

Representative Michael E. Noel proposes the following substitute bill:

B AND C ROAD CONSTRUCTION

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Transportation Code by amending provisions relating to the construction and maintenance of class B and class C roads.

Highlighted Provisions:

This bill:

- ▶ prohibits a county or municipality from bidding on certain class B and class C road maintenance or construction projects if the class B or class C road is not under the county or municipality's jurisdiction unless no bids are received from private contractors; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-6-108, as last amended by Laws of Utah 2009, Chapter 388



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **72-6-108** is amended to read:

72-6-108. Class B and C roads -- Improvement projects -- Contracts -- Retainage.

(1) A county executive for class B roads and the municipal executive for class C roads shall cause plans, specifications, and estimates to be made prior to the construction of any improvement project, as defined in Section 72-6-109, on a class B or C road if the estimated cost for any one project exceeds the bid limit as defined in Section 72-6-109 for labor, equipment, and materials.

(2) (a) All projects in excess of the bid limit shall be performed under contract to be let to the lowest responsible bidder.

(b) If the estimated cost of the improvement project exceeds the bid limit for labor, equipment, and materials, the project may not be divided to permit the construction in parts, unless each part is done by contract.

(c) (i) Except as provided in Subsection (2)(c)(ii), a county or municipality may not bid on a class B or class C road maintenance or construction project under this section if the construction project is on a class B or class C road that is not under the county or municipality's jurisdiction.

(ii) If no bids are received from private contractors on a class B or class C road maintenance or construction project, a county or municipality may consider or accept a bid on a class B or class C road or maintenance construction project from another county or municipality for a road maintenance or construction project that is not under the county or municipality's jurisdiction.

(3) (a) The advertisement on bids shall be published:

(i) in a newspaper of general circulation in the county in which the work is to be performed at least once a week for three consecutive weeks; and

(ii) in accordance with Section 45-1-101 for three weeks.

(b) If there is no newspaper of general circulation as described in Subsection (3)(a)(i), the notice shall be posted for at least 20 days in at least five public places in the county.

(4) The county or municipal executive or their designee shall receive sealed bids and open the bids at the time and place designated in the advertisement. The county or municipal

57 executive or their designee may then award the contract but may reject any and all bids.

58 (5) The person, firm, or corporation that is awarded a contract under this section is
59 subject to the provisions of Title 63G, Chapter 6, Utah Procurement Code.

60 (6) If any payment on a contract with a private contractor for construction or
61 improvement of a class B or C road is retained or withheld, the payment shall be retained or
62 withheld and released as provided in Section 13-8-5.

H.B. 131 1st Sub. (Buff) - B and C Road Construction Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
