

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 168**  
100TH GENERAL ASSEMBLY

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Reported from the Committee on Education, February 28, 2019, with recommendation that the Senate Committee Substitute do pass.

0620S.04C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To repeal section 177.086, RSMo, and to enact in lieu thereof one new section relating to competitive bidding for school districts.

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

Section A. Section 177.086, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 177.086, to read as follows:

177.086. 1. Any school district authorizing the construction of facilities  
2 which may exceed an expenditure of fifteen thousand dollars shall publicly  
3 advertise, once a week for two consecutive weeks, in a newspaper of general  
4 circulation, qualified pursuant to chapter 493, located within the city in which the  
5 school district is located, or if there be no such newspaper, in a qualified  
6 newspaper of general circulation in the county, or if there be no such newspaper,  
7 in a qualified newspaper of general circulation in an adjoining county, and may  
8 advertise in business, trade, or minority newspapers, for bids on said  
9 construction.

10 2. No bids shall be entertained by the school district which are not made  
11 in accordance with the specifications furnished by the district and all contracts  
12 shall be let to the lowest responsible bidder complying with the terms of the  
13 letting, provided that the district shall have the right to reject any and all bids.

14 3. All bids must be submitted sealed and in writing, to be opened publicly  
15 at time and place of the district's choosing.

16 4. **(1) In any request for proposal put forth by a school district**  
17 **pursuant to this section or any other section requiring competitive**  
18 **bidding, the product sought may be specified, provided that the request**  
19 **for proposal shall not include any pre-bid specifications requiring the**  
20 **use of any one proprietary product or products or further requiring**

21 action by an architect, an engineering consultant hired as an  
22 independent contractor, school district employees, or the board of  
23 education of such school district, to establish that the product or  
24 products to be used in any one or more bids is the equivalent of any  
25 such proprietary product or products.

26 (2) (a) Any school district accepting proposals under this section  
27 or any other section requiring competitive bidding shall accept bids  
28 from at least three vendors who supply substantially similar products.

29 (b) If, at the end of the advertising period required by subsection  
30 1 of this section, three vendors have not submitted bids to the school  
31 district, the school district shall publicly advertise once a week for an  
32 additional two consecutive weeks in the same manner required by  
33 subsection 1 of this section. If, after the additional advertising period,  
34 the school district still has not received bids from three vendors, then  
35 the school district may accept bids from less than three vendors who  
36 supply substantially similar products, notwithstanding the provisions  
37 of paragraph (a) of this subdivision to the contrary.

Bill ✓

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