

SENATE BILL NO. 278

INTRODUCED BY S. HINEBAUCH

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A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING LOCAL AGENCIES TO ENTER INTO A CONTRACT WITH FIRMS FOR CERTAIN PROFESSIONAL SERVICES ON AN AS-NEEDED BASIS AFTER EVALUATION OF QUALIFICATIONS; INCREASING CONTRACT LIMITS FOR CONTRACTS BY DIRECT NEGOTIATION; AMENDING SECTIONS 18-8-204 AND 18-8-212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

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

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

- (i) the qualifications of professional personnel to be assigned to the project;
- (ii) capability to meet time and project budget requirements;
- (iii) location;
- (iv) present and projected workloads;
- (v) related experience on similar projects; and
- (vi) recent and current work for the agency.

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

1 adopted.

2 (3) After conducting an evaluation of firms pursuant to subsections (1) and (2)(b), a local agency may
3 enter into a contract with one or more of those firms to provide architectural, engineering, or land surveying
4 services on an as-needed basis for one or more projects and for a term to be mutually agreed to by the parties.
5 Nothing in this subsection prevents a local agency from following the procurement procedures in this part for
6 professional services for a particular project, unless a contract made pursuant to this subsection provides
7 otherwise.

8 ~~(3)~~(4) The provisions of this section do not apply to procurement of architectural, engineering, and land
9 surveying services for projects that the department of transportation has determined are part of the design-build
10 contracting program authorized in 60-2-137."

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12 **Section 2.** Section 18-8-212, MCA, is amended to read:

13 **"18-8-212. Exception.** (1) All agencies securing architectural, engineering, and land surveying services
14 for projects for which the fees are estimated not to exceed ~~\$20,000~~ \$50,000 may contract for those professional
15 services by direct negotiation.

16 (2) ~~An~~ Except as provided in 18-8-204(3), an agency may not separate service contracts or split or break
17 projects for the purpose of circumventing the provisions of this part."

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19 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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