

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 904
93RD GENERAL ASSEMBLY

Reported from the Special Committee on General Laws May 4, 2006 with recommendation that House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

4252L.10C

AN ACT

To repeal sections 8.010, 8.178, 8.420, 100.265, and 701.450, RSMo, and to enact in lieu thereof seventeen new sections relating to designing, building, and managing state buildings, with penalty provisions

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

Section A. Sections 8.010, 8.178, 8.420, 100.265, and 701.450, RSMo, are repealed and
2 seventeen new sections enacted in lieu thereof, to be known as sections 8.010, 8.178, 8.420,
3 8.1000, 8.1003, 8.1006, 8.1007, 8.1009, 8.1012, 8.1015, 8.1018, 8.1021, 8.1024, 8.1025,
4 100.265, 701.450, and 1, to read as follows:

8.010. 1. The governor, attorney general [and] , lieutenant governor, **one member of**
2 **the senate appointed by the president pro tem of the senate, and one member of the house**
3 **of representatives appointed by the speaker of the house of representatives** constitute the
4 board of public buildings. The governor is chairman and the lieutenant governor, secretary. The
5 speaker of the house of representatives and the president pro tempore of the senate shall serve
6 as ex officio members of the board but shall not have the power to vote. The board shall
7 constitute a body corporate and politic. The board has general supervision and charge of the
8 public property of the state at the seat of government and other duties imposed on it by law.

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

9 2. The commissioner of administration shall provide staff support to the board.

10 8.178. Any person who violates [sections 8.172 to 8.174, or section 8.177,] **section 8.172**
11 or any of the traffic or parking regulations of the commissioner shall be punished as follows:
12 Fines for traffic violations shall not, except as provided by section 301.143, RSMo, exceed [five]
13 **ten** dollars for overparking, fifteen dollars for double parking, and fifty dollars for speeding[,
14 and] . The circuit court of Cole County has authority to enforce this law. **No more than one-**
15 **half of the public parking spaces in south parking lot 1-C on the capitol grounds shall be**
16 **reserved for press parking; the other half shall be reserved for handicapped parking.**
17 **There shall be no other reserved press parking spaces on the capitol grounds.**

 8.420. 1. Bonds issued under and pursuant to the provisions of sections 8.370 to 8.450
2 shall be of such denomination or denominations, shall bear such rate or rates of interest not to
3 exceed fifteen percent per annum, and shall mature at such time or times within forty years from
4 the date thereof, as the board determines. The bonds may be either serial bonds or term bonds.

5 2. Serial bonds may be issued with or without the reservation of the right to call them
6 for payment and redemption in advance of their maturity, upon the giving of such notice, and
7 with or without a covenant requiring the payment of a premium in the event of such payment and
8 redemption prior to maturity, as the board determines.

9 3. Term bonds shall contain a reservation of the right to call them for payment and
10 redemption prior to maturity at such time or times and upon the giving of such notice, and upon
11 the payment of such premium, if any, as the board determines.

12 4. The bonds, when issued, shall be sold at public sale for the best price obtainable after
13 giving such reasonable notice of such sale as may be determined by the board, but in no event
14 shall such bonds be sold for less than ninety-eight percent of the par value thereof, and accrued
15 interest. Any such bonds may be sold to the United States of America or to any agency or
16 instrumentality thereof, at a price not less than par and accrued interest, without public sale and
17 without the giving of notice as herein provided.

18 5. The bonds, when issued and sold, shall be negotiable instruments within the meaning
19 of the law merchant and the negotiable instruments law, and the interest thereon shall be exempt
20 from income taxes under the laws of the state of Missouri.

21 6. [After August 13, 1976,] The board shall not issue revenue bonds pursuant to the
22 provisions of sections 8.370 to 8.450 for one or more projects, as defined in section 8.370, in
23 excess of a total par value of [six hundred fifty-five] **seven hundred ten** million dollars.

24 7. [After August 13, 1976,] Any bonds which may be issued pursuant to the provisions
25 of sections 8.370 to 8.450 shall be issued only for projects which have been approved by a
26 majority of the house members and a majority of the senate members of the committee on
27 legislative research of the general assembly, and the approval by the committee on legislative

28 research required by the provisions of section 8.380 shall be given only in accordance with this
29 provision. For the purposes of approval of a project, the total amount of bonds issued for
30 purposes of energy retrofitting in state-owned facilities shall be treated as a single project.

31 [8. No more than one hundred fifty million dollars of the net proceeds of the bonds
32 authorized pursuant to sections 8.370 to 8.450 or sections 8.660 to 8.670 may be applied to
33 general revenue in fiscal year 2003.]

**8.1000. 1. The provisions of sections 8.1000 to 8.1025 shall be applicable only to the
2 Chillicothe reception and diagnostic center as a pilot project.**

3 **2. As used in sections 8.1000 to 8.1025, the following terms shall mean:**

4 **(1) "Construction manager-at-risk", a sole proprietorship, partnership,**
5 **corporation, or other legal entity that assumes the risk for construction, rehabilitation,**
6 **alteration, or repair of a facility at the contracted price as a general contractor and**
7 **provides consultation to the division of design and construction regarding construction**
8 **during and after the design of the facility;**

9 **(2) "Design-build", a project for which the design and construction services are**
10 **furnished under one contract;**

11 **(3) "Design-build contract", a contract between the division and a designer-builder**
12 **to furnish the architecture or engineering and related design services required for a given**
13 **public construction project and to furnish the labor, materials, and other construction**
14 **services for the same public project;**

15 **(4) "Design-builder", any individual, partnership, joint venture, corporation, or**
16 **other legal entity that furnishes the architectural or engineering services and construction**
17 **services, whether itself or through subcontracts;**

18 **(5) "Design criteria consultant", a person, corporation, partnership, or other legal**
19 **entity duly registered and authorized to practice architecture or professional engineering**
20 **in this state under chapter 327, RSMo, and who is employed by contract by the division to**
21 **provide professional design and administrative services in connection with the preparation**
22 **of the design criteria package;**

23 **(6) "Design criteria package", performance-oriented program, scope, and**
24 **specifications for the public construction project sufficient to permit a design-builder to**
25 **prepare a response to the division's request for proposals for a design-build project;**

26 **(7) "Design services", services that are:**

27 **(a) Within the practice of professional engineering as defined in section 327.181,**
28 **RSMo, or the practice of architecture as defined in section 327.091, RSMo; or**

29 **(b) Performed by a registered architect or professional engineer in connection with**
30 **the architect's or professional engineer's employment or practice;**

- 31 (8) "Director", the director of the division of design and construction;
32 (9) "Division", the state office of administration, division of design and
33 construction;
34 (10) "Evaluation team", a group of people selected by the director to evaluate the
35 proposals of the design-builders. The team shall consist of at least two representatives of
36 the division of design and construction and two representatives of the using agency. A fifth
37 member shall be selected by the director and shall serve as chairman to facilitate the
38 evaluation process and to vote only in case of a tie;
39 (11) "Job order contracting (JOC)", a firm, fixed-priced, competitively bid
40 procurement process with an indefinite quantity for small- to medium-sized construction
41 and repair projects that do not exceed three hundred thousand dollars;
42 (12) "Proposal", an offer to enter into a design-build contract;
43 (13) "Public construction project", the process of designing, constructing,
44 reconstructing, altering, or renovating a state-owned building;
45 (14) "Request for proposals", the document by which the division solicits proposals
46 for a design-build contract;
47 (15) "Stipend", an amount paid to the unsuccessful proposers to defray the cost of
48 submission of phase II of the design-build proposal. A stipend shall be five-tenths of one
49 percent of the available funds for construction, not to exceed a maximum stipend payment
50 of fifty thousand dollars.

- 8.1003. 1. The director shall select those projects for which the use of the design-
2 build procurement or construction manager-at-risk process is appropriate. In making that
3 determination, the director shall consider:
4 (1) The likelihood of whether either method of procurement will serve the public
5 interest by providing substantial savings of time or money over the traditional design-bid-
6 build delivery process;
7 (2) The time available to complete the project and meet the needs of the agency and
8 any need to expedite the delivery process;
9 (3) The type of project and its suitability to either method;
10 (4) The size of the project;
11 (5) The level of agency knowledge and confidence about the project scope and
12 definition;
13 (6) The availability of the using agency staff to manage the project; and
14 (7) The availability of the division staff to manage the project.
15 2. No more than ten percent of the projects initiated annually by the division may
16 be procured by design-build.

17 **3. No more than five percent of the projects initiated annually by the division may**
18 **use the construction manager-at-risk process.**

8.1006. 1. The division may adopt rules and regulations under chapter 536, RSMo,
2 **for the conduct of the design-build, construction manager-at-risk, or JOC process. Any**
3 **rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created**
4 **under the authority delegated in this section shall become effective only if it complies with**
5 **and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section**
6 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the**
7 **powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to**
8 **delay the effective date, or to disapprove and annul a rule are subsequently held**
9 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
10 **after August 28, 2006, shall be invalid and void.**

11 **2. The director shall identify all projects to be conducted by design-build or**
12 **construction manager-at-risk in the appropriate appropriations bill. At the end of the**
13 **warranty period he or she shall direct an audit of each project and determine the**
14 **effectiveness of the alternative procurement process. Authorization to conduct design-**
15 **build and construction manager-at-risk projects will expire July 1, 2011.**

8.1007. 1. The division may use the construction manager-at-risk method for a
2 **project. In using that method and in entering into a contract for the services of a**
3 **construction manager-at-risk, the division shall follow the procedures prescribed by this**
4 **section.**

5 **2. Before or concurrently with selecting a construction manager-at-risk, the**
6 **division shall select or designate an engineer or architect who shall prepare the**
7 **construction documents for the project and who has full responsibility for complying with**
8 **all state law as applicable. If the engineer or architect is not a full-time employee of the**
9 **division, the division shall select the engineer or architect on the basis of demonstrated**
10 **competence and qualifications as provided by sections 8.285 to 8.291. The division's**
11 **engineer or architect for a project may not serve, alone or in combination with another, as**
12 **the construction manager-at-risk unless the engineer or architect is hired to serve as the**
13 **construction manager-at-risk under a separate or concurrent procurement conducted in**
14 **accordance with this chapter. This subsection does not prohibit a division engineer or**
15 **architect from providing customary construction phase services under the engineer's or**
16 **architect's original professional service agreement in accordance with applicable licensing**
17 **laws.**

18 **3. The division may provide or contract for, independently of the construction**
19 **manager-at-risk, the inspection services, the testing of construction materials engineering,**
20 **and the verification testing services necessary for acceptance of the facility by the division.**

21 **4. The division shall select the construction manager-at-risk in either a one-step or**
22 **two-step process. The division shall prepare:**

23 **(1) A request for proposals, in the case of a one-step process, or a request for**
24 **qualifications, in the case of a two-step process, that includes general information on the**
25 **project site, project scope, schedule, selection criteria, and the time and place for receipt**
26 **of proposals or qualifications, as applicable;**

27 **(2) A statement as to whether the selection process is a one-step or two-step process;**
28 **and**

29 **(3) Other information that may assist the division in its selection of a construction**
30 **manager-at-risk.**

31 **The division shall state the selection criteria in the request for proposals or qualifications,**
32 **as applicable. The selection criteria may include the offeror's experience, past**
33 **performance, safety record, proposed personnel, and methodology, and other appropriate**
34 **factors that demonstrate the capability of the construction manager-at-risk. If a one-step**
35 **process is used, the division may request, as part of the offeror's proposal, proposed fees,**
36 **and prices for fulfilling the general conditions. If a two-step process is used, the division**
37 **may not request fees or prices in step one. In step two, the division may request that five**
38 **or fewer offerors, selected solely on the basis of qualifications, provide additional**
39 **information, including the construction manager-at-risk's proposed fee and its price for**
40 **fulfilling the general conditions.**

41 **5. The division shall publish the request for qualifications in a manner prescribed**
42 **by the division.**

43 **6. At each step, the division shall receive, publicly open, and read aloud the names**
44 **of the offerors. Within forty-five days after the date of opening the proposals, the division**
45 **or its representative shall evaluate and rank each proposal submitted in relation to the**
46 **criteria set forth in the request for proposals.**

47 **7. The division or its representative shall select the offeror who submits the**
48 **proposal that offers the best value for the division or using agency based on the published**
49 **selection criteria and on its ranking evaluation. The division or its representative first shall**
50 **attempt to negotiate a contract with the selected offeror. If the division or its**
51 **representative is unable to negotiate a satisfactory contract with the selected offeror, the**
52 **division or its representative shall, formally and in writing, end negotiations with that**

53 offeror and proceed to negotiate with the next offeror in the order of the selection ranking
54 until a contract is reached or negotiations with all ranked offerors end.

55 8. A construction manager-at-risk shall advertise publicly, in the manner
56 prescribed by the division, and receive bids or proposals from trade contractors or
57 subcontractors for the performance of all major elements of the work other than the minor
58 work that may be included in the general conditions. A construction manager-at-risk may
59 seek to perform portions of the work personally if the construction manager-at-risk
60 submits a bid or proposal for those portions of the work in the same manner as all other
61 trade contractors or subcontractors and if the division determines that the construction
62 manager-at-risk's bid or proposal provides the best value for the division or using agency.

63 9. The construction manager-at-risk and the division or its representative shall
64 review all trade contractor or subcontractor bids or proposals in a manner that does not
65 disclose the contents of the bid or proposal during the selection process to a person not
66 employed by the construction manager-at-risk, engineer, architect, or division. All bids
67 or proposals shall be made public after the award of the contract or within seven days after
68 the date of final selection of bids and proposals, whichever is later.

69 10. If the construction manager-at-risk reviews, evaluates, and recommends to the
70 division a bid or proposal from a trade contractor or subcontractor, but the division
71 requires another bid or proposal to be accepted, the division may compensate the
72 construction manager-at-risk by a change in price, time, or guaranteed maximum cost for
73 any additional cost and risk that the construction manager-at-risk may incur because of
74 the division of design and construction's requirement that another bid or proposal be
75 accepted.

76 11. If a selected trade contractor or subcontractor defaults in the performance of
77 his or her work or fails to execute a subcontract after being selected in accordance with this
78 section, the construction manager-at-risk may, without advertising, personally fulfill the
79 contract requirements or select a replacement trade contractor or subcontractor to fulfill
80 the contract requirements.

81 12. If a fixed contract amount or guaranteed maximum price has not been
82 determined at the time the contract is awarded, the penal sums of the performance and
83 payment bonds delivered to the division shall each be in an amount equal to the project
84 budget, as set forth in the request for qualifications. The construction manager-at-risk
85 shall deliver the bonds no later than the tenth day after the date the construction manager-
86 at-risk executes the contract unless the construction manager-at-risk furnishes a bid bond
87 or other financial security acceptable to the division to ensure that the construction

88 manager-at-risk will furnish the required performance and payment bonds when a
89 guaranteed maximum price is established.

2 8.1009. 1. If a design-build process is selected, the director shall determine the
3 scope and level of detail required to permit qualified persons to submit proposals in
4 accordance with the request for proposals, given the nature of the project.

5 2. A design criteria consultant may be employed or retained by the division director
6 to assist in preparation of the request for proposal, perform periodic site visits, prepare
7 progress reports, review and approve progress and final pay applications of the design-
8 builder, review shop drawings and submittals, decide disputes, interpret the construction
9 documents, perform inspections upon substantial and final completion, assist in warranty
10 inspections, and provide any other professional service where the director deems it to be
11 in the public interest to have an independent design professional assisting with the project
12 administration. The consultant shall be selected and its contract negotiated in compliance
13 with sections 8.285 to 8.291.

2 8.1012. 1. Notice of requests for proposals shall be advertised in accordance with
3 section 8.250. The division shall publish a notice of a request for proposal with a
4 description of the project, the rationale for the decision to use the design-build method of
5 procurement, the procedures for submittal, and the selection criteria to be used.

6 2. The director shall establish in the request for proposal a time, place, and other
7 specific instructions for the receipt of proposals. Proposals not submitted in strict
8 accordance with such instructions shall be subject to rejection.

9 3. A request for proposals shall be prepared for each design-build contract
10 containing at a minimum the following elements:

11 (1) The procedures to be followed for submitted proposals, the criteria for
12 evaluation of proposals and their relative weight, and the procedures for making awards;

13 (2) The proposed terms and conditions for the design-build contract;

14 (3) The design criteria package;

15 (4) A description of the drawings, specifications, or other information to be
16 submitted with the proposal, with guidance as to the form and level of completeness of the
17 drawings, specifications, or other information that will be acceptable;

18 (5) A schedule for planned commencement and completion of the design-build
19 contract;

20 (6) Budget limits for the design-build contract, if any;

21 (7) Affirmative action and minority or women's business enterprise requirements
for the design-build contract, if any;

22 **(8) Requirements including any available ratings for performance bonds, payment**
23 **bonds, and insurance; and**

24 **(9) Any other information that the division in its discretion chooses to supply,**
25 **including, without limitation, surveys, soil reports, drawings of existing structures,**
26 **environmental studies, photographs, references to public records, or affirmative action and**
27 **minority business enterprise requirements consistent with state and federal law.**

28 **4. The director shall solicit proposals in a three-phase process. Phase I shall**
29 **include the solicitation of qualifications of the design-build team. Phase II shall include the**
30 **solicitation of a technical proposal including conceptual design for the project, and phase**
31 **III shall include the proposal of the construction cost.**

32 **5. The evaluation team shall review the submittals of the proposers and assign**
33 **points to each proposal in accordance with sections 8.1000 to 8.1024 and as set out in the**
34 **instructions of the request for proposals.**

8.1015. 1. Phase I shall require all proposers to submit a statement of qualification,
2 **which shall include, but not be limited to:**

3 **(1) Demonstrated ability to perform projects comparable in design, scope, and**
4 **complexity;**

5 **(2) References of owners for whom design-build projects have been performed;**

6 **(3) Qualifications of personnel who will manage the design and construction aspects**
7 **of the project; and**

8 **(4) The names and qualifications of the primary design consultants and the**
9 **contractors with whom the design-builder proposes to subcontract. The design-builder**
10 **shall not replace an identified subcontractor or subconsultant without the written approval**
11 **of the director.**

12 **2. The evaluation team shall evaluate the qualifications of all proposers in**
13 **accordance with the instructions of the request for proposal. Architectural and**
14 **engineering services on the project shall be evaluated on the basis of demonstrated**
15 **competence and qualifications in accordance with the requirements of sections 8.285 and**
16 **8.291. Qualified proposers selected by the evaluation team may proceed to phase II of the**
17 **selection. Proposers lacking the necessary qualifications to perform the work shall be**
18 **disqualified and shall not proceed to phase II of the process. Under no circumstances shall**
19 **price or fee be a part of the prequalification criteria. Points assigned in the phase I**
20 **evaluation process shall not carry forward to phase II of the process. All qualified**
21 **proposers shall be ranked on points given in phases II and III only.**

22 **3. The director shall have discretion to disqualify any proposer who, in the**
23 **director's opinion, lacks the minimal qualifications required to perform the work.**

24 **4. Once a sufficient number of qualified proposers have been selected, the**
25 **proposers shall have a specified amount of time with which to assemble phase II and phase**
26 **III proposals.**

8.1018. Phase II of the process shall be conducted as follows:

2 **(1) The director shall invite the top five qualified proposers to participate in phase**
3 **II of the process. If there are not five qualified proposers, all qualified proposers shall be**
4 **invited to participate in phase II. If at least three qualified proposers cannot be identified,**
5 **the contracting process shall cease;**

6 **(2) Proposers shall submit their design for the project at the level of detail required**
7 **in the request for proposal. The design proposal shall demonstrate compliance with the**
8 **requirements set out in the request for proposal;**

9 **(3) The ability of the proposer to meet the schedule for completing a project as**
10 **specified by the owner may be considered as an element of evaluation in phase II;**

11 **(4) Up to twenty percent of the points awarded to each proposer in phase II may**
12 **be based on each proposer's qualifications and ability to design, contract, and deliver the**
13 **project on time and within budget of the office of administration;**

14 **(5) Under no circumstances shall the design proposal contain any reference to the**
15 **cost of the proposal; and**

16 **(6) The design proposals shall be evaluated and assigned points in accordance with**
17 **the requirements of the request for proposal. Phase II shall account for no less than forty**
18 **percent of the total points scored as specified in the request for proposal.**

8.1021. Phase III shall be conducted as follows:

2 **(1) The phase III proposal shall provide a firm, fixed cost of construction. The**
3 **proposal shall be accompanied by bid security and any other required submittals, such as**
4 **statements of minority participation as required by the request for proposal;**

5 **(2) Cost proposals shall be submitted in accordance with the instructions of the**
6 **request for proposal. The director shall reject any proposal that is not submitted on time.**
7 **Phase III shall account for no less than forty percent of the total points scored as specified**
8 **in the request for proposal;**

9 **(3) Proposals for phase II and phase III shall be submitted concurrently at the time**
10 **and place specified in the request for proposal. The phase III cost proposals shall be**
11 **opened only after the phase II design proposals have been evaluated and assigned points;**

12 **(4) Cost proposals shall be opened and read aloud at the time and place specified**
13 **in the request for proposal. At the same time and place, the evaluation team shall make**
14 **public its scoring of phase II. Cost proposals shall be evaluated in accordance with the**
15 **requirements of the request for proposal. In evaluating the cost proposals, the lowest**

16 bidder shall be awarded the total number of points assigned to be awarded in phase III.
17 For all other bidders, cost points shall be calculated by reducing the maximum points
18 available in phase III by two percent or more for each percentage point of the lowest bid
19 by which the bidder exceeds the lowest bid, and the points assigned shall be added to the
20 points assigned for phase II for each proposer;

21 (5) If the director determines that it is not in the best interest of the state to proceed
22 with the project under the proposal offered by the proposer with the highest total number
23 of points, the director may reject all proposals. In such event, all qualified proposers with
24 lower point totals shall receive a stipend under section 8.1024. If the director determines
25 to award the project, the responsive proposer with the highest number of points shall be
26 awarded the contract; and

27 (6) If all proposals are rejected, the director may solicit new proposals using
28 different design criteria, budget constraints or qualifications.

8.1024. As an inducement to qualified proposers, the division may pay a stipend,
2 as defined in subdivision (15) of section 8.1000, to each prequalified design-builder whose
3 proposal is responsive but not accepted. Upon payment of the stipend to any unsuccessful
4 design-build proposer, the state shall acquire a nonexclusive right to use the design
5 submitted by the proposer and the proposer shall have no further liability for its use by the
6 state in any manner. The design-build proposer may retain all rights and interest in the
7 design proposed and, in so doing, shall forfeit the stipend.

8.1025. 1. The division may award job order contracting (JOC) for the minor
2 construction, repair, rehabilitation, or alteration of a facility if the work is of a recurring
3 nature but the delivery times are indefinite, and indefinite quantities and orders are
4 awarded substantially on the basis of predescribed and prepriced tasks.

5 2. The division may establish contractual unit prices for a JOC by:

6 (1) Specifying one or more published construction unit price books and the
7 applicable divisions or line items; or

8 (2) Providing a list of work items and requiring the offerors to bid or propose one
9 or more coefficients or multipliers to be applied to the price book or work items as the
10 price proposal.

11 3. The division shall advertise for, receive, and publicly open sealed proposals for
12 JOC.

13 4. The division may require offerors to submit additional information besides rates,
14 including experience, past performance, and proposed personnel and methodology.

15 5. The division may award JOC to one or more contractors in connection with each
16 solicitation of bids or proposals.

17 **6. An order for a job or project under the JOC shall be signed by the division's**
18 **representative and the contractor. The order may be a fixed price, lump-sum contract**
19 **based substantially on contractual unit pricing applied to estimated quantities or may be**
20 **a unit price order based on the quantities and line items delivered.**

21 **7. The contractor shall provide payment and performance bonds, if required by**
22 **law, based on the amount or estimated amount of any order.**

23 **8. The base term of a JOC may be for a period of one or two years as set forth by**
24 **the division in the request for proposals. The base term is not renewable for more than two**
25 **additional years.**

26 **9. If a JOC or an order issued under the contract requires engineering or**
27 **architectural services that constitute the practice of engineering or the practice of**
28 **architecture, such services shall be provided in accordance with applicable law.**

100.265. 1. There is hereby created within the department of economic development the
2 "Missouri Development Finance Board", which shall constitute a body corporate and politic and
3 shall consist of [twelve] **fourteen** members, including the lieutenant governor, the director of
4 the department of economic development [and] , **the director of the department of natural**
5 **resources**, the director of the department of agriculture, **one member of the senate appointed**
6 **by the president pro tem of the senate, and one member of the house of representatives**
7 **appointed by the speaker of the house of representatives.** No more than five members
8 appointed by the governor to the board shall be of the same political party. Except for the
9 lieutenant governor, the director of the department of economic development [and] , **the director**
10 **of the department of natural resources**, the director of the department of agriculture, **one**
11 **member of the senate appointed by the president pro tem of the senate, and one member**
12 **of the house of representatives appointed by the speaker of the house of representatives,**
13 all members shall be appointed by the governor by and with the advice and consent of the senate,
14 and shall serve for terms of four years. The persons serving as members of the Missouri
15 economic development, export and infrastructure board on August 28, 1994, shall become
16 members of the Missouri development finance board for terms to expire at the same time their
17 terms would have expired if they had remained members of the Missouri economic development,
18 export and infrastructure board. The Missouri development finance board shall replace the
19 Missouri economic development, export and infrastructure board. All moneys, property, any
20 other assets or liabilities of the Missouri economic development, export and infrastructure board
21 on August 28, 1994, shall be transferred to the Missouri development finance board. All powers,
22 duties and functions performed by the Missouri economic development, export and infrastructure
23 board pursuant to sections 100.250 to 100.297 shall be transferred to the Missouri development
24 finance board.

25 2. Each member of the board appointed by the governor shall have resided in this state
26 for at least five years prior to appointment. Except for the lieutenant governor, director of the
27 department of economic development [and] , **the director of the department of natural**
28 **resources**, the director of the department of agriculture, **one member of the senate appointed**
29 **by the president pro tem of the senate, and one member of the house of representatives**
30 **appointed by the speaker of the house of representatives**, no person may be appointed to the
31 board who is an elected officer or employee of the state, or any agency, board, commission, or
32 authority established by the state.

33 3. The governor shall designate one of the members of the board to serve as chairman.
34 The board shall meet at such times and places it shall designate. Seven members shall constitute
35 a quorum. No vacancy in the membership shall impair the right of a quorum of the members to
36 exercise all of the rights and powers and to perform all of the duties of the board.

37 4. Members of the board shall serve without compensation but shall be reimbursed for
38 their reasonable and necessary expenses incurred in the performance of their duties.

701.450. 1. For any facility for which construction commences after August 28, 1995,
2 which is constructed as a place of assembly for public amusement including, but not limited to,
3 sports stadiums and arenas, auditoriums and assembly halls, there shall be provided an equal
4 number of water closets for women as there are the number of water closets and urinals provided
5 for men, and there shall be provided an equal number of diaper changing stations for men as
6 there are the number provided for women.

7 2. Each facility described in subsection 1 of this section constructed or under
8 construction prior to August 28, 1995, shall provide water closets in the same ratio as required
9 in subsection 1 of this section whenever such facility undergoes major structural renovation.

10 3. As used in subsection 2 of this section, the term "major structural renovation" means
11 any reconstruction, rehabilitation, addition or other improvement which requires more than fifty
12 percent of the gross floor area of the existing facility to be rebuilt. The provisions of this act
13 shall only apply to such portions of the building being renovated and not to the entire building.
14

15 **4. Notwithstanding any provision of this section to the contrary, if any facility**
16 **described in subsection 1 of this section located in a city not within a county is constructed**
17 **in compliance with the requirements of the applicable building and plumbing codes of such**
18 **city related to the minimum number of water closets that are designated for women, such**
19 **facility shall not be required to comply with the requirements of subsection 1 of this section**
20 **until one year following the date of its substantial completion.**

Section 1. The administrative agency known as the curators of the University of
2 Missouri, as established by section 172.020, RSMo, shall when engaged in the design or

3 construction of facilities or the purchase of supplies and services, abide by the same
4 competitive bidding and advertising provisions of any officer, agency, city, or the division
5 of facilities management, design, and construction as provided in chapter 8, RSMo, and of
6 any department or the commissioner of administration as provided in chapter 34, RSMo.

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