

SECOND REGULAR SESSION

# HOUSE BILL NO. 1251

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ELMER (Sponsor), MORRIS AND PHILLIPS (Co-sponsors).

4867H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to competitive bid requirements.

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

Section A. Sections 50.660 and 50.783, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 50.660 and 50.783, to read as follows:

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

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.

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

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

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 may provide such information through an electronic medium available to the general public at  
19 least ten days before the contract is to be let.

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

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