

SECOND REGULAR SESSION

HOUSE BILL NO. 2645

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

6709H.011

D. ADAM CRUMBLISS, 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Section A. Section 227.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 227.100, to read as follows: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 commission, if practical, shall consider the complete life-cycle cost of the work including, but not limited to, factors such as initial cost, energy consumption, energy cost, warranties, product performance, expected maintenance costs, resale value, and ultimate and safe disposition costs. It shall be incumbent upon the bidder to demonstrate the life-cycle costs of work for which a bid is offered.**

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 insurance, financial institutions and professional registration to conduct surety business in the state of Missouri, equal to five percent of the bid, which certified check, cashier's check, or bid bond shall be deposited with the commissioner as a guaranty and forfeited to the state treasurer to the credit of the state road fund in the event the successful bidder fails to comply with the terms of the proposal, and return to the successful bidder on execution and delivery of the performance

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.

17 bond provided for in subsection 4. The checks of the unsuccessful bidders shall be returned to
18 them in accordance with the terms of the proposal.

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

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

✓