

## SENATE BILL NO. 384

INTRODUCED BY MANGAN, MENDENHALL, MOOD, PARKER, F. THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A CITY OR TOWN TO EXTEND, RENEW, OR AMEND AN AGREEMENT FOR THE SUPERVISION OR OPERATION OF A PHYSICAL PLANT THAT PROVIDES WATER, SEWER, OR POWER SERVICES TO THE MUNICIPALITY WITHOUT PROCEEDING UNDER PUBLIC BIDDING PROCEDURES IN CERTAIN INSTANCES; AND AMENDING SECTION 7-5-4301, MCA."

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

**Section 1.** Section 7-5-4301, MCA, is amended to read:

**"7-5-4301. Power to enter and execute contracts.** (1) ~~The A~~ city or town ~~council has power is~~ authorized to make any ~~and all~~ contracts necessary to carry into effect the applicable powers granted by this ~~code chapter~~ and to provide for the manner of executing the ~~same~~ contracts.

(2) (a) All necessary contracts for professional, technical, engineering, ~~and or~~ or legal services are excluded from the provisions of 7-5-4302 through 7-5-4304, 7-5-4306, and 7-5-4307. ~~Provided, however~~ However, contracts ~~wherein in which~~ the value of the majority of the services to be rendered constitute services other than professional, technical, engineering, ~~and or~~ or legal services must be awarded under the bidding procedure provided for in 7-5-4302 through 7-5-4304, 7-5-4306, and 7-5-4307.

(b) (i) ~~Except as provided in subsection (2)(b)(ii), supervision~~ Supervision over or operation of a physical plant that provides water, sewer, or power services to a municipality does not constitute a service excluded under the provisions of subsection (2)(a).

(ii) A city, town, or municipality may extend, renew, or amend a contract or series of contracts for the supervision or operation of a physical plant that provides water, sewer, or power services without proceeding under the bidding procedure provided for in 7-5-4302 through 7-5-4304, 7-5-4306, and 7-5-4307 if:

(A) one or more of the contracts were awarded to the entity in accordance with the competitive bidding procedures provided in 7-5-4302 through 7-5-4304, 7-5-4306, and 7-5-4307; and

(B) the entity has provided the services to the city, town, or municipality for the immediately preceding 5-year period."

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