

SENATE BILL NO. 120

INTRODUCED BY BOYLAN, ELLERD, MANNING, GOODOVER

BY REQUEST OF THE GOVERNOR'S STATE BUILDING
CONSTRUCTION ADVISORY COUNCIL

IN THE SENATE

January 16, 1985	Introduced and referred to Committee on Business and Industry.
January 29, 1985	Committee recommend bill do pass. Report adopted.
January 30, 1985	Bill printed and placed on members' desks.
January 31, 1985	Second reading, do pass.
February 1, 1985	Considered correctly engrossed.
February 2, 1985	Third reading, passed. Ayes, 37; Noes, 8.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
March 8, 1985	Committee recommend bill be concurrent in. Report adopted.
March 9, 1985	Second reading, concurred in.
March 12, 1985	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

March 13, 1985	Received from House.
	Sent to enrolling.
	Reported correctly enrolled.

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SENATE BILL NO. 120
 INTRODUCED BY Sen. E. Ward R. Manning
 BY REQUEST OF THE GOVERNOR'S STATE BUILDING
 CONSTRUCTION ADVISORY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE
 RESTRICTION ON SUBMITTING BIDS BY PUBLIC CONTRACTORS WHEN
 WORKING BEYOND CONTRACT TIME; AMENDING SECTIONS 37-71-203
 AND 60-2-112, MCA; REPEALING SECTION 18-2-311, MCA; AND
 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 37-71-203, MCA, is amended to read:

"37-71-203. Bids to show bidder is licensed and--not
 beyond--a--contract--time. All bids and proposals for the
 construction of any public contract project subject to the
 provisions of this chapter shall contain a statement showing
 that the bidder or contractor is duly and regularly licensed
 hereunder and--is-not-presently-working-beyond-the-contract
 time,--including--authorized---time---extensions,---on---any
 previously--awarded--public-contract-project. The number and
 class of such license then held by such public contractor
 shall appear upon such bid or proposal, and no contract
 shall be awarded to any contractor unless he is the holder
 of a license in the class within which the value of the

1 project shall fall as herein provided and-unless-the--public
 2 contractor--has--completely--executed--any-previous-contract
 3 upon-which-he-has-worked-beyond-contract-time."

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

5 "60-2-112. Competitive bidding. (1) When the estimated
 6 cost of any work exceeds \$10,000, the commission shall let
 7 the contract by competitive bidding. Award shall be made
 8 upon such notice and upon such terms as the commission may
 9 prescribe by its rules. However, except when prohibited by
 10 federal law, the commission shall make awards and contracts
 11 in accordance with 18-1-102 and 18-1-112.

12 (2) The commission may let a contract by means other
 13 than competitive bidding if it determines that special
 14 circumstances so require. The commission must specify the
 15 special circumstances in writing.

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

24 (4)--If--on-any-highway-construction-work--financed--in
 25 whole-or-in-part-by-federal-funds,--the-commission-finds-that

1 enforcement--of--the--provisions--contained-in-37-71-203-and
2 18-2-311--relating--to--public--contractors--working--beyond
3 contract--time--will--result--in--a--reduction--in--the--full
4 benefits-of-Title-237-U.S.C.-7-it-may--waive--enforcement--of
5 such-provisions:"

6 NEW SECTION. Section 3. Repealer. Section 18-2-311,
7 MCA, is repealed.

8 NEW SECTION. Section 4. Extension of authority. Any
9 existing authority of the departments of administration,
10 commerce, or highways to make rules on the subject of the
11 provisions of this act is extended to the provisions of this
12 act.

13 NEW SECTION. Section 5. Effective date. This act is
14 effective on passage and approval.

-End-

APPROVED BY COMM. ON BUSINESS & INDUSTRY

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SENATE BILL NO. 120
Sen. E. Lloyd R. Manning
Gov. E. Lloyd R. Manning

INTRODUCED BY
BY REQUEST OF THE GOVERNOR'S STATE BUILDING
CONSTRUCTION ADVISORY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE RESTRICTION ON SUBMITTING BIDS BY PUBLIC CONTRACTORS WHEN WORKING BEYOND CONTRACT TIME; AMENDING SECTIONS 37-71-203 AND 60-2-112, MCA; REPEALING SECTION 18-2-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 37-71-203, MCA, is amended to read:

"37-71-203. Bids to show bidder is licensed and--not beyond--a--contract--time. All bids and proposals for the construction of any public contract project subject to the provisions of this chapter shall contain a statement showing that the bidder or contractor is duly and regularly licensed hereunder and--is-not-presently-working-beyond-the-contract time,--including--authorized---time---extensions,---on---any previously--awarded--public-contract-project. The number and class of such license then held by such public contractor shall appear upon such bid or proposal, and no contract shall be awarded to any contractor unless he is the holder of a license in the class within which the value of the

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project shall fall as herein provided and-unless-the--public contractor--has--completely--executed--any-previous-contract upon-which-he-has-worked-beyond-contract-time."

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

"60-2-112. Competitive bidding. (1) When the estimated cost of any work exceeds \$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) 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--financed--in whole--or--in--part--by--federal--funds,--the--commission--finds--that



1 enforcement--of--the--provisions--contained-in-37-71-203-and
2 18-2-311--relating--to--public--contractors--working--beyond
3 contract--time--will--result--in--a--reduction--in--the--full
4 benefits-of-Title-23,-U.S.C.,-it-may-waive-enforcement-of
5 such-provisions."

6 NEW SECTION. Section 3. Repealer. Section 18-2-311,
7 MCA, is repealed.

8 NEW SECTION. Section 4. Extension of authority. Any
9 existing authority of the departments of administration,
10 commerce, or highways to make rules on the subject of the
11 provisions of this act is extended to the provisions of this
12 act.

13 NEW SECTION. Section 5. Effective date. This act is
14 effective on passage and approval.

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Senate BILL NO. 120
Ernest R. Manning
INTRODUCED BY *Ernest R. Manning*
BY REQUEST OF THE GOVERNOR'S STATE BUILDING

CONSTRUCTION ADVISORY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE RESTRICTION ON SUBMITTING BIDS BY PUBLIC CONTRACTORS WHEN WORKING BEYOND CONTRACT TIME; AMENDING SECTIONS 37-71-203 AND 60-2-112, MCA; REPEALING SECTION 18-2-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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project shall fall as herein provided and-unless-the--public contractor--has--completely--executed--any-previous-contract upon-which-he-has-worked-beyond-contract-time."

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

"60-2-112. Competitive bidding. (1) When the estimated cost of any work exceeds \$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) 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--financed--in whole-or-in-part-by-federal-funds, the commission finds that



1 enforcement--of--the--provisions--contained-in-37-71-203-and
2 18-2-311--relating--to--public--contractors--working--beyond
3 contract--time--will--result--in--a--reduction--in--the--full
4 benefits-of-Title-237-U.S.C.--it-may--waive--enforcement--of
5 such-provisions."

6 NEW SECTION. Section 3. Repealer. Section 18-2-311,
7 MCA, is repealed.

8 NEW SECTION. Section 4. Extension of authority. Any
9 existing authority of the departments of administration,
10 commerce, or highways to make rules on the subject of the
11 provisions of this act is extended to the provisions of this
12 act.

13 NEW SECTION. Section 5. Effective date. This act is
14 effective on passage and approval.

-End-

SENATE BILL NO. 120

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BY REQUEST OF THE GOVERNOR'S STATE BUILDING

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE RESTRICTION ON SUBMITTING BIDS BY PUBLIC CONTRACTORS WHEN WORKING BEYOND CONTRACT TIME; AMENDING SECTIONS 37-71-203 AND 60-2-112, MCA; REPEALING SECTION 18-2-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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Section 1. Section 37-71-203, MCA, is amended to read:

"37-71-203. Bids to show bidder is licensed and not beyond a contract time. All bids and proposals for the construction of any public contract project subject to the provisions of this chapter shall contain a statement showing that the bidder or contractor is duly and regularly licensed hereunder and is not presently working beyond the contract time, including authorized time extensions, on any previously awarded public contract project. The number and class of such license then held by such public contractor shall appear upon such bid or proposal, and no contract shall be awarded to any contractor unless he is the holder of a license in the class within which the value of the

project shall fall as herein provided and unless the public contractor has completely executed any previous contract upon which he has worked beyond contract time."

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

"60-2-112. Competitive bidding. (1) When the estimated cost of any work exceeds \$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) 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 financed in whole or in part by federal funds, the commission finds that



1 enforcement--of--the--provisions--contained--in--37-71-203--and
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4 benefits--of--Title--237-H.S.C.--it--may--waive--enforcement--of
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11 provisions of this act is extended to the provisions of this
12 act.

13 NEW SECTION. Section 5. Effective date. This act is
14 effective on passage and approval.

-End-