

FIRST REGULAR SESSION

SENATE BILL NO. 104

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

0980S.01I

ADRIANE D. CROUSE, Secretary

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Section A. Section 227.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 227.100, to read as follows: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

19 **The design of hot mix asphalt and portland cement concrete**
20 **pavement methods and life-cycle cost analysis shall be**
21 **conducted in accordance with the department of**
22 **transportation's currently established practices and**
23 **policies.**

24 2. Each bid shall be accompanied by a certified check
25 or a cashier's check or a bid bond, guaranteed by a surety
26 company authorized by the director of the department of
27 commerce and insurance to conduct surety business in the
28 state of Missouri, equal to five percent of the bid, which
29 certified check, cashier's check, or bid bond shall be
30 deposited with the commissioner as a guaranty and forfeited
31 to the state treasurer to the credit of the state road fund
32 in the event the successful bidder fails to comply with the
33 terms of the proposal, and return to the successful bidder
34 on execution and delivery of the performance bond provided
35 for in subsection 4. The checks of the unsuccessful bidders
36 shall be returned to them in accordance with the terms of
37 the proposal.

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

44 4. The successful bidders for the construction of said
45 work shall enter into contracts furnished and prescribed by
46 the commission and shall give good and sufficient bond, in a
47 sum equal to the contract price, to the state of Missouri,
48 with sureties approved by the commission and to ensure the
49 proper and prompt completion of said work in accordance with
50 the provisions of said contracts, and plans and

51 specifications; provided, that if, in the opinion of the
52 majority of the members of the commission, the lowest bid or
53 bids for the construction of any of the roads, or parts of
54 roads, herein authorized to be constructed, shall be
55 excessive, then, and in that event, said commission shall
56 have the right, and it is hereby empowered and authorized to
57 reject any or all bids, and to construct, under its own
58 direction and supervision, all of such roads and bridges, or
59 any part thereof.

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