

1 HOUSE BILL NO. 124

2 INTRODUCED BY KITZENBERG

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING STATE PUBLIC CONSTRUCTION CONTRACTS,
5 PLANS, AND SPECIFICATIONS USING METRIC UNITS TO ALSO PROVIDE ENGLISH UNITS; REQUIRING
6 REFERENCED PUBLICATIONS TO BE MADE AVAILABLE IMMEDIATELY UPON REQUEST; AND PROVIDING
7 THAT A VIOLATION MAY VOID THE CONTRACT."

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

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11 NEW SECTION. **Section 1. Use of metric and English units in state construction contracts --**
12 **publications to be made available.** (1) All state public construction contract documents that specify metric
13 international units must also include, next to each metric unit, the equivalent English unit.

14 (2) Publications referenced in plans or specifications related to state public construction contracts
15 must be made available immediately by the contracting entity to a public contractor, potential bidder, or
16 bidder upon request.

17 (3) For the purposes of this section, "construction" means any type of construction that may be
18 performed by a public contractor.

19 (4) If a contracting entity fails to comply with the provisions of this section, the contract is
20 voidable.

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22 NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that
23 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
24 act].

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26 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
27 integral part of Title 18, chapter 2, and the provisions of Title 18, chapter 2, apply to [section 1].

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0124, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill requiring state public construction contracts, plans, and specifications using metric units to also provide English units, and requiring referenced publications to be made available immediately upon request.

ASSUMPTIONS:

1. The dual unit (metric and English) issue involves only those agencies that receive federal funding. The private construction industry currently uses only English units, with no immediate plans for change.
2. The Department of Transportation (DOT) has converted to metric over the last two years in anticipation of the federally-mandated change beginning in October 1999. Implementing the dual unit would require significant effort. DOT estimates that at least 10% of its design budget (\$1.1 million) would be needed to maintain the present workload. Falling behind schedule is not an option because that would convert to potential loss of federal contracts and federal dollars. The \$1.1 million would be spent on authorized overtime and sub-contractors.
3. Making reference publications immediately available to contractors does not impact the DOT because this is current practice. However, since the DOT publications have already been converted to metric, it would cost an estimated \$450,000 in contracted services to re-write into dual unit format. It is assumed that the DOT reference publications would be made available as is, and no conversion would be necessary.
4. Both the Department of Military Affairs and the Architecture and Engineering Division (A&E) explained that a library of reference publications would be necessary, with A&E requesting a .25 FTE librarian. Rather than each affected agency maintaining independent libraries, it is assumed that one central library would be maintained at A&E.
5. The central library concept assumes that the mail or FAX would be sufficiently fast to satisfy the immediacy of the bill's intent. And, the library would not be penalized if a requested publication was not stocked.
6. The central library would require seed money in FY98 to start, and thereafter would operate on a cost recovery fee basis. The FY98 budget would be \$60,000 providing for a .25 FTE librarian, grade 8, and the remaining amount to buy all necessary publications. The FY 99 budget would be in the \$20,000 range to purchase only updates and maintain annual subscriptions.

(Continued)

Dave Lewis 1-11-97

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Sam Kitzenberg 1-13-97

SAM KITZENBERG, PRIMARY SPONSOR DATE
Fiscal Note for HB0124, as introduced

HB 124

(continued)

FISCAL IMPACT:

<u>Expenditure</u>	<u>FY98</u>	<u>FY99</u>
DOT (DUAL UNIT):		
Personal services O/T	300,000	300,000
Operating Expense	<u>800,000</u>	<u>800,000</u>
Total	1,100,000	1,100,000

CENTRAL PUB. LIBRARY:

FTE	.25	.25
Personal services	5,000	5,000
Operating expenses	<u>55,000</u>	<u>15,000</u>
Total	60,000	20,000

Revenues:

Fees (06)	0	20,000
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Net Impact on Fund Balance: (Revenue minus expense)

Highway special revenue (02)	(300,000)	(300,000)
Highway federal (03)	(800,000)	(800,000)
A & E State Spec. (02)	<u>(60,000)</u>	<u>0</u>
Total	(1,160,000)	(1,100,000)

TECHNICAL NOTES:

1. Beginning with the federal FY2000, all federal supported contracts must show only metric units. Federal funds could be lost if the dual units are presented according to this bill.
2. Some industry and world standards that are in metric units may not have a direct English conversion, e.g., nuts, bolts, vehicle tire sizes.