

HOUSE BILL NO. 520

INTRODUCED BY R. FITZGERALD, J. POMNICHOWSKI

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROCUREMENT LAWS RELATED TO FIRE DISTRICTS
5 AND FIRE SERVICE AREAS; INCLUDING FIRE DISTRICTS AND FIRE SERVICE AREAS WITHIN THE
6 ENTITIES THAT MAY ENTER INTO ALTERNATIVE PROJECT DELIVERY CONTRACTS; AMENDING
7 SECTION 18-2-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 18-2-501, MCA, is amended to read:

12 **"18-2-501. Definitions.** As used in this part, unless the context clearly requires otherwise, the following
13 definitions apply:

14 (1) "Alternative project delivery contract" means a construction management contract, a general
15 contractor construction management contract, or a design-build contract.

16 (2) "Construction management contract" means a contract in which the contractor acts as the public
17 owner's construction manager and provides leadership and administration for the project, from planning and
18 design, in cooperation with the designers and the project owners, to project startup and construction completion.

19 (3) "Contractor" has the meaning provided in 18-4-123.

20 (4) "Design-build contract" means a contract in which the designer-builder assumes the responsibility
21 and the risk for architectural or engineering design and construction delivery under a single contract with the
22 owner.

23 (5) "General contractor construction management contract" means a contract in which the general
24 contractor, in addition to providing the preconstruction, budgeting, and scheduling services, procures necessary
25 construction services, equipment, supplies, and materials through competitive bidding contracts with
26 subcontractors and suppliers to construct the project.

27 (6) "Governing body" means:

28 (a) the legislative authority of:

29 (i) a municipality, county, or consolidated city-county established pursuant to Title 7, chapter 1, 2, or 3;

30 (ii) a school district established pursuant to Title 20; or

- 1 (iii) an airport authority established pursuant to Title 67, chapter 11; ~~or~~
2 (b) the board of directors of a county water or sewer district established pursuant to Title 7, chapter 13,
3 parts 22 and 23; or
4 (c) the trustees of a fire district established pursuant to Title 7, chapter 33, or the county commissioners
5 or trustees of a fire service area established pursuant to 7-33-2401.
6 (7) "Project" means any construction or any improvement of the land, a building, or another improvement
7 that is suitable for use as a state or local governmental facility.
8 (8) "Publish" means publication of notice as provided for in 7-1-2121, 7-1-4127, 18-2-301, and 20-9-204.
9 (9) "State agency" has the meaning provided in 2-2-102, except that the department of transportation,
10 provided for in 2-15-2501, is not considered a state agency."

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12 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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