



Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 59—Bid Procedures

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 45—Missouri Gaming
Commission**

Chapter 59—Bid Procedures

11 CSR 45-59.010 Bid Procedure

PURPOSE: This rule establishes a bid procedure for the Missouri Horse Racing Commission.

(1) The executive director shall use the bid procedures set forth in chapter 19 whenever s/he exercises the authority to directly purchase as provided in section 313.560, RSMo (1986).

(2) The director shall solicit competitive bids for goods or services, except as provided in 12 CSR 50-19.040. The solicitations shall be based on written specifications.

(A) The director, whenever possible, shall solicit a minimum of three (3) bids.

(B) Specifications shall be in generic or functional terms unless it is not reasonably possible to describe required goods or services in generic or functional terms.

(C) Whenever it is not reasonably possible to describe required goods or services in generic or functional terms, the director may specify two (2) or more brand names or one (1) brand name together with the terms or substantially equivalent.

(D) The director shall administer this procedure to encourage the submission of bids by minorities.

(3) The director may solicit bids by mail, by telephone, in person, through advertising or any combination thereof, whichever in his/her judgment is the most prudent and practical under the circumstances to insure cost efficiency in the purchase of the goods or services required.

(4) The director shall publicize his/her bid solicitation in a manner which is calculated to reach the maximum number of vendors under the circumstances.

(5) The director shall allow at least five (5) business days for the vendor bids prior to the award of the contract under this section.

(6) The director shall select the lowest and best terms on an evaluated basis in awarding the contract.

AUTHORITY: section 313.560, RSMo 1986.* This rule originally filed as 12 CSR 50-19.010. Original rule filed Dec. 15, 1986,

effective March 26, 1987. Moved to 11 CSR 45-59.010, effective Aug. 28, 1995.

*Original authority: 313.560, RSMo 1986, amended 1987.

11 CSR 45-59.020 Bids Not to be Revealed

PURPOSE: This rule sets forth the general confidentiality of bid information and establishes certain exceptions.

(1) The prices or data quoted or contained in any bid or quote to the director under chapter 19 shall not be revealed to any other bidder, vendor or other person until after the award of the contract except as provided in section (2) of this rule.

(2) Nothing in section (1) of this rule shall prevent the director from revealing prices or data contained in any bid or quote to—

(A) The commission or any individual member thereof;

(B) Any member of the staff of the commission;

(C) Any member of another state agency assisting in the evaluation process, providing technical assistance, drafting documents or giving legal advice on a need-to-know basis; and

(D) Any consultant or the staff of any consultant assisting the director in the evaluation process or providing technical assistance in the process on a need-to-know basis.

AUTHORITY: section 313.560, RSMo 1986.* This rule originally filed as 12 CSR 50-19.020. Original rule filed Dec. 15, 1986, effective March 26, 1987. Moved to 11 CSR 45-59.020, effective Aug. 28, 1995.

*Original authority: 313.560, RSMo 1986, amended 1987.

11 CSR 45-59.030 Three or Fewer Vendors

PURPOSE: This rule establishes a procedure when less than three vendors exist for any goods or services.

(1) When the director has determined that three (3) or fewer vendors exist which can provide the goods or services required by the commission s/he may use the procedure set forth in this rule.

(2) The director may negotiate with the vendor(s) who are capable of supplying the goods or services to obtain the lowest and best terms.

(3) The director may award the contract at

any time s/he is satisfied that s/he has obtained the lowest and best terms available.

AUTHORITY: section 313.560, RSMo 1986.* This rule originally filed as 12 CSR 50-19.030. Original rule filed Dec. 15, 1986, effective March 26, 1987. Moved to 11 CSR 45-59.030, effective Aug. 28, 1995.

*Original authority: 313.560, RSMo 1986, amended 1987.

11 CSR 45-59.040 Professional Services

PURPOSE: This rule allows the director to negotiate directly for professional services required by the commission.

(1) The director may directly negotiate with the individuals who are capable of providing professional services required by the commission.

(2) As used in this rule professional services shall include, but shall not be limited to, the following:

(A) Legal services;

(B) Accounting services;

(C) Services to provide economic or demographic projections, estimates and evaluations;

(D) Services of officials for race meets including the stewards and veterinarians; and

(E) Laboratory services for the purpose of testing for violations of the rules of the commission.

AUTHORITY: section 313.560, RSMo 1986.* This rule originally filed as 12 CSR 50-19.040. Original rule filed Dec. 15, 1986, effective March 26, 1987. Moved to 11 CSR 45-59.040, effective Aug. 28, 1995.

*Original authority: 313.560, RSMo 1986, amended 1987.