

SECOND REGULAR SESSION

# SENATE BILL NO. 794

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

Pre-filed December 18, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4557S.01I

## AN ACT

To repeal section 227.100, RSMo, and to enact in lieu thereof one new section relating to valuation of bids for state contracts.

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

Section A. Section 227.100, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 227.100, to read as follows:

227.100. 1. All contracts for the construction of said work shall be let to  
2 the lowest responsible bidder or bidders after notice and publication of an  
3 advertisement in a newspaper published in the county where the work is to be  
4 done, and in such other publications as the commission may determine. **In  
5 determining the lowest responsible bidder or bidders, the department  
6 of transportation shall consider the complete life-cycle cost of the work,  
7 including but not limited to factors such as initial cost and all  
8 anticipated costs for subsequent maintenance, repair, or resurfacing  
9 over the life of the work. The department of transportation shall  
10 develop and implement a life-cycle cost analysis for any project for  
11 which the estimated total pavement costs exceed one million dollars  
12 funded in whole or in part with state funds. The department of  
13 transportation shall design each such project in both hot mix asphalt  
14 and portland cement concrete pavement, and shall award paving  
15 projects utilizing the material having the lowest life-cycle cost. The  
16 design of hot mix asphalt and portland cement concrete pavement  
17 methods and life-cycle cost analysis shall be conducted in accordance  
18 with the department of transportation's currently established practices  
19 and policies.**

20 2. Each bid shall be accompanied by a certified check or a cashier's check

21 or a bid bond, guaranteed by a surety company authorized by the director of the  
22 department of commerce and insurance to conduct surety business in the state  
23 of Missouri, equal to five percent of the bid, which certified check, cashier's check,  
24 or bid bond shall be deposited with the commissioner as a guaranty and forfeited  
25 to the state treasurer to the credit of the state road fund in the event the  
26 successful bidder fails to comply with the terms of the proposal, and return to the  
27 successful bidder on execution and delivery of the performance bond provided for  
28 in subsection 4. The checks of the unsuccessful bidders shall be returned to them  
29 in accordance with the terms of the proposal.

30 3. All notices of the letting of contracts under this section shall state the  
31 time and place when and where bids will be received and opened, and all bids  
32 shall be sealed and opened only at the time and place mentioned in such notice  
33 and in the presence of some member of the commission or some person named by  
34 the commission for such purpose.

35 4. The successful bidders for the construction of said work shall enter into  
36 contracts furnished and prescribed by the commission and shall give good and  
37 sufficient bond, in a sum equal to the contract price, to the state of Missouri, with  
38 sureties approved by the commission and to ensure the proper and prompt  
39 completion of said work in accordance with the provisions of said contracts, and  
40 plans and specifications; provided, that if, in the opinion of the majority of the  
41 members of the commission, the lowest bid or bids for the construction of any of  
42 the roads, or parts of roads, herein authorized to be constructed, shall be  
43 excessive, then, and in that event, said commission shall have the right, and it  
44 is hereby empowered and authorized to reject any or all bids, and to construct,  
45 under its own direction and supervision, all of such roads and bridges, or any part  
46 thereof.

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