

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 854

97TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, March 13, 2014, with recommendation that the Senate Committee Substitute do pass.

4302S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to county purchases.

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

Section A. Sections 50.660 and 50.783, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 50.660 and 50.783, to
3 read as follows:

50.660. 1. All contracts shall be executed in the name of the county, or
2 in the name of a township in a county with a township form of government, by the
3 head of the department or officer concerned, except contracts for the purchase of
4 supplies, materials, equipment or services other than personal made by the officer
5 in charge of purchasing in any county or township having the officer. No contract
6 or order imposing any financial obligation on the county or township is binding
7 on the county or township unless it is in writing and unless there is a balance
8 otherwise unencumbered to the credit of the appropriation to which it is to be
9 charged and a cash balance otherwise unencumbered in the treasury to the credit
10 of the fund from which payment is to be made, each sufficient to meet the
11 obligation incurred and unless the contract or order bears the certification of the
12 accounting officer so stating; except that in case of any contract for public works
13 or buildings to be paid for from bond funds or from taxes levied for the purpose
14 it is sufficient for the accounting officer to certify that the bonds or taxes have
15 been authorized by vote of the people and that there is a sufficient unencumbered
16 amount of the bonds yet to be sold or of the taxes levied and yet to be collected
17 to meet the obligation in case there is not a sufficient unencumbered cash balance

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

18 in the treasury. All contracts and purchases shall be let to the lowest and best
19 bidder after due opportunity for competition, including advertising the proposed
20 letting in a newspaper in the county or township with a circulation of at least five
21 hundred copies per issue, if there is one, except that the advertising is not
22 required in case of contracts or purchases involving an expenditure of less than
23 six thousand dollars. It is not necessary to obtain bids on any purchase in the
24 amount of four thousand five hundred dollars or less made from any one person,
25 firm or corporation during any period of ninety days or, if the county is any
26 county of the first classification with more than one hundred fifty thousand but
27 fewer than two hundred thousand inhabitants, [or] any county of the first
28 classification with more than two hundred sixty thousand but fewer than three
29 hundred thousand inhabitants, **or any county with more than seventy-five**
30 **thousand but fewer than one hundred thousand inhabitants and with**
31 **a city of the fourth classification with more than seventeen thousand**
32 **but fewer than nineteen thousand inhabitants as the county seat,** it is
33 not necessary to obtain bids on such purchases in the amount of six thousand
34 dollars or less. All bids for any contract or purchase may be rejected and new
35 bids advertised for. Contracts which provide that the person contracting with the
36 county or township shall, during the term of the contract, furnish to the county
37 or township at the price therein specified the supplies, materials, equipment or
38 services other than personal therein described, in the quantities required, and
39 from time to time as ordered by the officer in charge of purchasing during the
40 term of the contract, need not bear the certification of the accounting officer, as
41 herein provided; but all orders for supplies, materials, equipment or services
42 other than personal shall bear the certification. In case of such contract, no
43 financial obligation accrues against the county or township until the supplies,
44 materials, equipment or services other than personal are so ordered and the
45 certificate furnished.

46 2. Notwithstanding the provisions of subsection 1 of this section to the
47 contrary, advertising shall not be required in any county in the case of contracts
48 or purchases involving an expenditure of less than six thousand dollars.

50.783. 1. The county commission may waive the requirement of
2 competitive bids or proposals for supplies when the commission has determined
3 in writing and entered into the commission minutes that there is only a single
4 feasible source for the supplies. Immediately upon discovering that other feasible
5 sources exist, the commission shall rescind the waiver and proceed to procure the

6 supplies through the competitive processes as described in this chapter. A single
7 feasible source exists when:

8 (1) Supplies are proprietary and only available from the manufacturer or
9 a single distributor; or

10 (2) Based on past procurement experience, it is determined that only one
11 distributor services the region in which the supplies are needed; or

12 (3) Supplies are available at a discount from a single distributor for a
13 limited period of time.

14 2. On any single feasible source purchase where the estimated
15 expenditure is three thousand dollars or over, the commission shall post notice
16 of the proposed purchase. Where the estimated expenditure is five thousand
17 dollars or over, the commission shall also advertise the commission's intent to
18 make such purchase in at least one daily and one weekly newspaper of general
19 circulation in such places as are most likely to reach prospective bidders or
20 offerors and may provide such information through an electronic medium
21 available to the general public at least ten days before the contract is to be let.

22 3. Notwithstanding subsection 2 of this section to the contrary, on any
23 single feasible service purchase by:

24 (1) Any county of the first classification with more than one hundred fifty
25 thousand but fewer than two hundred thousand inhabitants; [or]

26 (2) Any county of the first classification with more than two hundred sixty
27 thousand but fewer than three hundred thousand inhabitants; **or**

28 (3) **Any county with more than seventy-five thousand but fewer**
29 **than one hundred thousand inhabitants and with a city of the fourth**
30 **classification with more than seventeen thousand but fewer than**
31 **nineteen thousand inhabitants as the county seat;**

32 where the estimated expenditure is six thousand dollars or over, the commission
33 shall post notice of the proposed purchase and advertise the commission's intent
34 to make such purchase in at least one daily and one weekly newspaper of general
35 circulation in such places as are most likely to reach prospective bidders or
36 offerors and may provide such information through an electronic medium
37 available to the general public at least ten days before the contract is to be let.

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