

SECOND REGULAR SESSION

SENATE BILL NO. 736

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4945S.01I

AN ACT

To amend chapters 34 and 386, RSMo, by adding thereto two new sections relating to prohibiting the conditioning of eligibility for certain contracts on a bidder's experience modification factor.

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

Section A. Chapters 34 and 386, RSMo, are amended by adding thereto
2 two new sections, to be known as sections 34.041 and 386.205, to read as follows:

**34.041. 1. Neither the state nor any political subdivision thereof
2 shall:**

3 **(1) Condition a contract upon a requirement that a bidder have
4 a specified experience modification factor;**

5 **(2) Make an offer to contract conditioned upon bidder having a
6 specified experience modification factor;**

7 **(3) Issue an advertisement for bids on a contract containing a
8 requirement that the bidder have a specified experience modification
9 factor;**

10 **(4) Solicit bids for a contract conditioned upon a bidder having
11 a specified experience modification factor; or**

12 **(5) Weight any bidder for a contract favorably or unfavorably
13 based upon the bidder's experience modification factor.**

14 **2. For purposes of this section, the phrase "experience
15 modification factor" shall mean the factor calculated pursuant to the
16 provisions of chapter 287.**

386.205. 1. A public utility shall not:

2 **(1) Condition a contract upon a requirement that a bidder have
3 a specified experience modification factor;**

4 **(2) Make an offer to contract conditioned upon bidder having a**

5 specified experience modification factor;

6 (3) Issue an advertisement for bids on a contract containing a
7 requirement that the bidder have a specified experience modification
8 factor;

9 (4) Solicit bids for a contract conditioned upon a bidder having
10 a specified experience modification factor; or

11 (5) Weight any bidder for a contract favorably or unfavorably
12 based upon the bidder's experience modification factor.

13 2. For purposes of this section, the phrase "experience
14 modification factor" shall mean the factor calculated pursuant to the
15 provisions of chapter 287.

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