

# SENATE BILL NO. 1639

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

7067S.011

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Section A. Section 8.255, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 8.255 and 8.292, to read as follows:

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

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

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

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-needed**  
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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