

SENATE BILL NO. 136

INTRODUCED BY MOHAR, HAFHEY, HARBIN

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE SENATE

January 18, 1985	Introduced and referred to Committee on State Administration.
January 30, 1985	Committee recommend bill do pass. Report adopted.
January 31, 1985	Bill printed and placed on members' desks.
February 1, 1985	Second reading, do pass.
February 2, 1985	Considered correctly engrossed.
February 4, 1985	Third reading, passed. Ayes, 37; Noes, 8.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on State Administration.
March 12, 1985	Committee recommend bill be concurrent in. Report adopted.
March 14, 1985	Second reading, concurred in.
March 16, 1985	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

March 16, 1985

Received from House.

March 18, 1985

Sent to enrolling.

Reported correctly enrolled.

Sense BILL NO. *136*

INTRODUCED BY *Alaska* *Wiffey* *Harbin*
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL OF THE BOARD OF EXAMINERS ONLY FOR THE AWARD OF PROTESTED CONSTRUCTION CONTRACTS OR CONSTRUCTION CONTRACTS NOT AWARDED TO THE LOW BIDDER; AMENDING SECTION 18-2-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 18-2-103, MCA, is amended to read:

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

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

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

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

(c) ~~under the supervision and with the approval of the board of examiners,~~ solicit, accept, and reject bids and award all contracts to the lowest qualified bidder considering conformity with specifications and terms and reasonableness of bid amount. However, any contract award

that is protested or any contract that is awarded to a bidder other than the lowest bidder is subject to approval by the board of examiners.

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

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

(2) For repair and maintenance projects, the supervision, approval, and consent of the board of examiners are not required.

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

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

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

(6) For the construction of buildings owned or to be



1 owned by a school district, the department of administration
2 shall, upon request, provide inspection to insure compliance
3 with the plans and specifications for the construction of
4 such buildings. "Construction" shall include construction,
5 repair, alteration, equipping, and furnishing during
6 construction, repair, or alteration. These services shall be
7 provided at a cost to be contracted for between the
8 department of administration and the school district, with
9 the receipts to be deposited in the department of
10 administration's construction regulation account in a state
11 special revenue fund.

12 (7) It is the intent of the legislature that student
13 housing and other facilities constructed under the authority
14 of the regents of the university system are subject to the
15 provisions of subsections (1) through (3) of this section."

16 NEW SECTION. Section 2. Extension of authority. Any
17 existing authority of the department of administration to
18 make rules on the subject of the provisions of this act is
19 extended to the provisions of this act.

20 NEW SECTION. Section 3. Effective date. This act is
21 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 Senate BILL NO. 136
2 INTRODUCED BY McKa Huffey Harlin
3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

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19 arrangements and supervise and approve the expenditure of
20 all moneys;
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22 ~~board of examiners,~~ solicit, accept, and reject bids and
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2 bidder other than the lowest bidder is subject to approval
3 by the board of examiners.

4 (d) review and, with the consent of the board of
5 examiners, approve all change orders;
6 (e) accept the building when completed according to
7 approved plans and specifications.
8 (2) For repair and maintenance projects, the
9 supervision, approval, and consent of the board of examiners
10 are not required.
11 (3) Before any contract under subsection (1) is
12 awarded, two formal bids must have been received, if
13 reasonably available.
14 (4) The department of administration is responsible
15 for concurring in construction projects where the proposed
16 cost is less than \$25,000 but more than \$5,000. Before any
17 contract under this subsection is approved for construction,
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19 three informal bids, if reasonably available, shall be
20 procured from bona fide contractors duly licensed as such in
21 the state of Montana.
22 (5) The department need not require the provisions of
23 Montana law relating to advertising, bidding, or supervision
24 where proposed construction costs are less than \$5,000.
25 (6) For the construction of buildings owned or to be



1 owned by a school district, the department of administration
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