

FIRST REGULAR SESSION

SENATE BILL NO. 827

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

2995S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 8.255, RSMo, and to enact in lieu thereof two new sections relating to public contracts.

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

Section A. Section 8.255, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections 8.255
3 and 8.292, to read as follows:

8.255. 1. The director **of the division of facilities**
2 **management, design and construction** may authorize any agency
3 of the state to establish standing contracts for the purpose
4 of accomplishing construction, renovation, maintenance and
5 repair projects not exceeding **[one] two hundred fifty**
6 thousand dollars. Such contracts shall be advertised and
7 bid in the same manner as contracts for work which exceeds
8 **[one] two hundred [thousand] fifty** dollars, except that each
9 contract shall allow for multiple projects, the cost of each
10 of which does not exceed **[one] two hundred fifty** thousand
11 dollars. Each contract shall be of a stated duration and
12 shall have a stated maximum total expenditure. For job
13 order contracts, the total expenditure per project shall not
14 exceed **[three] seven hundred fifty** thousand dollars.

15 2. The director, with full documentation, shall have
16 the authority to authorize any agency to contract for any
17 design or construction, renovation, maintenance, or repair
18 work which in his judgment can best be procured directly by

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

19 such agency. The director shall establish, by rule, the
20 procedures which the agencies must follow to procure
21 contracts for design, construction, renovation, maintenance
22 or repair work. Each agency which procures such contracts
23 pursuant to a delegation shall file an annual report as
24 required by rule. The director shall provide general
25 supervision over the process. The director may establish
26 procedures by which such contracts are to be procured,
27 either generally or in accordance with each authorization.

28 3. The director, in his sole discretion, may with full
29 documentation approve a recommendation from a project
30 designer that a material, product or system within a
31 specification for construction, renovation or repair work be
32 designated by brand, trade name or individual mark, when it
33 is determined to be in the best interest of the state. The
34 specification may include a preestablished price for
35 purchase of the material, product or system where required
36 by the director.

8.292. 1. As used in this section, "master agreement"
2 means a contract for architecture, engineering, or land
3 surveying services that will be performed on an as-need
4 basis for an indefinite quantity of projects over a defined
5 period.

6 2. The division of facilities management, design and
7 construction may establish master agreements using a
8 qualification-based selection process. Master agreements
9 may be used for multiple projects, provided the estimated
10 fee for architecture, engineering, or land surveying
11 services for each individual project does not exceed one
12 hundred thousand dollars.

13 3. The division shall issue a request for
14 qualifications for all master agreements. Each request for

15 qualifications shall be published on the website of the
16 division or advertised through an electronic medium
17 available to the general public for a period of at least ten
18 days before statements of qualifications are reviewed.

19 4. The request for qualifications shall specify the
20 number of master agreements to be awarded and the basis for
21 establishing multiple master agreements. Multiple master
22 agreements may be awarded based on a set number, geographic
23 region, or the type of projects or services to be performed.

24 5. The division shall evaluate statements of
25 qualifications for a master agreement based on the following
26 criteria:

27 (1) The specialized experience and technical
28 competence of the firm with respect to the type of services
29 that may be required;

30 (2) The past record of performance of the firm with
31 respect to such factors as control of costs, quality of
32 work, and ability to meet schedules; and

33 (3) If applicable, the firm's proximity to and
34 familiarity with the area in which services are to be
35 performed.

36 6. The period for each master agreement may not exceed
37 two years, including all renewal periods, and the total
38 value of all services performed under the master agreement
39 may not exceed one million dollars per year.

40 7. A master agreement shall set forth the agreed-upon
41 terms and conditions and the fee schedule or hourly rate for
42 the specified period. The scope, schedule, and total fee
43 for each project performed under the master agreement shall
44 be established by a task order issued by the division.

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