

FIRST REGULAR SESSION

# HOUSE BILL NO. 846

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WIELAND (Sponsor), CASEY, FALLERT, HARRIS,  
McCAHERTY, CURTMAN AND KOENIG (Co-sponsors).

1354L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to neighborhood improvement districts.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.460, to read as follows:

**67.460. 1. Notwithstanding any provision of this chapter to the contrary, as an alternative to the requirements and procedures specified by sections 67.453 to 67.475, the governing body of any city or county is authorized to enter into design-build project contracts for neighborhood improvement districts.**

**2. For the purpose of this section, the following terms mean:**

**(1) "Design-builder", an individual, corporation, partnership, joint venture, or other entity, including combinations of such entities making a proposal to perform or performing a design-build project contract for neighborhood improvement districts;**

**(2) "Design-build project contract", the procurement of all materials and services necessary for the design, construction, reconstruction, or improvement of a neighborhood improvement district in a single contract with a design-builder capable of providing the necessary materials and services.**

**3. In using a design-build project contract for neighborhood improvement districts, the governing body of any city or county shall establish a written procedure by rule for prequalifying design-builders before such design-builders will be allowed to make a proposal on the project.**

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           **4. The governing body of any city or county may require approval of any person**  
18 **performing subcontract work on the design-build project.**

19           **5. Notwithstanding the provisions of section 107.170, to the contrary, the governing**  
20 **body of any city or county shall require the design-builder to provide to the governing**  
21 **body of any city or county directly such bid, performance, and payment bonds, or such**  
22 **letters of credit, in such terms, durations, amounts, and on such forms as the governing**  
23 **body may determine to be adequate for its protection and provided by a surety or sureties**  
24 **authorized to conduct surety business in the state of Missouri or a federally insured**  
25 **financial institution or institutions, satisfactory to the governing body, including but not**  
26 **limited to:**

27           **(1) A bid or proposal bond, cash, or a certified or cashier's check;**

28           **(2) A performance bond or bonds for the construction period specified in the**  
29 **design-build project contract equal to a reasonable estimate of the total cost of construction**  
30 **work under the terms of the design-build project contract;**

31           **(3) A payment bond or bonds that shall be enforceable under section 522.300 for**  
32 **the protection of persons supplying labor and material in carrying out the construction**  
33 **work provided for in the design-build project contract. The aggregate amount of the**  
34 **payment bond or bonds shall equal a reasonable estimate of the total amount payable for**  
35 **the cost of construction work under the terms of the design-build project contract unless**  
36 **the governing body of any city or county determines in writing supported by specific**  
37 **findings that a payment bond or bonds in such amount is impractical, in which case the**  
38 **governing body shall establish the amount of the payment bond or bonds; except that the**  
39 **amount of the payment bond or bonds shall not be less than the aggregate amount of the**  
40 **performance bond or bonds and any additional security to such performance bond or**  
41 **bonds; and**

42           **(4) Upon award of the design-build project contract, the sum of the performance**  
43 **bond and any required additional security established under subdivisions (2) and (3) of this**  
44 **subsection shall be stated, and shall be a matter of public record.**

45           **6. The governing body of any city or county is authorized to prescribe the form of**  
46 **the contracts for the work.**

47           **7. The governing body of any city or county is empowered to make all final**  
48 **decisions concerning the performance of the work under the design-build project contract,**  
49 **including claims for additional time and compensation.**