

CHAPTER 108**(HB 264)**

AN ACT relating to the letting of work by water districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 74.260 is amended to read as follows:

Upon the final reference to it by the court of any proceedings under this chapter, the commission shall give notice by publication pursuant to KRS Chapter 424, of the time and place of letting the work of construction of the improvements. In such notice the commission shall specify the approximate amount of work to be done and the time fixed for the completion of the work. On the date appointed for the letting, the commission shall convene and let the work to the lowest responsible bidder. The work may be let either as a whole or in sections, and either for a lump-sum bid or upon the basis of cost plus a fixed fee or percentage of the cost of the improvement, as the commission deems most advantageous. ~~[In the event that the work is let upon a lump-sum basis, no bid shall be entertained that exceeds the estimated cost, unless it is shown that the original estimate was erroneous.]~~ The commission may reject any or all bids and advertise the work again, if in its judgment the interest of the district will be served by so doing. The commission may require each bidder to execute a bond or put up a certified check payable to the treasurer of the water district, in an amount fixed by the commission, to the effect that the bidder will enter into a contract with the commission if his *or her* bid is accepted. The successful bidder shall be required to enter into a contract with the commission and to execute a bond for the faithful performance of the contract, with sufficient surety, to the commission for the use and benefit of the district in an amount equal to fifty percent (50%) of the estimated cost of the work awarded to such bidder.

Approved March 18, 2005.