

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 729
96TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, March 22, 2012, with recommendation that the Senate Committee Substitute do pass.

5641S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to county purchases.

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Section A. Sections 50.660 and 50.783, RSMo, are repealed and two new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

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

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

43 2. Notwithstanding the provisions of subsection 1 of this section to the
44 contrary, advertising shall not be required in any county in the case of contracts
45 or purchases involving an expenditure of less than six thousand dollars.

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

- 8 (1) Supplies are proprietary and only available from the manufacturer or
9 a single distributor; or
- 10 (2) Based on past procurement experience, it is determined that only one

11 distributor services the region in which the supplies are needed; or

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

14 2. On any single feasible source purchase where the estimated
15 expenditure is three thousand dollars or over, the commission shall post notice
16 of the proposed purchase. Where the estimated expenditure is five thousand
17 dollars or over, the commission shall also advertise the commission's intent to
18 make such purchase in at least one daily and one weekly newspaper of general
19 circulation in such places as are most likely to reach prospective bidders or
20 offerors and may provide such information through an electronic medium
21 available to the general public at least ten days before the contract is to be let.

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

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