

FIRST REGULAR SESSION

# SENATE BILL NO. 158

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

Pre-filed December 5, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0615S.01I

## 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Section A. Section 227.100, RSMo, is repealed and one new section  
2 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  
2 the lowest responsible bidder or bidders after notice and publication of an  
3 advertisement in a newspaper published in the county where the work is to be  
4 done, and in such other publications as the commission may determine. **In  
5 determining the lowest responsible bidder or bidders, the department  
6 of transportation shall consider the complete life-cycle cost of the work,  
7 including but not limited to factors such as initial cost and all  
8 anticipated costs for subsequent maintenance, repair, or resurfacing  
9 over the life of the work. The department of transportation shall  
10 develop and implement a life-cycle cost analysis for any project for  
11 which the estimated total pavement costs exceed one million dollars  
12 funded in whole or in part with state funds. The department of  
13 transportation shall design each such project in both hot mix asphalt  
14 and portland cement concrete pavement, and shall award paving  
15 projects utilizing the material having the lowest life-cycle cost. The  
16 design of hot mix asphalt and portland cement concrete pavement  
17 methods and life-cycle cost analysis shall be conducted in accordance  
18 with the department of transportation's currently established practices  
19 and policies.**

20 2. Each bid shall be accompanied by a certified check or a cashier's check

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

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

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

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