

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1623

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES ST. ONGE (Sponsor), WILSON (119), GEORGE, DENISON, YAEGER, MOORE AND MUNZLINGER (Co-sponsors).

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

Read 2nd time February 2, 2006 and referred to the Committee on Transportation March 1, 2006.

Reported from the Committee on Transportation March 16, 2006 with recommendation that the bill Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules March 27, 2006 with recommendation that the bill Do Pass by Consent.

Perfected by Consent April 3, 2006.

STEPHEN S. DAVIS, Chief Clerk

4777L.01P

---

## AN ACT

To amend chapter 227, RSMo, by adding thereto one new section relating to state highways and transportation commission authority to implement electronic bidding on state highway system projects.

---

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

Section A. Chapter 227, RSMo, is amended by adding thereto one new section, to be known as section 227.102, to read as follows:

**227.102. 1. Notwithstanding any other provision of law to the contrary, the commission is authorized to receive bids and bid bonds for any contract for construction, maintenance, repair, or improvement of any bridge or highway on the state highway system electronically via the Internet. Such electronically submitted bids and bid bonds shall contain digital signatures and seals, and all other required bid information and certifications, in accordance with commission administrative rules, sections 432.200 to 432.295, RSMo, and with any applicable federal competitive bidding requirements. At its**

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.

8 discretion, the commission may elect to receive both electronic and paper bids, or the  
9 commission may specify electronic bidding exclusively for any proposed contract.

10       **2. Any electronic bidding program or service implemented by the commission and**  
11 **the electronic bid and bid bond vendor shall meet the following criteria, at a minimum:**

12       **(1) Each bidder must be able to transmit an electronic bid and bid bond securely**  
13 **and confidentially through bid encryption or other protection measures;**

14       **(2) Each bidder must receive prompt confirmation of the timely electronic filing of**  
15 **the bidder's bid and bid bond;**

16       **(3) Each bidder must be able to withdraw or replace the bidder's filed electronic**  
17 **bid and bid bond prior to the time bids are opened;**

18       **(4) Each bid filed electronically must be inaccessible or unreadable to all others**  
19 **except for the bidder prior to the time bids are opened;**

20       **(5) The portal for filing bids must have a mechanism to block any additional bids**  
21 **or modifications to bids when bids are scheduled to be opened; and**

22       **(6) Commission representatives and officials of the department of transportation**  
23 **must have full and immediate access to the bids and bid bonds at the time bids are**  
24 **designated to be opened, but not prior to that time.**

25       **3. The commission is authorized to promulgate administrative rules to administer**  
26 **the provisions in this section. Any rule or portion of a rule, as that term is defined in**  
27 **section 536.010, RSMo, that is created under the authority delegated in this section shall**  
28 **become effective only if it complies with and is subject to all of the provisions of chapter**  
29 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**  
30 **RSMo, are nonseverable and if any of the powers vested with the general assembly**  
31 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**  
32 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**  
33 **authority and any rule proposed or adopted after August 28, 2006, shall be invalid and**  
34 **void.**

✓