

FIRST REGULAR SESSION

HOUSE BILL NO. 88

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ST. ONGE (Sponsor), PARSON, WILSON (119), YAEGER,
SATER AND ROBB (Co-sponsors).

Pre-filed December 6, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0178L.01I

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
2 known as section 227.102, to read as follows:

227.102. 1. **Notwithstanding any other provision of law to the contrary, the**
2 **commission is authorized to receive bids and bid bonds for any contract for construction,**
3 **maintenance, repair, or improvement of any bridge or highway on the state highway**
4 **system electronically via the Internet. Such electronically submitted bids and bid bonds**
5 **shall contain digital signatures and seals, and all other required bid information and**
6 **certifications, in accordance with commission administrative rules, sections 432.200 to**
7 **432.295, RSMo, and with any applicable federal competitive bidding requirements. At its**
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;**

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.

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, 2007, shall be invalid and
34 void.

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