

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 1, Line 10, by inserting after all of said line the following:

"Further amend said bill, Page 12, Section 226.780, Line 3, by inserting after all of said section and line the following:

"226.913. 1. For purposes of implementing the federal Department of Transportation's disadvantaged business enterprise program, the term "ready, willing, and able" shall refer to an entity that regularly performs work typically utilized in a highway construction contract and is financially and legally capable and prepared to perform the contracted-for services at the time and location required under the contract.

2. For purposes of implementing the federal Department of Transportation's disadvantaged business enterprise program, a bid from a disadvantaged business enterprise shall be deemed excessive if it exceeds the lowest bid from a non-disadvantaged business enterprise by at least ten percent.

3. The department of transportation's process for setting its disadvantaged business enterprise participation project goals shall be subject to chapter 610, and shall utilize an established and objective methodology.

4. The department of transportation shall consider work for potential disadvantaged business enterprise subcontracting opportunities only on scopes of work where a minimum of three entities certified as disadvantaged business enterprises are ready, willing, and able to perform the work. The department of transportation shall continually update and maintain its directory of firms that are certified as disadvantaged business enterprises, and shall seek input from the prime contractor community as to their ability to regularly obtain quotations from firms certified as disadvantaged business enterprises.

5. The department of transportation shall collect data and information as necessary to evaluate all allowable methods for establishing the overall statewide disadvantaged business enterprise participation goal as outlined under 49 CFR 26.45, and shall utilize the method that best reflects the current climate for disadvantaged business enterprises in the state.

6. The department of transportation shall not utilize sources other than the regulations in 49 CFR part 26, as may be amended from time to time, to promulgate rules or policies pertaining to the implementation of the federal Department of Transportation's disadvantaged business enterprise program.

Action Taken _____ Date _____

1 7. The department of transportation may promulgate rules as necessary to implement the
2 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010
3 that is created under the authority delegated in this section shall become effective only if it complies
4 with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This
5 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
6 pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
8 adopted after August 28, 2018, shall be invalid and void."; and"; and
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10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.
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13 THIS AMENDS 577H05.41H