

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 752**  
**102ND GENERAL ASSEMBLY**

1494H.10C

DANA RADEMAN MILLER, Chief Clerk

---

**AN ACT**

To repeal sections 8.250, 8.679, 8.690, 34.042, and 140.170, RSMo, and to enact in lieu thereof five new sections relating to publication of certain notices.

---

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

Section A. Sections 8.250, 8.679, 8.690, 34.042, and 140.170, RSMo, are repealed  
2 and five new sections enacted in lieu thereof, to be known as sections 8.250, 8.679, 8.690,  
3 34.042, and 140.170, to read as follows:

8.250. 1. "Project" for the purposes of this chapter means the labor or material  
2 necessary for the construction, renovation, or repair of improvements to real property so that  
3 the work, when complete, shall be ready for service for its intended purpose and shall require  
4 no other work to be a completed system or component.

5 2. All contracts for projects, the cost of which exceeds twenty-five thousand dollars,  
6 entered into by any city containing five hundred thousand inhabitants or more shall be let to  
7 the lowest, responsive, responsible bidder or bidders after publication of an advertisement for  
8 a period of ten days or more in a newspaper in the county where the work is located, in two  
9 daily newspapers in the state which do not have less than fifty thousand daily circulation, and  
10 on the website of the city or through an electronic procurement system.

11 3. All contracts for projects, the cost of which exceeds one hundred thousand dollars,  
12 entered into by an officer or agency of this state shall be let to the lowest, responsive,  
13 responsible bidder or bidders based on preestablished criteria after publication of an  
14 advertisement ~~[for a period of ten days or more in a newspaper in the county where the work~~  
15 ~~is located, in one daily newspaper in the state which does not have less than fifty thousand~~  
16 ~~daily circulation, and on the website of the officer or agency or through an electronic~~  
17 ~~procurement system]~~ **in a newspaper in the county where the work is located 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 **advertising the invitation for bid through an electronic medium available to the general**  
19 **public for a period of at least five days before bids are to be opened.** For all contracts for  
20 projects between twenty-five thousand dollars and one hundred thousand dollars, a minimum  
21 of three contractors shall be solicited with the award being made to the lowest responsive,  
22 responsible bidder based on preestablished criteria.

23 4. The number of such public bids shall not be restricted or curtailed, but shall be  
24 open to all persons complying with the terms upon which the bids are requested or solicited  
25 unless debarred for cause. No contract shall be awarded when the amount appropriated for  
26 same is not sufficient to complete the work ready for service.

27 5. Dividing a project into component labor or material allocations for the purpose of  
28 avoiding bidding or advertising provisions required by this section is specifically prohibited.

8.679. When, in the discretion of the public owner, it is determined that a public  
2 works project should be performed with a negotiated contract for construction management  
3 services, such public owner shall advertise and solicit proposals from qualified construction  
4 managers in the following manner: ~~[If the total cost for the erection or construction of any~~  
5 ~~building or structure or the improvement, alteration or repair of a building or structure~~  
6 ~~exceeds five hundred thousand dollars, the public owner shall request and solicit proposals by~~  
7 ~~advertising for ten days in one newspaper of general circulation in the county where the work~~  
8 ~~is located. If the cost of the work contemplated exceeds one million five hundred thousand~~  
9 ~~dollars, proposals shall be solicited by advertisement for ten days in two daily newspapers in~~  
10 ~~the state which have not less than fifty thousand daily circulation in addition to the~~  
11 ~~advertisement]~~ **by advertising in a newspaper** in the county where the work is located **and**  
12 **by advertising the request for proposals through an electronic medium available to the**  
13 **general public for a period of at least five days before proposals are to be opened.** The  
14 number of such proposals shall not be restricted or curtailed, but shall be open to all  
15 construction managers complying with the terms upon which the proposals are requested.

8.690. 1. The office of administration shall have the authority to utilize:

2 (1) The construction manager-at-risk delivery method, as provided for in section  
3 67.5050; and

4 (2) The design-build delivery method, as provided for in section 67.5060, only as  
5 follows:

6 (a) For noncivil works projects, as that term is used in section 67.5060, in excess of  
7 seven million dollars; and

8 (b) No more than five noncivil works projects, as that term is used in section 67.5060,  
9 may be contracted for in any fiscal year that are less than seven million dollars.

10 2. The office of administration shall not be subject to subsection 15 of section  
11 67.5050 and subsection 22 of section 67.5060 in executing contracts pursuant to this section.

12           3. The office of administration shall not be subject to subsection 4 of section 67.5060  
13 **or the provisions of subsection 3 of section 67.5050 that require disclosure at a public**  
14 **meeting.** The office of administration shall [~~publish its advertisement for proposals in the~~  
15 ~~publications, and on the website of the officer or agency or through an electronic~~  
16 ~~procurement system]~~ **advertise its intent to solicit qualifications or proposals, as**  
17 **applicable, for a design-builder or construction manager-at-risk** as set forth in subsection  
18 3 of section 8.250. The selection and award shall follow sections 67.5050 and 67.5060, as  
19 applicable.

          34.042. 1. When the commissioner of administration determines that the use of  
2 competitive bidding is either not practicable or not advantageous to the state, supplies may be  
3 procured by competitive proposals. The commissioner shall state the reasons for such  
4 determination, and a report containing those reasons shall be maintained with the vouchers or  
5 files pertaining to such purchases. All purchases in excess of ten thousand dollars to be made  
6 under this section shall be based on competitive proposals.

7           2. On any purchase where the estimated expenditure shall be one hundred thousand  
8 dollars or over, the commissioner of administration shall:

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

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

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

19

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

24           3. The contract shall be let to the lowest and best offeror as determined by the  
25 evaluation criteria established in the request for proposal and any subsequent negotiations  
26 conducted pursuant to this subsection. In determining the lowest and best offeror, as provided  
27 in the request for proposals and under rules promulgated by the commissioner of  
28 administration, negotiations may be conducted with responsible offerors who submit  
29 proposals selected by the commissioner of administration on the basis of reasonable criteria

30 for the purpose of clarifying and assuring full understanding of and responsiveness to the  
31 solicitation requirements. Those offerors shall be accorded fair and equal treatment with  
32 respect to any opportunity for negotiation and subsequent revision of proposals; however, a  
33 request for proposal may set forth the manner for determining which offerors are eligible for  
34 negotiation, including, but not limited to, the use of shortlisting. Revisions may be permitted  
35 after submission and before award for the purpose of obtaining best and final offers. In  
36 conducting negotiations there shall be no disclosure of any information derived from  
37 proposals submitted by competing offerors. The commissioner of administration shall have  
38 the right to reject any or all proposals and advertise for new proposals or purchase the  
39 required supplies on the open market if they can be so purchased at a better price.

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

43 **5. If identified in the solicitation, the commissioner may award a contract to the**  
44 **lowest and best responsive vendors as determined by the evaluation criteria set out in**  
45 **the solicitation while reserving certain contract provisions for negotiation after the**  
46 **notice of award. The reserved contract provisions for post-award negotiation shall not**  
47 **be provisions that were part of the evaluation criteria and scoring or provisions that**  
48 **impacted such criteria or scoring. The timeframe for such post-award negotiations shall**  
49 **be set out in the solicitation itself and if such negotiations fail, the commissioner may**  
50 **cancel the award and award the contract to the next lowest and best vendor. If satisfied**  
51 **with the lowest and best responsive vendor's proposal, the commissioner may waive**  
52 **post-award negotiations.**

140.170. 1. Except for lands described in subsection 7 of this section, the county  
2 collector shall cause a copy of the list of delinquent lands and lots to be printed in some  
3 newspaper of general circulation published in the county [~~for three consecutive weeks, one~~  
4 ~~insertion weekly,~~] **once during the third calendar week** before the sale [~~the last insertion to~~  
5 ~~be at least fifteen days prior to the fourth Monday in August~~]. **Thereafter, the list of**  
6 **delinquent land and lots shall be posted in the courthouse and posted on the county's**  
7 **public website if the county has a public website. In counties without a newspaper of**  
8 **general circulation, the county collector shall post a copy of the list of delinquent lands**  
9 **and lots on the county website or in the county courthouse in an area viewable by the**  
10 **public for three consecutive weeks before the sale.**

11 2. In addition to the names of all record owners or the names of all owners appearing  
12 on the land tax book it is only necessary in the printed and published list to state in the  
13 aggregate the amount of taxes, penalty, interest and cost due thereon, each year separately  
14 stated.

15           3. To the list shall be attached and in like manner printed and published a notice of  
16 said lands and lots stating that said land and lots will be sold at public auction to discharge the  
17 taxes, penalty, interest, and costs due thereon at the time of sale in or adjacent to the  
18 courthouse of such county, on the fourth Monday in August next thereafter, commencing at  
19 ten o'clock of said day and continuing from day to day thereafter until all are offered. Such  
20 auction may also be conducted by electronic media, including the internet, at the same time  
21 and at the discretion of the county collector.

22           4. The county collector, on or before the day of sale, shall insert at the foot of the list  
23 on his or her record a copy of the notice and certify on his or her record immediately  
24 following the notice the name of the newspaper [~~of the county~~] in which the notice was  
25 printed and published and the [~~dates~~] **date** of [~~insertions thereof in the newspaper~~] **such**  
26 **published notice.**

27           5. The expense of such printing shall be paid out of the county treasury and shall not  
28 exceed the rate provided for in chapter 493, relating to legal publications, notices and  
29 advertisements, and the cost of printing at the rate paid by the county shall be taxed as part of  
30 the costs of the sale of any land or lot contained in the list.

31           6. The county collector shall cause the affidavit of the printer, editor or publisher of  
32 the newspaper in which the list of delinquent lands and notice of sale was published, as  
33 provided by section 493.060, with the list and notice attached, to be recorded in the office of  
34 the recorder of deeds of the county, and the recorder shall not charge or receive any fees for  
35 recording the same.

36           7. The county collector may have a separate list of such lands, without legal  
37 descriptions or the names of the record owners, printed in a newspaper of general circulation  
38 published in such county for three consecutive weeks before the sale of such lands for a parcel  
39 or lot of land that:

40           (1) Has an assessed value of one thousand five hundred dollars or less and has been  
41 advertised previously; or

42           (2) Is a lot in a development of twenty or more lots and such lot has an assessed value  
43 of one thousand five hundred dollars or less.

44

45 The notice shall state that legal descriptions and the names of the record owners of such lands  
46 shall be posted at any county courthouse within the county and the office of the county  
47 collector.

48           8. If, in the opinion of the county collector, an adequate legal description of the  
49 delinquent land and lots cannot be obtained through researching the documents available  
50 through the recorder of deeds, the collector may commission a professional land surveyor to  
51 prepare an adequate legal description of the delinquent land and lots in question. The costs of

52 any commissioned land survey deemed necessary by the county collector shall be taxed as  
53 part of the costs of the sale of any land or lots contained in the list prepared under this section.

✓