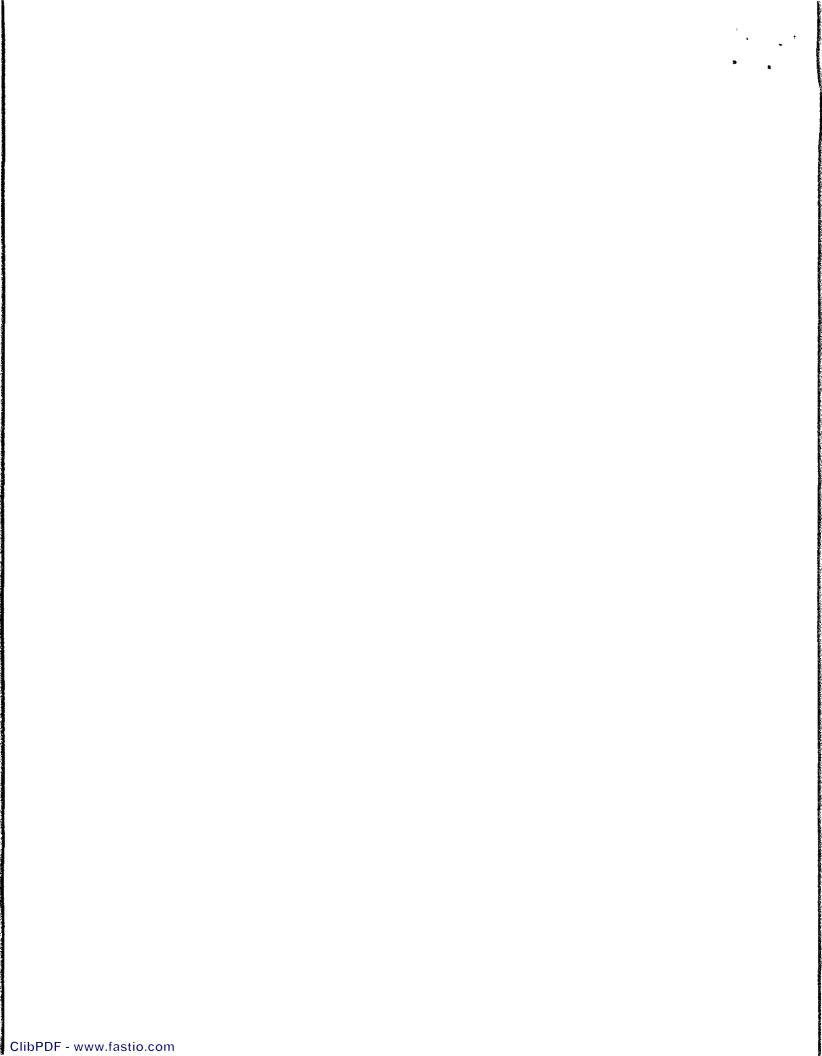
SENATE AMENDMENT NO. 6

Of:	fered by McKenson of Jefferson
	O(V)
Amo	end <u>SCS/House</u> Bill No. 142 , Page 2 , Section 55.030 , Line 31 ,
2	by inserting after all of said line the following:
3	"67.314. 1. The provisions of this section shall apply to
4	contracts for construction awarded by political subdivisions of
5	the state of Missouri and shall be known as the "Political
6	Subdivision Construction Bidding Standards Act".
7	2. Any political subdivision of the state authorizing the
8	construction of facilities which may exceed an expenditure of
9	twenty-five thousand dollars shall publicly advertise:
10	(1) Through publication in a central repository developed
11	by the office of administration, or a private firm under contract
12	with the office of administration, at no cost to the state;
13	(2) On the political subdivision's website, so long as it
14	has a link to the office of administration's central repository;
1 5	(3) In a newspaper of general circulation located within
16	the same county as the political subdivision is located, or in an
17	adjoining county if there is no newspaper in the same county, for
18	once a week for two consecutive weeks; or
19	(4) Through publication, at no cost to the political
20	subdivision, in a central repository developed by an organization
21	representing political subdivisions. The organization may charge

ClibPDF - www.fastio.com

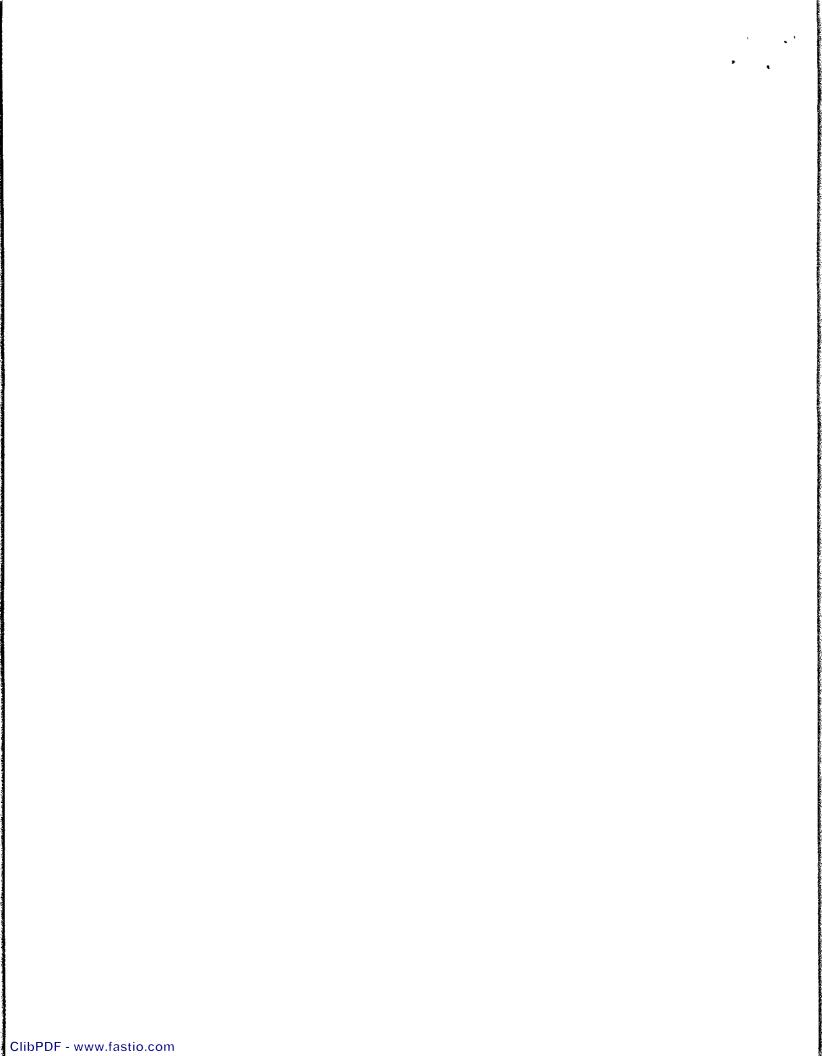
adapted 4-26-11



appropriate fees for access to bid solicitations.

3. The political subdivision may, in addition to advertising in the manner described in subsection 2 of this section, also advertise in business, trade, or minority newspapers.

- 4. For purposes of this section, the term "construction of facilities" shall mean the construction, alteration, or repair of any structure, including but not limited to buildings, highways, bridges, streets, viaducts, water or sewer lines or systems, or pipelines. The term shall include any demolition, moving, or excavation connected therewith, and the furnishing of surveying, construction engineering, planning or management services, or labor, material, or equipment, as required to perform work under the contract for construction.
- 5. Nothing in this section shall be construed to require the design or engineering of any project, as the term "project" is defined in section 8.287, to be awarded by competitive bidding if the contract for such services is under a separate contract from the contract for construction and is awarded under sections 8.285 to 8.291, or to construction management services governed by sections 8.675 to 8.687. Neither shall this section be construed to apply to contracts awarded for the "design/build" method of project delivery, if the political subdivision's procurement of "design/build" projects is otherwise authorized by law, local charter, ordinance, order, or resolution. The advertising requirements contained in this section shall not apply when a political subdivision has publicly stated, in writing, that because of the unique nature or limited availability of material, equipment, or skills for a construction



1 project of the type described in subsection 2 of this section, the political subdivision is using a sole source method to award a construction contract. Nothing in this subsection shall be construed to relieve the political subdivision from the requirement to seek and obtain a bid from the company or firm to whom the contract will be awarded.

- 6. The provisions of this section shall not apply to any political subdivision required to advertise, solicit, award, and reject bids in compliance with:
- (1) Other Missouri statutes, state rules, and federal and state funding requirements applicable to the specific political subdivision which are in effect on August 28, 2011, or as such requirements may be enacted or amended; or
- (2) Any provision of a local charter, ordinance, order, resolution, or policy applicable to the specific political subdivision which is in effect or which is subsequently adopted by the political subdivision after August 28, 2011, as long as such state or local provisions require the political subdivision to meet equivalent or stricter competitive bidding requirements for construction as are contained in this section.
- 7. No bids shall be entertained by a political subdivision which are not made in accordance with the specifications furnished by the political subdivision and all contracts shall be awarded to the lowest and best bidder complying with the terms of the letting, provided that the political subdivision shall have the right to reject any and all bids.
 - 8. All bidding shall conform to the following procedures:
- (1) No bid shall be opened: in advance of the advertised deadline for submission of bids; or in a place other than that

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

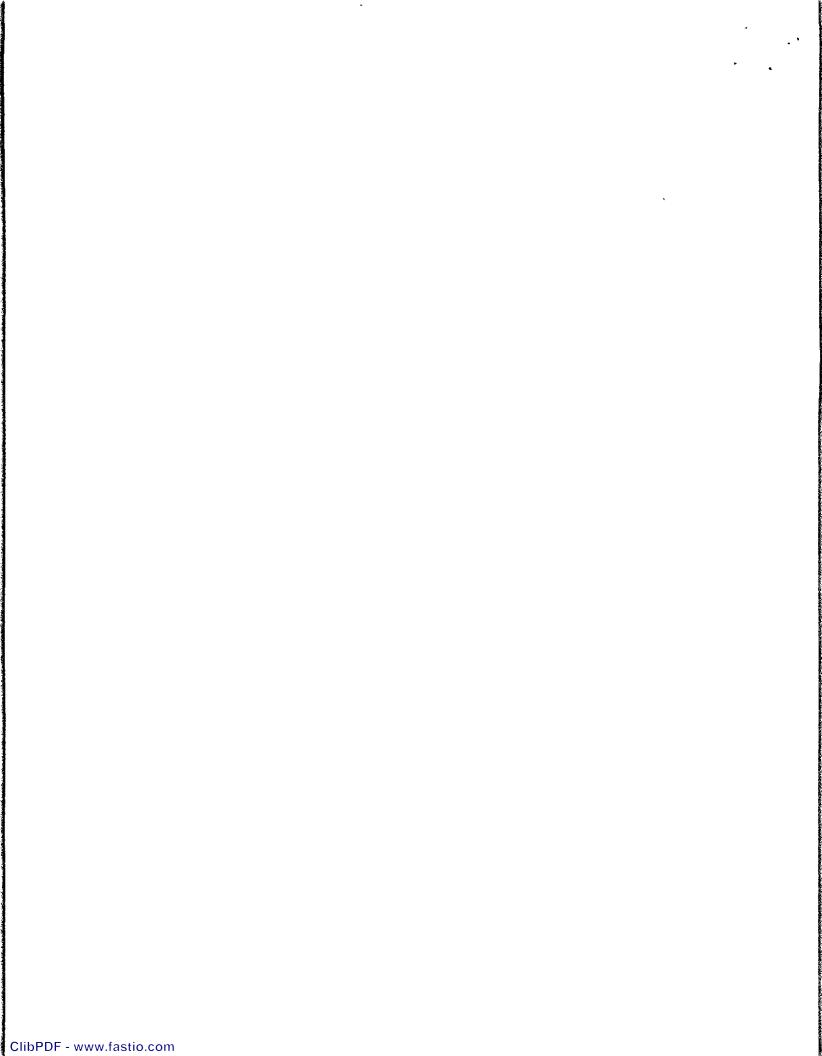
24

25

26

27

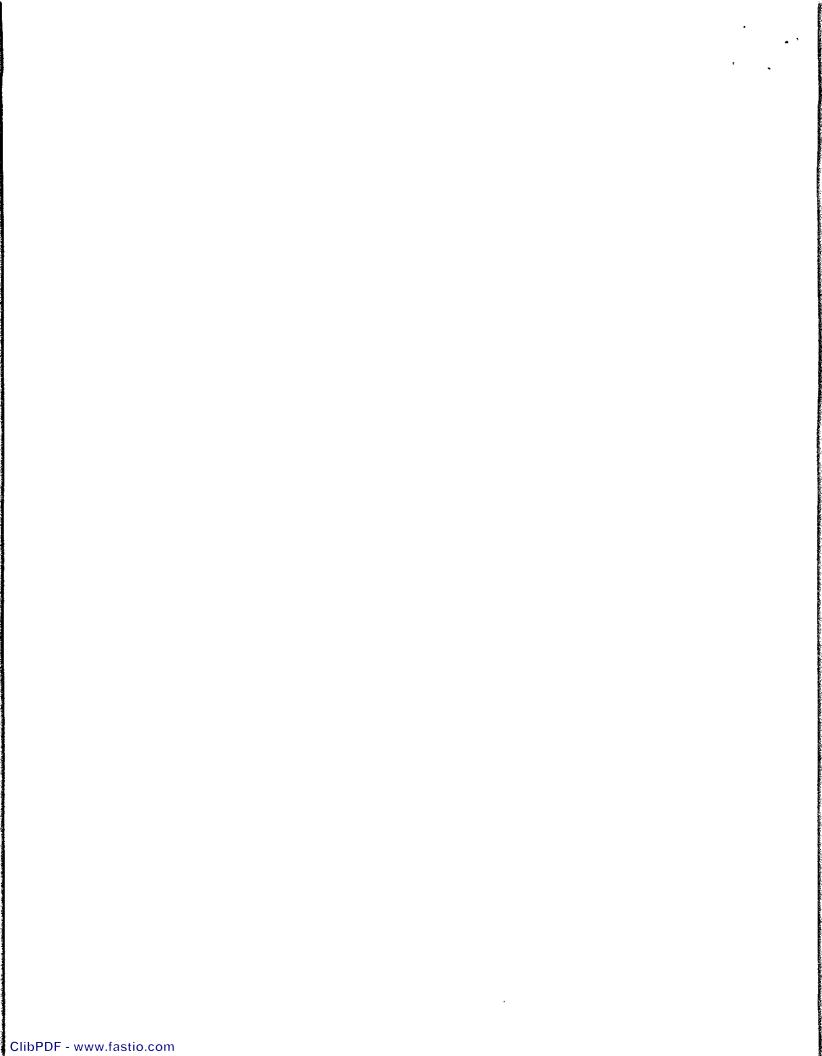
28



specified in the original solicitation of bids or in an amendment to the solicitation communicated in advance to all known bidders;

- (2) No bid shall be accepted unless it is sealed and is in writing. If the letting of the project for which bids were solicited is cancelled, bids shall be returned to the bidders unopened;
- (3) No bid shall be accepted after the advertised deadline for acceptance of bids;
- (4) All bids received shall be held secure and confidential from all persons until the bids are opened pursuant to subdivision (1) of this subsection. Bids shall only be opened in public;
- (5) Nothing in this section shall be construed to prohibit acceptance and processing of bids through an established program of electronic bidding by computer, provided bids accepted and processed electronically shall meet standards of confidentiality comparable to requirements for written bids established by this section.
- 9. Failure of the political subdivision to follow any of the procedures described in this section shall result in the contract being voided and the political subdivision shall rebid the contract in accordance with the provisions of this section.
- 10. Any person who would have submitted a bid except for failure of the political subdivision to advertise the contract pursuant to this section shall have standing to seek equitable relief in a court of competent jurisdiction within fifteen business days of the date the political subdivision opened the bids for the contract, but the only remedy that may be imposed by the court is ordering the contract to be rebid.

1 '



11. Nothing in this section shall be construed to require
acceptance of a bid which exceeds the amount estimated by the
political subdivision for the contract, nor shall anything in
this section prohibit a political subdivision from awarding
contracts without competitive bidding when the political
subdivision deems it necessary to remove an immediate danger to
the public health or safety, to prevent loss to public or private
property which requires government action, or to prevent an
interruption of or to restore an essential public service,
however, the political subdivision shall produce a written public
record documenting the need to contract for such services without
competitive bidding.": and

Further amend the title and enacting clause accordingly.

