

SECOND REGULAR SESSION

# HOUSE BILL NO. 1501

92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BRUNS.

Read 1<sup>st</sup> time February 17, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3465L.021

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## AN ACT

To repeal section 217.575, RSMo, and to enact in lieu thereof one new section relating to the vocational enterprises program.

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

Section A. Section 217.575, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.575, to read as follows:

217.575. 1. All goods manufactured, services provided, or produce of the vocational enterprises program of the state shall, upon the requisition of the proper official, be furnished to the state, to any public institution owned, managed or controlled by the state, or to any private entity that is leasing space to any agency of the state government for use in space leased to the state agency, at such prices as shall be determined as provided in subsection [4] 5 of this section.

2. [No goods or services so manufactured, provided or produced shall be purchased from any other source for the state or public institutions of the state unless the department shall certify the goods or services included in the requisition cannot be furnished or supplied by the vocational enterprises program within ninety days, or, in the event the same goods or services cannot be procured on the open market within ninety days, that the vocational enterprises program cannot supply them within a reasonable time. No claims for the payment of such goods or services shall be audited or paid without this certificate. One copy each of the requisition or certificate shall be retained by the department.] **The state or any public institution owned, managed, or controlled by the state shall permit privately owned Missouri businesses to bid for contracts to provide goods or services if that Missouri business can provide such goods or services. In such cases, the purchaser shall purchase the product on a competitive**

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

17 **basis.**

18 **3. The state or any public institution owned, managed, or controlled by the state**  
19 **shall be responsible for determining whether the vocational enterprises program of the**  
20 **state or a private entity can best meet the purchaser's needs in terms of price, quality, and**  
21 **time of delivery. If the purchaser determines that the vocational enterprises product or**  
22 **service is not the best available in terms of price, quality, and time of delivery, the**  
23 **purchaser shall purchase the product on a competitive basis.**

24 [3.] **4.** The division of purchasing and the division of design and construction shall  
25 cooperate with the department in seeking to promote for use by state agencies and in state-owned  
26 or -occupied facilities the products manufactured and services provided by the vocational  
27 enterprises program.

28 [4.] **5.** The vocational enterprises program shall fix and determine the prices at which  
29 goods and produce so manufactured and produced and services so provided shall be furnished,  
30 and the prices shall be uniform to all. The cost shall not be fixed at more than the market price  
31 for like goods and services.

32 [5.] **6.** Any differences between the vocational enterprises program and the state, its  
33 departments, divisions, agencies, institutions, or the political subdivisions of the state as to style,  
34 design, price or quality of goods shall be submitted to arbitrators whose decision shall be final.  
35 One of the arbitrators shall be named by the program, one by the office, department, political  
36 subdivision or institution concerned, and one by agreement of the other two. The arbitrators  
37 shall receive no compensation; however, their necessary expenses shall be paid by the office,  
38 department, political subdivision or institution against which the award is given, or, in the event  
39 of a compromise decision, by both parties, the amount to be paid by each party in portions to be  
40 determined by the arbitrators.

41 [6.] **7.** The vocational enterprises program may sell office systems and furniture to any  
42 department, agency, or institution of the state or any political subdivision of the state either  
43 through outright purchase or through payment plan agreement, including handling charges, over  
44 a specified number of months contingent on the solvency of the working capital revolving fund.  
45 Prior approval shall be required by the division of design and construction for state agencies in  
46 situations where the office of administration controlled state-owned office space is involved and  
47 space in which a lease contract executed by the office of administration is in effect.

48 **8. As used in this section, the term "Missouri business" shall mean a company**  
49 **which is based in the state of Missouri or which employs at least twenty full-time workers**  
50 **within the state of Missouri.**