11 "18-4-101. General procurement duties of department of
 12 administration. (1) The department shall make or supervise
 13 the making of all purchases, leases, or rentals of goods and
 14 services for the legislature, the supreme court, and each
 15 state agency, institution, and official.
 16 (2) Unless otherwise provided by law, the legislature,
 17 the supreme court, or any state agency, institution, or
 18 official may not purchase, lease, or rent goods or services
 19 unless the purchase, lease, or rental agreement is
 20 supervised by the department.
 21 (3) All purchases, leases, or rentals made or entered
 22 into by the department shall be based on competitive bids."
 23 Section 2. Section 18-4-102, MCA, is amended to read:
 24 "18-4-102. Contract terms and time limit. (1) No
 25 contract, except as otherwise provided by law, shall be made

1 for a longer period than 3 years.
 2 (2) A contract shall provide for the delivery of the
 3 articles at the times and in the quantities as the
 4 department determines.
 5 (3) All purchases, leases, rentals, advertisements,
 6 and contracts for supplies for any purpose authorized by law
 7 shall be made by the department in the name of the state."
 8 Section 3. Section 18-4-201, MCA, is amended to read:
 9 "18-4-201. Requisitions for supplies. (1) State
 10 officers, agencies, and institutions shall tabulate in
 11 detail the amount of supplies on hand for any class of
 12 merchandise for a period as determined by the department and
 13 the additional supplies needed for a period of time not to
 14 exceed 1 year's supply. The department shall examine the
 15 amount of supplies on hand and shall determine from that
 16 examination and from the furnished statements the additional
 17 amount of supplies necessary and shall make an itemized
 18 statement thereof, all of which acts of the department are
 19 subject to approval of the governor. As soon as the
 20 department determines what kind of supplies and the amount
 21 necessary for the state to purchase, lease, or rent for its
 22 state offices, agencies, or institutions, the department
 23 shall make the purchases, leases, or rentals.
 24 (2) An estimate or requisition presented by an agency
 25 or state official in control of the appropriation or fund

1 against which such ~~contracts, or purchases, leases, or rental~~
 2 is to be charged must be approved by the department, and
 3 this shall be full authority for any contract and any
 4 ~~purchases, leases, or rental~~ made by the department."

5 Section 4. Section 18-4-202, MCA, is amended to read:

6 "18-4-202. Contracts over two thousand dollars. On any
 7 ~~purchase, lease, or rental agreement~~ when the estimated
 8 expenditure is \$2,000 or over, sealed bids shall be
 9 solicited by mail from each person, firm, or corporation who
 10 has filed with the department a request in writing that it
 11 be listed for solicitation on bids for such particular items
 12 set forth in such listing. However, if a person, firm, or
 13 corporation whose name is listed fails to respond to any
 14 solicitation for bids after the receipt of two such
 15 solicitations, such listing shall, within the discretion of
 16 the department, be canceled. It is within the discretion of
 17 the department to advertise for such ~~purchases, leases, or~~
 18 ~~rentals~~. If bids are solicited through advertising, the
 19 advertisement shall be made in at least three newspapers
 20 (one of which must be a daily) of general circulation
 21 printed within the state, once each week for 2 consecutive
 22 weeks, and the advertisement shall state that sealed
 23 proposals will be received by the department, up to a time
 24 to be mentioned therein, for furnishing supplies for the
 25 state offices, agencies, or institutions. The notice shall

1 also state that detailed statements of supplies to be
 2 furnished are on file at the office of the department and
 3 subject to inspection and that at a certain time to be
 4 therein mentioned the proposals will be opened and contracts
 5 awarded to the lowest responsible bidder."

6 Section 5. Section 18-4-203, MCA, is amended to read:

7 "18-4-203. Contracts under two thousand dollars. On
 8 ~~purchases, leases, or rental agreements~~ where the estimated
 9 expenditure is less than \$2,000, bids shall be secured
 10 without advertising, but the department shall solicit bids
 11 for the supplies by notice sent by mail to prospective
 12 suppliers whose names are listed as provided above, which
 13 notice shall contain the same information as is herein
 14 required to be set forth in advertisements."

15 Section 6. Section 18-4-213, MCA, is amended to read:

16 "18-4-213. Public bid opening -- award or rejection --
 17 bid records. (1) At the time set for the opening of bids,
 18 the proposals shall be opened in public and contracts
 19 awarded to the lowest responsible bidder. The department
 20 may reject any bid. If all proposals be rejected, proposals
 21 shall again be invited and proceeded with in the same
 22 manner; however, in that event, the department may, with the
 23 approval of the governor, ~~purchase, lease, or rent~~ the
 24 supplies on the open market if they can be ~~so-purchased~~
 25 ~~obtained~~ at a better price.

1 (2) The department shall record in a book kept for
2 that purpose a true abstract of all bids made for furnishing
3 supplies and equipment for the state, giving the name of the
4 party bidding, the terms of the offer, and the sum to be
5 paid and shall keep on file and preserve all bids until the
6 end of the contract term to which they relate.

7 (3) Each bidder has the right to be present, either in
8 person or by agent, when the bids are opened and has the
9 right to examine and inspect all bids.

10 (4) The records shall be open at all times for the
11 inspection of those who are interested in the contracts made
12 or to be made with the state."

13 Section 7. Section 18-4-214, MCA, is amended to read:

14 "18-4-214. Payment ~~for purchases~~ by department. All
15 valid claims on account of such contract~~s~~ and purchase~~s~~,
16 leases, or rental agreements negotiated by the department
17 shall be audited and paid from the sums severally set aside
18 for the use of the department by the contract~~s~~ and purchase~~s~~,
19 lease, or rental agreement estimate or requisition."

-End-

HB 482

Approved by Committee
on State Administration

HOUSE BILL NO. 482

INTRODUCED BY MEYER, RASMUSSEN, SCULLY, RAMIREZ, FABREGA,

MOORE, TROPILA, SIVERTSEN, MENAHAN, HARPER, MANUEL, RYAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE COMPETITIVE
BIDS FOR LEASES AND RENTAL AGREEMENTS ENTERED INTO BY THE
STATE; AMENDING SECTIONS 18-4-101, 18-4-102, 18-4-201
THROUGH 18-4-203, 18-4-213, AND 18-4-214, MCA."

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

Section 1. Section 18-4-101, MCA, is amended to read:

"18-4-101. General procurement duties of department of
administration. (1) The department shall make or supervise
the making of all purchases, leases, or rentals of goods and
services for the legislature, the supreme court, and each
state agency, institution, and official.

(2) Unless otherwise provided by law, the legislature,
the supreme court, or any state agency, institution, or
official may not purchase, lease, or rent goods or services
unless the purchase, lease, or rental agreement is
supervised by the department.

(3) All purchases, leases, or rentals made or entered
into by the department shall be based on competitive bids."

Section 2. Section 18-4-102, MCA, is amended to read:

"18-4-102. Contract terms and time limit. (1) No

contract, except as otherwise provided by law, shall be made
for a longer period than 3 years.

(2) A contract shall provide for the delivery of the
articles at the times and in the quantities as the
department determines.

(3) All purchases, leases, rentals, advertisements,
and contracts for supplies for any purpose authorized by law
shall be made by the department in the name of the state."

Section 3. Section 18-4-201, MCA, is amended to read:

"18-4-201. Requisitions for supplies. (1) State
officers, agencies, and institutions shall tabulate in
detail the amount of supplies on hand for any class of
merchandise for a period as determined by the department and
the additional supplies needed for a period of time not to
exceed 1 year's supply. The department shall examine the
amount of supplies on hand and shall determine from that
examination and from the furnished statements the additional
amount of supplies necessary and shall make an itemized
statement thereof, all of which acts of the department are
subject to approval of the governor. As soon as the
department determines what kind of supplies and the amount
necessary for the state to purchase, lease, or rent for its
state offices, agencies, or institutions, the department
shall make the purchases, leases, or rentals.

(2) An estimate or requisition presented by an agency

1 or state official in control of the appropriation or fund
 2 against which such contract, or purchase, lease, or rental
 3 is to be charged must be approved by the department, and
 4 this shall be full authority for any contract and any
 5 purchase, lease, or rental made by the department."

6 Section 4. Section 18-4-202, MCA, is amended to read:

7 "18-4-202. Contracts over two thousand dollars. On any
 8 purchase, lease, or rental agreement when the estimated
 9 AGGREGATE expenditure PER FISCAL YEAR is \$2,000 or over,
 10 sealed bids shall be solicited by mail from each person,
 11 firm, or corporation who has filed with the department a
 12 request in writing that it be listed for solicitation on
 13 bids for such particular items set forth in such listing.
 14 However, if a person, firm, or corporation whose name is
 15 listed fails to respond to any solicitation for bids after
 16 the receipt of two such solicitations, such listing shall,
 17 within the discretion of the department, be canceled. It is
 18 within the discretion of the department to advertise for
 19 such purchases, leases, or rentals. If bids are solicited
 20 through advertising, the advertisement shall be made in at
 21 least three newspapers (one of which must be a daily) of
 22 general circulation printed within the state, once each week
 23 for 2 consecutive weeks, and the advertisement shall state
 24 that sealed proposals will be received by the department, up
 25 to a time to be mentioned therein, for furnishing supplies

1 for the state offices, agencies, or institutions. The notice
 2 shall also state that detailed statements of supplies to be
 3 furnished are on file at the office of the department and
 4 subject to inspection and that at a certain time to be
 5 therein mentioned the proposals will be opened and contracts
 6 awarded to the lowest responsible bidder."

7 Section 5. Section 18-4-203, MCA, is amended to read:

8 "18-4-203. Contracts under two thousand dollars. On
 9 purchases, leases, or rental agreements where the estimated
 10 expenditure is less than \$2,000, bids shall be secured
 11 without advertising, but the department shall solicit bids
 12 for the supplies by notice sent by mail to prospective
 13 suppliers whose names are listed as provided above, which
 14 notice shall contain the same information as is herein
 15 required to be set forth in advertisements."

16 Section 6. Section 18-4-213, MCA, is amended to read:

17 "18-4-213. Public bid opening -- award or rejection --
 18 bid records. (1) At the time set for the opening of bid,
 19 the proposals shall be opened in public and contracts
 20 awarded to the lowest responsible bidder. The department
 21 may reject any bid. If all proposals be rejected, proposals
 22 shall again be invited and proceeded with in the same
 23 manner; however, in that event, the department may, with the
 24 approval of the governor, purchase, lease, or rent the
 25 supplies on the open market if they can be so--purchased

1 ~~obtained~~ at a better price.

2 (2) The department shall record in a book kept for
3 that purpose a true abstract of all bids made for furnishing
4 supplies and equipment for the state, giving the name of the
5 party bidding, the terms of the offer, and the sum to be
6 paid and shall keep on file and preserve all bids until the
7 end of the contract term to which they relate.

8 (3) Each bidder has the right to be present, either in
9 person or by agent, when the bids are opened and has the
10 right to examine and inspect all bids.

11 (4) The records shall be open at all times for the
12 inspection of those who are interested in the contracts made
13 or to be made with the state."

14 Section 7. Section 18-4-214, MCA, is amended to read:

15 "18-4-214. Payment for--purchases by department. All
16 valid claims on account of such contract~~s~~ and purchase~~s~~,
17 ~~leases, or rental agreements~~ negotiated by the department
18 shall be audited and paid from the sums severally set aside
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20 ~~leases, or rental agreement~~ estimate or requisition."

-End-

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1 contract, except as otherwise provided by law, shall be made
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4 articles at the times and in the quantities as the
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2 (2) The department shall record in a book kept for
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5 party bidding, the terms of the offer, and the sum to be
6 paid and shall keep on file and preserve all bids until the
7 end of the contract term to which they relate.

8 (3) Each bidder has the right to be present, either in
9 person or by agent, when the bids are opened and has the
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12 inspection of those who are interested in the contracts made
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16 valid claims on account of such contracts, and purchases,
17 leases, or rental agreements negotiated by the department
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-End-

HOUSE BILL NO. 482

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STATE, EXCEPT FOR CERTAIN GOODS OR SERVICES OFFERED BY
PUBLIC UTILITIES; AMENDING SECTIONS 18-4-101, 18-4-102,
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the supreme court, or any state agency, institution, or
official may not purchase, lease, or rent goods or services
unless the purchase, lease, or rental agreement is
supervised by the department.

(3) All purchases, leases, or rentals made or entered
into by the department shall be based on competitive bids,
EXCEPT THAT GOODS OR SERVICES OFFERED FOR SALE, LEASE, OR

RENTAL BY PUBLIC UTILITIES ARE EXEMPT FROM [THIS ACT] IF THE
PRICES OF THE GOODS OR SERVICES ARE REGULATED BY THE PUBLIC
SERVICE COMMISSION OR OTHER GOVERNMENTAL AUTHORITY."

Section 2. Section 18-4-102, MCA, is amended to read:

"18-4-102. Contract terms and time limit. (1) No
contract, except as otherwise provided by law, shall be made
for a longer period than 3 ~~2~~ 3 years.

(2) A contract shall provide for the delivery of the
articles at the times and in the quantities as the
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22 "18-4-213. Public bid opening -- award or rejection --
 23 bid records. (1) At the time set for the opening of bids,
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5 supplies on the open market if they can be ~~so-purchased~~
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8 that purpose a true abstract of all bids made for furnishing
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20 "18-4-214. Payment for-purchases by department. All
21 valid claims on account of such contract~~s~~ and purchase~~s~~,
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24 for the use of the department by the contract~~s~~ and purchase~~s~~,
25 ~~lease, or rental agreement~~ estimate or requisition."

March 10, 1979

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 482 be amended as follows:

1. Title, line 7

Following: "STATE"

Insert: ", EXCEPT FOR CERTAIN GOODS OR SERVICES OFFERED BY PUBLIC UTILITIES"

2. Page 1, line 23

Following: "bids"

Insert: ", except that goods or services offered for sale, lease, or rental by public utilities are exempt from [this act] if the prices of the goods or services are regulated by the public service commission or other governmental authority"

3. Page 2, line 2

Following: "than"

Strike: "3"

Insert: "7"

March 13, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 482 be amended as follows:

1. Page 2, line 2.
Following: "than"
Strike: "7"
Insert: "3"