

FIRST REGULAR SESSION

# HOUSE BILL NO. 1093

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

2322H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 227.100, RSMo, and to enact in lieu thereof one new section relating to valuation of bids for state contracts.

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

Section A. Section 227.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 227.100, to read as follows:

227.100. 1. All contracts for the construction of said work shall be let to the lowest responsible bidder or bidders after notice and publication of an advertisement in a newspaper published in the county where the work is to be done, and in such other publications as the commission may determine. **In determining the lowest responsible bidder or bidders, the department of transportation shall consider the complete life-cycle cost of the work, including but not limited to factors such as initial cost and all anticipated costs for subsequent maintenance, repair, or resurfacing over the life of the work. The department of transportation shall develop and implement a life-cycle cost analysis for any project for which the estimated total pavement costs exceed one million dollars funded in whole or in part with state funds. The department of transportation shall design each such project in both hot mix asphalt and portland cement concrete pavement, and shall award paving projects utilizing the material having the lowest life-cycle cost. The design of hot mix asphalt and portland cement concrete pavement methods and life-cycle cost analysis shall be conducted in accordance with the department of transportation's currently established practices and policies.**

2. Each bid shall be accompanied by a certified check or a cashier's check or a bid bond, guaranteed by a surety company authorized by the director of the department of commerce and

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 insurance to conduct surety business in the state of Missouri, equal to five percent of the bid,  
19 which certified check, cashier's check, or bid bond shall be deposited with the commissioner as  
20 a guaranty and forfeited to the state treasurer to the credit of the state road fund in the event the  
21 successful bidder fails to comply with the terms of the proposal, and return to the successful  
22 bidder on execution and delivery of the performance bond provided for in subsection 4. The  
23 checks of the unsuccessful bidders shall be returned to them in accordance with the terms of the  
24 proposal.

25         3. All notices of the letting of contracts under this section shall state the time and place  
26 when and where bids will be received and opened, and all bids shall be sealed and opened only  
27 at the time and place mentioned in such notice and in the presence of some member of the  
28 commission or some person named by the commission for such purpose.

29         4. The successful bidders for the construction of said work shall enter into contracts  
30 furnished and prescribed by the commission and shall give good and sufficient bond, in a sum  
31 equal to the contract price, to the state of Missouri, with sureties approved by the commission  
32 and to ensure the proper and prompt completion of said work in accordance with the provisions  
33 of said contracts, and plans and specifications; provided, that if, in the opinion of the majority  
34 of the members of the commission, the lowest bid or bids for the construction of any of the  
35 roads, or parts of roads, herein authorized to be constructed, shall be excessive, then, and in that  
36 event, said commission shall have the right, and it is hereby empowered and authorized to reject  
37 any or all bids, and to construct, under its own direction and supervision, all of such roads and  
38 bridges, or any part thereof.

✓