

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Hukill offered the following:

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3 **Amendment (with directory and title amendments)**

4 Remove lines 316-344 and insert:

5 (m) Any contractor may be considered ineligible to bid by
6 the governmental entity if the contractor has been found guilty
7 by a court of any violation of federal labor or employment tax
8 laws regarding subjects such as safety, tax withholding, workers
9 compensation, unemployment tax, social security and Medicare
10 tax, wage or hour, or prevailing rate laws within the past 5
11 years.

12 (2) The threshold amount of \$300,000 ~~\$200,000~~ for
13 construction or \$75,000 ~~\$50,000~~ for electrical work, as
14 specified in subsection (1), must be adjusted by the percentage
15 change in the Engineering News-Record's Building Cost Consumer
16 Price Index from January 1, 2009 ~~1994~~, to January 1 of the year
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17 in which the project is scheduled to begin.

18 (3) All county officials, boards of county commissioners,
19 school boards, city councils, city commissioners, and all other
20 public officers of state boards or commissions that are charged
21 with the letting of contracts for public work, for the
22 construction of public bridges, buildings, and other structures
23 must ~~always~~ specify lumber, timber, and other forest products
24 produced and manufactured in this state if ~~whenever~~ such
25 products are available and their price, fitness, and quality are
26 equal. This subsection does not apply to ~~when~~ plywood specified
27 for monolithic concrete forms, if ~~when~~ the structural or service
28 requirements for timber for a particular job cannot be supplied
29 by native species, or if ~~when~~ the construction is financed in
30 whole or in part from federal funds with the requirement
31 ~~requirements~~ that there be no restrictions as to species or
32 place of manufacture.

33 (4) Any qualified contractor or vendor who could have been
34 awarded the project had the project been competitively bid has
35 ~~shall have~~ standing to challenge a ~~the propriety of the local~~
36 ~~government's actions to determine if the local government has~~
37 complied with ~~when the local government seeks to invoke the~~
38 ~~provisions of~~ this section. The prevailing party in such action
39 is ~~shall be~~ entitled to recover its reasonable attorney's fees.

40 Section 2. This act shall take effect October 1, 2009.
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T I T L E A M E N D M E N T

Remove line 16 and insert:

transit or transportation systems; authorizing governmental
entities to consider certain contractors ineligible to bid;
revising the index and