

SECOND REGULAR SESSION

SENATE BILL NO. 770

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 5, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5253S.011

AN ACT

To repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to contracts executed by counties.

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Section A. Sections 50.660 and 50.783, RSMo, are repealed and two new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 [or, if the county is
26 any county of the first classification with more than one hundred fifty thousand
27 but fewer than two hundred thousand inhabitants or any county of the first
28 classification with more than two hundred sixty thousand but fewer than three
29 hundred thousand inhabitants, it is not necessary to obtain bids on such
30 purchases in the amount of six thousand dollars or less]. All bids for any
31 contract or purchase may be rejected and new bids advertised for. Contracts
32 which provide that the person contracting with the county or township shall,
33 during the term of the contract, furnish to the county or township at the price
34 therein specified the supplies, materials, equipment or services other than
35 personal therein described, in the quantities required, and from time to time as
36 ordered by the officer in charge of purchasing during the term of the contract,
37 need not bear the certification of the accounting officer, as herein provided; but
38 all orders for supplies, materials, equipment or services other than personal shall
39 bear the certification. In case of such contract, no financial obligation accrues
40 against the county or township until the supplies, materials, equipment or
41 services other than personal are so ordered and the certificate furnished.

42 [2. Notwithstanding the provisions of subsection 1 of this section to the
43 contrary, advertising shall not be required in any county in the case of contracts
44 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 **six thousand dollars**, the
16 commission shall post notice of the proposed purchase[. Where the estimated
17 expenditure is five thousand dollars or over, The commission shall also] **and**
18 advertise the commission's intent to make such purchase in at least one daily and
19 one weekly newspaper of general circulation in such places as are most likely to
20 reach prospective bidders or offerors and may provide such information through
21 an electronic medium available to the general public at least ten days before the
22 contract is to be let.

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

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