

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 206, Page 4, Section 8.231, Line 91, by
2 inserting after all of said section and line the following:

3
4 "33.150. The original of all accounts, or an exact digital facsimile of the original, vouchers
5 and documents approved or to be approved by the commissioner of administration shall be
6 preserved in his office; and copies thereof shall be given without charge to any person, county, city,
7 town, township and school or special road district interested therein, that may require the same for
8 the purpose of being used as evidence in the trial of the cause, and like copies shall be furnished to
9 any corporation or association requiring the same, under tender of the fees allowed by law;
10 provided, that the commissioner of administration may destroy or dispose in the manner provided by
11 law of all paid accounts, vouchers and duplicate receipts of the state treasurer and other documents
12 which may have been on file in the office of the commissioner of administration or his predecessor
13 as custodian of such documents for a period of five years or longer, except such documents as may
14 at the time be the subject of litigation or dispute.

15 34.040. 1. All purchases in excess of ~~three~~ ten thousand dollars shall be based on
16 competitive bids, except as otherwise provided in this chapter.

17 2. On any purchase where the estimated expenditure shall be ~~twenty-five~~ one hundred
18 thousand dollars or over, except as provided in subsection 6 of this section, the commissioner of
19 administration shall:

20 (1) Advertise for bids in at least two daily newspapers of general circulation in such places
21 as are most likely to reach prospective bidders and may advertise in at least two weekly minority
22 newspapers and may provide such information through an electronic medium available to the
23 general public at least five days before bids for such purchases are to be opened. Other methods of
24 advertisement, which may include minority business purchase councils, however, may be adopted
25 by the commissioner of administration when such other methods are deemed more advantageous for
26 the supplies to be purchased;

27 (2) Post a notice of the proposed purchase in his or her office; and

28 (3) Solicit bids by mail or other reasonable method generally available to the public from
29 prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the
30 commissioner of administration so as to reach such office before the time set for opening bids.

31 3. The contract shall be let to the lowest and best bidder. The commissioner of
32 administration shall have the right to reject any or all bids and advertise for new bids, or purchase
33 the required supplies on the open market if they can be so purchased at a better price. When bids
34 received pursuant to this section are unreasonable or unacceptable as to terms and conditions,
35 noncompetitive, or the low bid exceeds available funds and it is determined in writing by the
36 commissioner of administration that time or other circumstances will not permit the delay required

Action Taken _____ Date _____

1 to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that
2 each responsible bidder who submitted such bid under the original solicitation is notified of the
3 determination and is given a reasonable opportunity to modify their bid and submit a best and final
4 bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds
5 available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible
6 bidder under the original solicitation.

7 4. The director of the department of revenue shall follow bidding procedures as contained in
8 this chapter and may promulgate rules necessary to establish such procedures. No points shall be
9 awarded on a request for proposal for a contract license office to a bidder for a return-to-the-state
10 provision offer.

11 5. All bids shall be based on standard specifications wherever such specifications have been
12 approved by the commissioner of administration. The commissioner of administration shall make
13 rules governing the delivery, inspection, storage and distribution of all supplies so purchased and
14 governing the manner in which all claims for supplies delivered shall be submitted, examined,
15 approved and paid. The commissioner shall determine the amount of bond or deposit and the
16 character thereof which shall accompany bids or contracts.

17 6. The department of natural resources may, without the approval of the commissioner of
18 administration required pursuant to this section, enter into contracts of up to five hundred thousand
19 dollars to abate illegal waste tire sites pursuant to section 260.276 when the director of the
20 department determines that urgent action is needed to protect public health, safety, natural resources
21 or the environment. The department shall follow bidding procedures pursuant to this section and
22 may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that
23 term is defined in section 536.010, that is created under the authority delegated in this section shall
24 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
25 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers
26 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to
27 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
28 authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

29 7. The commissioner of administration and other agencies to which the state purchasing law
30 applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the
31 vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or
32 consumption in this state but fails to collect and properly pay the tax as provided in chapter 144.
33 For the purposes of this section, "affiliate of the vendor" shall mean any person or entity that is
34 controlled by or is under common control with the vendor, whether through stock ownership or
35 otherwise.

36 8. The commissioner of administration shall be authorized to hold reverse auctions to
37 procure merchandise, supplies, raw materials, or finished goods if price is the primary factor in
38 evaluating bids. The office of administration shall promulgate rules regarding the handling of the
39 reverse auction process.

40 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
41 under the authority delegated in this section shall become effective only if it complies with and is
42 subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and
43 chapter 536 are nonseverable and if any of the powers vested with the general assembly under
44 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
45 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
46 August 28, 2019, shall be invalid and void.

47 34.042. 1. When the commissioner of administration determines that the use of competitive
48 bidding is either not practicable or not advantageous to the state, supplies may be procured by
49 competitive proposals. The commissioner shall state the reasons for such determination, and a

1 report containing those reasons shall be maintained with the vouchers or files pertaining to such
 2 purchases. All purchases in excess of [~~five~~] ten thousand dollars to be made under this section shall
 3 be based on competitive proposals.

4 2. On any purchase where the estimated expenditure shall be [~~twenty-five~~] one hundred
 5 thousand dollars or over, the commissioner of administration shall:

6 (1) Advertise for proposals in at least two daily newspapers of general circulation in such
 7 places as are most likely to reach prospective offerors and may advertise in at least two weekly
 8 minority newspapers and may provide such information through an electronic medium available to
 9 the general public at least five days before proposals for such purchases are to be opened. Other
 10 methods of advertisement, however, may be adopted by the commissioner of administration when
 11 such other methods are deemed more advantageous for the supplies to be purchased;

12 (2) Post notice of the proposed purchase; and

13 (3) Solicit proposals by mail or other reasonable method generally available to the public
 14 from prospective offerors.

15
 16 All proposals for such supplies shall be mailed or delivered to the office of the commissioner of
 17 administration so as to reach such office before the time set for opening proposals. Proposals shall
 18 be opened in a manner to avoid disclosure of contents to competing offerors during the process of
 19 negotiation.

20 3. The contract shall be let to the lowest and best offeror as determined by the evaluation
 21 criteria established in the request for proposal and any subsequent negotiations conducted pursuant
 22 to this subsection. In determining the lowest and best offeror, as provided in the request for
 23 proposals and under rules promulgated by the commissioner of administration, negotiations may be
 24 conducted with responsible offerors who submit proposals selected by the commissioner of
 25 administration on the basis of reasonable criteria for the purpose of clarifying and assuring full
 26 understanding of and responsiveness to the solicitation requirements. Those offerors shall be
 27 accorded fair and equal treatment with respect to any opportunity for negotiation and subsequent
 28 revision of proposals; however, a request for proposal may set forth the manner for determining
 29 which offerors are eligible for negotiation, including, but not limited to, the use of shortlisting.
 30 Revisions may be permitted after submission and before award for the purpose of obtaining best and
 31 final offers. In conducting negotiations there shall be no disclosure of any information derived from
 32 proposals submitted by competing offerors. The commissioner of administration shall have the right
 33 to reject any or all proposals and advertise for new proposals or purchase the required supplies on
 34 the open market if they can be so purchased at a better price.

35 4. The commissioner shall make available, upon request, to any members of the general
 36 assembly, information pertaining to competitive proposals, including the names of bidders and the
 37 amount of each bidder's offering for each contract.

38 34.044. 1. The commissioner of administration may waive the requirement of competitive
 39 bids or proposals for supplies when the commissioner has determined in writing that there is only a
 40 single feasible source for the supplies. Immediately upon discovering that other feasible sources
 41 exist, the commissioner shall rescind the waiver and proceed to procure the supplies through the
 42 competitive processes as described in this chapter. A single feasible source exists when:

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

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

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

48 2. On any single feasible source purchase where the estimated expenditure shall be [~~five~~] ten
 49 thousand dollars or over, the commissioner of administration shall post notice of the proposed

purchase. Where the estimated expenditure is ~~[twenty-five]~~ one hundred thousand dollars or over, the commissioner of administration shall also advertise the commissioner's intent to make such purchase in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least five days before the contract is to be let. Other methods of advertisement, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased. The requirement for advertising may be waived, if not feasible, due to the supplies being available at a discount for only a limited period of time.

34.047. Notwithstanding any provision in section 34.040, section 34.100, or any other law to the contrary, departments shall have the authority to purchase products and services related to information technology when the estimated expenditure of such purchase shall not exceed ~~[seventy-five]~~ one hundred fifty thousand dollars, the length of any contract or agreement does not exceed twelve months, the department complies with the informal methods of procurement established in section 34.040, and 1 CSR 40-1.050(1) for expenditures of less than ~~[twenty-five]~~ one hundred thousand dollars, and the department posts notice of such proposed purchase on the online bidding/vendor registration system maintained by the office of administration. For the purposes of this section, "information technology" shall mean any computer or electronic information equipment or interconnected system that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of information, including audio, graphic, and text."; and

Further amend said bill, Page 12, Section 167.2015, Line 46, by inserting after said line a new section as follows:

"167.2018. 1. Except as otherwise provided in this section, if an agent of a public school or school board possesses any individually identifiable information about a child receiving instruction under subsection 2 of section 167.031, such information shall remain confidential, shall not be posted or published in any format or medium, and shall not be disclosed to any other person or entity without the written consent of:

(1) The child, if the child is eighteen years of age or older; or

(2) The parent, guardian, or other person having charge, control, or custody of the child, if the child is under eighteen years of age.

2. Except as otherwise provided in this section, if an agent of a public school or school board possesses any individually identifiable information about the parent, guardian, or other person having charge, control, or custody of a child receiving instruction under subsection 2 of section 167.031, such information shall remain confidential, shall not be posted or published in any format or medium, and shall not be disclosed to any other person or entity without the written consent of the parent, guardian, or other person having charge, control, or custody of the child.

3. Notwithstanding subsections 1 and 2 of this section, any individually identifiable information about a child receiving instruction under subsection 2 of section 167.031 or the parent, guardian, or other person having charge, control, or custody of such child:

(1) May be disclosed internally to another agent of a public school or school board for the sole purpose of enforcing subsection 2 of section 167.031;

(2) May be transmitted to the local prosecuting attorney if the agent has a reasonable suspicion of a violation of section 167.031; or

(3) May be disclosed for other purposes as authorized by law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.