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Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 11—Procurement of Supplies

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

COPY

7 CSR 10-11.010 Definition of Terms. The Missouri Highways and Transportation Commission is amending sections (3), (8), (9), (10), (12), (16), (18), (21), (22), (27), (29), (31); deleting sections (24) and (26); adding new sections (16), (18), and (26); and renumbering as necessary.

PURPOSE: This proposed amendment removes unnecessary restrictive wording, clarifies definitions to make them easier to understand, and adds definitions for indefinite delivery contracts, invitation for quotation, and request for information.

(3) Bidder/Offeror—A person or entity submitting a solicitation document to **the** department.

(8) Contract—An offer to perform [*a contract for*] work and labor or to supply materials, goods, or services at a specified price **that is acceptable to the commission**; also may include detailed information about services to be furnished.

(9) Contractor—A successful bidder/offeror [*to whom*] **who has received an award by the commission and with which** a contract has been [*awarded by*] **executed with** the commission.

(10) Debarment—An exclusion from contracting with the commission [*for*] **that is issued by the commission and has** an indefinite period of time **in duration**.

(12) Director—The director of the General Services Division of the department or a designated representative (**i.e., designee**) of the director.

(16) Indefinite Delivery Contract (IDC)—Resulting from a competitive procurement, contracts awarded for facility maintenance, construction, repair, rehabilitation, renovation or alteration services of a recurring nature when the delivery times and quantities are indefinite. Work orders are placed with the contractors based on pre-described and pre-priced tasks when the need for the services arises.

(1[6]7) Invitation for bid (IFB)—A formal request for sealed bids which [*are*] **is** solicited based upon specifications for which bids must be submitted.

(18) Invitation for quotation (IFQ)—An informal request for either bids or proposals based upon either a specification or a scope of work requirement. Establishes a target date and time by which quotations must be submitted.

(1[7]9) Missouri firm—A corporation which is incorporated in Missouri, or in the case of a partnership, joint venture, or sole proprietorship, a business which has its principal place of business in Missouri.

(1[8]20) Multiple award—A purchase order or contract awarded to/**executed with** two (2) or more bidders/offerors required to meet the needs of the department.

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([19]21) Nonresponsive bid/proposal—A bid or proposal which does not fulfill all terms, conditions, and specifications outlined in the solicitation document.

(2[0]2) Notice to proceed—A document sent by the department that gives notice to the bidder/offeror to begin performance on its contract.

(2[1]3) Purchase—**The term purchase [I]**includes rental or leasing of any equipment, articles, or supplies.

(2[2]4) Purchase order—A document issued by **the** department[,] authorizing a bidder/offeror to deliver goods.

(2[3]5) Responsible bid/proposal—Bid/proposal which complies with all terms, conditions, and specifications outlined in the solicitation document.

[(24) Request for bid (RFB)—A formal request for sealed bids which is solicited and based upon specifications for which bids must be submitted. Bids must be submitted by a specific date and time.]

(26) Request for information (RFI)—An Informal request for information which is solicited and based upon identified needs.

(2[5]7) Request for proposal (RFP)—A formal request for sealed proposals which is solicited and based on scope of work requirements. Proposals must be submitted by a specific date and time.

[(26) Request for quotation (RFQ)—An informal request for either bids or proposals based upon either a specification or a scope of work requirement. Establishes a target date and time by which quotations must be submitted.]

(2[7]8) Solicitation—A process of notifying prospective bidders/offerors that the department wishes to receive bids or proposals to provide goods, services, or a combination of goods and services **to the commission**. The term includes [R]IFQ, **RFQ**, **RFP**, **IFB**, **RFB**, and any other procurement method which may be used **by the commission**.

(2[8]9) State—The state of Missouri.

([29]30) Substitution—A shipment of an item that materially conforms to the specifications of **the solicitation** but is technically different from *[the]* **such** item *[bid]* **in the solicitation**.

(3[0]1) Supplies—Materials, equipment, contractual services, and all articles or things.

(3[1]2) Suspension—An exclusion from contracting with the commission *[for]* **that is issued by the commission and has** a temporary period of time.

(3[2]3) Vendor—Any individual, partnership, company, corporation, or joint venturer providing

supplies to the commission.

AUTHORITY: sections 226.020, 226.130, 227.030, and 227.210, RSMo 2000. Original rule filed April 5, 1993, effective Oct. 10, 1993. Amended: Filed June 5, 2009, effective Jan. 30, 2010. Amended: Filed May 4, 2018.*

**Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; 227.030, RSMo 1939; and 227.210, RSMo 1939.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, Missouri 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*