

SECOND REGULAR SESSION

SENATE BILL NO. 729

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5641S.011

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Section A. Sections 50.660 and 50.783, RSMo, are repealed and two new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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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] **six** thousand [five hundred] dollars or less made from any one
25 person, firm or corporation during any period of ninety days. All bids for any
26 contract or purchase may be rejected and new bids advertised for. Contracts
27 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
29 therein specified the supplies, materials, equipment or services other than
30 personal therein described, in the quantities required, and from time to time as
31 ordered by the officer in charge of purchasing during the term of the contract,
32 need not bear the certification of the accounting officer, as herein provided; but
33 all orders for supplies, materials, equipment or services other than personal shall
34 bear the certification. In case of such contract, no financial obligation accrues
35 against the county or township until the supplies, materials, equipment or
36 services other than personal are so ordered and the certificate furnished.

37 2. Notwithstanding the provisions of subsection 1 of this section to the
38 contrary, advertising shall not be required in any county in the case of contracts
39 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] **six** thousand dollars or over, the commission shall post

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

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