

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 682, Page 1, in the Title, Line 2, by  
2 deleting the word "land"; and

3  
4 Further amend said bill, Page 2, Section 34.030, Line 21, by inserting after all of said line the  
5 following:

6  
7 "34.040. 1. All purchases in excess of three thousand dollars shall be based on competitive  
8 bids, except as otherwise provided in this chapter.

9 2. Purchases made by the department of corrections or by the department of mental health  
10 shall only require competitive bids for purchases in excess of ten thousand dollars.

11 3. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or  
12 over, except as provided in subsection 6 of this section, the commissioner of administration shall:

13 (1) Advertise for bids in at least two daily newspapers of general circulation in such places  
14 as are most likely to reach prospective bidders and may advertise in at least two weekly minority  
15 newspapers and may provide such information through an electronic medium available to the  
16 general public at least five days before bids for such purchases are to be opened. Other methods of  
17 advertisement, which may include minority business purchase councils, however, may be adopted  
18 by the commissioner of administration when such other methods are deemed more advantageous for  
19 the supplies to be purchased;

20 (2) Post a notice of the proposed purchase in his or her office; and

21 (3) Solicit bids by mail or other reasonable method generally available to the public from  
22 prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the  
23 commissioner of administration so as to reach such office before the time set for opening bids.

24 [3.] 4. The contract shall be let to the lowest and best bidder. The commissioner of  
25 administration shall have the right to reject any or all bids and advertise for new bids, or purchase  
26 the required supplies on the open market if they can be so purchased at a better price. When bids  
27 received pursuant to this section are unreasonable or unacceptable as to terms and conditions,  
28 noncompetitive, or the low bid exceeds available funds and it is determined in writing by the  
29 commissioner of administration that time or other circumstances will not permit the delay required  
30 to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that  
31 each responsible bidder who submitted such bid under the original solicitation is notified of the  
32 determination and is given a reasonable opportunity to modify their bid and submit a best and final  
33 bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds  
34 available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible  
35 bidder under the original solicitation.

36 [4.] 5. The director of the department of revenue shall follow bidding procedures as

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 contained in this chapter and may promulgate rules necessary to establish such procedures. No  
2 points shall be awarded on a request for proposal for a contract license office to a bidder for a  
3 return-to-the-state provision offer.

4 [5.] 6. All bids shall be based on standard specifications wherever such specifications have  
5 been approved by the commissioner of administration. The commissioner of administration shall  
6 make rules governing the delivery, inspection, storage and distribution of all supplies so purchased  
7 and governing the manner in which all claims for supplies delivered shall be submitted, examined,  
8 approved and paid. The commissioner shall determine the amount of bond or deposit and the  
9 character thereof which shall accompany bids or contracts.

10 [6.] 7. The department of natural resources may, without the approval of the commissioner  
11 of administration required pursuant to this section, enter into contracts of up to five hundred  
12 thousand dollars to abate illegal waste tire sites pursuant to section 260.276 when the director of the  
13 department determines that urgent action is needed to protect public health, safety, natural resources  
14 or the environment. The department shall follow bidding procedures pursuant to this section and  
15 may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that  
16 term is defined in section 536.010, that is created under the authority delegated in this section shall  
17 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
18 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
19 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to  
20 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
21 authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

22 [7.] 8. The commissioner of administration and other agencies to which the state purchasing  
23 law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the  
24 vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or  
25 consumption in this state but fails to collect and properly pay the tax as provided in chapter 144.  
26 For the purposes of this section, "affiliate of the vendor" shall mean any person or entity that is  
27 controlled by or is under common control with the vendor, whether through stock ownership or  
28 otherwise."; and

29  
30 Further amend said bill by amending the title, enacting clause, and intersectional references  
31 accordingly.