

1 SENATE BILL NO. 287

2 INTRODUCED BY W. SALES, M. LANG

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS ON FINANCING PUBLIC
5 PROJECTS; REVISING THE PROCESS FOR AWARDING PUBLIC FINANCING CONTRACTS; AND
6 PROVIDING AN APPLICABILITY DATE."

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

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10 **NEW SECTION. Section 1. Process for awarding state financing contracts -- opportunity to**
11 **match lowest bidder.** (1) Except as provided in subsection (2), when awarding public contracts for the
12 financing of a public project FOR THE CONSTRUCTION OR RENOVATION OF A BUILDING, a public agency shall, ~~except~~
13 ~~as provided in Title 18, chapter 2, part 5,~~ award a contract for financing a public work to the lowest responsible
14 bidder without regard to residency.

15 (2) In the event the lowest bidder does not have a physical branch located in the state, the public
16 agency shall:

17 (a) DETERMINE IF THE NEXT LOWEST BIDDER HAS A PHYSICAL BRANCH LOCATED IN THE STATE; AND

18 (b) IF, WHEN MULTIPLYING THE LOW BID BY 1.025, THE NEXT LOWEST BID IS AT OR LESS THAN THE BID OF THE
19 LOWEST BIDDER, NOTIFY THE NEXT LOWEST BIDDER AND GIVE THAT BIDDER 2 BUSINESS DAYS TO OFFER A BID OF EQUAL

20 TERMS ~~notify the next lowest bidder that does have a physical branch located in the state of the terms of the~~
21 ~~lowest bid; and~~

22 ~~(b) give that bidder 5 days to offer a bid equal to that of the lowest bidder.~~

23 (3) If the next lowest bidder offers an equal bid, the public agency shall award the financing contract
24 to that bidder.

25 (4) For the purposes of this section, the following definitions apply:

26 (a) "Physical branch" means a physical branch or location of a financial institution that accepts
27 deposits from Montana citizens and businesses.

28 (b) "Public agency" means the executive, legislative, and judicial branches of Montana state

1 government, a political subdivision of the state, a local government, and any agency, department, board,
2 commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of
3 the state of Montana.

4 ~~(c) "Public project" means a construction, repair, or public works project that is located on state~~
5 ~~property or the procurement of equipment that is used by a public agency.~~

6 ~~(d) "State property" means a building or portion of a building or other real property that is:~~

7 ~~(i) owned or leased by the state or an agency of the state, including vocational institutions or~~
8 ~~institutions of higher education;~~

9 ~~(ii) utilized in the conduct of state matters; and~~

10 ~~(iii) occupied principally by state employees.~~

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12 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
13 integral part of Title 18, chapter 1, part 1, and the provisions of Title 18, chapter 1, part 1, apply to [section 1].

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15 **NEW SECTION. Section 3. Applicability.** [This act] applies to public contracts for financing entered
16 into on or after October 1, 2021.

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