

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

248E0416

SENATE BILL NO. 106

Introduced by: Senators Daugaard, Brosz, Diedrich (Larry), Hainje, Hutmacher, McCracken, McIntyre, Moore, Sutton (Dan), and Vitter and Representatives Brown (Richard), Abdallah, Adelstein, Davis, Glenski, Hennies (Don), Hennies (Thomas), Konold, Sebert, and Wick

1 FOR AN ACT ENTITLED, An Act to restrict the total amount of change orders to existing
2 public construction contracts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 5-18-18.3 be amended to read as follows:

5 5-18-18.3. Any amendment or change order to an existing ~~construction contract need not~~
6 ~~be bid if the contract contains unit prices for the same type or class of work, or the change or~~
7 ~~extra work is necessitated by circumstances not reasonably foreseeable at the time the underlying~~
8 ~~contract was let and the change or extra work is necessary to the completion of the project~~
9 contract for construction, reconstruction, or remodeling of a public improvement does not need
10 to be bid if:

11 (1) The contract contains unit prices for the same type or class of work;

12 (2) The change or extra work is necessitated by circumstances related to soils, utilities,
13 or unknown conditions directly affecting the performance of the work that were not
14 reasonably foreseeable at the time the underlying contract was let and the change or

- 1 extra work is necessary to the completion of the public improvement; or
- 2 (3) The sum of the proposed amendment or change order plus the sum of all other prior
- 3 unbid amendments or change orders, exclusive of change orders issued under
- 4 subdivisions (1) and (2) of this section, does not exceed the following:
- 5 (a) For contracts not more than five hundred thousand dollars, the greater of
- 6 twenty-five thousand dollars or fifteen percent of the base contract;
- 7 (b) For contracts exceeding five hundred thousand dollars but not more than two
- 8 million five hundred thousand dollars, the greater of seventy-five thousand
- 9 dollars or ten percent of the base contract; and
- 10 (c) For contracts exceeding two million five hundred thousand dollars, the greater
- 11 of two hundred fifty thousand dollars or five percent of the base contract.