

SECOND REGULAR SESSION

SENATE BILL NO. 908

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Read 1st time January 19, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4637S.011

AN ACT

To amend chapter 227, RSMo, by adding thereto one new section relating to state highways and transportation commission authority to implement electronic bidding on state highway system projects.

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

Section A. Chapter 227, RSMo, is amended by adding thereto one new section, to be known as section 227.102, to read as follows:

227.102. 1. Notwithstanding any other provision of law to the contrary, the commission is authorized to receive bids and bid bonds for any contract for construction, maintenance, repair, or improvement of any bridge or highway on the state highway system electronically via the Internet. Such electronically submitted bids and bid bonds shall contain digital signatures and seals, and all other required bid information and certifications, in accordance with commission administrative rules, sections 432.200 to 432.295, RSMo, and with any applicable federal competitive bidding requirements. At its discretion, the commission may elect to receive both electronic and paper bids, or the commission may specify electronic bidding exclusively for any proposed contract.

2. Any electronic bidding program or service implemented by the commission and the electronic bid and bid bond vendor shall meet the following criteria, at a minimum:

(1) Each bidder must be able to transmit an electronic bid and bid bond securely and confidentially through bid encryption or other protection measures;

(2) Each bidder must receive prompt confirmation of the timely electronic filing of the bidder's bid and bid bond;

21 **(3) Each bidder must be able to withdraw or replace the bidder's**
22 **filed electronic bid and bid bond prior to the time bids are opened;**

23 **(4) Each bid filed electronically must be inaccessible or**
24 **unreadable to all others except for the bidder prior to the time bids are**
25 **opened;**

26 **(5) The portal for filing bids must have a mechanism to block any**
27 **additional bids or modifications to bids when bids are scheduled to be**
28 **opened; and**

29 **(6) Commission representatives and officials of the department**
30 **of transportation must have full and immediate access to the bids and**
31 **bid bonds at the time bids are designated to be opened, but not prior**
32 **to that time.**

33 **3. The commission is authorized to promulgate administrative**
34 **rules to administer the provisions in this section. Any rule or portion**
35 **of a rule, as that term is defined in section 536.010, RSMo, that is**
36 **created under the authority delegated in this section shall become**
37 **effective only if it complies with and is subject to all of the provisions**
38 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**
39 **section and chapter 536, RSMo, are nonseverable and if any of the**
40 **powers vested with the general assembly pursuant to chapter 536,**
41 **RSMo, to review, to delay the effective date, or to disapprove and annul**
42 **a rule are subsequently held unconstitutional, then the grant of**
43 **rulemaking authority and any rule proposed or adopted after August**
44 **28, 2006, shall be invalid and void.**

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