

SESSION OF 2005

SUPPLEMENTAL NOTE ON SENATE BILL NO. 94

As Amended by House Committee on
Transportation

Brief*

SB 94, as amended, would update county road bidding procedures on projects over \$10,000 by:

- eliminating the requirement that an estimate be filed with the county clerk's office prior to the bidding on a road project;
- requiring qualified bidders to be given an equal opportunity to bid on the plans and specifications on file;
- clarifying that bids are to be opened on the date named in the advertising notice as well as at the place and hour named in the notice;
- allowing counties to award a contract so long as the bid does not exceed 110 percent of the county engineer's estimate;
- precluding a contract to be considered awarded unless the contractor within 21 days after letting enters into contract and complies with bond requirements as per current law;
- allowing the county counselor to meet with the board of county commissioners regarding the letting of contracts as an alternative to the county attorney; and
- allowing progress payments to be paid for 95 percent of completed work in lieu of 90 percent.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill also would amend KSA 68-1115, the bridge bidding statute, to allow contracts for bridge projects to be awarded as long as the lowest responsible bid is within 110 percent of the county engineer's estimate.

Background

SB 94 was requested and supported by the Kansas County Highway Association (KCHA). The Chairman of KCHA told the House and Senate Transportation Committees that KCHA has been working for over three years to update statutes that pertain to county roads and bridges. The Public Affairs Director of the Kansas Contractors Association also testified before both Committees in support of the bill. The Executive Director (before the House Committee) and the General Counsel/Legislative Services Director (before the Senate Committee) of the Kansas Association of Counties also expressed support for the bill.

No opponents testified on the bill in either Committee.

The Senate Transportation Committee's amendment pertaining to qualified bidders was proposed by a committee member in conjunction with KCHA. The other amendment regarding the requirement that a contractor give bond within 21 days instead of 30 days after the bid letting was proposed by KCHA and the Kansas Contractors Association.

The Senate Committee of the Whole restored language that defined a qualified bidder as one defined in the project contract documents. This language was removed by the Senate Committee.

The House Transportation Committee would restore the Senate Transportation Committee's amendment that struck the phrase "as defined in the project contract documents." The Senate Committee of the Whole previously had restored this language.

The fiscal note of the Division of Budget indicates that the bill would not have a fiscal effect on the Department of Transportation or counties.