# SENATE BILL NO. 136

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# INTRODUCED BY MOHAR, HAFFEY, HARBIN

# BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE SENATE

| January 18, 1985  | Introduced and referred to<br>Committee on State<br>Administration. |  |  |  |
|-------------------|---|--|--|--|
| January 30, 1985  | Committee recommend bill do pass.<br>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.<br>Ayes, 37; Noes, 8.                        |  |  |  |
|                   | Transmitted to House.   |  |  |  |
| IN THE HOUSE      |   |  |  |  |
| February 27, 1985 | Introduced and referred to<br>Committee on State<br>Administration. |  |  |  |
| March 12, 1985    | Committee recommend bill be concurred 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. |

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BILL NO. 13L 1 INTRODUCED BY //Low 2 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL OF 5 THE BOARD OF EXAMINERS ONLY FOR THE AWARD OF PROTESTED 6 CONSTRUCTION CONTRACTS OR CONSTRUCTION CONTRACTS NOT AWARDED 7 8 TO THE LOW BIDDER: AMENDING SECTION 18-2-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 18-2-103, MCA, is amended to read: 12 "18-2-103. Supervision of construction of buildings, 13 (1) For the construction of a building costing more than 14 \$25,000, the department of administration shall: 15 (a) review and approve all plans and working drawings 16 prepared by architects; 17 (b) approve all bond issues or other financial 18 arrangements and supervise and approve the expenditure of 19 20 all moneys; 21 (c) under-the-supervision-and-with-the-approval-of-the board--of--examiners, solicit, accept, and reject bids and 22 award all contracts to the lowest qualified bidder 23 considering conformity with specifications and terms and 24 reasonableness of bid amount; . However, any contract award 25

1 that is protested or any contract that is awarded to a 2 bidder other than the lowest bidder is subject to approval by the board of examiners. 3 (d) review and, with the consent of the board of 4 examiners, approve all change orders; 5 (e) accept the building when completed according to 6 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 reasonably available. 13 (4) The department of administration is responsible 14 for concurring in construction projects where the proposed 15 cost is less than \$25,000 but more than \$5,000. Before any 16 17 contract under this subsection is approved for construction. alteration, repair, maintenance, or improvement, at least 18 three informal bids, if reasonably available, shall be 19 procured from bona fide contractors duly licensed as such in 20 21 the state of Montana. (5) The department need not require the provisions of 22 Montana law relating to advertising, bidding, or supervision 23 where proposed construction costs are less than \$5,000. 24 (6) For the construction of buildings owned or to be 25

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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 such buildings. "Construction" shall include construction, 4 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 provisions of subsections (1) through (3) of this section." 15 NEW SECTION. Section 2. Extension of authority. Any 16 17 existing authority of the department of administration to 18 make rules on the subject of the provisions of this act is extended to the provisions of this act. 19

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

-End-

#### APPROVED BY COMMITTEE ON STATE ADMINISTRATION

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- 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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15 \$25,000, the department of administration shall:

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(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
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THIRD READING 58 136

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-End-

SB 0136/02

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REFERENCE BILL

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| 2  | INTRODUCED BY MOHAR, HAFFEY, HARBIN                                    | 2 bidder other than the lowest bidder is subject to approval    |
| 3  | BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION                         | 3 by the board of examiners.                                    |
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| 5  | A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL OF             | 5 examiners, approve all change orders;                         |
| 6  | THE BOARD OF EXAMINERS ONLY FOR THE AWARD OF PROTESTED                 | 6 (e) accept the building when completed according to           |
| 7  | CONSTRUCTION CONTRACTS OR CONSTRUCTION CONTRACTS NOT AWARDED           | 7 approved plans and specifications.                            |
| 8  | TO THE LOW BIDDER; AMENDING SECTION 18-2-103, MCA; AND                 | 8 (2) For repair and maintenance projects, the                  |
| 9  | PROVIDING AN IMMEDIATE EFFECTIVE DATE."                                | 9 supervision, approval, and consent of the board of examiners  |
| 10 |  | 10 are not required.  |
| 11 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:              | 11 (3) Before any contract under subsection (1) is              |
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| 16 | (a) review and approve all plans and working drawings                  | 16 cost is less than \$25,000 but more than \$5,000. Before any |
| 17 | prepared by architects;  | 17 contract under this subsection is approved for construction, |
| 18 | (b) approve all bond issues or other financial                         | 18 alteration, repair, maintenance, or improvement, at least    |
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