

1 HOUSE JOINT RESOLUTION NO. 28

2 INTRODUCED BY LANGE, HAINES

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
 5 MONTANA ENCOURAGING THE DEPARTMENT OF ADMINISTRATION TO INITIATE A COLLABORATIVE
 6 STUDY CONCERNING THE PROCESS AND CRITERIA FOR STATE ~~AND LOCAL GOVERNMENT ENTITIES~~
 7 AGENCIES TO USE IN AWARDING PUBLIC WORKS CONSTRUCTION CONTRACTS.

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9 WHEREAS, awarding public works construction contracts to the "lowest responsible bidder" has been
 10 standard practice for ~~local governments~~ and the State of Montana for decades; and

11 WHEREAS, various public entities have, in recent years, attempted to award contracts for construction
 12 using various alternative project delivery systems, such as "design-build", "construction manager at risk", and
 13 other derivatives of these methods, leading to conflicts among the construction industry, AND the architecture
 14 and engineering professions, ~~and local governments~~; and

15 WHEREAS, governing statutes relating to the award of public works construction contracts have been
 16 interpreted in widely divergent ways by various stakeholders and by the courts; and

17 WHEREAS, public owners, including the Department of Administration, have proposed at various times
 18 to amend the law to allow construction contracts to be awarded on a "best value" basis, but stakeholders have
 19 not been able to reconcile differences on the approach.

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21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
 22 THE STATE OF MONTANA:

23 That the Department of Administration is encouraged to initiate a collaborative study that should result
 24 in recommendations to the 2005 Legislature concerning the applicability, procedures, and criteria for state ~~and~~
 25 ~~local government entities~~ AGENCIES to use in awarding public works construction contracts. The
 26 recommendations should:

- 27 (1) state how a decision is reached to award a contract on the basis of "best value";
 28 (2) establish criteria for ensuring a fair, equitable, and objective selection process;
 29 (3) determine qualifications for members of selection panels used to award contracts; and
 30 (4) establish a process ensuring that taxpayers receive the most cost-effective project possible.

1 BE IT FURTHER RESOLVED, that the collaborative study should involve representatives of ~~county and~~
2 ~~municipal governments, school districts,~~ the Department of Administration, the construction industry, the
3 architecture and engineering professions, the surety industry, and any other stakeholders that the Department
4 determines necessary.

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