

HOUSE BILL NO. 786

INTRODUCED BY D. BROWN, WINSLOW, ADDY, PAVLOVICH, LYNCH,
DONALDSON, IVERSON, KEYSER, SPAETH, MARKS, SEIFERT, HARP

IN THE HOUSE

February 14, 1983	Introduced and referred to Committee on State Administration.
February 17, 1983	Committee recommend bill do pass as amended. Report adopted.
February 18, 1983	Bill printed and placed on members' desks.
February 19, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on State Administration.
March 17, 1983	Committee recommend bill be concurrent in. Report adopted.
March 19, 1983	Second reading, indefinitely postponed. Ayes, 34; Noes, 11.

IN THE HOUSE

March 19, 1983

Returned to House.

March 22, 1983

On motion request of Senate
granted for return of
HB 786 for further
consideration.

IN THE SENATE

March 23, 1983

Second reading, concurred in
as amended.

March 25, 1983

Third reading, concurred in.
Ayes, 46; Noes, 3.

IN THE HOUSE

March 25, 1983

Returned to House with.
amendments.

March 31, 1983

Second reading, amendments
concurred in.

April 1, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

Hansen BILL NO. *786*

INTRODUCED BY *Don Brown* *Wanda Miller* *Paul H. Smith*

Connelly *Jensen* *Heysen* *Small* *Mark*
HARRIS
A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PUBLICATION
TO LIST ALL CONTRACTS TO BE LET BY THE STATE AND PROVIDING
FOR PAYMENT OF THE COSTS OF PUBLICATION THROUGH SUBSCRIPTION
FEES; INCREASING THE PREFERENCE PROVISIONS FOR MONTANA
BIDDERS; AMENDING SECTION 18-1-102, MCA."

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

NEW SECTION Section 1. Purpose. The purpose of
[sections 1 through 4] is to enhance fair competition by
Montana firms for public contracts to be awarded that are
payable through taxpayers' money. [Sections 1 through 4]
will eliminate inequities in the present system of awarding
public contracts caused by lack of notice, differing
contracting practices among various agencies, and an overall
lack of uniform publicly noticed policies in awarding state
contracts. [Sections 1 through 4] will enhance economic
development by making Montana firms more aware of the types
of contracts awarded by the state and will insure that the
state gets the highest value for its money spent as a result
of the increased awareness.

NEW SECTION Section 2. Montana Commerce Business
Weekly. (1) The department of administration shall print a

weekly publication, to be known as the Montana Commerce
Business Weekly, listing all proposed state contracts over
\$5,000 in value, whether sole source or competitive bid.

(2) The department shall charge a subscription fee to
subscribers sufficient to cover the costs of publication,
including printing, postage, and labor costs.

NEW SECTION Section 3. Publication of contract
information. (1) Except as provided in subsection (5), every
proposed contract over \$5,000 in value or a contract
increment of over \$5,000 in value to be let by any agency of
the state must be published in the Montana Commerce Business
Weekly.

(2) The notice must include:

(a) the name of the agency letting the contract, a
personnel contact, and the agency phone number and address;

(b) the opening and closing dates of the request for
proposals and the intended date of awarding the contract;

(c) a one-paragraph synopsis of the type of product or
service required, written in easily understandable language;
and

(d) the specifications for the product or service
required.

(3) After the award of the contract, the agency must
publish the name of the firm or individual to whom the
contract is awarded, his principal place of business, the

1 contract amount, and the terms of the contract.

2 (4) The closing date of request for proposals may not
3 be less than 2 weeks after the date of publication.

4 (5) [Sections 1 through 4] do not apply to a contract
5 covered by 18-4-104.

6 **NEW SECTION** Section 4. Preference for Montana
7 products and residents. The preference provisions of Title
8 18, chapter 1, part 1, apply to all contracts noticed in the
9 Montana Commerce Business Weekly.

10 Section 5. Section 18-1-102, MCA, is amended to read:

11 "18-1-102. State contracts to lowest resident bidder.

12 (1) In order to provide for an orderly administration of the
13 business of the state of Montana in awarding contracts for
14 materials, supplies, equipment, construction, repair, and
15 public works of all kinds, it shall be the duty of each
16 board, commission, officer, or individual charged by law
17 with the responsibility for the execution of the contract on
18 behalf of the state, board, commission, political
19 subdivision, agency, school district, or a public
20 corporation of the state of Montana to award such contract
21 to the lowest responsible bidder who is a resident of the
22 state of Montana and whose bid is not more than ~~3%~~ **5%** higher
23 than that of the lowest responsible bidder who is a
24 nonresident of this state.

25 (2) In awarding contracts for purchase of products,

1 materials, supplies, or equipment, such board, commission,
2 officer, or individual shall award the contract to any such
3 resident whose offered materials, supplies, or equipment are
4 manufactured or produced in this state by Montana industry
5 and labor and whose bid is not more than ~~3%~~ **5%** higher than
6 that of the lowest responsible resident bidder whose offered
7 materials, supplies, or equipment are not so manufactured or
8 produced, provided that such products, materials, supplies,
9 and equipment are comparable in quality and performance.

10 (3) This requirement shall prevail whether the law
11 requires advertisement for bids or does not require
12 advertisement for bids, and it shall apply to contracts
13 involving funds obtained from the federal government unless
14 expressly prohibited by the laws of the United States or
15 regulations adopted pursuant thereto."

-End-

STATE OF MONTANA

REQUEST NO. 428-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 16, 19 83, there is hereby submitted a Fiscal Note for House Bill 786 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 786 is a publication of all contracts to be let by the state and providing for payment of the costs of publication through subscription fees. Bill also increases the preference provisions for Montana bidders.

ASSUMPTIONS:

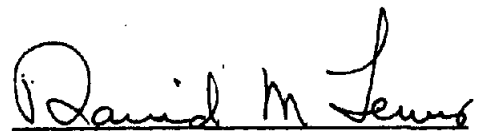
- 1) All state contracts over \$5,000 would be published weekly, even though they are also published in other sources.
- 2) Potential exists for average of 10,000 subscribers weekly (based on number of probable subscribers for Department of Administration). Strong possibility exists for this number to increase when all state agencies are included.
- 3) Average of 100 pages published weekly (note that this estimate is conservative as the specifications for some products or services may run as high as 40 pages for each item put out for bid).
- 4) Assume 3 FTE are needed to handle the operation.
- 5) General fund seed money is necessary to start the operation (until subscription fees are received).
- 6) Program will operate with proprietary fund, in addition to general fund seed money.
- 7) In first two years of operation, the subscription fees would be sufficient to reimburse the general fund start up funds and to provide a 6 month operating reserve.

FISCAL IMPACT:

Personal Services	\$ 54,701
Operating Expenses	1,100,255
Equipment	5,050
Total in Proprietary Fund	<u>\$1,160,006</u>

General Fund Seed Money (FY'84 only)	<u>\$ 612,524</u>
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(Continued)



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-20-83

(Note that this money will be reimbursed through subscription fees.)

Revenue:

Subscription Fees to Propriety Fund	<u>\$1,772,530</u>
--	--------------------

Cost per subscriber:

Normal Operating Budget	\$1,160,006
Reimburse General Fund	612,525
Total Expenses	<u>\$1,772,530</u>
Subscribers	- 10,000
Annual Cost Per Subscriber	<u>\$ 177.25</u>

For Section 5 of Bill :

No dollar estimates can be presented. Possibility exists for the state to pay higher prices for items put out to bid. This would be a result of the 2% increased spread (3% to 5%) between prices of resident and non-resident bidders.

FISCAL NOTE 16: Y/2

HB 786

Approved by Committee
on State Administration

1 HOUSE BILL NO. 786
2 INTRODUCED BY D. BROWN, WINSLOW, ADDY,
3 PAVLOVICH, LYNCH, DONALOSON, IVERSON,
4 KEYSER, SPAETH, MARKS, SEIFERT, HARP
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PUBLICATION
7 ~~TO LIST~~ REQUIRING A STATE AGENCY TO MAINTAIN A CENTRAL LIST
8 OF ALL CONTRACTS TO BE LET BY THE STATE AND PROVIDING FOR
9 PAYMENT OF THE COSTS OF PUBLICATION THROUGH SUBSCRIPTION
10 FEES AGENCY; INCREASING THE PREFERENCE PROVISIONS FOR
11 MONTANA BIDDERS; AMENDING SECTION SECTIONS 18-1-102 AND
12 ~~18-2-105, MCA.~~"
13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15 ~~NEW SECTION--Section 1--Purpose--The purpose of~~
16 ~~{sections 1 through 4} is to enhance fair competition by~~
17 ~~Montana firms for public contracts to be awarded that are~~
18 ~~payable through taxpayers' money {Sections 1 through 4}~~
19 ~~will eliminate inequities in the present system of awarding~~
20 ~~public contracts caused by lack of notice differing~~
21 ~~contracting practices among various agencies and an overall~~
22 ~~lack of uniform publicly noticed policies in awarding state~~
23 ~~contracts {Sections 1 through 4} will enhance economic~~
24 ~~development by making Montana firms more aware of the types~~
25 ~~of contracts awarded by the state and will insure that the~~

1 state gets the highest value for its money spent as a result
2 of the increased awareness
3 ~~NEW SECTION--Section 2--Montana--Commerce--Business~~
4 ~~Weekly--(1)--The department of administration shall print a~~
5 ~~weekly publication to be known as the Montana Commerce~~
6 ~~Business Weekly listing all proposed state contracts over~~
7 ~~\$5,000 in value whether sole source or competitive bids~~
8 ~~(2)--The department shall charge a subscription fee to~~
9 ~~subscribers sufficient to cover the costs of publication~~
10 ~~including printing postage and labor costs~~
11 ~~NEW SECTION--Section 3--Publication--of--contract~~
12 ~~information--(1)--Except as provided in subsection (5),~~
13 ~~every proposed contract over \$5,000 in value or a contract~~
14 ~~increment of over \$5,000 in value to be let by any agency of~~
15 ~~the state must be published in the Montana Commerce Business~~
16 ~~Weekly~~
17 ~~(2)--The notice must include~~
18 ~~(a)--the name of the agency letting the contract, a~~
19 ~~personnel contact and the agency phone number and address;~~
20 ~~(b)--the opening and closing dates of the request for~~
21 ~~proposals and the intended date of awarding the contract;~~
22 ~~(c)--a one-paragraph synopsis of the type of product or~~
23 ~~service required, written in easily understandable language;~~
24 ~~and~~
25 ~~(d)--the specifications for the product or service~~

required.

~~{3}--After--the--award--of--the--contract--the--agency--must
publish--the--name--of--the--firm--or--individual--to--whom--the
contract--is--awarded--his--principal--place--of--business--the
contract--amount--and--the--terms--of--the--contract.~~

~~{4}--The--closing--date--of--request--for--proposals--may--not
be--less--than--2--weeks--after--the--date--of--publication.~~

~~{5}--[Sections--1--through--4]--do--not--apply--to--a--contract
covered--by--18-4-104.~~

~~NEW-SECTION--Section--4--Preference-----for-----Montana
products--and--residents--The--preference--provisions--of--Title
18--chapter--1--part--1--apply--to--all--contracts--noticed--in--the
Montana--Commerce--Business--Weekly.~~

Section 1. Section 18-1-102, MCA, is amended to read:

"18-1-102. State contracts to lowest resident bidder.

(1) In order to provide for an orderly administration of the business of the state of Montana in awarding contracts for materials, supplies, equipment, construction, repair, and public works of all kinds, it shall be the duty of each board, commission, officer, or individual charged by law with the responsibility for the execution of the contract on behalf of the state, board, commission, political subdivision, agency, school district, or a public corporation of the state of Montana to award such contract to the lowest responsible bidder who is a resident of the

state of Montana and whose bid is not more than 3% 5% higher than that of the lowest responsible bidder who is a nonresident of this state.

(2) In awarding contracts for purchase of products, materials, supplies, or equipment, such board, commission, officer, or individual shall award the contract to any such resident whose offered materials, supplies, or equipment are manufactured or produced in this state by Montana industry and labor and whose bid is not more than 3% 5% higher than that of the lowest responsible resident bidder whose offered materials, supplies, or equipment are not so manufactured or produced, provided that such products, materials, supplies, and equipment are comparable in quality and performance.

(3) This requirement shall prevail whether the law requires advertisement for bids or does not require advertisement for bids, and it shall apply to contracts involving funds obtained from the federal government unless expressly prohibited by the laws of the United States or regulations adopted pursuant thereto."

SECTION 2. SECTION 18-8-105, MCA, IS AMENDED TO READ:

"18-8-105. Solicitation of bids. (1) In order to contract with a private consultant, a state agency shall establish a bid list in its central office or in another appropriate division or unit of the state agency. Any private consultant who desires to submit bids to that agency

1 to provide consulting services may request in writing the
2 agency place him on the agency's bid list.

3 (2) Whenever it is reasonably foreseeable that a
4 proposed contract for private consultant services will
5 exceed \$5,000, the state agency shall notify all private
6 consultants who have requested to be placed on the agency's
7 bid list. The notice shall contain the following:

8 (a) a notice of invitation for offers of consulting
9 services;

10 (b) the name and address of the person within the
11 agency to be contacted by a private consultant wishing to
12 make an offer;

13 (c) the closing date for receipt of offers of
14 consulting services;

15 (d) the procedures and specifications upon which the
16 agency will award the contract for consulting services; and

17 (e) any other information that the agency believes
18 pertinent.

19 (3) In addition to the notification required in
20 subsection (2), the state agency, in its discretion, may
21 solicit bids for consultant services by advertisement or
22 other means.

23 (4) An agency need not follow the provisions of this
24 section in bona fide emergency situations."

-End-

HOUSE BILL NO. 786

INTRODUCED BY D. BROWN, WINSLOW, ADDY,
PAVLOVICH, LYNCH, DONALDSON, IVERSON,
KEYSER, SPAETH, MARKS, SEIFERT, HARP

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PUBLICATION
TO LIST REQUIRING A STATE AGENCY TO MAINTAIN A CENTRAL LIST
OF ALL CONTRACTS TO BE LET BY THE STATE AND PROVIDING FOR
PAYMENT OF THE COSTS OF PUBLICATION THROUGH SUBSCRIPTION
FEES AGENCY; INCREASING THE PREFERENCE PROVISIONS FOR
MONTANA BIDDERS; AMENDING SECTION SECTIONS 18-1-102 AND
18-8-105, MCA."

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

NEW SECTION--Section-1--Purpose--The--purpose--of
[sections--1--through--4]--is--to--enhance--fair--competition--by
Montana--firms--for--public--contracts--to--be--awarded--that--are
payable--through--taxpayers'--money--[Sections--1--through--4]
will--eliminate--inequities--in--the--present--system--of--awarding
public--contracts--caused--by--lack--of--notice--differing
contracting--practices--among--various--agencies--and--an--overall
lack--of--uniform--publicity--noted--potentially--in--awarding--state
contracts--[Sections--1--through--4]--will--enhance--economic
development--by--making--Montana--firms--more--aware--of--the--types
of--contracts--awarded--by--the--state--and--will--insure--that--the

state--gets--the--highest--value--for--its--money--spent--as--a--result
of--the--increased--awareness.

NEW SECTION--Section-2--Montana--Commerce--Business
Weekly--(1)--The--department--of--administration--shall--print--a
weekly--publication--to--be--known--as--the--Montana--Commerce
Business--Weekly--listing--all--proposed--state--contracts--over
\$5,000--in--value--whether--sole--source--or--competitive--bids.

(2)--The--department--shall--charge--a--subscription--fee--to
subscribers--sufficient--to--cover--the--costs--of--publication
including--printing--postage--and--labor--costs.

NEW SECTION--Section-3--Publication--of--contract
information--(1)--Except--as--provided--in--subsection--(5),
every--proposed--contract--over--\$5,000--in--value--or--a--contract
increment--of--over--\$5,000--in--value--to--be--let--by--any--agency--of
the--state--must--be--published--in--the--Montana--Commerce--Business
Weekly.

(2)--The--notice--must--include:

(a)--the--name--of--the--agency--letting--the--contract--e
personnel--contact--and--the--agency--phone--number--and--address;

(b)--the--opening--and--closing--dates--of--the--request--for
proposals--and--the--intended--date--of--awarding--the--contract;

(c)--a--one--paragraph--synopsis--of--the--type--of--product--or
service--required--written--in--easily--understandable--language;
and

(d)--the--specifications--for--the--product--or--service.

required.

~~(3) After the award of the contract, the agency must publish the name of the firm or individual to whom the contract is awarded, his principal place of business, the contract amount, and the terms of the contract.~~

~~(4) The closing date of request for proposals may not be less than 2 weeks after the date of publication.~~

~~(5) Sections 1 through 4 do not apply to a contract covered by 18-4-184.~~

~~NEW SECTION Section 4. Preference for Montana products and residents. The preference provisions of Title 18, chapter 1, part 1, apply to all contracts noticed in the Montana Commerce Business Weekly.~~

Section 1. Section 18-1-102, MCA, is amended to read:

"18-1-102. State contracts to lowest resident bidder.

(1) In order to provide for an orderly administration of the business of the state of Montana in awarding contracts for materials, supplies, equipment, construction, repair, and public works of all kinds, it shall be the duty of each board, commission, officer, or individual charged by law with the responsibility for the execution of the contract on behalf of the state, board, commission, political subdivision, agency, school district, or a public corporation of the state of Montana to award such contract to the lowest responsible bidder who is a resident of the

state of Montana and whose bid is not more than 3% 5% higher than that of the lowest responsible bidder who is a nonresident of this state.

(2) In awarding contracts for purchase of products, materials, supplies, or equipment, such board, commission, officer, or individual shall award the contract to any such resident whose offered materials, supplies, or equipment are manufactured or produced in this state by Montana industry and labor and whose bid is not more than 3% 5% higher than that of the lowest responsible resident bidder whose offered materials, supplies, or equipment are not so manufactured or produced, provided that such products, materials, supplies, and equipment are comparable in quality and performance.

(3) This requirement shall prevail whether the law requires advertisement for bids or does not require advertisement for bids, and it shall apply to contracts involving funds obtained from the federal government unless expressly prohibited by the laws of the United States or regulations adopted pursuant thereto."

SECTION 2. SECTION 18-8-105, MCA, IS AMENDED TO READ:

"18-8-105. Solicitation of bids. (1) In order to contract with a private consultant, a state agency shall establish a bid list in its central office or in another appropriate division or unit of the state agency. Any private consultant who desires to submit bids to that agency

1 to provide consulting services may request in writing the
2 agency place him on the agency's bid list.

3 (2) Whenever it is reasonably foreseeable that a
4 proposed contract for private consultant services will
5 exceed \$5,000, the state agency shall notify all private
6 consultants who have requested to be placed on the agency's
7 bid list. The notice shall contain the following:

8 (a) a notice of invitation for offers of consulting
9 services;

10 (b) the name and address of the person within the
11 agency to be contacted by a private consultant wishing to
12 make an offer;

13 (c) the closing date for receipt of offers of
14 consulting services;

15 (d) the procedures and specifications upon which the
16 agency will award the contract for consulting services; and

17 (e) any other information that the agency believes
18 pertinent.

19 (3) In addition to the notification required in
20 subsection (2), the state agency, in its discretion, may
21 solicit bids for consultant services by advertisement or
22 other means.

23 (4) An agency need not follow the provisions of this
24 section in bona fide emergency situations."

-End-

March 23, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 786 be amended as follows:

1. Title, line 10.

Following: "AGENCY;"

Strike: Remainder of line 10 through "BIDDERS;" on line 11.

2. Title, line 11.

Following: "~~SECTION~~"

Strike: Remainder of line 11

Insert: "SECTION"

3. Page 3, line 14.

Strike: Section 1 in its entirety

Renumber: subsequent section

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 6 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PUBLICATION
 7 ~~TO TEST~~ REQUIRING A STATE AGENCY TO MAINTAIN A CENTRAL LIST
 8 OF ALL CONTRACTS TO BE LET BY THE STATE--AND--PROVIDING--FOR
 9 PAYMENT--OF--THE--COSTS--OF PUBLICATION THROUGH SUBSCRIPTION
 10 FEES AGENCY; INCREASING--THE--PREFERENCE--PROVISIONS--FOR
 11 MONTANA--BIDDERST AMENDING SECTION SECTIONS 18-1-102 AND
 12 SECTION 18-2-105, MCA."
 13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 ~~NEW-SECTION--Section-18-1-102--Purpose--The--purpose--of~~
 16 ~~{sections--1--through--4}--is--to--enhance--fair--competition--by~~
 17 ~~Montana--firms--for--public--contracts--to--be--awarded--that--are~~
 18 ~~payable--through--taxpayers'--money--[Sections--1--through--4]~~
 19 ~~will--eliminate--inequities--in--the--present--system--of--awarding~~
 20 ~~public--contracts--caused--by--lack--of--notice--differing~~
 21 ~~contracting--practices--among--various--agencies--and--an--overall~~
 22 ~~lack--of--uniform--publicity--noticed--policies--in--awarding--state~~
 23 ~~contracts--[Sections--1--through--4]--will--enhance--economic~~
 24 ~~development--by--making--Montana--firms--more--aware--of--the--types~~
 25 ~~of--contracts--awarded--by--the--state--and--will--insure--that--the~~

1 state--gets--the--highest--value--for--its--money--spent--as--a--result
 2 of--the--increased--awareness
 3 ~~NEW-SECTION--Section-2--Montana--Commerce--Business~~
 4 ~~Weekly--(1)--The--department--of--administration--shall--print--a~~
 5 ~~weekly--publication--to--be--known--as--the--Montana--Commerce~~
 6 ~~Business--Weekly--listing--all--proposed--state--contracts--over~~
 7 ~~\$5,888--in--value--whether--sole--source--or--competitive--bid~~
 8 ~~(2)--The--department--shall--charge--a--subscription--fee--to~~
 9 ~~subscribers--sufficient--to--cover--the--costs--of--publication~~
 10 ~~including--printing--postage--and--labor--costs~~
 11 ~~NEW-SECTION--Section-3--Publication--of--contract~~
 12 ~~information--(1)--Except--as--provided--in--subsection--(5),~~
 13 ~~every--proposed--contract--over--\$5,888--in--value--or--a--contract~~
 14 ~~increment--of--over--\$5,888--in--value--to--be--let--by--any--agency--of~~
 15 ~~the--state--must--be--published--in--the--Montana--Commerce--Business~~
 16 ~~Weekly~~
 17 ~~(2)--The--notice--must--include:~~
 18 ~~(a)--the--name--of--the--agency--letting--the--contract--a~~
 19 ~~personnel--contact--and--the--agency--phone--number--and--address~~
 20 ~~(b)--the--opening--and--closing--dates--of--the--request--for~~
 21 ~~proposals--and--the--intended--date--of--awarding--the--contract~~
 22 ~~(c)--a--one--paragraph--synopsis--of--the--type--of--product--or~~
 23 ~~service--required--written--in--easily--understandable--language~~
 24 ~~and~~
 25 ~~(d)--the--specifications--for--the--product--or--service~~

1 required.

2 (3)--After--the--award--of--the--contract--the--agency--must
3 publish--the--name--of--the--firm--or--individual--to--whom--the
4 contract--is--awarded--his--principal--place--of--business--the
5 contract--amount--and--the--terms--of--the--contract.

6 (4)--The--closing--date--of--request--for--proposals--may--not
7 be--less--than--2--weeks--after--the--date--of--publication.

8 (5)--[Sections--1--through--4]--do--not--apply--to--a--contract
9 covered--by--18-4-104.

10 ~~NEW-SECTION~~--Section--4--Preference-----for-----Montana
11 products--and--residents--The--preference--provisions--of--Title
12 18--chapter--1--part--1--apply--to--all--contracts--noticed--in--the
13 Montana--Commerce--Business--Week.

14 Section--1--Section--18-1-102--MCA--is--amended--to--read:
15 "18-1-102--State--contracts--to--lowest--resident--bidders.

16 (1)--In--order--to--provide--for--an--orderly--administration--of--the
17 business--of--the--state--of--Montana--in--awarding--contracts--for
18 materials--supplies--equipment--construction--repair--and
19 public--works--of--all--kinds--it--shall--be--the--duty--of--each
20 board--commission--officer--or--individual--charged--by--law
21 with--the--responsibility--for--the--execution--of--the--contract--on
22 behalf--of--the--state--board--commission--political
23 subdivision--agency--school--district--or--a--public
24 corporation--of--the--state--of--Montana--to--award--such--contract
25 to--the--lowest--responsible--bidder--who--is--a--resident--of--the

1 state--of--Montana--and--whose--bid--is--not--more--than 3% 5% higher
2 than--that--of--the--lowest--responsible--bidder--who--is--a
3 nonresident--of--this--state.

4 (2)--In--awarding--contracts--for--purchase--of--products
5 materials--supplies--or--equipment--such--board--commission
6 officer--or--individual--shall--award--the--contract--to--any--such
7 resident--whose--offered--materials--supplies--or--equipment--are
8 manufactured--or--produced--in--this--state--by--Montana--industry
9 and--labor--and--whose--bid--is--not--more--than 3% 5% higher--than
10 that--of--the--lowest--responsible--resident--bidder--whose--offered
11 materials--supplies--or--equipment--are--not--so--manufactured--or
12 produced--provided--that--such--products--materials--supplies
13 and--equipment--are--comparable--in--quality--and--performance.

14 (3)--This--requirement--shall--prevail--whether--the--law
15 requires--advertisement--for--bids--or--does--not--require
16 advertisement--for--bids--and--it--shall--apply--to--contracts
17 involving--funds--obtained--from--the--federal--government--unless
18 expressly--prohibited--by--the--laws--of--the--United--States--or
19 regulations--adopted--pursuant--thereto."

20 ~~SECTION 1. SECTION 18-8-105, MCA, IS AMENDED TO READ:~~

21 "18-8-105. Solicitation of bids. (1) In order to
22 contract with a private consultant, a state agency shall
23 establish a bid list in its central office or in another
24 appropriate division or unit of the state agency. Any
25 private consultant who desires to submit bids to that agency

1 to provide consulting services may request in writing the
2 agency place him on the agency's bid list.

3 (2) Whenever it is reasonably foreseeable that a
4 proposed contract for private consultant services will
5 exceed \$5,000, the state agency shall notify all private
6 consultants who have requested to be placed on the agency's
7 bid list. The notice shall contain the following:

8 (a) a notice of invitation for offers of consulting
9 services;

10 (b) the name and address of the person within the
11 agency to be contacted by a private consultant wishing to
12 make an offer;

13 (c) the closing date for receipt of offers of
14 consulting services;

15 (d) the procedures and specifications upon which the
16 agency will award the contract for consulting services; and

17 (e) any other information that the agency believes
18 pertinent.

19 (3) In addition to the notification required in
20 subsection (2), the state agency, in its discretion, may
21 solicit bids for consultant services by advertisement or
22 other means.

23 (4) An agency need not follow the provisions of this
24 section in bona fide emergency situations."

-End-