

SENATE BILL NO. 372
INTRODUCED BY R. LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY AND MUNICIPALITY CONTRACTING REQUIREMENTS; INCLUDING CONSTRUCTION MANAGEMENT SERVICES AMONG THE ACTIVITIES THAT COUNTIES AND MUNICIPALITIES ARE REQUIRED TO SUBJECT TO BIDDING AND TO CONTRACT FOR UNDER CERTAIN CIRCUMSTANCES; EXEMPTING ROUTINE MAINTENANCE ACTIVITIES FROM CONTRACTING REQUIREMENTS; DEFINING "ROUTINE MAINTENANCE"; REQUIRING MUNICIPALITIES TO ENTER INTO CONTRACTS FOR LARGE PURCHASES AND FOR CERTAIN ACTIVITIES COSTING MORE THAN \$50,000 AND REQUIRING THAT THE CONTRACTS BE SUBJECT TO BIDDING; AND AMENDING SECTIONS 7-5-2301 AND 7-5-4302, MCA."

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

Section 1. Section 7-5-2301, MCA, is amended to read:

"7-5-2301. Competitive Contracting and competitive, advertised bidding required for certain large purchases or construction contracts. (1) Except as provided in 7-5-2304 and subsection (4) of this section, a contract must be entered into by a county for the purchase of any vehicle, road machinery or other machinery, apparatus, appliances, equipment, or materials or supplies or ~~the~~ for construction, repair, construction management services, or maintenance, ~~of any building, road, or bridge other than routine maintenance,~~ in excess of \$50,000 and may not be entered into by a county governing body without first publishing a notice calling for bids.

(2) The notice must be published as provided in 7-1-2121.

(3) Subject to 7-5-2309 and subsection (4) of this section, every contract required under subsection (1) is subject to bidding and must be let to the ~~lowest and best~~ responsible bidder with the lowest responsive bid.

(4) The provisions of subsections (1) and (3) do not apply if a county does not receive a response to the notice calling for bids or if the county does not receive a bid from a responsible bidder.

(5) For the purposes of this section, "routine maintenance" means ongoing and expected annual maintenance activities, including but not limited to snowplowing, road grading, weed spraying, street cleaning, pavement maintenance, and operation of existing gravel pits or quarries."

Section 2. Section 7-5-4302, MCA, is amended to read:

"7-5-4302. Competitive Contracting and competitive, advertised bidding required for certain purchase and construction contracts. (1) Except as provided in 7-5-4303, ~~or 7-5-4310, all contracts and~~ subsection (5) of this section, a contract must be entered into by a municipality for the purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, equipment, or materials or supplies of any kind in excess of \$20,000 or for construction, repair, construction management services, or maintenance, other than routine maintenance, in excess of ~~\$25,000~~ \$50,000.

(2) Subject to subsection (5), every contract required under this section is subject to bidding and must be let to the lowest responsible bidder with the lowest responsive bid after advertisement for bids.

~~(2)(3)~~ (3) The advertisement must be published as provided in 7-1-4127, and the second publication must be made not less than 5 days or more than 12 days before the consideration of bids. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for considering bids.

~~(3)(4)~~ (4) The council may postpone action on any contract until the next regular meeting after bids are received in response to the advertisement and may reject any bids and readvertise as provided in this section.

(5) The provisions of subsections (1) and (2) do not apply if a municipality does not receive a response to the advertisement calling for bids or if the municipality does not receive a bid from a responsible bidder.

(6) For the purposes of this section, "routine maintenance" means ongoing and expected annual maintenance activities, including but not limited to snowplowing, road grading, weed spraying, street cleaning, pavement maintenance, and operation of existing gravel pits or quarries."

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