



ADMINISTRATIVE RULES OF MONTANA



18.3.101 PURPOSE

- (1) Public contracts for construction, repair and public works are to be awarded to the lowest responsive, responsible bidder.
- (2) The Montana department of transportation will debar or suspend contractors which violate these rules, and will not do business with, or allow prime and subcontractors to do business with, on department-related projects, persons debarred or suspended by the federal government, by another state, or by another agency of Montana state government.
- (3) If a person commits an act, as defined in these rules, indicating that the person no longer merits the privilege of contracting with the department or participating in department projects, the department may begin proceedings under these rules to debar the person from bidding on or otherwise participating in department contracts or projects. A person's decision to bid upon or accept contracts with the department, or otherwise participate in department contracts, is a voluntary acceptance of the provisions of these rules and their requirements.
- (4) Disputes under this process, while they are contested and part of the adversarial process of these rules and subject to their safeguards, are not a "contested case" under the Montana Administrative Procedure Act, in accordance with 2-4-102, MCA.
- (5) These provisions are in addition to other actions that may be taken against a person (i.e., criminal prosecution, civil actions for false, fraudulent or fictitious claims or to recover amounts incorrectly paid under such claims, disadvantaged business enterprise program decertification, etc.) , and do not prevent other actions or sanctions from being taken, where considered appropriate.

Authorizing statute(s): 60-2-201 and 60-3-101, MCA

Implementing statute(s): 18-1-102, 18-2-313, 18-4-301, 60-2-111, 60-2-112, and 60-2-201, MCA

History: NEW, 1996 MAR p. 3133, Eff. 12/6/96; AMD, 2001 MAR p. 978, Eff. 6/8/01.