

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2474

103RD GENERAL ASSEMBLY

5233S.05C

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 34.046 and 67.5060, 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Section A. Sections 34.046 and 67.5060, RSMo, are repealed  
2 and two new sections enacted in lieu thereof, to be known as  
3 sections 34.046 and 67.5060, to read as follows:

34.046. **1.** The commissioner of administration may  
2 contract directly with other governmental entities for the  
3 purchase of supplies. The commissioner of administration  
4 may also participate in, sponsor, conduct or administer a  
5 cooperative purchasing agreement whereby supplies are  
6 procured in accordance with a contract established by  
7 another governmental entity provided that such contract was  
8 established in accordance with the laws and regulations  
9 applicable to the establishing governmental entity.

10 **2.** The commissioner of administration may also  
11 participate in, sponsor, conduct, or administer a  
12 cooperative purchasing agreement with a contract established  
13 by a non-profit entity whose membership is exclusively made  
14 up of governmental entities and whose governing body is  
15 selected or elected exclusively by governmental entities,  
16 and where the contract was established in accordance with

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

17 the laws and regulations applicable to the governmental  
18 entities. Such cooperative purchasing agreement shall be  
19 utilized for the purchase of supplies including but not  
20 limited to upkeep and maintenance of physical  
21 infrastructure. The commissioner of administration may  
22 permit political subdivisions to participate in any  
23 cooperative purchasing agreement.

67.5060. 1. As used in this section, the following  
2 terms mean:

3 (1) "Design-build", a project delivery method subject  
4 to a three-stage qualifications-based selection for which  
5 the design and construction services are furnished under one  
6 contract;

7 (2) "Design-build contract", a contract which is  
8 subject to a three-stage qualifications-based selection  
9 process similar to that described in sections 8.285 to 8.291  
10 between a political subdivision and a design-builder to  
11 furnish the architectural, engineering, and related design  
12 services and the labor, materials, supplies, equipment, and  
13 other construction services required for a design-build  
14 project;

15 (3) "Design-build project", the design, construction,  
16 alteration, addition, remodeling, or improvement of any  
17 buildings or facilities under contract with a political  
18 subdivision. Such design-build projects include, but are  
19 not limited to:

20 (a) Civil works projects, such as roads, streets,  
21 bridges, utilities, airport runways and taxiways, storm  
22 drainage and flood control projects, or transit projects; and

23 (b) Noncivil works projects, such as buildings, site  
24 improvements, and other structures, habitable or not,

25 commonly designed by architects in excess of [seven] **five**  
26 million dollars;

27 (4) "Design-builder", any individual, partnership,  
28 joint venture, or corporation subject to a qualification-  
29 based selection that offers to provide or provides design  
30 services and general contracting services through a design-  
31 build contract **or a progressive design-build contract** in  
32 which services within the scope of the practice of  
33 professional architecture or engineering are performed  
34 respectively by a licensed architect or licensed engineer  
35 and in which services within the scope of general  
36 contracting are performed by a general contractor or other  
37 legal entity that furnishes architecture or engineering  
38 services and construction services either directly or  
39 through subcontracts or joint ventures;

40 (5) "Design criteria consultant", a person,  
41 corporation, partnership, or other legal entity duly  
42 licensed and authorized to practice architecture or  
43 professional engineering in this state under chapter 327 who  
44 is employed by or contracted by the political subdivision to  
45 assist the political subdivision in the development of  
46 project design criteria, requests for proposals, evaluation  
47 of proposals, the evaluation of the construction under a  
48 design-build contract **or a progressive design-build contract**  
49 to determine adherence to the design criteria, and any  
50 additional services requested by the political subdivision  
51 to represent its interests in relation to a project. The  
52 design criteria consultant may not submit a proposal or  
53 furnish design or construction services for the design-build  
54 contract for which its services were sought;

55 (6) "Design criteria package", performance-oriented  
56 program, scope, and specifications for the design-build

57 project sufficient to permit a design-builder to prepare a  
58 response to a political subdivision's request for proposals  
59 for a design-build project **or a progressive design-build**  
60 **project**, which may include capacity, durability, standards,  
61 ingress and egress requirements, performance requirements,  
62 description of the site, surveys, soil and environmental  
63 information concerning the site, interior space  
64 requirements, material quality standards, design and  
65 construction schedules, site development requirements,  
66 provisions for utilities, storm water retention and  
67 disposal, parking requirements, applicable governmental code  
68 requirements, preliminary designs for the project or  
69 portions thereof, and other criteria for the intended use of  
70 the project;

71 (7) "Design professional services", services that are:

72 (a) Within the practice of architecture as defined in  
73 section 327.091, or within the practice of professional  
74 engineering as defined in section 327.181; or

75 (b) Performed by a licensed or authorized architect or  
76 professional engineer in connection with the architect's or  
77 professional engineer's employment or practice;

78 (8) **"Progressive design-build contract", a contract**  
79 **that is subject to a two-stage qualification-based selection**  
80 **process as described in subdivision (1) of subsection 13 of**  
81 **this section between a political subdivision and a design-**  
82 **builder to furnish the architectural, engineering, and**  
83 **related design services and the labor, materials, supplies,**  
84 **equipment, and other construction services required for a**  
85 **progressive design-build project;**

86 (9) **"Progressive design-build project", the design,**  
87 **construction, alteration, addition, remodeling, or**  
88 **improvement of any buildings or facilities under one**

89 **progressive design-build contract with a political**  
90 **subdivision. Such progressive design-build projects**  
91 **include, but are not limited to:**

92 (a) **Civil works projects, such as roads, streets,**  
93 **bridges, utilities, airport runways and taxiways, storm**  
94 **drainage and flood control projects, or transit projects; and**

95 (b) **Noncivil works projects, such as buildings, site**  
96 **improvements, and other structures, habitable or not,**  
97 **commonly designed by architects;**

98 (10) "Proposal", an offer in response to a request for  
99 proposals by a design-builder to enter into a design-build  
100 contract for a design-build project **or a progressive design-**  
101 **build contract for a progressive design-build project** under  
102 this section;

103 [(9)] (11) "Request for proposal", the document by  
104 which the political subdivision solicits proposals for a  
105 design-build contract **or a progressive design-build contract;**

106 [(10)] (12) "Stipend", an amount paid to the  
107 unsuccessful but responsive, short-listed design-builders to  
108 defray the cost of participating in phase II of the  
109 selection process **for a design-build project** described in  
110 this section.

111 2. In using a design-build contract **or a progressive**  
112 **design-build contract**, the political subdivision shall  
113 determine the scope and level of detail required to permit  
114 qualified persons to submit proposals in accordance with the  
115 request for proposals given the nature of the project.

116 3. A design criteria consultant shall be employed or  
117 retained by the political subdivision to assist in  
118 preparation of the design criteria package and request for  
119 proposal, perform periodic site visits to observe adherence  
120 to the design criteria, prepare progress reports, review and

121 approve progress and final pay applications of the design-  
122 builder, review shop drawings and submissions, provide input  
123 in disputes, help interpret the construction documents,  
124 perform inspections upon substantial and final completion,  
125 assist in warranty inspections, and provide any other  
126 professional service assisting with the project  
127 administration **of a design-build project or a progressive**  
128 **design-build project**. The design criteria consultant may  
129 also evaluate construction as to the adherence of the design  
130 criteria. The consultant shall be selected and its contract  
131 negotiated in compliance with sections 8.285 to 8.291 unless  
132 the consultant is a direct employee of the political  
133 subdivision.

134 4. The political subdivision shall publicly disclose  
135 at a regular meeting its intent to utilize the design-build  
136 method **or the progressive design-build method** and its  
137 project design criteria at least one week prior to  
138 publishing the request for proposals. Notice of requests  
139 for proposals shall be advertised by publication in a  
140 newspaper of general circulation published in the county  
141 where the political subdivision is located once a week for  
142 two consecutive weeks prior to opening the proposals, or by  
143 a virtual notice procedure that notifies interested parties  
144 for at least twenty various purchases, design contracts,  
145 construction contracts, or other contracts each year for the  
146 political subdivision. The political subdivision shall  
147 publish a notice of a request for proposal with a  
148 description of the project, the procedures for submission,  
149 and the selection criteria to be used.

150 5. The political subdivision shall establish in the  
151 request for proposal a time, place, and other specific  
152 instructions for the receipt of proposals. Proposals not

153 submitted in strict accordance with the instructions shall  
154 be subject to rejection.

155         **6. The following provisions of this subsection shall**  
156 **apply to a design-build project:**

157         **(1)** A request for proposal shall be prepared for each  
158 design-build contract containing at minimum the following  
159 elements:

160             **[(1)] (a)** The procedures to be followed for submitting  
161 proposals, the criteria for evaluating proposals and their  
162 relative weight, and the procedures for making awards;

163             **[(2)] (b)** The proposed terms and conditions for the  
164 design-build contract, if available;

165             **[(3)] (c)** The design criteria package;

166             **[(4)] (d)** A description of the drawings,  
167 specifications, or other information to be submitted with  
168 the proposal, with guidance as to the form and level of  
169 completeness of the drawings, specifications, or other  
170 information that will be acceptable;

171             **[(5)] (e)** A schedule for planned commencement and  
172 completion of the design-build contract, if any;

173             **[(6)] (f)** Budget limits for the design-build contract,  
174 if any;

175             **[(7)] (g)** Requirements including any available ratings  
176 for performance bonds, payment bonds, and insurance, if any;

177             **[(8)] (h)** The amount of the stipend which will be  
178 available; and

179             **[(9)] (i)** Any other information that the political  
180 subdivision in its discretion chooses to supply including,  
181 but not limited to, surveys, soil reports, drawings of  
182 existing structures, environmental studies, photographs,  
183 references to public records, or affirmative action and

184 minority business enterprise requirements consistent with  
185 state and federal law.

186 [7.] (2) The political subdivision shall solicit  
187 proposals in a three-stage process. Phase I shall be the  
188 solicitation of qualifications of the design-build team.  
189 Phase II shall be the solicitation of a technical proposal  
190 including conceptual design for the project. Phase III  
191 shall be the proposal of the construction cost.

192 [8.] (3) The political subdivision shall review the  
193 submissions of the proposals and assign points to each  
194 proposal in accordance with this section and as set out in  
195 the instructions of the request for proposal.

196 [9.] (4) Phase I shall require all design-builders to  
197 submit a statement of qualification that shall include, but  
198 not be limited to:

199 [(1)] (a) Demonstrated ability to perform projects  
200 comparable in design, scope, and complexity;

201 [(2)] (b) References of owners for whom design-build  
202 projects, construction projects, or design projects have  
203 been performed;

204 [(3)] (c) Qualifications of personnel who will manage  
205 the design and construction aspects of the project; and

206 [(4)] (d) The names and qualifications of the primary  
207 design consultants and the primary trade contractors with  
208 whom the design-builder proposes to subcontract or joint  
209 venture. The design-builder shall not replace an identified  
210 contractor, subcontractor, design consultant, or  
211 subconsultant without the written approval of the political  
212 subdivision.

213 [10.] 7. The political subdivision shall evaluate the  
214 qualifications of all the design-builders who submitted  
215 proposals in accordance with the instructions of the request

216 for proposal. Architectural and engineering services on the  
217 project shall be evaluated in accordance with the  
218 requirements of sections 8.285 and 8.291. Qualified design-  
219 builders selected by the evaluation team may proceed to  
220 phase II of the selection process. Design-builders lacking  
221 the necessary qualifications to perform the work shall be  
222 disqualified and shall not proceed to phase II of the  
223 process. This process of short listing shall narrow the  
224 number of qualified design-builders to not more than **[five]**  
225 **three** nor fewer than two. Under no circumstances shall  
226 price or fees be a part of the prequalification criteria.  
227 Design-builders may be interviewed in either phase I or  
228 phase II of the process. Points assigned in phase I of the  
229 evaluation process shall not carry forward to phase II of  
230 the process. All qualified design-builders shall be ranked  
231 on points given in phases II and III only.

232 **[11.] 8.** The political subdivision shall have  
233 discretion to disqualify any design-builder who, in the  
234 political subdivision's opinion, lacks the minimum  
235 qualifications required to perform the work.

236 **[12.] 9.** Once a sufficient number of no more than  
237 **[five] three** and no fewer than two qualified design-builders  
238 have been selected, the design-builders shall have a  
239 specified amount of time in which to assemble phase II and  
240 phase III proposals.

241 **[13.] 10.** Phase II of the process shall be conducted  
242 as follows:

243 (1) The political subdivision shall invite the top  
244 qualified design-builders to participate in phase II of the  
245 process;

246 (2) A design-builder shall submit its design for the  
247 project to the level of detail required in the request for

248 proposal. The design proposal shall demonstrate compliance  
249 with the requirements set out in the request for proposal;

250 (3) The ability of the design-builder to meet the  
251 schedule for completing a project as specified by the  
252 political subdivision may be considered as an element of  
253 evaluation in phase II;

254 (4) Up to twenty percent of the points awarded to each  
255 design-builder in phase II may be based on each design-  
256 builder's qualifications and ability to design, contract,  
257 and deliver the project on time and within the budget of the  
258 political subdivision;

259 (5) Under no circumstances shall the design proposal  
260 contain any reference to the cost of the proposal; and

261 (6) The submitted designs shall be evaluated and  
262 assigned points in accordance with the requirements of the  
263 request for proposal. Phase II shall account for not less  
264 than forty percent of the total point score as specified in  
265 the request for proposal.

266 **[14.] 11.** Phase III shall be conducted as follows:

267 (1) The phase III proposal shall provide a firm, fixed  
268 cost of design and construction. The proposal shall be  
269 accompanied by bid security and any other items, such as  
270 statements of minority participation as required by the  
271 request for proposal;

272 (2) Cost proposals shall be submitted in accordance  
273 with the instructions of the request for proposal. The  
274 political subdivision shall reject any proposal that is not  
275 submitted on time. Phase III shall account for not less  
276 than forty percent of the total point score as specified in  
277 the request for proposal;

278 (3) Proposals for phase II and phase III shall be  
279 submitted concurrently at the time and place specified in

280 the request for proposal, but in separate envelopes or other  
281 means of submission. The phase III cost proposals shall be  
282 opened only after the phase II design proposals have been  
283 evaluated and assigned points, ranked in order, and posted;

284 (4) Cost proposals shall be opened and read aloud at  
285 the time and place specified in the request for proposal.  
286 At the same time and place, the evaluation team shall make  
287 public its scoring of phase II. Cost proposals shall be  
288 evaluated in accordance with the requirements of the request  
289 for proposal. In evaluating the cost proposals, the lowest  
290 responsive bidder shall be awarded the total number of  
291 points assigned to be awarded in phase III. For all other  
292 bidders, cost points shall be calculated by reducing the  
293 maximum points available in phase III by at least one  
294 percent for each percentage point by which the bidder  
295 exceeds the lowest bid and the points assigned shall be  
296 added to the points assigned for phase II for each design-  
297 builder;

298 (5) If the political subdivision determines that it is  
299 not in the best interest of the political subdivision to  
300 proceed with the project pursuant to the proposal offered by  
301 the design-builder with the highest total number of points,  
302 the political subdivision shall reject all proposals. In  
303 this event, all qualified and responsive design-builders  
304 with lower point totals shall receive a stipend and the  
305 responsive design-builder with the highest total number of  
306 points shall receive an amount equal to two times the  
307 stipend. If the political subdivision decides to award the  
308 project, the responsive design-builder with the highest  
309 number of points shall be awarded the contract; and

310 (6) If all proposals are rejected, the political  
311 subdivision may solicit new proposals using different design  
312 criteria, budget constraints, or qualifications.

313 [15.] 12. As an inducement to qualified design-  
314 builders, the political subdivision shall pay a reasonable  
315 stipend, the amount of which shall be established in the  
316 request for proposal, to each prequalified design-builder  
317 whose proposal is responsive but not accepted. Such stipend  
318 shall be no less than one-half of one percent of the total  
319 project budget. Upon payment of the stipend to any  
320 unsuccessful design-builder, the political subdivision shall  
321 acquire a nonexclusive right to use the design submitted by  
322 the design-builder, and the design-builder shall have no  
323 further liability for the use of the design by the political  
324 subdivision in any manner. If the design-builder desires to  
325 retain all rights and interest in the design proposed, the  
326 design-builder shall forfeit the stipend.

327 13. The following provisions of this subsection shall  
328 apply to a progressive design-build project:

329 (1) A request for proposal shall be prepared for each  
330 progressive design-build contract, containing at a minimum  
331 the following elements:

332 (a) The procedures to be followed for submitting  
333 proposals, the criteria for evaluating proposals and their  
334 relative weight, and the procedures for making awards;

335 (b) The proposed terms and conditions for the  
336 progressive design-build contract, if available;

337 (c) The design criteria package;

338 (d) A description of the project approach elements, or  
339 other information to be submitted with the proposal, or  
340 other information that will be acceptable;

341 (e) A schedule for planned commencement and completion  
342 of the progressive design-build contract, if any;

343 (f) Budget limits for the progressive design-build  
344 contract, if any;

345 (g) Requirements including any available ratings for  
346 performance bonds, payment bonds, and insurance, if any; and

347 (h) Any other information that the political  
348 subdivision in its discretion chooses to supply including,  
349 but not limited to, surveys, soil reports, drawings of  
350 existing structures, environmental studies, photographs,  
351 references to public records, or affirmative action and  
352 minority business enterprise requirements consistent with  
353 state and federal law.

354 (2) The political subdivision shall solicit proposals  
355 in a two-stage process. Phase I shall be the solicitation  
356 and evaluation of the qualifications of design-builders.  
357 Phase II shall be the solicitation and evaluation of  
358 proposals describing the design-builder's approach to design  
359 development, preconstruction services, and construction of  
360 the project.

361 (3) The political subdivision shall review the  
362 submissions of the proposals and assign points to each  
363 proposal in accordance with this section and as set out in  
364 the instructions of the request for proposal.

365 (4) Phase I shall require all design-builders to  
366 submit a statement of qualification that shall include, but  
367 not be limited to:

368 (a) Demonstrated ability to perform projects  
369 comparable in design, scope, and complexity;

370 (b) References of owners for whom design-build  
371 projects or progressive design-build projects, construction  
372 projects, or design projects have been performed;

373 (c) Qualifications of personnel who will manage the  
374 design and construction aspects of the project; and

375 (d) The names and qualifications of the primary design  
376 consultants and the primary trade contractors with whom the  
377 design-builder proposes to joint venture. The design-  
378 builder shall not replace an identified contractor or design  
379 consultant without the written approval of the political  
380 subdivision.

381 (5) The political subdivision shall evaluate the  
382 qualifications of all the design-builders who submitted  
383 proposals in accordance with the instructions of the request  
384 for proposal. Architectural and engineering services on the  
385 project shall be evaluated in accordance with the  
386 requirements of sections 8.285 and 8.291. Qualified design-  
387 builders selected by the evaluation team may proceed to  
388 phase II of the selection process. Design-builders lacking  
389 the necessary qualifications to perform the work shall be  
390 disqualified and shall not proceed to phase II of the  
391 process. This process of short-listing shall narrow the  
392 number of qualified design-builders to not more than three  
393 but not less than two. Under no circumstances shall price  
394 or fees be a part of the prequalification criteria. Design-  
395 builders may be interviewed in either phase I or phase II of  
396 the process. Points assigned in phase I of the evaluation  
397 process shall not carry forward to phase II of the process.  
398 All qualified design-builders shall be ranked on points  
399 given in phase II only.

400 (6) The political subdivision shall have discretion to  
401 disqualify any design-builder who, in the political  
402 subdivision's opinion, lacks the minimum qualifications  
403 required to perform the work.

404           (7) Once a sufficient number of no more than three but  
405 not less than two qualified design-builders have been  
406 selected, the design-builders shall have a specified amount  
407 of time in which to assemble phase II proposals.

408           (8) Phase II of the process shall be conducted as  
409 follows:

410           (a) The political subdivision shall invite the top  
411 qualified design-builders to participate in phase II of the  
412 process;

413           (b) Each invited design-builder shall submit a  
414 proposal describing its approach to design development,  
415 collaboration with the political subdivision, and delivery  
416 of preconstruction and construction services. The proposal  
417 shall not include any construction pricing;

418           (c) The proposal shall demonstrate understanding of  
419 the project goals and may address:

420           a. Approach to design integration, cost estimating,  
421 scheduling, and value engineering during preconstruction;

422           b. Approach to subcontractor outreach, selection, and  
423 participation;

424           c. Approach to establishing transparent pricing for  
425 the preconstruction and construction phase; and

426           d. Any innovations, sustainability measures, or risk-  
427 management strategies proposed for the project;

428           (d) Evaluation of phase II proposals shall be  
429 qualifications-based. Price consideration shall be for  
430 preconstruction phase services only and may be in the form  
431 of proposed rates, fees, or other acceptable forms as  
432 determined by the political subdivision;

433           (e) The political subdivision shall rank the phase II  
434 proposals according to the criteria and weighting

435 established in the request for proposals and may conduct  
436 interviews as part of the evaluation;

437 (f) Following evaluation, the political subdivision  
438 may enter into negotiations with the highest-ranked design-  
439 builder to establish a preconstruction services agreement.  
440 If the parties are unable to reach an agreement, the  
441 political subdivision may terminate negotiations and  
442 commence negotiations with the next highest-ranked design-  
443 builder; and

444 (g) During the preconstruction phase, the design-  
445 builder and the political subdivision shall collaborate to  
446 advance the design to a level sufficient to establish a  
447 fixed contract amount or guaranteed maximum price,  
448 consistent with agreed-upon milestones and deliverables.  
449 Upon acceptance of the price and contract terms, the parties  
450 may amend the contract to authorize construction.

451 [16.] 14. (1) As used in this subsection, "wastewater  
452 or water contract" means any design-build contract **or**  
453 **progressive design-build contract** that involves the  
454 provision of engineering and construction services either  
455 directly by a party to the contract or through  
456 subcontractors retained by a party to the contract for a  
457 wastewater or water storage, conveyance, or treatment  
458 facility project.

459 (2) Any political subdivision may enter into a  
460 wastewater or water contract for design-build **or progressive**  
461 **design-build** of a wastewater or water project.

462 (3) In disbursing community development block grants  
463 under 42 U.S.C. Sections 5301 to 5321, the department of  
464 economic development shall not reject wastewater or water  
465 projects solely for utilizing wastewater or water contracts.

466 (4) The department of natural resources shall not  
467 preclude wastewater or water contracts from consideration  
468 for funding provided by the water and wastewater loan fund  
469 under section 644.122.

470 (5) A political subdivision planning a wastewater or  
471 water design-build project **or progressive design-build**  
472 **project** shall retain an engineer duly licensed in this state  
473 to assist in preparing any necessary documents and  
474 specifications and evaluations of design-build **or**  
475 **progressive design-build** proposals.

476 [17.] 15. The payment bond requirements of section  
477 107.170 shall apply to [the] design-build [project] **projects**  
478 **and progressive design-build projects**. All persons  
479 furnishing design services shall be deemed to be covered by  
480 the payment bond the same as any person furnishing labor and  
481 materials. The performance bond for the design-builder  
482 shall not cover any damages of the type specified to be  
483 covered by the professional liability insurance established  
484 by the political subdivision in the request for proposals.

485 [18.] 16. Any person or firm performing architectural,  
486 engineering, landscape architecture, or land-surveying  
487 services for the design-builder on the design-build project  
488 **or progressive design-build project** shall be duly licensed  
489 or authorized in this state to provide such services as  
490 required by chapter 327.

491 [19.] 17. Any political subdivision engaged in a  
492 project under this section which impacts a railroad  
493 regulated by the Federal Railroad Administration shall  
494 consult with the affected railroad on required  
495 specifications relating to clearance, safety, insurance, and  
496 indemnification to be included in the construction documents  
497 for such project.

498 [20.] 18. Under section 327.465, any design-builder  
499 that enters into a design-build contract **or progressive**  
500 **design-build contract** with a political subdivision is exempt  
501 from the requirement that such person or entity hold a  
502 license or that such corporation hold a certificate of  
503 authority if the architectural, engineering, or land-  
504 surveying services to be performed under the design-build  
505 contract are performed through subcontracts or joint  
506 ventures with properly licensed or authorized persons or  
507 entities, and not performed by the design-builder or its own  
508 employees.

509 [21.] 19. This section shall not apply to:

510 (1) Any metropolitan sewer district established under  
511 Article VI, Section 30(a) of the Constitution of Missouri; or

512 (2) Any special charter city, or any city or county  
513 governed by home rule under Article VI, Sections 18(a) to  
514 18(r) or 19 of the Constitution of Missouri that has adopted  
515 a design-build process **or progressive design-build process**  
516 via ordinance, rule, or regulation.

✓