SENATE BILL NO. 120

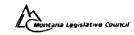
INTRODUCED BY BOYLAN, ELLERD, MANNING, GOODOVER

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 concurred 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.

note BILL NO. 120 1 A. Manning Bordover INTRODUCED BY 2 BY REQUEST OF THE GOVERNOR'S STATE BUILDING 3 CONSTRUCTION ADVISORY COUNCIL 4 5 "AN ACT TO REMOVE THE A BILL FOR AN ACT ENTITLED: 6 RESTRICTION ON SUBMITTING BIDS BY PUBLIC CONTRACTORS WHEN 7 WORKING BEYOND CONTRACT TIME; AMENDING SECTIONS 37-71-203 8 AND 60-2-112, MCA; REPEALING SECTION 18-2-311, MCA; AND 9 10 **PROVIDING AN IMMEDIATE EFFECTIVE DATE."** 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 37-71-203, MCA, is amended to read: 13 "37-71-203. Bids to show bidder is licensed and--not 14 beyond--a--contract--time. All bids and proposals for the 15 construction of any public contract project subject to the 16 provisions of this chapter shall contain a statement showing 17 that the bidder or contractor is duly and regularly licensed 18 hereunder and--is-not-presently-working-beyond-the-contract 19 time;--including--authorized---time---extensions;---on---any 20 previously--awarded--public-contract-project. The number and 21 class of such license then held by such public contractor 22 shall appear upon such bid or proposal, and no contract 23 shall be awarded to any contractor unless he is the holder 24 of a license in the class within which the value of the 25



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."

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, accounting 21 supervision, clerical and services, 22 administrative costs, and reasonable estimates of other 23 costs attributable to the project.

24 (4)--If7-on-any-highway-construction-work--financed--in
 25 whole-or-in-part-by-federal-funds7-the-commission-finds-that

-2- INTRODUCED BILL SB120

1 enforcement--of--the--provisions--contained-in-37-71-203-and 2 i0-2-3ii--relating--to--public--contractors--working--beyond 3 contract--time--wili--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 <u>NEW SECTION.</u> Section 3. Repealer. Section 18-2-311,
7 MCA, is repealed.

8 <u>NEW SECTION.</u> 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 <u>NEW SECTION.</u> Section 5. Effective date. This act is
14 effective on passage and approval.

-End-

LC 0678/01

APPROVED BY COMM. ON BUSINESS & INDUSTRY

BILL NO. 120 1 Manning Sordover INTRODUCED BY 2 BY REQUEST OF THE GOVERNOR'S STATE BUILDING 3 CONSTRUCTION ADVISORY COUNCIL 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE 6 RESTRICTION ON SUBMITTING BIDS BY PUBLIC CONTRACTORS WHEN 7 WORKING BEYOND CONTRACT TIME: AMENDING SECTIONS 37-71-203 8 9 AND 60-2-112, MCA; REPEALING SECTION 18-2-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 13 Section 1. Section 37~71-203, MCA, is amended to read: "37-71-203. Bids to show bidder is licensed and--not 14 beyond--a--contract--time. All bids and proposals for the 15 construction of any public contract project subject to the 16 provisions of this chapter shall contain a statement showing 17 that the bidder or contractor is duly and regularly licensed 18 hereunder and--is-not-presently-working-beyond-the-contract 19 time,---including--authorized---time---extensions,---on---any 20 previously--awarded--public-contract-project. The number and 21 class of such license then held by such public contractor 22 shall appear upon such bid or proposal, and no contract 23 shall be awarded to any contractor unless he is the holder 24 of a license in the class within which the value of the 25

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(3) The commission may enter into contracts with units 16 17 of local government for the construction of projects without 18 competitive bidding if it finds that the work can be ŀ9 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.

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-2- SECOND READING

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1	enforcementoftheprovisionscontained-in-37-7±-203-and
2	18-2-311relatingtopubliccontractorsworkingbeyond
3	contracttimewillresultinareductioninthe-full
4	benefits-of-Title-237-U-S-C-7-it-maywaiveenforcementof
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6	NEW SECTION. Section 3. Repealer. Section 18-2-311,
7	MCA, is repealed.
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9	existing authority of the departments of administration,
10	commerce, or highways to make rules on the subject of the
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9 AND 60-2-112, MCA; REPEALING SECTION 18-2-311, MCA; AND
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11

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

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Montana Legislative Council

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-2- THIRD READING SB 120

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-"

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12 act.

13 <u>NEW SECTION.</u> Section 5. Effective date. This act is
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-End-

-3-

SB 0120/02

SENATE BILL NO. 120

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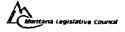
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-2-

REFERENCE BILL SB 120



SB 0120/02

SB 120

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