

HOUSE BILL NO. 205

INTRODUCED BY FABREGA,
HARP, THOMAS

IN THE HOUSE

January 13, 1983	Introduced and referred to Committee on Highways and Transportation.
January 26, 1983	Committee recommend bill do pass. Report adopted.
January 27, 1983	Bill printed and placed on members' desks.
January 28, 1983	Second reading, do pass.
January 29, 1983	Considered correctly engrossed.
January 31, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 1, 1983	Introduced and referred to Committee on Highways and Transportation.
February 18, 1983	Committee recommend bill be concurred in. Report adopted.
March 3, 1983	Second reading, pass consideration.
March 4, 1983	Second reading, concurred in.
March 7, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 7, 1983	Returned to House.
March 8, 1983	Sent to enrolling.
March 9, 1983	Correctly enrolled.
March 15, 1983	Signed by Speaker.
March 16, 1983	Signed by President.
March 18, 1983	Delivered to Governor.
March 22, 1983	Returned from Governor with recommended amendments.
March 31, 1983	Second reading, Governor's amendments concurred in.
April 1, 1983	Third reading, Governor's amendments concurred in.

IN THE SENATE

April 4, 1983	Governor's amendments transmitted to Senate.
April 6, 1983	Second reading, Governor's amendments concurred in.
April 7, 1983	Third reading, Governor's amendments concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

April 8, 1983	Returned to House. Sent to enrolling. Reported correctly enrolled.
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1 House BILL NO. 205
 2 INTRODUCED BY Rep. George HARP Thomas
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE
 5 DISCRETIONARY AUTHORITY OF THE HIGHWAY COMMISSION REGARDING
 6 PROJECTS FOR COMPETITIVE BIDDING; CLARIFYING THE EXCEPTION
 7 TO COMPETITIVE BIDDING; AMENDING SECTION 60-2-112, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 60-2-112, MCA, is amended to read:
 11 "60-2-112. Competitive bidding. (1) When the estimated
 12 cost of any work exceeds ~~\$1,000~~ \$10,000, the commission
 13 shall let the contract by competitive bidding. Award shall
 14 be made upon such notice and upon such terms as the
 15 commission may prescribe by its rules. However, except when
 16 prohibited by federal law, the commission shall make awards
 17 and contracts in accordance with 18-1-102 and 18-1-112.
 18 ~~(2) If the commission finds that the work may be done~~
 19 ~~in some more efficient manner, it need not let the contract~~
 20 ~~by competitive bidding.~~
 21 ~~(3) (2)~~ If, on highway construction work financed in
 22 whole or in part by federal funds, the United States
 23 secretary of transportation affirmatively finds that under
 24 the circumstances relating to a particular project some
 25 method other than competitive bidding is in the public

1 ~~interest and can be accomplished at lower total cost,~~
 2 ~~including total cost of labor, materials, supplies,~~
 3 ~~equipment usage, engineering, supervision, clerical and~~
 4 ~~accounting services, administrative costs, and reasonable~~
 5 ~~estimates of other costs attributable to the project,~~ the
 6 commission may enter into contracts with a board of county
 7 commissioners. These contracts may authorize each county to
 8 acquire rights-of-way for, survey, and construct
 9 farm-to-market, secondary, or feeder roads within the county
 10 by force account, unit price, or otherwise, as may be agreed
 11 by the commission and the board.
 12 ~~(4) (3)~~ If, on any highway construction work financed
 13 in whole or in part by federal funds, the commission finds
 14 that enforcement of the provisions contained in 15-50-203
 15 and 18-2-311 relating to public contractors working beyond
 16 contract time will result in a reduction in the full
 17 benefits of Title 23, U.S.C., it may waive enforcement of
 18 such provisions."

-End-

INTRODUCED BILL

Approved by Committee
on Highways & Transportation

1 House BILL NO. 205
2 INTRODUCED BY George HARP Thomas
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE
5 DISCRETIONARY AUTHORITY OF THE HIGHWAY COMMISSION REGARDING
6 PROJECTS FOR COMPETITIVE BIDDING; CLARIFYING THE EXCEPTION
7 TO COMPETITIVE BIDDING; AMENDING SECTION 60-2-112, MCA."
8

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

10 Section 1. Section 60-2-112, MCA, is amended to read:

11 "60-2-112. Competitive bidding. (1) When the estimated
12 cost of any work exceeds ~~\$1,000~~ \$10,000, the commission
13 shall let the contract by competitive bidding. Award shall
14 be made upon such notice and upon such terms as the
15 commission may prescribe by its rules. However, except when
16 prohibited by federal law, the commission shall make awards
17 and contracts in accordance with 18-1-102 and 18-1-112.

18 ~~{2}--If--the--commission--finds--that--the--work--may--be--done~~
19 ~~in--some--more--efficient--manner--it--need--not--let--the--contract~~
20 ~~by--competitive--bidding.~~

21 ~~{3}~~(2) If, on highway construction work financed in
22 whole or in part by federal funds, the United States
23 secretary of transportation affirmatively finds that under
24 the circumstances relating to a particular project some
25 method other than competitive bidding is in the public

1 interest and can be accomplished at lower total cost,
2 including total cost of labor, materials, supplies,
3 equipment usage, engineering, supervision, clerical and
4 accounting services, administrative costs, and reasonable
5 estimates of other costs attributable to the project, the
6 commission may enter into contracts with a board of county
7 commissioners. These contracts may authorize each county to
8 acquire rights-of-way for, survey, and construct
9 farm-to-market, secondary, or feeder roads within the county
10 by force account, unit price, or otherwise, as may be agreed
11 by the commission and the board.

12 ~~{4}~~(3) If, on any highway construction work financed
13 in whole or in part by federal funds, the commission finds
14 that enforcement of the provisions contained in 15-50-203
15 and 18-2-311 relating to public contractors working beyond
16 contract time will result in a reduction in the full
17 benefits of Title 23, U.S.C., it may waive enforcement of
18 such provisions."

-End-

SECOND READING

1 House BILL NO. 205
 2 INTRODUCED BY Laurel HARR Thomas
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE
 5 DISCRETIONARY AUTHORITY OF THE HIGHWAY COMMISSION REGARDING
 6 PROJECTS FOR COMPETITIVE BIDDING; CLARIFYING THE EXCEPTION
 7 TO COMPETITIVE BIDDING; AMENDING SECTION 60-2-112, MCA."
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 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 60-2-112, MCA, is amended to read:
 11 "60-2-112. Competitive bidding. (1) When the estimated
 12 cost of any work exceeds ~~\$1,000~~ \$10,000, the commission
 13 shall let the contract by competitive bidding. Award shall
 14 be made upon such notice and upon such terms as the
 15 commission may prescribe by its rules. However, except when
 16 prohibited by federal law, the commission shall make awards
 17 and contracts in accordance with 18-1-102 and 18-1-112.
 18 ~~(2)--If--the--commission--finds--that--the--work--may--be--done~~
 19 ~~in--some--more--efficient--manner--it--need--not--let--the--contract~~
 20 ~~by--competitive--bidding.~~
 21 ~~(3)~~(2) If, on highway construction work financed in
 22 whole or in part by federal funds, the United States
 23 secretary of transportation affirmatively finds that under
 24 the circumstances relating to a particular project some
 25 method other than competitive bidding is in the public

1 interest and can be accomplished at lower total costs,
 2 including total cost of labor, materials, supplies,
 3 equipment usage, engineering, supervision, clerical and
 4 accounting services, administrative costs, and reasonable
 5 estimates of other costs attributable to the project, the
 6 commission may enter into contracts with a board of county
 7 commissioners. These contracts may authorize each county to
 8 acquire rights-of-way for, survey, and construct
 9 farm-to-market, secondary, or feeder roads within the county
 10 by force account, unit price, or otherwise, as may be agreed
 11 by the commission and the board.
 12 ~~(4)~~(3) If, on any highway construction work financed
 13 in whole or in part by federal funds, the commission finds
 14 that enforcement of the provisions contained in 15-50-203
 15 and 18-2-311 relating to public contractors working beyond
 16 contract time will result in a reduction in the full
 17 benefits of Title 23, U.S.C., it may waive enforcement of
 18 such provisions."

-End-

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INTRODUCED BY FABREGA,

HARP, THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DISCRETIONARY AUTHORITY OF THE HIGHWAY COMMISSION REGARDING PROJECTS FOR COMPETITIVE BIDDING; CLARIFYING THE EXCEPTION TO COMPETITIVE BIDDING; AMENDING SECTION 60-2-112, MCA."

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

Section 1. Section 60-2-112, MCA, is amended to read:

"60-2-112. Competitive bidding. (1) When the estimated cost of any work exceeds \$1,000 \$10,000, the commission shall let the contract by competitive bidding. Award shall be made upon such notice and upon such terms as the commission may prescribe by its rules. However, except when prohibited by federal law, the commission shall make awards and contracts in accordance with 18-1-102 and 18-1-112.

~~(2) If the commission finds that the work may be done in some more efficient manner, it need not let the contract by competitive bidding.~~

~~(3) If, on highway construction work financed in whole or in part by federal funds, the United States secretary of transportation affirmatively finds that under the circumstances relating to a particular project some~~

method other than competitive bidding is in the public interest and can be accomplished at lower total cost, including total cost of labor, materials, supplies, equipment usage, engineering, supervision, clerical and accounting services, administrative costs, and reasonable estimates of other costs attributable to the project, the commission may enter into contracts with a board of county commissioners. These contracts may authorize each county to acquire rights-of-way for, survey, and construct farm-to-market, secondary, or feeder roads within the county by force account, unit price, or otherwise, as may be agreed by the commission and the board.

~~(4) If, on any highway construction work financed in whole or in part by federal funds, the commission finds that enforcement of the provisions contained in 15-50-203 and 18-2-311 relating to public contractors working beyond contract time will result in a reduction in the full benefits of Title 23, U.S.C., it may waive enforcement of such provisions."~~

-End-

PROPOSED AMENDMENTS TO H.B. 205
REFERENCE BILL

1. Page 1, line 22 through page 2, line 12.

Strike: subsection (2) in its entirety

Insert: "(2) The Commission may let a contract by means other than competitive bidding if it determines that special circumstances so require. The Commission must specify the special circumstances in writing.

(3) The Commission may enter into contracts with units of local government for the construction of projects without competitive bidding if it finds that the work can be accomplished at lower total costs, including total cost of labor, materials, supplies, equipment usage, engineering, supervision, clerical and accounting services, administrative costs, and reasonable estimates of other costs attributable to the project."

Renumber following section.

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~~(2) If the commission finds that the work may be done in some more efficient manner, it need not let the contract by competitive bidding.~~

~~(3) If, on highway construction work financed in whole or in part by federal funds, the United States secretary of transportation affirmatively finds that under the circumstances relating to a particular project some~~

~~method other than competitive bidding is in the public interest and can be accomplished at lower total costs including total cost of labor, materials, supplies, equipment usage, engineering, supervision, clerical and accounting services, administrative costs, and reasonable estimates of other costs attributable to the project, the commission may enter into contracts with a board of county commissioners. These contracts may authorize each county to acquire rights of way for surveys and construct farm-to-market, secondary or feeder roads within the county by force account, unit price, or otherwise as may be agreed by the commission and the board.~~

(2) THE COMMISSION MAY LET A CONTRACT BY MEANS OTHER THAN COMPETITIVE BIDDING IF IT DETERMINES THAT SPECIAL CIRCUMSTANCES SO REQUIRE. THE COMMISSION MUST SPECIFY THE SPECIAL CIRCUMSTANCES IN WRITING.

(3) THE COMMISSION MAY ENTER INTO CONTRACTS WITH UNITS OF LOCAL GOVERNMENT FOR THE CONSTRUCTION OF PROJECTS WITHOUT COMPETITIVE BIDDING IF IT FINDS THAT THE WORK CAN BE ACCOMPLISHED AT LOWER TOTAL COSTS, INCLUDING TOTAL COST OF LABOR, MATERIALS, SUPPLIES, EQUIPMENT USAGE, ENGINEERING, SUPERVISION, CLERICAL AND ACCOUNTING SERVICES, ADMINISTRATIVE COSTS, AND REASONABLE ESTIMATES OF OTHER COSTS ATTRIBUTABLE TO THE PROJECT.

~~(4) If, on any highway construction work~~

1 financed in whole or in part by federal funds, the
2 commission finds that enforcement of the provisions
3 contained in 15-50-203 and 18-2-311 relating to public
4 contractors working beyond contract time will result in a
5 reduction in the full benefits of Title 23, U.S.C., it may
6 waive enforcement of such provisions."

-End-