

SECOND REGULAR SESSION

SENATE BILL NO. 794

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

Pre-filed December 18, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4557S.01I

AN ACT

To repeal section 227.100, RSMo, and to enact in lieu thereof one new section relating to valuation of bids for state contracts.

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

Section A. Section 227.100, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 227.100, to read as follows:

227.100. 1. All contracts for the construction of said work shall be let to
2 the lowest responsible bidder or bidders after notice and publication of an
3 advertisement in a newspaper published in the county where the work is to be
4 done, and in such other publications as the commission may determine. **In**
5 **determining the lowest responsible bidder or bidders, the department**
6 **of transportation shall consider the complete life-cycle cost of the work,**
7 **including but not limited to factors such as initial cost and all**
8 **anticipated costs for subsequent maintenance, repair, or resurfacing**
9 **over the life of the work. The department of transportation shall**
10 **develop and implement a life-cycle cost analysis for any project for**
11 **which the estimated total pavement costs exceed one million dollars**
12 **funded in whole or in part with state funds. The department of**
13 **transportation shall design each such project in both hot mix asphalt**
14 **and portland cement concrete pavement, and shall award paving**
15 **projects utilizing the material having the lowest life-cycle cost. The**
16 **design of hot mix asphalt and portland cement concrete pavement**
17 **methods and life-cycle cost analysis shall be conducted in accordance**
18 **with the department of transportation's currently established practices**
19 **and policies.**

20 2. Each bid shall be accompanied by a certified check or a cashier's check

21 or a bid bond, guaranteed by a surety company authorized by the director of the
22 department of commerce and insurance to conduct surety business in the state
23 of Missouri, equal to five percent of the bid, which certified check, cashier's check,
24 or bid bond shall be deposited with the commissioner as a guaranty and forfeited
25 to the state treasurer to the credit of the state road fund in the event the
26 successful bidder fails to comply with the terms of the proposal, and return to the
27 successful bidder on execution and delivery of the performance bond provided for
28 in subsection 4. The checks of the unsuccessful bidders shall be returned to them
29 in accordance with the terms of the proposal.

30 3. All notices of the letting of contracts under this section shall state the
31 time and place when and where bids will be received and opened, and all bids
32 shall be sealed and opened only at the time and place mentioned in such notice
33 and in the presence of some member of the commission or some person named by
34 the commission for such purpose.

35 4. The successful bidders for the construction of said work shall enter into
36 contracts furnished and prescribed by the commission and shall give good and
37 sufficient bond, in a sum equal to the contract price, to the state of Missouri, with
38 sureties approved by the commission and to ensure the proper and prompt
39 completion of said work in accordance with the provisions of said contracts, and
40 plans and specifications; provided, that if, in the opinion of the majority of the
41 members of the commission, the lowest bid or bids for the construction of any of
42 the roads, or parts of roads, herein authorized to be constructed, shall be
43 excessive, then, and in that event, said commission shall have the right, and it
44 is hereby empowered and authorized to reject any or all bids, and to construct,
45 under its own direction and supervision, all of such roads and bridges, or any part
46 thereof.

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