

SENATE BILL NO. 310

Introduced: 01/28/83

Referred to Committee on State Administration: 01/28/83

Hearing: 2/7/83

Died in Committee.

1 *Senate* BILL NO. 310  
 2 INTRODUCED BY *Boyer* *Stacy*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE STATE  
 5 BUILDING COST OF CONSTRUCTION AMOUNT THAT TRIGGERS THE  
 6 LEGISLATIVE CONSENT REQUIREMENT FOR CONSTRUCTION; AMENDING  
 7 SECTIONS 18-2-102, 18-2-103, 18-2-111, AND 18-2-301, MCA."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 18-2-102, MCA, is amended to read:

11 "18-2-102. Authority to construct buildings. (1)  
 12 Except as provided in subsection (2) of this section, a  
 13 building costing more than ~~\$25,000~~ \$100,000 may not be  
 14 constructed without the consent of the legislature. When a  
 15 building costing more than ~~\$25,000~~ \$100,000 is to be  
 16 financed in such a manner as not to require legislative  
 17 appropriation of moneys, such consent may be in the form of  
 18 a joint resolution.

19 (2) (a) The governor may authorize the emergency  
 20 repair or alteration of a building.

21 (b) The regents of the Montana university system may  
 22 authorize the construction of revenue-producing facilities  
 23 referred to in 20-25-312 if they are to be financed wholly  
 24 from the revenues therein described.

25 (c) The regents of the Montana university system, with

1 the consent of the governor, may authorize the construction  
 2 of a building that is financed wholly with federal or  
 3 private moneys if the construction of the building will not  
 4 result in any new programs."

5 Section 2. Section 18-2-103, MCA, is amended to read:

6 "18-2-103. Supervision of construction of buildings.

7 (1) For the construction of a building costing more than  
 8 ~~\$25,000~~ \$100,000, the department of administration shall:

9 (a) review and approve all plans and working drawings  
 10 prepared by architects;

11 (b) approve all bond issues or other financial  
 12 arrangements and supervise and approve the expenditure of  
 13 all moneys;

14 (c) under the supervision and with the approval of the  
 15 board of examiners, solicit, accept, and reject bids and  
 16 award all contracts to the lowest qualified bidder  
 17 considering conformity with specifications and terms and  
 18 reasonableness of bid amount;

19 (d) review and, with the consent of the board of  
 20 examiners, approve all change orders;

21 (e) accept the building when completed according to  
 22 approved plans and specifications.

23 (2) Before any contract under subsection (1) is  
 24 awarded, two formal bids must have been received, if  
 25 reasonably available.

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1 (3) The department of administration is responsible  
 2 for concurring in construction projects where the proposed  
 3 cost is less than ~~\$25,000~~ \$100,000 but more than \$5,000.  
 4 Before any contract under this subsection is approved for  
 5 construction, alteration, or improvement at least three  
 6 informal bids, if reasonably available, shall be procured  
 7 from bona fide contractors duly licensed as such in the  
 8 state of Montana.

9 (4) The department need not require the provisions of  
 10 Montana law relating to advertising, bidding, or supervision  
 11 where proposed construction costs are less than \$5,000.

12 (5) For the construction of buildings owned or to be  
 13 owned by a school district, the department of administration  
 14 shall, upon request, provide inspection to insure compliance  
 15 with the plans and specifications for the construction of  
 16 such buildings. "Construction" shall include construction,  
 17 repair, alteration, equipping, and furnishing during  
 18 construction, repair, or alteration. These services shall be  
 19 provided at a cost to be contracted for between the  
 20 department of administration and the school district, with  
 21 the receipts to be deposited in the department of  
 22 administration's construction revolving account in the  
 23 revolving fund.

24 (6) It is the intent of the legislature that student  
 25 housing and other facilities constructed under the authority

1 of the regents of the university system are subject to the  
 2 provisions of subsections (1) and (2) of this section."

3 Section 3. Section 18-2-111, MCA, is amended to read:

4 "18-2-111. Policy regarding practice of architecture  
 5 -- preparation of working drawings by department limited.

6 (1) It is the policy of the state not to engage in the  
 7 practice of architecture; however, this policy shall not be  
 8 construed as prohibiting the department of administration  
 9 from:

10 (a) engaging in preplanning functions necessary to  
 11 prepare a building program for presentation to the  
 12 legislature;

13 (b) supervising construction as provided in  
 14 18-2-105(6); or

15 (c) preparing working drawings for minor projects.

16 (2) The department of administration is expressly  
 17 prohibited from preparing working drawings for the  
 18 construction of a building when the total cost of the  
 19 construction will exceed ~~\$25,000~~ \$100,000."

20 Section 4. Section 18-2-301, MCA, is amended to read:

21 "18-2-301. Bids required -- advertising. (1) It is  
 22 unlawful for the board of examiners or any offices,  
 23 departments, institutions, or any agent of the state of  
 24 Montana acting for or in behalf of the state to do, to cause  
 25 to be done, or to let any contract for the construction of

1 buildings or the alteration and improvement of buildings and  
2 adjacent grounds on behalf of and for the benefit of the  
3 state when the amount involved is ~~\$25,000~~ \$100,000 or more  
4 without first advertising in at least one issue each week  
5 for 3 consecutive weeks in two newspapers published in the  
6 state, one of which must be published at the seat of  
7 government and the other in the county where the work is to  
8 be performed, calling for sealed bids to perform such work  
9 and stating the time and place bids will be considered.

10 (2) All such work may be done, caused to be done, or  
11 contracted for only after competitive bidding.

12 (3) If no bid for such work is accepted, the work may  
13 not be done or accomplished. The work may be readvertised  
14 from time to time until awarded to a qualified competitive  
15 bidder.

16 (4) This section does not apply to work done by  
17 inmates at an institution in the department of  
18 institutions."

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