

SECOND REGULAR SESSION

HOUSE BILL NO. 1705

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOPER (158).

Read 1st time February 8, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4359L.01I

AN ACT

To repeal section 217.575, RSMo, and to enact in lieu thereof one new section relating to the purchase of goods and services.

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Section A. Section 217.575, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.575, to read as follows: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 not purchase goods or services from the vocational enterprises program of the state in any case where one or more existing**

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.

16 **Missouri business can provide such goods or services. In such cases, the purchaser shall**
17 **purchase the product on a competitive 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 can best meet the purchaser's needs in terms of price, quality, and time of delivery.**
21 **If the purchaser determines that the vocational enterprises product or service is not the**
22 **best available in terms of price, quality, and time of delivery, the purchaser shall purchase**
23 **the product on a competitive basis.**

24 **4.** The division of purchasing and the division of design and construction shall cooperate
25 with the department in seeking to promote for use by state agencies and in state-owned or
26 -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" means a company that is**
49 **based in the state of Missouri or employs at least twenty full-time workers within the state**
50 **of Missouri.**

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