

CHAPTER 5—S.F.No. 376

An act relating to local improvements; setting limits for certain contract requirements; amending Minnesota Statutes 2000, section 429.041, subdivisions 1 and 2.

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

Section 1. Minnesota Statutes 2000, section 429.041, subdivision 1, is amended to read:

Subdivision 1. **PLANS AND SPECIFICATIONS, ADVERTISEMENT FOR BIDS.** When the council determines to make any improvement, it shall let the contract for all or part of the work, or order all or part of the work done by day labor or otherwise as authorized by subdivision 2, no later than one year after the adoption of the resolution ordering such improvement, unless a different time limit is specifically stated in the resolution ordering the improvement. The council shall cause plans and specifications of the improvement to be made, or if previously made, to be modified, if necessary, and to be approved and filed with the clerk, and if the estimated cost exceeds ~~\$25,000~~ \$35,000 for municipalities of less than 2,500 population, or \$50,000 for all others, shall advertise for bids for the improvement in the newspaper and such other papers and for such length of time as it may deem advisable. If the estimated cost exceeds \$100,000, publication shall be made no less than three weeks before the last day for submission of bids once in the newspaper and at least once in either a newspaper published in a city of the first class or a trade paper. To be eligible as such a trade paper, a publication shall have all the qualifications of a legal newspaper except that instead of the requirement that it shall contain general and local news, such trade paper shall contain building and construction news of interest to contractors in this state, among whom it shall have a general circulation. The advertisement shall specify the work to be done, shall state the time when the bids will be publicly opened for consideration by the council, which shall be not less than ten days after the first publication of the advertisement when the estimated cost is less than \$100,000 and not less than three weeks after such publication in other cases, and shall state that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk, for such percentage of the amount of the bid as the council may specify. In providing for the advertisement for bids the council may direct that the bids shall be opened publicly by two or more designated officers or agents of the municipality and tabulated in advance of the meeting at which they are to be considered by the council. Nothing herein shall prevent the council from advertising separately for various portions of the work involved in an improvement, or from itself, supplying by such means as may be otherwise authorized by law, all or any part of the materials, supplies, or equipment to be used in the improvement or from combining two or more improvements in a single set of plans and specifications or a single contract.

Sec. 2. Minnesota Statutes 2000, section 429.041, subdivision 2, is amended to read:

Subd. 2. **CONTRACTS; DAY LABOR.** In contracting for an improvement, the council shall require the execution of one or more written contracts and bonds,

New language is indicated by underline, deletions by ~~strikeout~~.

conditioned as required by law. The council shall award the contract to the lowest responsible bidder or it may reject all bids. If any bidder to whom a contract is awarded fails to enter promptly into a written contract and to furnish the required bond, the defaulting bidder shall forfeit to the municipality the amount of the defaulter's cash deposit, cashier's check, bid bond, or certified check, and the council may thereupon award the contract to the next lowest responsible bidder. When it appears to the council that the cost of the entire work projected will be less than ~~\$25,000~~ \$35,000 for municipalities of less than 2,500 population, or ~~\$50,000~~ for all others, or whenever no bid is submitted after proper advertisement or the only bids submitted are higher than the engineer's estimate, the council may advertise for new bids or, without advertising for bids, directly purchase the materials for the work and do it by the employment of day labor or in any other manner the council considers proper. The council may have the work supervised by the city engineer or other qualified person but shall have the work supervised by a registered engineer if done by day labor and it appears to the council that the entire cost of all work and materials for the improvement will be more than ~~\$10,000~~ \$25,000. In case of improper construction or unreasonable delay in the prosecution of the work by the contractor, the council may order and cause the suspension of the work at any time and relet the contract, or order a reconstruction of any portion of the work improperly done, and where the cost of completion or reconstruction necessary will be less than ~~\$25,000~~ \$35,000 for municipalities of less than 2,500 population, or \$50,000 for all others, the council may do it by the employment of day labor.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following their final enactment.

Presented to the governor February 28, 2001

Signed by the governor March 2, 2001, 2:00 p.m.

CHAPTER 6—H.F.No. 106

An act relating to agriculture; allowing certain members of the Minnesota agriculture education leadership council to designate permanent or temporary replacement members; extending the sunset date of the Minnesota agricultural education leadership council; amending Minnesota Statutes 2000, section 41D.01, subdivisions 1, 3, and 4.

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

Section 1. Minnesota Statutes 2000, section 41D.01, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT; MEMBERSHIP.** (a) The Minnesota agriculture education leadership council is established. The council is composed of 16 members as follows:

New language is indicated by underline, deletions by ~~strikeout~~.