

FIRST REGULAR SESSION

SENATE BILL NO. 324

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

1512S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to the competitive bid process for 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Section A. Sections 50.660 and 50.783, RSMo, are repealed
2 and two new sections enacted in lieu thereof, to be known as
3 sections 50.660 and 50.783, to read as follows:

50.660. All contracts shall be executed in the name of
2 the county, or in the name of a township in a county with a
3 township form of government, by the head of the department
4 or officer concerned, except contracts for the purchase of
5 supplies, materials, equipment or services other than
6 personal made by the officer in charge of purchasing in any
7 county or township having the officer. No contract or order
8 imposing any financial obligation on the county or township
9 is binding on the county or township unless it is in writing
10 and unless there is a balance otherwise unencumbered to the
11 credit of the appropriation to which it is to be charged and
12 a cash balance otherwise unencumbered in the treasury to the
13 credit of the fund from which payment is to be made, each
14 sufficient to meet the obligation incurred and unless the
15 contract or order bears the certification of the accounting
16 officer so stating; except that in case of any contract for
17 public works or buildings to be paid for from bond funds or
18 from taxes levied for the purpose it is sufficient for the

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

19 accounting officer to certify that the bonds or taxes have
20 been authorized by vote of the people and that there is a
21 sufficient unencumbered amount of the bonds yet to be sold
22 or of the taxes levied and yet to be collected to meet the
23 obligation in case there is not a sufficient unencumbered
24 cash balance in the treasury. All contracts and purchases
25 shall be let to the lowest and best bidder after due
26 opportunity for competition, including advertising the
27 proposed letting in a newspaper in the county or township
28 with a circulation of at least five hundred copies per
29 issue, if there is one, except that the advertising is not
30 required in case of contracts or purchases involving an
31 expenditure of less than ~~[six]~~ **twelve** thousand dollars. It
32 is not necessary to obtain bids on any purchase in the
33 amount of ~~[six]~~ **twelve** thousand dollars or less made from
34 any one person, firm or corporation during any period of
35 ninety days. All bids for any contract or purchase may be
36 rejected and new bids advertised for. Contracts which
37 provide that the person contracting with the county or
38 township shall, during the term of the contract, furnish to
39 the county or township at the price therein specified the
40 supplies, materials, equipment or services other than
41 personal therein described, in the quantities required, and
42 from time to time as ordered by the officer in charge of
43 purchasing during the term of the contract, need not bear
44 the certification of the accounting officer, as herein
45 provided; but all orders for supplies, materials, equipment
46 or services other than personal shall bear the
47 certification. In case of such contract, no financial
48 obligation accrues against the county or township until the
49 supplies, materials, equipment or services other than
50 personal are so ordered and the certificate furnished.

50.783. 1. The county commission may waive the
2 requirement of competitive bids or proposals for supplies
3 when the commission has determined in writing and entered
4 into the commission minutes that there is only a single
5 feasible source for the supplies. Immediately upon
6 discovering that other feasible sources exist, the
7 commission shall rescind the waiver and proceed to procure
8 the supplies through the competitive processes as described
9 in this chapter. A single feasible source exists when:

10 (1) Supplies are proprietary and only available from
11 the manufacturer or a single distributor; or

12 (2) Based on past procurement experience, it is
13 determined that only one distributor services the region in
14 which the supplies are needed; or

15 (3) Supplies are available at a discount from a single
16 distributor for a limited period of time.

17 2. On any single feasible source purchase where the
18 estimated expenditure is over ~~[six]~~ **twelve** thousand dollars,
19 the commission shall post notice of the proposed purchase
20 and advertise the commission's intent to make such purchase
21 in at least one daily and one weekly newspaper of general
22 circulation in such places as are most likely to reach
23 prospective bidders or offerors and may provide such
24 information through an electronic medium available to the
25 general public at least ten days before the contract is to
26 be let.

27 3. Notwithstanding subsection 2 of this section to the
28 contrary, on any single feasible service purchase by any
29 county of the first classification with more than one
30 hundred fifty thousand but fewer than two hundred thousand
31 inhabitants or any county of the first classification with
32 more than two hundred sixty thousand but fewer than three

33 hundred thousand inhabitants where the estimated expenditure
34 is over [six] **twelve** thousand dollars, the commission shall
35 post notice of the proposed purchase and advertise the
36 commission's intent to make such purchase in at least one
37 daily and one weekly newspaper of general circulation in
38 such places as are most likely to reach prospective bidders
39 or offerors and may provide such information through an
40 electronic medium available to the general public at least
41 ten days before the contract is to be let.

✓