

SENATE AMENDMENT NO. 6

Offered by McLennan of Jefferson

Amend SCS/House Bill No. 142, Page 2, Section 55.030, Line 31,

by inserting after all of said line the following:

"67.314. 1. The provisions of this section shall apply to contracts for construction awarded by political subdivisions of the state of Missouri and shall be known as the "Political Subdivision Construction Bidding Standards Act".

2. Any political subdivision of the state authorizing the construction of facilities which may exceed an expenditure of twenty-five thousand dollars shall publicly advertise:

(1) Through publication in a central repository developed by the office of administration, or a private firm under contract with the office of administration, at no cost to the state;

(2) On the political subdivision's website, so long as it has a link to the office of administration's central repository;

(3) In a newspaper of general circulation located within the same county as the political subdivision is located, or in an adjoining county if there is no newspaper in the same county, for once a week for two consecutive weeks; or

(4) Through publication, at no cost to the political subdivision, in a central repository developed by an organization representing political subdivisions. The organization may charge

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1 appropriate fees for access to bid solicitations.

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

6 4. For purposes of this section, the term "construction of  
7 facilities" shall mean the construction, alteration, or repair of  
8 any structure, including but not limited to buildings, highways,  
9 bridges, streets, viaducts, water or sewer lines or systems, or  
10 pipelines. The term shall include any demolition, moving, or  
11 excavation connected therewith, and the furnishing of surveying,  
12 construction engineering, planning or management services, or  
13 labor, material, or equipment, as required to perform work under  
14 the contract for construction.

15 5. Nothing in this section shall be construed to require  
16 the design or engineering of any project, as the term "project"  
17 is defined in section 8.287, to be awarded by competitive bidding  
18 if the contract for such services is under a separate contract  
19 from the contract for construction and is awarded under sections  
20 8.285 to 8.291, or to construction management services governed  
21 by sections 8.675 to 8.687. Neither shall this section be  
22 construed to apply to contracts awarded for the "design/build"  
23 method of project delivery, if the political subdivision's  
24 procurement of "design/build" projects is otherwise authorized by  
25 law, local charter, ordinance, order, or resolution. The  
26 advertising requirements contained in this section shall not  
27 apply when a political subdivision has publicly stated, in  
28 writing, that because of the unique nature or limited  
29 availability of material, equipment, or skills for a construction

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

7 6. The provisions of this section shall not apply to any  
8 political subdivision required to advertise, solicit, award, and  
9 reject bids in compliance with:

10 (1) Other Missouri statutes, state rules, and federal and  
11 state funding requirements applicable to the specific political  
12 subdivision which are in effect on August 28, 2011, or as such  
13 requirements may be enacted or amended; or

14 (2) Any provision of a local charter, ordinance, order,  
15 resolution, or policy applicable to the specific political  
16 subdivision which is in effect or which is subsequently adopted  
17 by the political subdivision after August 28, 2011, as long as  
18 such state or local provisions require the political subdivision  
19 to meet equivalent or stricter competitive bidding requirements  
20 for construction as are contained in this section.

21 7. No bids shall be entertained by a political subdivision  
22 which are not made in accordance with the specifications  
23 furnished by the political subdivision and all contracts shall be  
24 awarded to the lowest and best bidder complying with the terms of  
25 the letting, provided that the political subdivision shall have  
26 the right to reject any and all bids.

27 8. All bidding shall conform to the following procedures:

28 (1) No bid shall be opened: in advance of the advertised  
29 deadline for submission of bids; or in a place other than that



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

3 (2) No bid shall be accepted unless it is sealed and is in  
4 writing. If the letting of the project for which bids were  
5 solicited is cancelled, bids shall be returned to the bidders  
6 unopened;

7 (3) No bid shall be accepted after the advertised deadline  
8 for acceptance of bids;

9 (4) All bids received shall be held secure and confidential  
10 from all persons until the bids are opened pursuant to  
11 subdivision (1) of this subsection. Bids shall only be opened in  
12 public;

13 (5) Nothing in this section shall be construed to prohibit  
14 acceptance and processing of bids through an established program  
15 of electronic bidding by computer, provided bids accepted and  
16 processed electronically shall meet standards of confidentiality  
17 comparable to requirements for written bids established by this  
18 section.

19 9. Failure of the political subdivision to follow any of  
20 the procedures described in this section shall result in the  
21 contract being voided and the political subdivision shall rebid  
22 the contract in accordance with the provisions of this section.

23 10. Any person who would have submitted a bid except for  
24 failure of the political subdivision to advertise the contract  
25 pursuant to this section shall have standing to seek equitable  
26 relief in a court of competent jurisdiction within fifteen  
27 business days of the date the political subdivision opened the  
28 bids for the contract, but the only remedy that may be imposed by  
29 the court is ordering the contract to be rebid.





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

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14       Further amend the title and enacting clause accordingly.

