

HIGHWAY CONSTRUCTION BID LIMIT

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Peter C. Knudson

This act modifies the Transportation Code to amend highway project bid limit provisions.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

72-6-107, as last amended by Chapter 365, Laws of Utah 1999

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

Section 1. Section **72-6-107** is amended to read:

72-6-107. Construction or improvement of highway -- Contracts -- Retainage.

(1) (a) The department shall make plans, specifications, and estimates prior to the construction or improvement of any state highway.

(b) Except as provided in Section 63-56-36.1 and except for construction or improvements performed with state prison labor, a construction or improvement project with an estimated cost exceeding [~~\$40,000~~] the bid limit as defined in Section 72-6-109 for labor and materials shall be performed under contract awarded to the lowest responsible bidder.

(c) The advertisement for bids shall be published in a newspaper of general circulation in the county in which the work is to be performed, at least once a week for two consecutive weeks, with the last publication at least ten days before bids are opened.

(d) The department shall receive sealed bids and open the bids at the time and place designated in the advertisement. The department may then award the contract but may reject any and all bids.

(e) If the department's estimates are substantially lower than any responsible bid received, the department may perform any work by force account.

(2) If any payment on a contract with a private contractor for construction or improvement of a state highway is retained or withheld, the payment shall be retained or withheld and released as provided in Section 13-8-5.

(3) If the department performs a construction or improvement project by force account,

the department shall:

(a) provide an accounting of the costs and expenditures of the improvement including material and labor;

(b) disclose the costs and expenditures to any person upon request and allow the person to make a copy and pay for the actual cost of the copy; and

(c) perform the work using the same specifications and standards that would apply to a private contractor.

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall establish procedures for:

(a) hearing evidence that a region within the department violated this section; and

(b) administering sanctions against the region if the region is found in violation.