

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 484**  
**97TH GENERAL ASSEMBLY**

1210H.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To amend chapter 34, RSMo, by adding thereto one new section relating to the Missouriians with Disabilities Jobs Act of 2013.

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

Section A. Chapter 34, RSMo, is amended by adding thereto one new section, to be  
2 known as section 34.470, to read as follows:

**34.470. 1. As used in this section, the following terms shall mean:**

2 **(1) "Direct labor", all work performed to fulfill a contract under the provisions of**  
3 **this section, excluding supervision and administration;**

4 **(2) "Qualifying disability", a significant mental or physical impairment, including**  
5 **blindness, that impedes a person who is seeking, entering, or maintaining gainful**  
6 **employment. Such significant disability shall be certified by the division of vocational**  
7 **rehabilitation within the department of elementary and secondary education; the Social**  
8 **Security Administration Title 42, Section 423 of the United States Code; the Social Security**  
9 **Administration Title 42, Section 416(i)(1)(B) of the United States Code; or a person eligible**  
10 **for services from the division of developmental disabilities of the department of mental**  
11 **health;**

12 **(3) "Qualifying vendor":**

13 **(a) A person with a qualifying disability;**

14 **(b) A business or entity, whether for profit or nonprofit, that employs individuals**  
15 **with a qualifying disability, provided such individuals perform at least seventy-five percent**  
16 **of the direct labor hours required to fulfill a state contract for goods or services; or**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (c) Any nonprofit agency serving people with significant disabilities that meets the  
18 eligibility criteria to participate in the federal AbilityOne program, or its successor  
19 program, as described in 41 U.S.C. Section 46-48c.

20 2. The broad purpose of this legislation is to provide persons with a qualifying  
21 disability access to job opportunities in the private sector competitive job market and  
22 additional job opportunities for individuals who choose facility-based employment in their  
23 community. Notwithstanding any other provision of this chapter to the contrary, the  
24 division of purchasing within the office of administration shall set a goal of procuring at  
25 least three percent of goods and services from qualifying vendors. The division shall  
26 develop and maintain a list of goods and services that are available from qualifying  
27 vendors and which such division determines are suitable for procurement from qualifying  
28 vendors by departments of the state, approve prices for goods and services identified under  
29 this section, review bids received by qualifying vendors, and award and renew contracts  
30 for the purchase of goods and services under this section without competitive bidding. Such  
31 procurement list, and revision thereof, shall be submitted to the board for approval and,  
32 upon approval, be distributed to all purchasing officers of the state, its departments and  
33 all political subdivisions. All products or services offered for purchase to a state  
34 department or a political subdivision by a qualifying vendor shall have significant value  
35 added by blind or significantly disabled persons as determined by the office of  
36 administration. Suspected violations of the eligibility criteria for a qualifying vendor may  
37 be reported to and shall be investigated by the department of labor and industrial  
38 relations.

39 3. Individuals with a qualifying disability shall be paid at least minimum wage for  
40 direct labor hours performed in fulfillment of any contract awarded under the provisions  
41 of this section.

42 4. The amount of goods and services that may be purchased in accordance with this  
43 section shall not exceed twenty-five million dollars.

44 5. It shall be the duty of the office of administration to determine the fair market  
45 price of all products and services offered for sale to the various departments of the state  
46 by qualifying vendors. The fair market price shall be competitive with the cost of  
47 procuring the goods or services from another source; shall, at a minimum, recover for the  
48 qualifying vendor the cost of raw materials, labor, overhead, and delivery; and shall be  
49 revised from time to time in accordance with changing cost factors. The office of  
50 administration may make such rules and regulations necessary to carry out the purposes  
51 of this section including specifications, time of delivery, assignment of products and  
52 services to be supplied by qualifying vendors, and other relevant matters of procedure.

53 After a contract has been awarded, all state departments as defined in section 34.010 shall  
54 purchase the products and services on the procurement list as determined by the office of  
55 administration in accordance with this section. The office of administration may authorize  
56 the purchase of products and services from other sources when requisitions cannot  
57 reasonably be fulfilled by a qualifying vendor.

58 6. In assessing the suitability of any potential addition to the procurement list, the  
59 office of administration shall consider the interest of small businesses and businesses  
60 owned by disadvantaged persons by determining whether the addition would have a severe  
61 adverse impact on the current contractor for the commodity or service. Generally, an  
62 impact up to fifteen percent of the total revenue of the contractor would not be deemed  
63 severe. However, in deciding whether a proposed addition to the procurement list would  
64 have a severe adverse impact on the current contractor, the office of administration shall  
65 consider:

66 (1) Financial and employment information provided by the current contractor  
67 regarding the impact on the contractor's sales;

68 (2) Whether the contractor has been a consistent supplier of the commodity or  
69 service and, therefore, more dependent on such sales; and

70 (3) Any other factor the office of administration deems relevant.

71 7. Except as otherwise provided in this section, all departments shall purchase goods  
72 and services produced by a qualifying vendor if:

73 (1) The goods or services offered for sale by a qualifying vendor reasonably conform  
74 to the needs and specifications of the department; and

75 (2) The qualifying vendor can supply the goods or services within a reasonable time.

76 8. In furtherance of this act, the Governor may elect to appoint a committee of no  
77 fewer than five senior state agency procurement officials, at least one representative of a  
78 qualified nonprofit agency for the blind, and one representative of a qualified nonprofit  
79 agency for the significantly disabled, and one private citizen to collaborate to further the  
80 Act. Such committee will be unpaid, not require appropriation, and would serve in an  
81 advisory capacity only.

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