

1 House BILL NO. 476
 2 INTRODUCED BY Storall, Mills GRINDE ORR
 3 Knox, Taylor, Rehbein, Murdoch, Ohs, Brainard

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING PROFESSIONAL FEES IN THE PUBLIC AGENCY
 5 CRITERIA FOR SELECTING ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING SERVICES; AND
 6 AMENDING SECTIONS 18-8-204 AND 18-8-205, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
 10 **Section 1.** Section 18-8-204, MCA, is amended to read:

11 **"18-8-204. Procedures for selection.** (1) In the procurement of architectural, engineering, and land
 12 surveying services, the agency may encourage firms engaged in the lawful practice of their profession to
 13 submit annually a statement of qualifications and performance data. The agency shall evaluate current
 14 statements of qualifications and performance data on file with the agency, together with those that may
 15 be submitted by other firms regarding the proposed project, and conduct discussions with one or more firms
 16 regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the
 17 required services.

18 (2) (a) The agency shall then select, based on criteria established under agency procedures and
 19 guidelines and the law, ~~the a~~ firm considered ~~most~~ adequately qualified to provide the services required for
 20 the proposed project.

21 (b) The agency procedures and guidelines must be available to the public and include at a minimum
 22 the following criteria as they relate to each firm:

- 23 (i) the qualifications of professional personnel to be assigned to the project;
- 24 (ii) capability to meet time and project budget requirements;
- 25 (iii) location;
- 26 (iv) present and projected workloads;
- 27 (v) related experience on similar projects; ~~and~~
- 28 (vi) recent and current work for the agency; and
- 29 (vii) the professional fees that may be charged for the services.

30 (c) The agency shall follow the minimum criteria of this part if no other agency procedures are

1 specifically adopted."

2

3 **Section 2.** Section 18-8-205, MCA, is amended to read:

4 "18-8-205. **Negotiation of contract for services.** (1) The agency shall negotiate a contract with ~~the~~
5 ~~most~~ a qualified firm for architectural, engineering, and land surveying services at a price ~~which~~ that the
6 agency determines to be fair and reasonable. In making its determination, the agency shall take into account
7 the estimated value of the services to be rendered, as well as the scope, complexity, and professional
8 nature ~~thereof~~ of the services.

9 (2) If the agency is unable to negotiate a satisfactory contract with the firm selected at a price that
10 the agency determines to be fair and reasonable, negotiations with that firm must be formally terminated
11 and the agency shall select other firms in accordance with 18-8-204 and continue as directed in this section
12 until an agreement is reached or the process is terminated."

13

-END-

1 HOUSE BILL NO. 476

2 INTRODUCED BY STOVALL, MILLS, GRINDE, ORR, KNOX, TAYLOR, REHBEIN, MURDOCK, OHS,
3 BRAINARD, DEVLIN
4

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11 the agency determines to be fair and reasonable, negotiations with that firm must be formally terminated
12 and the agency shall select other firms in accordance with 18-8-204 and continue as directed in this section
13 until an agreement is reached or the process is terminated."

14

15 NEW SECTION. SECTION 3. SAVING CLAUSE. [THIS ACT] DOES NOT AFFECT RIGHTS AND
16 DUTIES THAT MATURED, PENALTIES THAT WERE INCURRED, OR PROCEEDINGS THAT WERE BEGUN
17 BEFORE [THE EFFECTIVE DATE OF THIS ACT].

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