

1 SENATE BILL NO. 278

2 INTRODUCED BY S. HINEBAUCH, J. FIELDER, T. GAUTHIER, B. HOVEN, C. KNUDSEN, K. REGIER,
3 T. RICHMOND, S. STAFFANSON

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

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

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

13 **"18-8-204. Procedures for selection.** (1) In the procurement of architectural, engineering, and land
14 surveying services, the agency may encourage firms engaged in the lawful practice of their profession to submit
15 annually or biennially a statement of qualifications and performance data. The agency shall evaluate current
16 statements of qualifications and performance data on file with the agency, together with those that may be
17 submitted by other firms regarding the proposed project, and conduct discussions with one or more firms
18 regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the
19 required services.

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

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

25 (i) the qualifications of professional personnel to be assigned to the project;

26 (ii) capability to meet time and project budget requirements;

27 (iii) location;

28 (iv) present and projected workloads;

29 (v) related experience on similar projects; and

30 (vi) recent and current work for the agency.

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

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

9 ~~(3)~~(4) The provisions of this section do not apply to procurement of architectural, engineering, and land
10 surveying services for projects that the department of transportation has determined are part of the design-build
11 contracting program authorized in 60-2-137."
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13 **Section 2.** Section 18-8-212, MCA, is amended to read:

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

17 (2) ~~An~~ Except as provided in 18-8-204(3), an agency may not separate service contracts or split or break
18 projects for the purpose of circumventing the provisions of this part."
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20 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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