

FIRST REGULAR SESSION

HOUSE BILL NO. 980

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KREIDER.

Read 1st time March 14, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2285L.011

AN ACT

To repeal section 227.105, RSMo 2000, and to enact in lieu thereof one new section relating to approval of contractors by the department of transportation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 227.105, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 227.105, to read as follows:

227.105. 1. The department of transportation shall not accept any bid for a highway project with an estimated cost in excess of two million dollars received from a contractor which has performed no work for the department during the preceding five years unless the department determines the contractor making such bid satisfies the provisions of subsections 2 and 3 of this section.

2. For the purposes of determining the qualifications of contractors governed by subsection 1 of this section, the department of transportation shall promulgate rules and regulations which determine said contractor's minimum qualifications necessary for the contractor's bid to be acceptable for a highway project in excess of two million dollars. The minimum qualifications shall determine the types of work and the maximum amount of work on which a contractor may submit a bid. The minimum qualifications shall be in regards to, but are not limited to, the following:

(1) The contractor's experience in performing the type of work project to be bid, including the construction experience of personnel necessary for the project;

(2) The contractor's ability to complete the work project to the satisfaction of the department and in a timely manner, including a listing of previous completed projects similar to the work project;

(3) The types of work the contractor is qualified to perform;

19 (4) The contractor's insurance coverage, including comprehensive general liability,
20 workers' compensation and automobile coverage;

21 (5) The contractor's designation of a Missouri resident as its agent for the receipt of legal
22 process;

23 (6) The contractor's listing of all current projects in progress, including the value of
24 projects not yet completed and their completion dates;

25 (7) The equipment the contractor has available for the project which includes a list of
26 the specific equipment available for the project;

27 (8) Where practical, the contractor's bonding company shall provide records of its most
28 recent audit.

29 3. Any contractor which has performed no work for the department during the preceding
30 five years and is making a bid for a project with an estimated cost in excess of two million
31 dollars shall provide information to the department necessary for a determination of minimum
32 qualifications pursuant to subsection 2 of this section.

33 4. All information submitted by a contractor to the department relevant to a
34 determination of minimum qualifications and all information used by the department to
35 determine said contractor's qualifications shall be protected from disclosure pursuant to the
36 provisions of section 610.021, RSMo.

37 5. **The department shall process the approval or disapproval of equipment and**
38 **construction materials proposed by contractors for state construction projects within thirty**
39 **days of the contractor's submission of a list of proposed equipment and construction**
40 **materials.**

41 6. No rule or portion of a rule promulgated pursuant to the authority of this section shall
42 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
43 RSMo.