

## HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1196

03/04/2013 Authored by Nelson

The bill was read for the first time and referred to the Committee on Government Operations

03/21/2013 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act  
 1.2 relating to local government; authorizing publication of advertisements for  
 1.3 competitive bids in a recognized industry trade journal; requiring a report;  
 1.4 amending Minnesota Statutes 2012, sections 331A.01, by adding a subdivision;  
 1.5 429.041, subdivision 1.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 331A.01, is amended by adding a  
 1.8 subdivision to read:

1.9 Subd. 11. **Recognized industry trade journal.** "Recognized industry trade journal"  
 1.10 means a printed or digital publication or Web site that contains building and construction  
 1.11 news of interest to contractors in this state, or that publishes project advertisements and  
 1.12 bids for review by contractors or other interested bidders in its regular course of business.

1.13 Sec. 2. Minnesota Statutes 2012, section 429.041, subdivision 1, is amended to read:

1.14 Subdivision 1. **Plans and specifications, advertisement for bids.** When the  
 1.15 council determines to make any improvement, it shall let the contract for all or part of  
 1.16 the work, or order all or part of the work done by day labor or otherwise as authorized  
 1.17 by subdivision 2, no later than one year after the adoption of the resolution ordering  
 1.18 such improvement, unless a different time limit is specifically stated in the resolution  
 1.19 ordering the improvement. The council shall cause plans and specifications of the  
 1.20 improvement to be made, or if previously made, to be modified, if necessary, and to be  
 1.21 approved and filed with the clerk, and if the estimated cost exceeds the amount in section  
 1.22 471.345, subdivision 3, shall advertise for bids for the improvement in the newspaper ~~and~~  
 1.23 ~~such other papers~~ or recognized industry trade journal as defined in section 331A.01,  
 1.24 subdivision 11, and for such length of time as it may deem advisable. If the estimated cost

2.1 exceeds twice the amount in section 471.345, subdivision 3, publication shall be made no  
2.2 less than three weeks before the last day for submission of bids once in the newspaper and  
2.3 at least once in either a newspaper published in a city of the first class or a ~~trade paper~~  
2.4 recognized industry trade journal. ~~To be eligible as such a trade paper, a publication shall~~  
2.5 ~~have all the qualifications of a legal newspaper except that instead of the requirement~~  
2.6 ~~that it shall contain general and local news, such trade paper shall contain building and~~  
2.7 ~~construction news of interest to contractors in this state, among whom it shall have a~~  
2.8 ~~general circulation~~. The advertisement shall specify the work to be done, shall state the  
2.9 time when the bids will be publicly opened for consideration by the council, which shall  
2.10 be not less than ten days after the first publication of the advertisement when the estimated  
2.11 cost is less than twice the amount in section 471.345, subdivision 3, and not less than three  
2.12 weeks after such publication in other cases, and shall state that no bids will be considered  
2.13 unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check,  
2.14 bid bond, or certified check payable to the clerk, for such percentage of the amount of the  
2.15 bid as the council may specify. In providing for the advertisement for bids the council  
2.16 may direct that the bids shall be opened publicly by two or more designated officers or  
2.17 agents of the municipality and tabulated in advance of the meeting at which they are to  
2.18 be considered by the council. Nothing herein shall prevent the council from advertising  
2.19 separately for various portions of the work involved in an improvement, or from itself,  
2.20 supplying by such means as may be otherwise authorized by law, all or any part of the  
2.21 materials, supplies, or equipment to be used in the improvement or from combining two or  
2.22 more improvements in a single set of plans and specifications or a single contract.

2.23 **Sec. 3. REVISOR'S INSTRUCTION.**

2.24 The revisor of statutes shall identify in Minnesota Statutes the sections that contain  
2.25 language requiring or authorizing a political subdivision to publish advertisements for  
2.26 bids in the official newspaper that are inconsistent with Minnesota Statutes, section  
2.27 331A.03. The revisor shall provide a report to the chairs and ranking minority members of  
2.28 the senate and house of representatives legislative committees with primary jurisdiction  
2.29 over local governments listing the sections identified. The report shall be submitted by  
2.30 January 15, 2014.