

SENATE BILL NO. 374

Introduced: 02/05/83

Referred to Committee on Local Government: 02/05/83

Hearing: 2/8/83

Report: 02/17/83, Do Not Pass. Report Adopted.  
Bill Killed.

1 *Sen. Smith* BILL NO. 374  
2 INTRODUCED BY *Sen. Smith*  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING MUNICIPALITIES  
5 TO CONTRACT WITHOUT BIDS FOR REPAIR OR MAINTENANCE OF A  
6 BUILDING, ROAD, OR BRIDGE COSTING \$25,000 OR LESS; ALLOWING  
7 MUNICIPALITIES TO PURCHASE CERTAIN GOODS COSTING LESS THAN  
8 \$25,000 BY SOLICITING BIDS OR AT PUBLIC AUCTION WITHOUT  
9 ADVERTISING; AMENDING SECTIONS 7-5-4302 AND 7-5-4303, MCA."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 7-5-4302, MCA, is amended to read:

13 "7-5-4302. Competitive, advertised bidding required  
14 for certain purchase and construction contracts. (1) Except  
15 as provided in 7-5-4303, all contracts for the purchase of  
16 any automobile, truck, other vehicle, road machinery, other  
17 machinery, apparatus, appliances, or equipment, for any  
18 materials or supplies of any kind, or for construction  
19 repair or maintenance ~~of the same~~ for which must be paid a  
20 sum exceeding \$10,000 ~~or for the repair or maintenance of~~  
21 ~~any building, road, or bridge for which must be paid a sum~~  
22 ~~in excess of \$25,000~~ must be let to the lowest responsible  
23 bidder after advertisement for bids.

24 (2) Such advertisement shall be made in the official  
25 newspaper of the city or town if there be such official

1 newspaper, and if not, it shall be made in a daily newspaper  
2 of general circulation published in the city or town if  
3 there be such and, otherwise, by posting in three of the  
4 most public places in the city or town. Such advertisement,  
5 if by publication in a newspaper, shall be made once each  
6 week for 2 consecutive weeks, and the second publication  
7 shall be made not less than 5 days or more than 12 days  
8 before the consideration of bids. If such advertisement is  
9 made by posting, 15 days must elapse, including the day of  
10 posting, between the time of the posting of such  
11 advertisement and the day set for considering bids.

12 (3) The council may postpone action as to any such  
13 contract until the next regular meeting after bids are  
14 received in response to such advertisement and may reject  
15 any and all bids and readvertise as provided herein."

16 Section 2. Section 7-5-4303, MCA, is amended to read:

17 "7-5-4303. Exemptions from bidding or advertising  
18 requirements for certain contracts. (1) The provisions of  
19 7-5-4302 as to advertisement for bids shall not apply;

20 (a) upon the happening of any emergency caused by  
21 fire, flood, explosion, storm, earthquake, riot,  
22 insurrection, or other similar emergency, but in such case  
23 the council may proceed in any manner which, in the judgment  
24 of three-fourths of the members of the council present at  
25 the meeting, duly recorded in the minutes of the proceedings

1 of the council by aye and nay vote, will best meet the  
 2 emergency and serve the public interest. Such emergency  
 3 shall be declared and recorded at length in the minutes of  
 4 the proceedings of the council at the time the vote thereon  
 5 is taken and recorded.

6 ~~(a) to a municipal contract for the purchase of any~~  
 7 ~~vehicle, machinery, appliance, apparatus, equipment,~~  
 8 ~~materials, or supplies if:~~

9 ~~(i) the contract is for an amount of not more than~~  
 10 ~~\$25,000;~~

11 ~~(ii) bids are solicited from a list of persons or firms~~  
 12 ~~who have requested solicitation for the items named in such~~  
 13 ~~solicitation;~~

14 ~~(iii) the information contained in such solicitation is~~  
 15 ~~the same as that required for an advertisement for bids; and~~

16 ~~(iv) the list of bidders to whom solicitations are sent~~  
 17 ~~is kept current, except that any person or firm not~~  
 18 ~~responding to a bid solicitation for a period of 1 year must~~  
 19 ~~be removed from the list; or~~

20 ~~(c) to purchase at public auction by a municipal~~  
 21 ~~governing body of any vehicle, machinery, appliance,~~  
 22 ~~apparatus, equipment, materials, or supplies for which a sum~~  
 23 ~~less than \$25,000 is paid.~~

24 (2) When there are sufficient funds in the budget for  
 25 supplies or equipment, a city or town may, without bid,

1 purchase such supplies or equipment from government agencies  
 2 available to cities or towns when the same can be purchased  
 3 by such city or town at a substantial saving to such city or  
 4 town."

-End-