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 s	enate
February 1, 1983	Introduced and referred to Committee on Highways and Transportation.
February 18, 1983	Committee recommend bill be concurred in. Report adopted.
February 18, 1983 March 3, 1983	Committee recommend bill be
•	Committee recommend bill be concurred in. Report adopted. Second reading, pass

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 BI	LL NO. 🚅	105	
Z	INTRODUCED BY	Long	HARP	Thomas	

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DISCRETIONARY AUTHORITY OF THE HIGHWAY COMMISSION REGARDING PROJECTS FOR COMPETITIVE BIODING; 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. 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.

127--If--the-commission-finds-that-the-work-may-be-done in-some-more-efficient-mannery-it-need-not-let-the--contract by-competitive-bidding-

131121 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

1 interest and can be accomplished at lower total cost. 2 including total cost of labor. materials, supplies. equipment usage, engineering, supervision, clerical and 3 accounting services, administrative costs, and reasonable 5 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 10 by force account, unit price, or otherwise, as may be agreed 11 by the commission and the board. 12 +++131 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

-End-

contract time will result in a reduction in the full

benefits of Title 23, U.S.C., It may waive enforcement of

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such provisions."

Approved by Committee on Highways & Transportation

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DISCRETIONARY AUTHORITY OF THE HIGHWAY COMMISSION REGARDING PROJECTS FOR COMPETITIVE BIDDING; CLARIFYING THE EXCEPTION TO COMPETITIVE BIDDING: AMENDING SECTION 60-2-112. MCA.**

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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, 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.

121--If--the-commission-finds-that-the-work-may-be-done in-some-more-efficient-mannery-it-meed-not-let-the--contract by-competitive-biddings

+3+121 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. 1 2 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 way enter into contracts with a board of county 7 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 10 by force account, unit price, or otherwise, as may be agreed 11 by the commission and the board. 12 (4)131 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

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such provisions.

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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

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2	INTRODUCED BY Taken Theywar

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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."

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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.

f2†--If--the-commission-finds-that-the-work-may-be-done
in-some-more-efficient-mannery-it-need-not-let-the--contract
by-competitive-bidding*

(3)(2) 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

1 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 astimates of other costs attributable to the project, the commission may enter into contracts with a board of county 7 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 10 by force account, unit price, or otherwise, as may be agreed 11 by the commission and the board. 12

t+7431 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-

HB 0205/02 HB 0205/02 48th Legislature

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such provisions."

1	HOUSE BILL NO. 205
2	INTRODUCED BY FABREGA,
3	HARP. THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING 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

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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, 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.

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in-some-more-efficient-mannery-it-need-not-let-the--contract by-competitive-bidding*

+3+121 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

mathod other than competitive bidding is in the public interest and can be accomplished at lower total cost. including total cost of labors 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 rights-of-way acquire for, survey, and construct 10 farm-to-market, secondary, or feeder roads within the county by force account, unit price, or otherwise, as may be agreed 11 12 by the commission and the board. 141131 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

-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.

HB 0205/03

1	HOUSE BILL NO. 205
2	INTRODUCED BY FABREGA.
3	HARP+ THOMAS
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5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE
6	DISCRETIONARY AUTHORITY OF THE HIGHWAY COMMISSION REGARDING
7	PROJECTS FOR COMPETITIVE BIDDING; CLARIFYING THE EXCEPTION
8	TO COMPETITIVE BIDDING; AMENDING SECTION 60-2-112. MCA.*
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 60-2-112, MCA, is amended to read:
12	*60-2-112. Competitive bidding. (1) When the estimated
13	cost of any work exceeds \$1,0000, the commission
14	shall let the contract by competitive bidding. Award shall
15	be made upon such notice and upon such terms as the
16	commission may prescribe by its rules. However, except when
17	prohibited by federal laws the commission shall make awards
18	and contracts in accordance with 18-1-102 and 18-1-112.
19	{2}Ifthe-commission-finds-thot-the-work-may-b e-done
20	'in-some-more-efficient-mannery-it-need-not-let-theco ntract
21	by-competitive-bidding+
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23	whole-orinpartbyfederalfundstheUnitedStates
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25	the-circumstances-relatingtoaparticulorprojectsome

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8	commissionerse-These-contracts-may-authorize-each-countyto
9	acquirerights-of-wayforysurveyyandconstruct
10	form-to-markety-secondaryy-or-feeder-roads-within-the-county
11	by-force-accounty-unit-pricey-or-otherwisey-as-may-be-agreed
12	by-the-commission-and-the-board*
13	(2) THE COMMISSION MAY LET A CONTRACT BY MEANS OTHER
14	THAN COMPETITIVE BIDDING IF IT DETERMINES THAT SPECIAL
15	CIRCUMSTANCES SO REQUIRE. THE COMMISSION MUST SPECIEY THE
16	SPECIAL CIRCUMSTANCES IN WRITING.
17	(31 THE COMMISSION MAY ENTER INTO CONTRACTS WITH UNITS
18	OF LOCAL GOVERNMENT FOR THE CONSTRUCTION OF PROJECTS WITHOUT
19	COMPETITIVE BIDDING IF II FINDS THAT THE WORK CAN BE
20	ACCOMPLISHED AT LOWER IGTAL COSTS. INCLUDING TOTAL COST OF
21	LABOR. MATERIALS. SUPPLIES. FOULPMENT USAGE. ENGINEERING.
22	SUPERVISION: CLERICAL AND ACCOUNTING SERVICES:
23	ADMINISTRATIVE COSIS: AND REASONABLE ESTIMATES OF OTHER
24	COSTS ATTRIBUTABLE TO THE PROJECT.
25	(4) <u>f3}(4)</u> If, on any highway construction work

- l 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-