

SECOND REGULAR SESSION

HOUSE BILL NO. 1202

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WILSON.

4736H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 50.660, 50.760, and 50.783, RSMo, and to enact in lieu thereof three new sections relating to bid solicitation publication.

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

Section A. Sections 50.660, 50.760, and 50.783, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 50.660, 50.760, and 50.783, to read as
3 follows:

50.660. 1. All contracts shall be executed in the name of the county, or in the name of
2 a township in a county with a township form of government, by the head of the department or
3 officer concerned, except contracts for the purchase of supplies, materials, equipment or services
4 other than personal made by the officer in charge of purchasing in any county or township having
5 the officer. No contract or order imposing any financial obligation on the county or township
6 is binding on the county or township unless it is in writing and unless there is a balance
7 otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash
8 balance otherwise unencumbered in the treasury to the credit of the fund from which payment
9 is to be made, each sufficient to meet the obligation incurred and unless the contract or order
10 bears the certification of the accounting officer so stating; except that in case of any contract for
11 public works or buildings to be paid for from bond funds or from taxes levied for the purpose
12 it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized
13 by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be
14 sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a
15 sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let
16 to the lowest and best bidder after due opportunity for competition, including advertising the

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.

17 proposed letting in a newspaper in the county or township with a circulation of at least five
18 hundred copies per issue, if there is one, **or through electronic means reasonably calculated**
19 **to reach the general public and likely to reach prospective bidders or offerors, including**
20 **online bidding services**, except that the advertising is not required in case of contracts or
21 purchases involving an expenditure of less than six thousand dollars. It is not necessary to obtain
22 bids on any purchase in the amount of four thousand five hundred dollars or less made from any
23 one person, firm or corporation during any period of ninety days or, if the county is any county
24 of the first classification with more than one hundred fifty thousand but fewer than two hundred
25 thousand inhabitants or any county of the first classification with more than two hundred sixty
26 thousand but fewer than three hundred thousand inhabitants, it is not necessary to obtain bids on
27 such purchases in the amount of six thousand dollars or less. All bids for any contract or
28 purchase may be rejected and new bids advertised for. Contracts which provide that the person
29 contracting with the county or township shall, during the term of the contract, furnish to the
30 county or township at the price therein specified the supplies, materials, equipment or services
31 other than personal therein described, in the quantities required, and from time to time as ordered
32 by the officer in charge of purchasing during the term of the contract, need not bear the
33 certification of the accounting officer, as herein provided; but all orders for supplies, materials,
34 equipment or services other than personal shall bear the certification. In case of such contract,
35 no financial obligation accrues against the county or township until the supplies, materials,
36 equipment or services other than personal are so ordered and the certificate furnished.

37 2. Notwithstanding the provisions of subsection 1 of this section to the contrary,
38 advertising shall not be required in any county in the case of contracts or purchases involving an
39 expenditure of less than six thousand dollars.

50.760. 1. It shall be the duty of the commissioners of the county commission in all
2 counties of the second class, and in all counties of the first class not having a charter form of
3 government, if there is no purchasing agent appointed pursuant to section 50.753, on or before
4 the first day of February of each year, to estimate the kind and quantity of supplies, including any
5 advertising or printing which the county may be required to do, required by law to be paid for
6 out of the county funds, which will be necessary for the use of the several officers of such county
7 for the following year, and to advertise for sealed bids and contract with the lowest and best
8 bidder for such supplies. Before letting any such contract or contracts the commission shall
9 cause notice that it will receive sealed bids for such supplies to be given by advertisement in
10 some newspaper of general circulation published in the county **or through electronic means**
11 **reasonably calculated to reach the general public and likely to reach prospective bidders**
12 **or offerors, including online bidding services**, such notice to be published **or electronically**
13 **posted** once per week for three consecutive weeks, the last insertion of which shall not be less

14 than ten days before the date in said advertisement **or electronic posting** fixed for the letting of
15 such contract or contracts, which shall be let on the first Monday in March, or on such other day
16 and date as the commission may fix between the first Monday of March and the first Saturday
17 after the second Monday in March next following the publication **or electronic posting** of such
18 notice; except that if by the nature or quantity of any article or thing needed for any county
19 officer in any county of this state to which sections 50.760 to 50.790 apply, the same may not
20 be included in such contract at a saving to such county, then such article or thing may be
21 purchased for such officer upon an order of the county commission first being made and entered
22 as provided in sections 50.760 to 50.790; and except further, that if any supplies not included in
23 such contract are required by any such officer or if the supplies included in such contract are
24 exhausted then such article or thing may be purchased for such officer upon order of the county
25 commission first being made and entered of record as provided in sections 50.760 to 50.790.

26 2. The county commission may authorize the purchase of supplies, not including for
27 contractual services, at any public auction held.

28 3. No contract for a purchase under this section shall arise until the commission has
29 approved a purchase order for the supplies for which the bids were advertised and submitted
30 under this section.

50.783. 1. The county commission may waive the requirement of competitive bids or
2 proposals for supplies when the commission has determined in writing and entered into the
3 commission minutes that there is only a single feasible source for the supplies. Immediately
4 upon discovering that other feasible sources exist, the commission shall rescind the waiver and
5 proceed to procure the supplies through the competitive processes as described in this chapter.
6 A single feasible source exists when:

7 (1) Supplies are proprietary and only available from the manufacturer or a single
8 distributor; or

9 (2) Based on past procurement experience, it is determined that only one distributor
10 services the region in which the supplies are needed; or

11 (3) Supplies are available at a discount from a single distributor for a limited period of
12 time.

13 2. On any single feasible source purchase where the estimated expenditure is three
14 thousand dollars or over, the commission shall post notice of the proposed purchase. Where the
15 estimated expenditure is five thousand dollars or over, the commission shall also advertise the
16 commission's intent to make such purchase in at least one daily and one weekly newspaper of
17 general circulation in such places as are most likely to reach prospective bidders or offerors [and]
18 **or** may provide such information through an electronic medium available to the general public

19 **and likely to reach prospective bidders or offerors, including online bidding services,** at
20 least ten days before the contract is to be let.

21 3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible
22 service purchase by any county of the first classification with more than one hundred fifty
23 thousand but fewer than two hundred thousand inhabitants or any county of the first
24 classification with more than two hundred sixty thousand but fewer than three hundred thousand
25 inhabitants where the estimated expenditure is six thousand dollars or over, the commission shall
26 post notice of the proposed purchase and advertise the commission's intent to make such
27 purchase in at least one daily and one weekly newspaper of general circulation in such places as
28 are most likely to reach prospective bidders or offerors [and] **or** may provide such information
29 through an electronic medium available to the general public **and likely to reach prospective**
30 **bidders or offerors, including online bidding services,** at least ten days before the contract is
31 to be let.

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