

FIRST REGULAR SESSION

HOUSE BILL NO. 484

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LAUER (Sponsor), CROSS,
GRISAMORE AND BROWN (Co-sponsors).

1210H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 34, RSMo, by adding thereto one new section relating to the Missourians with Disabilities Jobs Act of 2013.

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

Section A. Chapter 34, RSMo, is amended by adding thereto one new section, to be
2 known as section 34.470, to read as follows:

34.470. 1. As used in this section, the following terms shall mean:

2 **(1) "Direct labor", all work performed to fulfill a contract under the provisions of**
3 **this section, excluding supervision and administration;**

4 **(2) "Qualifying disability", a significant mental or physical impairment, including**
5 **blindness, that impedes a person who is seeking, entering, or maintaining gainful**
6 **employment. Such significant disability shall be certified by the division of vocational**
7 **rehabilitation within the department of elementary and secondary education; the Social**
8 **Security Administration Title 42, Section 423 of the United States Code; the Social Security**
9 **Administration Title 42, Section 416(i)(1)(B) of the United States Code; or a person eligible**
10 **for services from the division of developmental disabilities of the department of mental**
11 **health;**

12 **(3) "Qualifying vendor":**

13 **(a) A person with a qualifying disability;**

14 **(b) A business or entity, whether for profit or nonprofit, that employs individuals**
15 **with a qualifying disability, provided such individuals perform at least seventy-five percent**
16 **of the direct labor hours required to fulfill a state contract for goods or services; or**

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 (c) Any nonprofit agency serving people with significant disabilities that meets the
18 eligibility criteria to participate in the federal AbilityOne program, or its successor
19 program, as described in 41 U.S.C. Section 46-48c.

20 2. The broad purpose of this legislation is to provide persons with a qualifying
21 disability access to job opportunities in the private sector competitive job market and
22 additional job opportunities for individuals who choose facility-based employment in their
23 community. Notwithstanding any other provision of this chapter to the contrary, the
24 division of purchasing within the office of administration shall set a goal of procuring at
25 least three percent of goods and services from qualifying vendors. The division shall
26 develop and maintain a list of goods and services that are available from qualifying
27 vendors and which such division determines are suitable for procurement from qualifying
28 vendors by departments of the state, approve prices for goods and services identified under
29 this section, review bids received by qualifying vendors, and award and renew contracts
30 for the purchase of goods and services under this section without competitive bidding. Such
31 procurement list, and revision thereof, shall be submitted to the board for approval and,
32 upon approval, be distributed to all purchasing officers of the state, its departments and
33 all political subdivisions. All products or services offered for purchase to a state
34 department or a political subdivision by a qualifying vendor shall have significant value
35 added by blind or significantly disabled persons as determined by the office of
36 administration. Suspected violations of the eligibility criteria for a qualifying vendor may
37 be reported to and shall be investigated by the state auditor.

38 3. Individuals with a qualifying disability shall be paid at least minimum wage for
39 direct labor hours performed in fulfillment of any contract awarded under the provisions
40 of this section.

41 4. The amount of goods and services that may be purchased in accordance with this
42 section shall not exceed twenty-five million dollars.

43 5. It shall be the duty of the office of administration to determine the fair market
44 price of all products and services offered for sale to the various departments of the state
45 by qualifying vendors. The fair market price shall be competitive with the cost of
46 procuring the goods or services from another source; shall, at a minimum, recover for the
47 qualifying vendor the cost of raw materials, labor, overhead, and delivery; and shall be
48 revised from time to time in accordance with changing cost factors. The office of
49 administration may make such rules and regulations necessary to carry out the purposes
50 of this section including specifications, time of delivery, assignment of products and
51 services to be supplied by qualifying vendors, and other relevant matters of procedure.
52 After a contract has been awarded, all state departments as defined in section 34.010 shall

53 purchase the products and services on the procurement list as determined by the office of
54 administration in accordance with this section. The office of administration may authorize
55 the purchase of products and services from other sources when requisitions cannot
56 reasonably be fulfilled by a qualifying vendor.

57 **6. In assessing the suitability of any potential addition to the procurement list, the**
58 **office of administration shall consider the interest of small businesses and businesses**
59 **owned by disadvantaged persons by determining whether the addition would have a severe**
60 **adverse impact on the current contractor for the commodity or service. Generally, an**
61 **impact up to fifteen percent of the total revenue of the contractor would not be deemed**
62 **severe. However, in deciding whether a proposed addition to the procurement list would**
63 **have a severe adverse impact on the current contractor, the office of administration shall**
64 **consider:**

65 **(1) Financial and employment information provided by the current contractor**
66 **regarding the impact on the contractor's sales;**

67 **(2) Whether the contractor has been a consistent supplier of the commodity or**
68 **service and, therefore, more dependent on such sales; and**

69 **(3) Any other factor the office of administration deems relevant.**

70 **7. Except as otherwise provided in this section, all departments shall purchase goods**
71 **and services produced by a qualifying vendor if:**

72 **(1) The goods or services offered for sale by a qualifying vendor reasonably conform**
73 **to the needs and specifications of the department; and**

74 **(2) The qualifying vendor can supply the goods or services within a reasonable time.**

75 **8. In furtherance of this act, the Governor may elect to appoint a committee of no**
76 **fewer than five senior state agency procurement officials, at least one representative of a**
77 **qualified nonprofit agency for the blind, and one representative of a qualified nonprofit**
78 **agency for the significantly disabled, and one private citizen to collaborate to further the**
79 **Act. Such committee will be unpaid, not require appropriation, and would serve in an**
80 **advisory capacity only.**

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