

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 136

90TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GOODE.

Pre-filed December 1, 1998, and 1,000 copies ordered printed.

Read 2nd time January 18, 1999, and referred to the Committee on Appropriations.

Reported from the Committee February 15, 1999, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 1, 1999. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

S0172.01P

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## AN ACT

To repeal sections 8.250 and 8.294, RSMo Supp. 1998, and to enact in lieu thereof two new sections relating to contracts for state construction projects, with an effective date.

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

Section A. Sections 8.250 and 8.294, RSMo Supp. 1998, are repealed and two new sections enacted in lieu thereof, to be known as sections 8.250 and 8.294, to read as follows:

8.250. 1. "Project" for the purposes of this chapter means the labor or material necessary for the construction, renovation, or repair of improvements to real property so that the work, when complete, shall be ready for service for its intended purpose and shall require no other work to be a completed system or component.

2. All contracts for projects, the cost of which exceeds twenty-five thousand dollars, entered into by any officer or agency of this state or of any city containing five hundred thousand inhabitants or more shall be let to the lowest, responsive, responsible bidder or bidders after notice and publication of an advertisement for five days in a daily newspaper in the county where the work is located, or at least twice over a period of ten days or more in a newspaper in the county where the work is located, and in two daily newspapers in the state which do not have less than fifty thousand daily circulation, and by such other means as are determined to be most likely to

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

reach potential bidders.

3. The number of such public bids shall not be restricted or curtailed, but shall be open to all persons complying with the terms upon which the bids are requested or solicited unless debarred for cause. **The director shall have the right to reject any and all bids.** No contract shall be awarded when the amount appropriated for same is not sufficient to complete the work ready for service.

4. Dividing a project into component labor or material allocations for the purpose of avoiding bidding or advertising provisions required by [this section] **law** is specifically prohibited. **However, a project may be completed by means of more than one contract provided that each such contract was entered into pursuant to this section or chapter 34, RSMo.**

5. **Notwithstanding the limitations set forth in section 537.610, RSMo, the director may purchase policies of insurance to cover the risks associated with a construction project, including an owner-controlled insurance policy if the director deems it to be cost-effective for the project.**

8.294. There is hereby created within the state treasury the "State Facility Maintenance and Operation Fund", which shall be funded annually by appropriation, and which shall contain moneys transferred or paid to the office of administration or the board of public buildings as operating expenses and for-rent expenses of state-owned **or leased** facilities operated by the office of administration. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund for maintenance, repair, and operating expenses of the facilities. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall not lapse, unless and only to the extent to which the unencumbered balance at the close of any fiscal year exceeds one-twelfth of the total amount appropriated, paid, or transferred to the fund during such fiscal year.

Section B. The repeal and reenactment of sections 8.250 and 8.294 shall become effective January 1, 2000.

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