



2015 ASSEMBLY BILL 1026

April 7, 2016 – Introduced by Representatives BALLWEG, KREMER, MURPHY, VORPAGEL, MURSAU, BORN and SKOWRONSKI. Referred to Committee on Rules.

- 1 **AN ACT** *to repeal* 85.077 (2) (c); *to amend* 85.077 (1); and *to create* 85.077 (3m)
2 of the statutes; **relating to:** bidding requirements for certain railroad projects.

Analysis by the Legislative Reference Bureau

This bill modifies certain bidding requirements related to rail projects that are funded in any part with public funds.

Under current law, subject to several exceptions, a project involving the construction, rehabilitation, improvement, demolition, or repair of rail property or rail property improvements that is funded in any part with public funds must be let by contract on the basis of competitive bids and the contract must be awarded to the lowest responsible bidder. Current law also provides that DOT or the recipient of public funds may not subdivide a project into more than one contract, allocate work or workers in any manner, or transfer the jurisdiction of a project to avoid these bidding requirements. Under one of the exceptions, the bidding requirements do not apply if the project involves only rail property or rail property improvements owned or leased by a railroad and the project is to be performed by the railroad using its own employees.

Under this bill, the exception from the bidding requirements for a project involving only rail property or rail property improvements being performed by the railroad's own employees is eliminated. In place of this exception, the bill provides that a railroad may perform any portion of a project using its own employees without complying with the bidding requirements as to that portion of the project if the portion of the project involves only rail property or rail property improvements owned or leased by the railroad.

