

1                   **ROAD IMPROVEMENT PROJECTS AMENDMENTS**

2                                   2014 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: John Knotwell**

5                           Senate Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies the Transportation Code by amending provisions relating to bid  
10 requirements for class B and class C road improvement projects.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ repeals the requirement that an advertisement on a bid for a class B or class C road  
14 improvement project be published at least once a week for three consecutive weeks  
15 in a newspaper of general circulation in the county in which the work is to be  
16 performed;
- 17           ▶ requires an advertisement on a bid for a class B or class C road improvement project  
18 to be published for three consecutive weeks on a state website owned by, managed  
19 by, or provided under contract with the Division of Purchasing and General  
20 Services for posting a procurement notice; and
- 21           ▶ makes technical corrections.

22 **Money Appropriated in this Bill:**

23           None

24 **Other Special Clauses:**

25           None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **72-6-108**, as last amended by Laws of Utah 2012, Chapter 347

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

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

32 **72-6-108. Class B and class C roads -- Improvement projects -- Contracts --**  
33 **Retainage.**

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

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

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

44 (3) (a) The advertisement on bids shall be published[?] for three consecutive weeks on  
45 a state website that is owned by, managed by, or provided under contract with the Division of  
46 Purchasing and General Services for posting a procurement notice.

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

49 [~~(ii) in accordance with Section **45-1-101** for three weeks.]~~

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

52 (4) The county or municipal executive or their designee shall receive sealed bids and  
53 open the bids at the time and place designated in the advertisement. The county or municipal  
54 executive or their designee may then award the contract but may reject any and all bids.

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

57 (6) If any payment on a contract with a private contractor for construction or  
58 improvement of a class B or C road is retained or withheld, the payment shall be retained or

59 withheld and released as provided in Section 13-8-5.

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**Legislative Review Note**  
as of 2-19-14 5:02 PM

**Office of Legislative Research and General Counsel**