

Title 7--DEPARTMENT OF TRANSPORTATION
Division 10--Missouri Highways and Transportation Commission
Chapter 18--Contractor Disqualification for Misconduct

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SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

7 CSR 10-18.030 Notice of Proposed Disqualification. The Missouri Highways and Transportation Commission is amending section (2).

COPY

PURPOSE: This proposed amendment adds the duration of time to the proposed disqualification notice the contractor would receive.

(2) Notice of Proposed Disqualification. The notice of proposed disqualification shall be sent to the contractor by the division engineer or director who is proposing the disqualification. The notice of the proposed disqualification shall advise the contractor of the following:

- (A) That disqualification is being *[considered]* **proposed**;
- (B) The reasons for the proposed disqualification in terms sufficient to **notify the** *[put the person or]* contractor *[on notice]* of the conduct or transaction(s) upon which it is based;
- (C) The causes relied upon for proposing disqualification;
- (D) The procedures governing disqualification;
- (E) The potential effect of a disqualification by the commission;
- (F) The contractor's right to appeal the recommendation to the review board; *[and]*
- (G) That disqualification is only for serious actions and is used only in the public interest and for the state's protection and not for purposes of punishment; *[.]and*
- (H) The proposed duration of the proposed disqualification.**

AUTHORITY: Art. IV, section 29, Mo. Const., sections 226.020, 226.150, 227.030, 227.100, and 227.210, RSMo (1994), 226.130, RSMo (Cum. Supp. 1996) and Title 49 Code of Federal Regulations part 29. Original rule filed Dec. 12, 1996, effective June 30, 1997. Amended: Filed December 8, 2016.*

**Original authority: 226.020, RSMo (1939); 226.130, RSMo (1939), amended 1993, 1995; 226.150, RSMo (1939), amended 1977; 227.030, RSMo (1939); 227.100, RSMo (1939), amended 1963, 1967, 1969; 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 (\$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 Department of Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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.*

JOINT COMMITTEE ON

DEC 08 2016

ADMINISTRATIVE RULES