

SECOND REGULAR SESSION

HOUSE BILL NO. 2416

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON.

6145H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to contracts executed by counties.

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

Section A. Sections 50.660 and 50.783, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 50.660 and 50.783, to read as follows:

2 50.660. ~~[+]~~ All contracts shall be executed in the name of the county, or in the name of
2 a township in a county with a township form of government, by the head of the department or
3 officer concerned, except contracts for the purchase of supplies, materials, equipment or services
4 other than personal made by the officer in charge of purchasing in any county or township having
5 the officer. No contract or order imposing any financial obligation on the county or township
6 is binding on the county or township unless it is in writing and unless there is a balance
7 otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash
8 balance otherwise unencumbered in the treasury to the credit of the fund from which payment
9 is to be made, each sufficient to meet the obligation incurred and unless the contract or order
10 bears the certification of the accounting officer so stating; except that in case of any contract for
11 public works or buildings to be paid for from bond funds or from taxes levied for the purpose
12 it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized
13 by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be
14 sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a
15 sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let
16 to the lowest and best bidder after due opportunity for competition, including advertising the
17 proposed letting in a newspaper in the county or township with a circulation of at least five

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.

18 hundred copies per issue, if there is one~~], except that the advertising is not required in case of~~
19 ~~contracts or purchases involving an expenditure of less than six thousand dollars].~~ It is not
20 necessary to obtain bids on any purchase in the amount of ~~[four]~~ **six** thousand ~~[five hundred]~~
21 dollars or less made from any one person, firm, or corporation during any period of ninety days
22 ~~[or, if the county is any county of the first classification with more than one hundred fifty~~
23 ~~thousand but fewer than two hundred thousand inhabitants or any county of the first~~
24 ~~classification with more than two hundred sixty thousand but fewer than three hundred thousand~~
25 ~~inhabitants, it is not necessary to obtain bids on such purchases in the amount of six thousand~~
26 ~~dollars or less].~~ All bids for any contract or purchase may be rejected and new bids advertised
27 for. Contracts which provide that the person contracting with the county or township shall,
28 during the term of the contract, furnish to the county or township at the price therein specified
29 the supplies, materials, equipment or services other than personal therein described, in the
30 quantities required, and from time to time as ordered by the officer in charge of purchasing
31 during the term of the contract, need not bear the certification of the accounting officer, as herein
32 provided; but all orders for supplies, materials, equipment or services other than personal shall
33 bear the certification. In case of such contract, no financial obligation accrues against the county
34 or township until the supplies, materials, equipment or services other than personal are so
35 ordered and the certificate furnished.

36 ~~[2. Notwithstanding the provisions of subsection 1 of this section to the contrary,~~
37 ~~advertising shall not be required in any county in the case of contracts or purchases involving an~~
38 ~~expenditure of less than six thousand dollars.]~~

50.783. 1. The county commission may waive the requirement of competitive bids or
2 proposals for supplies when the commission has determined in writing and entered into the
3 commission minutes that there is only a single feasible source for the supplies. Immediately
4 upon discovering that other feasible sources exist, the commission shall rescind the waiver and
5 proceed to procure the supplies through the competitive processes as described in this chapter.
6 A single feasible source exists when:

7 (1) Supplies are proprietary and only available from the manufacturer or a single
8 distributor; or

9 (2) Based on past procurement experience, it is determined that only one distributor
10 services the region in which the supplies are needed; or

11 (3) Supplies are available at a discount from a single distributor for a limited period of
12 time.

13 2. On any single feasible source purchase where the estimated expenditure is ~~[three~~
14 ~~thousand dollars or]~~ **six thousand dollars**, the commission shall post notice of the proposed
15 purchase~~]. Where the estimated expenditure is five thousand dollars or over, The commission~~

16 ~~shall also~~ **and** advertise the commission's intent to make such purchase in at least one daily and
17 one weekly newspaper of general circulation in such places as are most likely to reach
18 prospective bidders or offerors and may provide such information through an electronic medium
19 available to the general public at least ten days before the contract is to be let.

20 3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible
21 service purchase by any county of the first classification with more than one hundred fifty
22 thousand but fewer than two hundred thousand inhabitants or any county of the first
23 classification with more than two hundred sixty thousand but fewer than three hundred thousand
24 inhabitants where the estimated expenditure is **over** six thousand dollars [~~or over~~], the
25 commission shall post notice of the proposed purchase and advertise the commission's intent to
26 make such purchase in at least one daily and one weekly newspaper of general circulation in such
27 places as are most likely to reach prospective bidders or offerors and may provide such
28 information through an electronic medium available to the general public at least ten days before
29 the contract is to be let.

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