



ADMINISTRATIVE RULES OF MONTANA

18.3.201 STANDARDS OF RESPONSIBILITY

- (1) Among factors
 - (a) has available the appropriate financial, material, equipment, facility, and personnel resources and expertise, or the reasonable ability to obtain them, necessary to indicate the capability to meet all contractual requirements;
 - (b) has a satisfactory record of integrity (e.g., has not violated department requirements, such as the DBE program, has not filed false or inflated claims on contracts, has not improperly used dyed fuels on department projects, etc.) on any public works contracts;
 - (c) is qualified legally to contract with the commission;
 - (d) has not failed to supply any necessary information in connection with any inquiry concerning the responsibility; and
 - (e) has a satisfactory record of past performance and contract compliance on any public works contracts.
- (2) Nothing shall prevent the commission from establishing additional responsibility standards for a particular contract or all future contracts, provided that these additional standards are set forth in the contract documents (e.g., its specifications) .
- (3) A prospective contractor must supply information requested by the commission concerning the responsibility of the contractor. If the contractor fails to supply the requested information, the commission shall base a determination of responsibility upon any available information or may find the prospective contractor nonresponsible.
- (4) The prospective contractor may demonstrate the availability of necessary financing, equipment, facilities, expertise, and personnel by submitting upon request:
 - (a) evidence that the contractor possesses the necessary items;
 - (b) acceptable plans to subcontract for the necessary items; or
 - (c) a documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items.
- (5) If a bidder who otherwise may have been awarded a contract is found nonresponsible, or if a person is otherwise found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding must be prepared by the commission. The determination must be made part of the contract file and a copy of the determination mailed to the affected bidder. The determination may be for a stated period of time, although that is not necessary.

that may be considered in determining whether the standard of responsibility has been met are whether a prospective contractor (however that person will be participating in a department project) :

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

Implementing statute(s): 60-2-111 and 60-2-112, MCA

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