

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 137, Pages 1-2, Section 34.042, Lines
2 1-42, by deleting all of said section and inserting in lieu thereof the following:

3 "34.040. 1. All purchases in excess of three thousand dollars shall be based on competitive
4 bids, except as otherwise provided in this chapter.

5 2. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or
6 over, except as provided in subsection 5 of this section, the commissioner of administration shall:

7 (1) Advertise for bids in at least two daily newspapers of general circulation in such places
8 as are most likely to reach prospective bidders and may advertise in at least two weekly minority
9 newspapers and may provide such information through an electronic medium available to the general
10 public at least five days before bids for such purchases are to be opened. Other methods of
11 advertisement, which may include minority business purchase councils, however, may be adopted by
12 the commissioner of administration when such other methods are deemed more advantageous for the
13 supplies to be purchased;

14 (2) Post a notice of the proposed purchase in his or her office; and

15 (3) Solicit bids by mail or other reasonable method generally available to the public from
16 prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the
17 commissioner of administration so as to reach such office before the time set for opening bids.

18 3. The contract shall be let to the lowest and best bidder. The commissioner of
19 administration shall have the right to reject any or all bids and advertise for new bids, or purchase the
20 required supplies on the open market if they can be so purchased at a better price. When bids
21 received pursuant to this section are unreasonable or unacceptable as to terms and conditions,
22 noncompetitive, or the low bid exceeds available funds and it is determined in writing by the
23 commissioner of administration that time or other circumstances will not permit the delay required to
24 resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that each
25 responsible bidder who submitted such bid under the original solicitation is notified of the
26 determination and is given a reasonable opportunity to modify their bid and submit a best and final
27 bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds available
28 funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder
29 under the original solicitation.

30 4. The director of the department of revenue shall follow bidding procedures as contained in
31 this section and may promulgate rules necessary to establish such procedures. No points shall be
32 awarded on a request for proposal for a contract license office to a bidder for a return-to-the-state
33 provision offer.

34 5. All bids shall be based on standard specifications wherever such specifications have been
35 approved by the commissioner of administration. The commissioner of administration shall make
36 rules governing the delivery, inspection, storage and distribution of all supplies so purchased and

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governing the manner in which all claims for supplies delivered shall be submitted, examined, approved and paid. The commissioner shall determine the amount of bond or deposit and the character thereof which shall accompany bids or contracts.

[5.] 6. The department of natural resources may, without the approval of the commissioner of administration required pursuant to this section, enter into contracts of up to five hundred thousand dollars to abate illegal waste tire sites pursuant to section 260.276 when the director of the department determines that urgent action is needed to protect public health, safety, natural resources or the environment. The department shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

[6.] 7. The commissioner of administration and other agencies to which the state purchasing law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in this state but fails to collect and properly pay the tax as provided in chapter 144. For the purposes of this section, "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether through stock ownership or otherwise."; and

Further amend said bill, Page 3, Section 136.055, Lines 61-68, by deleting all of said lines and inserting in lieu thereof the following:

"competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3) [or], 501(c)(6), or 501(c)(4), except those civic organizations that would be considered action organizations under 26 C.F.R. Section 1.501(c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with special consideration given to those organizations and entities that reinvest a minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to"; and

Further amend said bill, Page 4, section, Line 93, by inserting after all of said line the following:

"Section B. Because of the need to ensure a fair bidding process for contract license offices, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.