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# **The GR Capitol Report**

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## ***EXTRAORDINARY SESSION UPDATE***

**SAFE AND SOUND BRIDGE IMPROVEMENT PROGRAM PROPOSAL PASSES IN SPECIAL SESSION:** On Aug. 27, the Senate Transportation Committee heard public testimony on HB 2, sponsored by Rep. Neal St. Onge (R-Ellisville). The bill passed the House last week.

HB 2 allows the Missouri Highways and Transportation Commission to modify bonding requirements for projects designated as “design-build-finance-maintain” projects for which the contract with the design-builder is expected to exceed 25 years. The proposed surety bond language for the design-build project will:

- (1) Require a bid or proposal bond in an amount of at least \$5 million;
- (2) Require a performance bond or bonds for the construction period specified in the design-build highway project contract in an aggregate amount of at least \$200 million or 25% of a reasonable estimate of the cost of the construction work, whichever is lower, except that the commission may allow other security in lieu of or in addition to any bond or bonds including, but not limited to, letters of credit or other negotiable instruments considered to be adequate and satisfactory to the commission; and
- (3) Require a payment bond or bonds for the protection of persons supplying labor and material in carrying out the construction work specified in the contract in an amount equal to a reasonable estimated total contract price under the terms of the project contract unless the commission makes a final determination by written findings of fact that the amount is impractical, in which case the commission will establish the amount of the payment bond or bonds, but in no case will the payment bond or bonds be less than the performance bond or bonds.

MoDOT’s Chief Engineer, Kevin Keith, advised the committee the program is a one of a kind in this country and existing statutes never anticipated a program like this. Mr. Keith further testified that Missouri has 1,093 structurally deficient bridges and this program will bring 802 of these 1,093 bridges in good condition.

Representatives from the two teams who have been working towards making bids on the project, Dwight Munk, Missouri Bridge Partners and Mark Wandro, United Contractors, Inc., also testified in favor of HB 2.

Others testifying in support were Ed DeSoignie, The Heavy Constructors Association of Greater Kansas City; Tricia Workman, AGC of St. Louis; Jack Atterberry, AGC of Missouri; Steve Rudloff, Missouri Limestone Producers Association; Trey Davis, Missouri Chamber of Commerce and Industry; and Chris Jackson, Missouri Transportation Development Council and Associated Industries of Missouri. Leslie Holloway, Missouri Farm Bureau, submitted written testimony in support of the bill.

There was no opposition to the bill. The committee approved the bill by a vote of 7 to 1.

On Aug. 29 the full Senate debated HB 2.

After a short introduction of the bill by Sen. Bill Stouffer (R-Napton), HB 2 was Truly Agreed to and Finally Passed with no debate. The bill passed by a vote of 32 to 0.

The bill now goes to the Governor for his consideration to be signed into law.

**OMBUDSMAN NAMED:** On Aug. 23, Gov. Blunt announced that Paul Martin, former federal prosecutor, will be Missouri's first property right ombudsman. This position was created from the passage of a 2006 law that restricts the use of eminent domain in taking private property for new development.