

# Montana Code Annotated 2017

TITLE 18. PUBLIC CONTRACTS

CHAPTER 2. CONSTRUCTION CONTRACTS

Part 4. Special Conditions -- Standard Prevailing Rate of Wages

## Notice

**18-2-421. Notice.** When a public works project is accepted by the public contracting agency, a notice of acceptance and the completion date of the project must be sent to the department. However, in the case of public works contracts that amount to \$50,000 or less in cost, the notice of acceptance and the completion date of the project is not required unless the department requests that information. The 90-day limitation for filing an action in district court, as provided in **18-2-407**, does not begin until the public contracting agency notifies the department of its acceptance of the public works project.

**History:** En. Sec. 3, Ch. 139, L. 1981; amd. Sec. 4, Ch. 522, L. 1997.

### 24.17.144 OBLIGATIONS OF PUBLIC CONTRACTING AGENCIES

(1) A public contracting agency must include in the bid specifications and contracts for any public works the following:

(a) an unequivocal agreement by the contractor or employer to give preference to employment of bona fide Montana residents in compliance with [18-2-403](#) (1) , MCA;

(b) a statement that any construction project, excluding projects involving the expenditure of federal aid funds or where residency preference laws are specifically prohibited by federal law, the bid specifications and the contract shall provide that at least 50% of the workers of each contractor working on the project will be bona fide Montana residents in compliance with [18-2-403](#) (1) and [18-2-409](#) , MCA. In the case of a particular contractor such percentage of Montana residents shall be modified to comply with any written directive by the commissioner specifying a different percentage;

(c) an unequivocal agreement by the contractor or employer that a worker performing labor on the project will be paid the applicable standard prevailing rate of wages as determined by the commissioner;

(d) a listing of standard prevailing wage rates including fringe benefits determined by the commissioner applicable to the public works contract; and

(e) the contract provisions must clearly show that the contractor or employer is bound to pay wages at rates determined by the commissioner, and to give required preferences.

(2) If a contract for public works is to be performed in more than one district where a different standard prevailing rate of wages is established for a particular craft, classification or type of worker, the highest rate is the rate to be included in the bid specifications and contract provision.

(3) Whenever a public works project is accepted by a public contracting agency, the agency shall promptly send to the department a notice of acceptance and the completion date of the project. This notice is required only if the public works project is covered by the Act.

(4) If a public contracting agency fails to comply with the requirements of this rule, the obligation to pay the standard prevailing rate of wages will be placed on the public contracting agency and the contractor may be relieved of such obligation.

History: [18-2-409](#), [18-2-431](#), MCA; [IMP](#), [18-2-401](#), [18-2-403](#), [18-2-421](#), [18-2-422](#), MCA; [NEW](#), 1985 MAR p. 1859, Eff. 11/30/85; [AMD](#), 1988 MAR p. 2378, Eff. 12/1/88; [AMD](#), 2002 MAR p. 2446, Eff. 9/13/02; [TRANS](#), from ARM [24.16.9005](#), Eff. 9/13/02; [AMD](#), 2003 MAR p. 2869, Eff. 12/25/03.

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### Approval Of Public Works Contract -- Bond

**18-2-404. Approval of public works contract -- bond.** (1) All public works contracts under this part must be approved in writing by the legal adviser of the contracting county, municipal corporation, school district, assessment district, or special improvement district body or officer prior to execution by the contracting public officer or officers.

(2) In all public works contracts entered into under the provisions of this part, at least \$1,000 of the contract price must be withheld at all times until the termination of the public works contract.

**History:** (1)En. Sec. 1, Ch. 102, L. 1931; re-en. Sec. 3043.1, R.C.M. 1935; amd. Sec. 1, Ch. 32, L. 1955; amd. Sec. 1, Ch. 43, L. 1961; amd. Sec. 1, Ch. 265, L. 1969; amd. Sec. 1, Ch. 375, L. 1973; amd. Sec. 1, Ch. 531, L. 1975; Sec. 41-701, R.C.M. 1947; (2)En. Sec. 3, Ch. 102, L. 1931; re-en. Sec. 3043.3, R.C.M. 1935; amd. Sec. 2, Ch. 43, L. 1961; Sec. 41-703, R.C.M. 1947; R.C.M. 1947, 41-701(part), 41-703(part); amd. Sec. 3, Ch. 522, L. 1997.