

RESOLUTION NO. 3173

A RESOLUTION OF THE CITY/TOWN OF Red Lodge EXPRESSING SUPPORT FOR DRAFT BILL LC 1724 AND REQUESTING THAT THE MONTANA STATE LEGISLATURE ADOPTS LC 1724 AND PRESENTS IT TO THE GOVERNOR FOR SIGNING.

WHEREAS, the cost of employing architects, engineers, and land surveyors represents a significant expense to many Montana cities and towns; and

WHEREAS, current State law, notably Section 18-8-204, MCA, prohibits cities and town from considering fee structures and projected fees, together with other lawful factors, when making an initial selection of a firm considered most qualified to provide architectural, engineering, and land surveying services; and

WHEREAS, current State law requires Montana cities and towns to make an initial selection of the firm most qualified to provide services without reference to potential fee structures or projected fees, and then attempt to negotiate a contract with the first firm selected; and

WHEREAS, allowing Montana cities and towns the option and advantage of competitive price comparison, as a factor of their overall consultant evaluation and selection processes, will promote financial transparency and fiscal accountability in the use of public funds; and

WHEREAS, allowing Montana cities and towns the option to consider fee structures and projected fees, along with other lawful factors, in making an initial selection of the most qualified firm to provide architectural, engineering, and land surveying services, will increase efficiency and transparency to the public, and result in lower overall costs for cities and town when hiring such professionals;

NOW, THEREFORE, BE IT RESOLVED by the City/Town of Red Lodge as follows:

Section 1: The recitals set forth above are adopted as findings of fact.

Section 2: The City/Town of Red Lodge expresses its support for LC 1724 and requests that the Montana State Legislature adopts LC 1724 and presents it to the Governor for signing.

Section 3: This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED BY THE CITY/TOWN OF Red Lodge, ON THIS 25<sup>th</sup> DAY OF January, 2005.

Richard E. Cassley DDS  
MAYOR

ATTEST:

Debbie R. Ruffalo  
City/Town Clerk



January 18, 2005

Honorable Mayor and City Council,

On behalf of the Whitefish City Council, I am writing to ask for your support for legislation that allows cities and towns to consider price when selecting architects, engineers and land surveyors. A copy of the draft bill, LC1724, has been enclosed for your review. Currently, state law disallows local governments from asking consultants for a price bid for their services during the competitive selection process. The law provides for negotiations on the cost of services only after a consultant is selected.

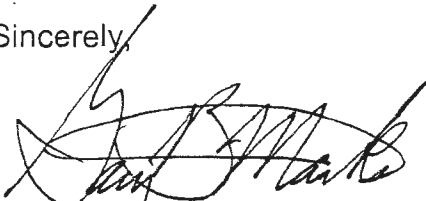
Passage of this bill will bring healthy price competition to the consultant selection process and create a new level of transparency in the use of scarce tax dollars. Businesses seeking to hire a consultant routinely ask for price from interested consultants before making a selection decision. Local government should have the same advantage.

The Whitefish City Council is seeking the support of your Council for this important bill. Enclosed you will find a resolution of support. Two years ago, support for a similar bill by the City of Whitefish was opposed by paid special interest lobbyists representing several architectural and engineering firms. The bill was defeated. This time we want to show legislators that cities and towns from throughout the state support this legislation. Passage of the enclosed resolution will allow us to list your city or town as a supporter of this legislation.

Enclosed you will also find a copy of my written materials in support of this legislation two years ago. These materials provide additional information I hope you will find useful in consideration of our request.

Your kind consideration of the enclosed resolution is appreciated. If approved, please mail a signed copy of the resolution to the City of Whitefish at the above listed address. Thank you.

Sincerely,



Gary B. Marks  
City Manager