

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 206, Page 4, Section 8.231, Line 91, by  
2 inserting after all of said section and line the following:

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4 "33.150. The original, or an exact digital facsimile of the original, of all accounts, vouchers  
5 and documents approved or to be approved by the commissioner of administration shall be  
6 preserved in his office; and copies thereof shall be given without charge to any person, county, city,  
7 town, township and school or special road district interested therein, that may require the same for  
8 the purpose of being used as evidence in the trial of the cause, and like copies shall be furnished to  
9 any corporation or association requiring the same, under tender of the fees allowed by law;  
10 provided, that the commissioner of administration may destroy or dispose in the manner provided by  
11 law of all paid accounts, vouchers and duplicate receipts of the state treasurer and other documents  
12 which may have been on file in the office of the commissioner of administration or his predecessor  
13 as custodian of such documents for a period of five years or longer, except such documents as may  
14 at the time be the subject of litigation or dispute.

15 34.040. 1. All purchases in excess of [three] ten thousand dollars shall be based on  
16 competitive bids, except as otherwise provided in this chapter.

17 2. On any purchase where the estimated expenditure shall be [twenty-five] one hundred  
18 thousand dollars or over, except as provided in subsection 6 of this section, the commissioner of  
19 administration shall:

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

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

28 (3) Solicit bids by mail or other reasonable method generally available to the public from  
29 prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the  
30 commissioner of administration so as to reach such office before the time set for opening bids. 3.  
31 The contract shall be let to the lowest and best bidder. The commissioner of administration shall  
32 have the right to reject any or all bids and advertise for new bids, or purchase the required supplies  
33 on the open market if they can be so purchased at a better price. When bids received pursuant to  
34 this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low  
35 bid exceeds available funds and it is determined in writing by the commissioner of administration  
36 that time or other circumstances will not permit the delay required to resolicit competitive bids, a

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1 contract may be negotiated pursuant to this section, provided that each responsible bidder who  
2 submitted such bid under the original solicitation is notified of the determination and is given a  
3 reasonable opportunity to modify their bid and submit a best and final bid to the state. In cases  
4 where the bids received are noncompetitive or the low bid exceeds available funds, the negotiated  
5 price shall be lower than the lowest rejected bid of any responsible bidder under the original  
6 solicitation.

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

11 5. All bids shall be based on standard specifications wherever such specifications have been  
12 approved by the commissioner of administration. The commissioner of administration shall make  
13 rules governing the delivery, inspection, storage and distribution of all supplies so purchased and  
14 governing the manner in which all claims for supplies delivered shall be submitted, examined,  
15 approved and paid. The commissioner shall determine the amount of bond or deposit and the  
16 character thereof which shall accompany bids or contracts.

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

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

36 8. The commissioner of administration shall be authorized to hold reverse auctions to  
37 procure merchandise, supplies, raw materials, or finished goods if price is the primary factor in  
38 evaluating bids. The office of administration shall promulgate rules regarding the handling of the  
39 reverse auction process.

40 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
41 under the authority delegated in this section shall become effective only if it complies with and is  
42 subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and  
43 chapter 536 are nonseverable and if any of the powers vested with the general assembly under  
44 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
45 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
46 August 28, 2019, shall be invalid and void.

47 34.042. 1. When the commissioner of administration determines that the use of competitive  
48 bidding is either not practicable or not advantageous to the state, supplies may be procured by  
49 competitive proposals. The commissioner shall state the reasons for such determination, and a

1 report containing those reasons shall be maintained with the vouchers or files pertaining to such  
2 purchases. All purchases in excess of [five] ten thousand dollars to be made under this section shall  
3 be based on competitive proposals.

4 2. On any purchase where the estimated expenditure shall be [twenty-five] one hundred  
5 thousand dollars or over, the commissioner of administration shall:

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

12 (2) Post notice of the proposed purchase; and

13 (3) Solicit proposals by mail or other reasonable method generally available to the public  
14 from prospective offerors.

15  
16 All proposals for such supplies shall be mailed or delivered to the office of the commissioner of  
17 administration so as to reach such office before the time set for opening proposals. Proposals shall  
18 be opened in a manner to avoid disclosure of contents to competing offerors during the process of  
19 negotiation.

20 3. The contract shall be let to the lowest and best offeror as determined by the evaluation  
21 criteria established in the request for proposal and any subsequent negotiations conducted pursuant  
22 to this subsection. In determining the lowest and best offeror, as provided in the request for  
23 proposals and under rules promulgated by the commissioner of administration, negotiations may be  
24 conducted with responsible offerors who submit proposals selected by the commissioner of  
25 administration on the basis of reasonable criteria for the purpose of clarifying and assuring full  
26 understanding of and responsiveness to the solicitation requirements. Those offerors shall be  
27 accorded fair and equal treatment with respect to any opportunity for negotiation and subsequent  
28 revision of proposals; however, a request for proposal may set forth the manner for determining  
29 which offerors are eligible for negotiation, including, but not limited to, the use of shortlisting.  
30 Revisions may be permitted after submission and before award for the purpose of obtaining best and  
31 final offers. In conducting negotiations there shall be no disclosure of any information derived from  
32 proposals submitted by competing offerors. The commissioner of administration shall have the right  
33 to reject any or all proposals and advertise for new proposals or purchase the required supplies on  
34 the open market if they can be so purchased at a better price.

35 4. The commissioner shall make available, upon request, to any members of the general  
36 assembly, information pertaining to competitive proposals, including the names of bidders and the  
37 amount of each bidder's offering for each contract.

38 34.044. 1. The commissioner of administration may waive the requirement of competitive  
39 bids or proposals for supplies when the commissioner has determined in writing that there is only a  
40 single feasible source for the supplies. Immediately upon discovering that other feasible sources  
41 exist, the commissioner shall rescind the waiver and proceed to procure the supplies through the  
42 competitive processes as described in this chapter. A single feasible source exists when:

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

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

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

48 2. On any single feasible source purchase where the estimated expenditure shall be [five] ten  
49 thousand dollars or over, the commissioner of administration shall post notice of the proposed

1 purchase. Where the estimated expenditure is [twenty-five] one hundred thousand dollars or over,  
2 the commissioner of administration shall also advertise the commissioner's intent to make such  
3 purchase in at least two daily newspapers of general circulation in such places as are most likely to  
4 reach prospective bidders or offerors and may provide such information through an electronic  
5 medium available to the general public at least five days before the contract is to be let. Other  
6 methods of advertisement, however, may be adopted by the commissioner of administration when  
7 such other methods are deemed more advantageous for the supplies to be purchased. The  
8 requirement for advertising may be waived, if not feasible, due to the supplies being available at a  
9 discount for only a limited period of time.

10 34.047. Notwithstanding any provision in section 34.040, section 34.100, or any other law  
11 to the contrary, departments shall have the authority to purchase products and services related to  
12 information technology when the estimated expenditure of such purchase shall not exceed [seventy-  
13 five] one hundred fifty thousand dollars, the length of any contract or agreement does not exceed  
14 twelve months, the department complies with the informal methods of procurement established in  
15 section 34.040, and 1 CSR 40-1.050(1) for expenditures of less than [twenty-five] one hundred  
16 thousand dollars, and the department posts notice of such proposed purchase on the online  
17 bidding/vendor registration system maintained by the office of administration. For the purposes of  
18 this section, "information technology" shall mean any computer or electronic information equipment  
19 or interconnected system that is used in the acquisition, storage, manipulation, management,  
20 movement, control, display, switching, interchange, transmission, or reception of information,  
21 including audio, graphic, and text."; and  
22

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