

SECOND REGULAR SESSION

HOUSE BILL NO. 2192

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

4289H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 227.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 227.100, to read as follows: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

2. Each bid shall be accompanied by a certified check or a cashier's check or a bid bond, guaranteed by a surety company authorized by the director of the department of insurance,

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

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

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

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