

HOUSE BILL NO. 48

INTRODUCED BY GRADY, MILES, GOULD, KRUEGER, THOFT,
FULLER, J. BROWN, JACOBSON, KEATING, DANIELS

IN THE HOUSE

June 24, 1986	Introduced and referred to Committee on State Administration.
June 25, 1986	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
	Bill printed and placed on members' desks.
June 26, 1986	Second reading, do pass.
	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

June 26, 1986	Introduced and referred to Committee on State Administration.
June 27, 1986	Committee recommend bill be concurring in. Report adopted.
	Second reading, concurring in.
	Third reading, concurring in. Ayes, 50; Noes, 0.
	Returned to House.

IN THE HOUSE

June 28, 1986	Received from Senate.
	Sent to enrolling.
	Reported correctly enrolled.

1 *House* BILL NO. *HB 48*
2 INTRODUCED BY *Donald Miles / Krueger*
3 *Fuller, J. Brown Jackson Krueger Donald*
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A BLIND
5 PERSON BE GIVEN PREFERENCE IN THE AWARD OF SERVICE CONTRACTS
6 FOR VENDING FACILITIES ON STATE PROPERTY WHEN A BLIND PERSON
7 AND ANOTHER BIDDER HAVE SUBMITTED SUBSTANTIALLY EQUAL
8 PROPOSALS AND THOSE PROPOSALS ARE THE MOST HIGHLY RATED BY
9 THE CONTRACTING AGENCY; TO PROVIDE RULEMAKING AUTHORITY TO
10 THE DEPARTMENT OF ADMINISTRATION; REPEALING SECTIONS
11 18-5-401 THROUGH 18-5-406 AND 18-5-411 THROUGH 18-5-416,
12 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15 Section 1. Definitions. For purposes of [sections 1
16 through 5], the following definitions apply:
17 (1) "Blind person" means a person whose central visual
18 acuity does not exceed 20/200 in the better eye with
19 correcting lenses or whose visual acuity is greater than
20 20/200 but is accompanied by a limitation in the field of
21 vision in the better eye to such a degree that the widest
22 diameter of the visual field subtends an angle no greater
23 than 20 degrees as determined by an ophthalmologist or a
24 physician skilled in diseases of the eye.
25 (2) "Department" means the department of

1 administration.
2 (3) "Purchasing agency" means any state agency
3 authorized by Title 18, chapter 4, to enter into contracts.
4 (4) "Responsible bidder" means a person who has the
5 capability in all respects to fully perform the requirements
6 of a contract and has the integrity and reliability that
7 assures good faith performance.
8 (5) "State property" means a building or portion of a
9 building or other real property that is:
10 (a) owned or leased by the state or an agency of the
11 state;
12 (b) utilized in the conduct of state matters; and
13 (c) occupied principally by state employees.
14 (6) "Vending facility" means the area and equipment,
15 including vending machines, on state property which are
16 utilized in providing a food, beverage, or other service to
17 employees and other persons present on the property.
18 (7) "Vending machine" means a device for the
19 dispensing of foodstuffs, liquids, or other products when
20 money is inserted into the device. Vending machine does not
21 include a postage stamp machine, photocopy machine, or
22 coin-operated telephone.
23 Section 2. Preference to blind persons. (1) Whenever
24 state property is proposed to be made available to private
25 persons for use as a vending facility, if two or more

substantially equal proposals submitted by responsible bidders are determined to most closely meet the purchasing agency's specifications and if one of the proposals has been submitted by a blind person, the contract must be awarded to the blind person.

(2) For purposes of this section, proposals are substantially equal if their overall ratings, as determined by the purchasing agency in accordance with the request for proposal, do not differ by more than 3%.

(3) Any contract awarded pursuant to this section to a blind person must prohibit transfer of the contract by sublease, assignment, or any other method.

Section 3. Applicability. A contract for the operation of a vending facility entered into prior to July 1, 1986, is not subject to [sections 1 through 5] while the contract remains in effect. In addition, this part may not be interpreted to require or authorize the failure to renew any contract for a vending facility on state property in effect on July 1, 1986, if the contract contains a provision permitting the renewal of the contract for a specific term at the option of the vendor or the state or both.

Section 4. Application of state procurement law. Procurement under [sections 1 through 5] is subject to all other statutes governing state procurement except that in case of conflict [sections 1 through 5] apply.

Section 5. Blind vendor rules. The department shall adopt rules to implement [sections 1 through 4].

Section 6. Repealer. Sections 18-5-401 through 18-5-406 and 18-5-411 through 18-5-416, MCA, are repealed.

Section 7. Codification instruction. Sections 1 through 5 are intended to be codified as an integral part of Title 18, chapter 5.

Section 8. Effective date. This act is effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 STATEMENT OF INTENT

2 HOUSE BILL 48

3 House State Administration Committee

4
5 A statement of intent is required for this bill because
6 section 5 grants rulemaking authority to the department of
7 administration to establish procedures for the
8 implementation by state agencies of the preference
9 authorized by this bill. It is intended that the rules
10 include but not be limited to provisions governing the
11 method of determination of eligibility for the preference
12 authorized in section 2.

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A BLIND
PERSON BE GIVEN PREFERENCE IN THE AWARD OF SERVICE CONTRACTS
FOR VENDING FACILITIES ON STATE PROPERTY WHEN A BLIND PERSON
AND ANOTHER BIDDER HAVE SUBMITTED SUBSTANTIALLY EQUAL
PROPOSALS AND THOSE PROPOSALS ARE THE MOST HIGHLY RATED BY
THE CONTRACTING AGENCY; TO PROVIDE RULEMAKING AUTHORITY TO
THE DEPARTMENT OF ADMINISTRATION; REPEALING--SECTIONS
~~18-5-401-THROUGH-18-5-406--AND--18-5-411--THROUGH--18-5-416,~~
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Definitions. For purposes of [sections 1
through 5], the following definitions apply:

(1) "Blind person" means a person whose central visual
acuity does not exceed 20/200 in the better eye with
correcting lenses or whose visual acuity is greater than
20/200 but is accompanied by a limitation in the field of
vision in the better eye to such a degree that the widest
diameter of the visual field subtends an angle no greater
than 20 degrees as determined by an ophthalmologist or a
physician skilled in diseases of the eye.

(2) "Department" means the department of
administration.

(3) "Purchasing agency" means any state agency
authorized by Title 18, chapter 4, to enter into contracts.

(4) "Responsible bidder" means a person who has the
capability in all respects to fully perform the requirements
of a contract and has the integrity and reliability that
assures good faith performance.

(5) (A) "State property" means a building or portion
of a building or other real property that is:

(a)(I) owned or leased by the state or an agency of
the state;

(b)(II) utilized in the conduct of state matters; and
(c)(III) occupied principally by state employees.

(B) STATE PROPERTY DOES NOT INCLUDE VOCATIONAL
INSTITUTIONS OR INSTITUTIONS OF HIGHER EDUCATION.

(6) "Vending facility" means the area and equipment,
including vending machines, on state property which are
utilized in providing a food, OR beverage, or other service
to employees and other persons present on the property.

(7) "Vending machine" means a device for the
dispensing of foodstuffs, liquids, or other products when
money is inserted into the device. Vending machine does not
include a postage stamp machine, photocopy machine, or
coin-operated telephone.

1 Section 2. Preference to blind persons. (1) Whenever
2 state property is proposed to be made available to private
3 persons for use as a vending facility, if two or more
4 substantially equal proposals submitted by responsible
5 bidders are determined to most closely meet the purchasing
6 agency's specifications and if one of the proposals has been
7 submitted by a blind person, the contract must be awarded to
8 the blind person.

9 (2) For purposes of this section, proposals are
10 substantially equal if their overall ratings, as determined
11 by the purchasing agency in accordance with the request for
12 proposal, do not differ by more than 3%.

13 (3) Any contract awarded pursuant to this section to a
14 blind person must prohibit transfer of the contract by
15 sublease, assignment, or any other method.

16 Section 3. Applicability. A contract for the operation
17 of a vending facility entered into prior to July 1, 1986, is
18 not subject to [sections 1 through 5] while the contract
19 remains in effect. In addition, this part may not be
20 interpreted to require or authorize the failure to renew any
21 contract for a vending facility on state property in effect
22 on July 1, 1986, if the contract contains a provision
23 permitting the renewal of the contract for a specific term
24 at the option of the vendor or the state or both.

25 Section 4. Application of state procurement law.

1 Procurement under [sections 1 through 5] is subject to all
2 other statutes governing state procurement except that in
3 case of conflict [sections 1 through 5] apply.

4 Section 5. Blind vendor PREFERENCE rules. The
5 department shall adopt rules to implement [sections 1
6 through 4].

7 ~~Section 6. Repealer. Sections 18-5-401 through~~
8 ~~18-5-406 and 18-5-411 through 18-5-416, MCA, are repealed.~~

9 Section 6. Codification instruction. Sections 1
10 through 5 are intended to be codified as an integral part of
11 Title 18, chapter 5.

12 Section 7. Effective date. This act is effective on
13 passage and approval.

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THIRD READING

HB 48

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(2) "Department" means the department of administration.

(3) "Purchasing agency" means any state agency authorized by Title 18, chapter 4, to enter into contracts.

(4) "Responsible bidder" means a person who has the capability in all respects to fully perform the requirements of a contract and has the integrity and reliability that assures good faith performance.

(5) (A) "State property" means a building or portion of a building or other real property that is:

(i) owned or leased by the state or an agency of the state;

(ii) utilized in the conduct of state matters; and

(iii) occupied principally by state employees.

(B) STATE PROPERTY DOES NOT INCLUDE VOCATIONAL INSTITUTIONS OR INSTITUTIONS OF HIGHER EDUCATION.

(6) "Vending facility" means the area and equipment, including vending machines, on state property which are utilized in providing a food, OR beverage, or other service to employees and other persons present on the property.

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