

*PURPOSE: This rule is being rescinded and combined with 1 CSR 10-3.010 Preapproval of Claims and Accounts: Definitions/Examples to streamline the rules.*

*AUTHORITY: section 313.321, RSMo Supp. 1988. Original rule filed Nov. 2, 1988, effective Jan. 13, 1989. Rescinded: Filed Oct. 3, 2018.*

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

*PRIVATE COST: This proposed rescission 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 rescission with the Office of Administration, PO Box 809, 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.*

**Title 1—OFFICE OF ADMINISTRATION  
Division 10—Commissioner of Administration  
Chapter 16—Convention and Sports Complex  
Regulations**

**PROPOSED AMENDMENT**

**1 CSR 10-16.010 Convention and Sports Complex.** The Division of Accounting is amending section (1).

*PURPOSE: This amendment is to streamline the rule.*

(1) Prior to the expenditure of any state appropriation to a Convention and Sports Complex Fund, the governing body of the city or county *[shall] are mandated to* comply with the following:

(A) Section 67.639, RSMo authorizes each city or county as defined in section 67.638, RSMo to establish by ordinance or order of the county or city governing board, a Convention and Sports Complex Fund for the purpose of developing, maintaining, or operating sports, convention, exhibition, or trade facilities within its jurisdiction. In order to comply with section 67.639, RSMo, **submit** a copy of the ordinance or order authorizing the establishment of the Convention and Sports Complex Fund, in accordance with sections 67.638 and 67.645, RSMo, *[must be submitted]* to the Office of Administration, Division of Accounting;

(B) In addition, section 67.641.2., RSMo requires each city or county which administers a Convention and Sports Complex Fund to enact or promulgate rules or ordinances pursuant to the terms and provisions of section 70.859, RSMo for the purchase of goods and services and for construction of capital improvements for the facility prior to receipt of any appropriations pursuant to section 67.641, RSMo. *[Accordingly, each city or county shall] In order to comply with the terms and conditions of section 70.859, RSMo,* submit to the Office of Administration, Division of Accounting, a copy of those regulations which have been enacted *[in order to comply with the terms and provisions of section 70.859, RSMo]:*

(C) With respect to certain counties or cities, section 67.641, RSMo states “No moneys shall be transferred under this section to the benefit of a sports complex for a county in any year unless each professional sports team which leases playing facilities within the county continue to lease the same playing facilities which were leased on August 28, 1989.” If applicable, *[the city or county] annually [shall forward] submit* a copy of *[that] the* contract or lease between the county or city and the professional sports team to the Office of Administration, Division of Accounting, before any

state moneys will be expended;

(D) *[Each city/county shall s]Submit* to the Office of Administration, Division of Accounting, a monthly financial certification, on the form listed as Appendix A. The state of Missouri will commence monthly transfers on a prorated basis for the remainder of the initial fiscal year. For all succeeding fiscal years, monthly transfers will continue subject to receipt of—

1. The monthly financial certification form; and

2. Notice that the county or city has paid two (2) million dollars into its fund or, in the case of a first class county not having a charter form of government or a charter city within a first class county not having a charter form of government, notice that the county or city has commenced payment into its fund, as specified in section 67.641.3., RSMo; and

(E) *[The city/county shall c]Comply* with the reporting and audit requirements set forth in section 67.645, RSMo. Failure to comply with any of these regulations or sections 67.638–67.645, RSMo will result in the termination of monthly payments. **Submit** *[A]a* copy of the annual report *[must be provided by the city/county]* to the Office of Administration, Division of Accounting.

*AUTHORITY: section 33.040, RSMo [1986] 2016. Emergency rule filed June 18, 1991, effective June 28, 1991, expired Oct. 1, 1991. Original rule filed March 18, 1991, effective Sept. 30, 1991. Amended: Filed Oct. 3, 2018.*

*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 Office of Administration, PO Box 809, 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.*

**Title 1—OFFICE OF ADMINISTRATION  
Division 30—Division of Facilities Management, Design  
and Construction  
Chapter 3—Capital Improvement and Maintenance  
Program**

**PROPOSED AMENDMENT**

**1 CSR 30-3.030 Project Design.** The Division of Facilities Management, Design and Construction is amending sections (1)–(5) and (7), as well as the purpose statement, and deleting section (8).

*PURPOSE: This amendment deletes provisions that are unnecessarily restrictive, and revises and reorganizes the rule to better reflect FMDC’s current practices and to increase the readability of the regulation.*

*PURPOSE: This rule sets forth the procedure for design of [Capital Improvement and Maintenance/Repair/Renovation] projects.*

(1) Selection of Designer. *[Selection of a consultant firm for design of projects in the Capital Improvement Maintenance Program will be made within seventy-five (75) calendar days after the appropriations are passed and signed. Department/agencies participate in the selection of designers for projects included in their program. Quality based*

selections are made by the department/agency capital improvement coordinator/service level managers based upon the criteria in the Architect Contractor Engineer (ACE) database.]

(A) Design by Department/Agency. The department/agency may recommend in-house design for those projects within their capability and capacity, provided they have licensed engineers or architects to seal the prepared plans and specifications. The director will concur with this recommendation unless there appears to be a substantial question of capability or capacity. The director will be the determining authority for questions of department/agency capacity and/or capability for design of projects.

(B) Design by Division of Facilities Management, Design and Construction. The director *[shall]* will examine projects remaining after selections for in-house department/agency design. Those projects *[which]* that are cost prohibitive to be done by consultants or *[require minor design]* for which the Division of Facilities Management, Design and Construction has the capability and capacity may be selected for in-house design by that division.

(C) Design by Consultants. Private consultants will be selected by the director for design of the balance of the projects *[in the program established by the capital improvement and maintenance appropriations. It is the policy of the division to provide the greatest possible opportunity for qualified and competent consultants to participate in this program].*

1. The director *[shall]* will maintain a file and *[ACE]* database of consultant firms who have expressed interest in *[the program performing work on projects]*. This file *[shall]* will include notations of specific areas of *[interest,]* experience or expertise as expressed by each consultant firm and ratings of previous projects completed and evaluated by the division.

*[1.2. [Service level managers/agency capital improvement coordinators] The department/agency may make recommendations for selections of consultants for design of projects not selected for in-house design.*

3. The selection of consultants will be based on *[knowledge of, or experience with, these consultants on current or prior projects and performance ratings or new and/or Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) firms that have a demonstrated competency and interest. Program managers may assist in the selections by making recommendations regarding the need for and special expertise or continuity between current and previous or proposed future work.]* the factors set forth in section 8.289, RSMo.

*[2.]* The director, *[Division of Facilities Management, Design and Construction,]* will approve the selected consultants after full consideration of the consultants' professional and technical competence, *[as well as]* experience, special expertise, and capacity necessary for studies and/or design of proposed projects.

A. Consideration will be given to providing opportunities for as many competent consultants as possible. Consultants who have not been retained for recent state projects will be given priority consideration in selections for new projects.

B. In those projects or programs where continuity is a significant factor, consideration will be given to continued retention of a consultant already engaged for existing projects or programs.

## (2) Consultant Firm Design.

### *[(A) Responsibilities.*

1. *Division of Facilities Management, Design and Construction.]*

*[A.](A)* Contracts. The *[director]* division will negotiate contracts for consultant studies and/or design in accordance with section 8.291, RSMo. These contracts will be negotiated *[on the basis of]* for a reasonable fee considering scope, difficulty, research, disciplines involved, and proposals by the selected consultant. The director *[shall]* reserves the right to approve additional consultants retained by the selected consultant for work on the project or study.

*[B. Supervision and approval of design or study. The*

*director shall be responsible for periodic review and approval of studies and/or designs for projects in the program. Reviews shall include examination of technical adequacy, as well as economy of materials and construction methods proposed. In addition, reviews shall examine estimated costs to assure that projects remain within funding authorizations. Those reviews shall be coordinated with the department/agency concerned.*

*C. Approval of payments. The director shall be responsible for review and approval of consultants' requests for payment. Approval of payment to consultants will be based on review and approval of work completed to the date of the payment request.]*

*[D.](B)* Communications. All official communication and direction to the consultant *[shall]* will be issued by the director, *[or his/her designee, and all official communications for all designs and/or studies by the consultant will be with the director or his/her designee. This will include all submissions for approval or payment, recommendations for modifications of scope, or other guidance and resolution of any differences or problems encountered. This will not limit informal communication or coordination between consultants and department/agencies. [The service level managers can make a valuable contribution to understanding requirements and problems for the project.]* Informal communication and working conferences between the *[staff]* department/agency, and the consultant are essential to successful completion of a project and are encouraged. Knowledgeable personnel shall be made available by the department/agency for consultations and site visits by the consultant. The consultant, by prior arrangement, shall have access to the project site at reasonable times. Records and conclusions reached at any working conference(s) between the department/agency and the consultant will be forwarded to the director or his/her designee by the consultant for review and approval.

*[(3)](C)* Consultant's General Responsibilities. The consultant is responsible for establishing the concept and planning for the project, as well as providing completed designs, studies, or both as indicated in consultant contract. For project design, the consultant is responsible for providing plans and specifications to fully describe the equipment, materials and work for completion of the project in accordance with the criteria, funding, and scope provided by the director. Periodically, as scheduled in the contract, the consultant will submit work for review and approval. The submissions will include estimated costs for all project work. When estimates for the complete project work exceed allocated funding, the consultant immediately shall notify the director, recommending adjustments and requesting further instructions before proceeding with additional design and/or study. Acceptance of the contract by the consultant includes acceptance of the adequacy of allocated funding for the work and the responsibility for redesign, if necessary, to establish a scope of project work within allocated funding.

*[(A) Communication. Official communications for all designs and/or studies will be with the director. This will include all submissions for approval or payment, recommendations for modifications of scope or other guidance and resolution of any differences or problems encountered. Informal and working conferences with department/agency and site/complex personnel are essential and encouraged. Records and conclusions reached at those conferences will be forwarded as recommendations for the director's review and approval.]*

*[(B)](D)* Payments. Payment method and/or periods will be as stipulated in the consultant's contract. *[Payment will be made after review and approval of work and/or demonstrated progress. After receipt by the director, review, approval and administrative processing of payment requests in the Office of Administration shall be completed within fifteen (15) working days.]* The director is responsible for review and approval of a consultant's requests for payment. Approval of payment to a consultant will be based on review and approval of work completed to

the date of the payment request. Where there appear to be differences between the payment request and the demonstrated progress, those differences *[shall]* will be resolved by decision of the director or his/her designee. *[Review, approval and administrative processing shall then be completed within fifteen (15) working days after resolution of these differences.]*

*[(4)](3)* Design Review. Designs and/or studies will be submitted to the director or his/her *[representative]* designee for review and approval in all projects designed by a department/agency or a consultant. The director's review will include examination of technical adequacy, as well as economy of materials and construction methods proposed. In addition, the director will examine estimated costs to assure that projects remain within funding authorizations. The review/s will be commensurate with the scope, complexity, and cost of the work. *[Response to the designer shall be completed within ten (10) working days after receipt by the project manager and approval by the Division of Facilities Management, Design and Construction.]* In the case of design by a consultant, review will be coordinated with the department/agency concerned. One (1) complete copy of each submission will be forwarded by the designer to the department/agency simultaneously with the submission to the director or his/her *[representative]* designee. Comments by the department/agency representative, if any, will be forwarded to the project manager *[within five (5) working days after receipt of the design or study by the department/agency]*. Department/agency comments, along with comments of the Division of Facilities Management, Design and Construction, will be used as the basis for response to the designer. *[Adjustment of review period for large projects, projects requiring coordination with other agencies or for unusual or complex designs, may be granted by the director.]*

(A) Pre-Design Conference. For projects designed by a consultant, *[A]*a pre-design conference will be scheduled by the project/*[construction]* manager with the *[designer]* consultant and the representative of the department/agency concerned. The project definitions established in the initial coordination will be reviewed to confirm or adjust project criteria, scope, cost, scheduling, and funding allocation. Initial fund distribution for the cost elements of the project will also be reviewed to confirm or adjust this fund distribution. Limitations and/or requirements expressed in the appropriation language *[shall]* should be carefully observed to assure that the project scope, costs, and funding remain within the authorization of the appropriations. The designer must agree that the scope of work can be accomplished within the available funding. When appropriate, the pre-design conference will be held at the project site to assure that all parties are familiar with the conditions under which the work will proceed, and that accommodations necessary to support the work are available. The design schedule begins with completion of the pre-design conference. After that, no changes will be made in the scope or funding of projects without written approval of the director.

(B) Design Review Submissions. For projects designed by a consultant, *[N]*normally, a minimum of three (3) design review submissions *[shall]* will be made. These submissions will be *[required]* made at approximately twenty percent (20%), fifty percent (50%), and one hundred percent (100%) of design completion to provide for timely review of technical and economic considerations in the design. For minor projects, the first two (2) submissions, with the approval of the project/*[construction]* manager, may be combined to provide design reviews at fifty percent (50%) and one hundred percent (100%) of design completion.

1. Schematic. Initial submission (approximately twenty percent (20%)) *[shall]* should provide drawings and an outline of specifications, in sufficient detail to demonstrate the proposed concept for arrangement, as well as the criteria and general parameters used for architectural, electrical, mechanical, and structural development. Proposed innovative methods or development *[shall]* should be presented in sufficient detail to permit a review in depth. An estimate *[shall]* should be submitted in sufficient detail to demonstrate the

costs of the various elements of work as well as the total cost for completion of all project work. A copy of all items in the schematic submission will be furnished to the *[end user who]* department/agency that will occupy or use the completed project. Comments and/or recommendations of the *[end user]* department/agency will be forwarded *[simultaneously]* to the project/*[construction]* manager, the Division of Facilities Management, Design and Construction and the department/agency within five (5) working days after receipt by the end user. Comments by the department/agency will also be forwarded to the project/*[construction]* manager, Division of Facilities Management, Design and Construction. The project scope and cost estimate *[shall]* should be reviewed carefully to assure compliance with requirements and/or limitations of appropriation language. Approval by the director's representative of schematic submission will indicate acceptance of, or required revisions to, scope, criteria, design parameters, and cost estimate.

2. Design *[d]*Development. The second submission (approximately fifty percent (50%)) *[shall]* should provide drawings and outline specifications to indicate general architectural, electrical, mechanical, and structural development of the approved concept. The development *[shall]* should clearly demonstrate sizes, capacities, and arrangement/., and include *[S]*sufficient details *[shall be included]* to define major elements of architectural and structural work and to define sizing, location, routing, and application of mechanical and electrical equipment and/or work. An estimate *[shall]* should be submitted in sufficient detail to demonstrate costs of the various elements of work as well as the total cost for completion of all project work. The detail *[shall]* should indicate costs for major items of equipment as well as a breakdown of labor and material costs for each trade with significant work on the project. When the first two (2) design review submissions are combined, a copy of all items in the design development submission will be forwarded to the *[end user who]* department/agency that will occupy or use the completed project. Comments and/or recommendations of the end user will be forwarded *[simultaneously]* to the project/*[construction]* manager, Division of Facilities Management, Design and Construction and the department/agency within five (5) working days. Comments and/or recommendations of the department/agency also shall be forwarded to the Division of Facilities Management, Design and Construction. When a project site is in a city or county, *[which]* that has adopted codes for regulation of work involved in a project, the designer will furnish *[for information,]* one (1) courtesy copy of the design development drawings and specifications to the code review authority of that city or county. The transmittal shall note that the plans and specifications are furnished as a courtesy, for information **only**, and that the code review authority, if it desires, may submit comments to the director's representative for consideration.

3. Final *[r]*Review. The final review submission is to contain one hundred percent (100%) of the completed drawings and specifications, including the documentation required to solicit bids. Drawings and specifications will be submitted in accordance with the latest issue of State of Missouri's Standard Specification Format as published by the Division of Facilities Management, Design and Construction. The documents are to be complete, and sealed by appropriate engineering and/or architectural disciplines. A final construction cost estimate *[shall]* should be submitted in sufficient detail to demonstrate costs of the various elements of work as well as the total cost for completion of all project work. The detail *[shall]* should indicate costs for major items of equipment as well as a breakdown of labor and material costs for each trade with significant work on the project. The final review documents and a copy of all previous comments and responses generated during the design development submission will be included with the submittal. Comments and/or recommendations of the *[end user]* department/agency will be forwarded *[simultaneously]* to the project/*[construction]* manager, Division of Facilities Management, Design and Construction and the department/agency within five (5)

working day. Comments and/or recommendations of the department/agency also shall be forwarded to the Division of Facilities Management, Design and Construction).

4. Construction [d/Documents. This final submission shall consist of drawings and specifications and construction cost estimate. The documents are to be complete, sealed by appropriate engineering and/or architectural disciplines, and ready for issuance for bidding. Upon receipt, the [construction/]project manager [shall] will finalize [the Divisions 0 and 1 specification sections of] the bidding documents. [Chief Engineer/Architect] The director's designee performs an administrative review of the documents and, if acceptable, signs the documents as appropriate.

[(D)](4) Codes and Standards. The following are adopted as the codes and standards for work [under the Capital Improvement and Maintenance Program] on state facilities, with the exception of facilities operated and maintained by agencies exempted from the requirements of this regulation as set forth below. The chief engineer/architect of the division is the authority for code determinations.

1. [(A)] International Building Codes (IBC—current edition);

2. [(B)] The Americans with Disabilities Act (ADAAG—current edition);

3. [(C)] National Fire Code [(NEC) NFPA 70 - National Electrical Code and NFPA 101—Life Safety Code—current editions];

4. [(D)] International Mechanical Code (IMC—current edition);

5. [(E)] International Plumbing Code (IPC—current edition);

6. National Fire Protection Association (NFPA 101—current edition);]

7. [(F)] American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE Standards 90.1 for Energy Efficient Design of New Buildings except Low-Rise Residential Buildings—current edition);

8. [(G)] American Society of Mechanical Engineers (ASME—current edition);

9. [(H)] American National Standards Institute (ANSI—current edition);

10. [(I)] American Concrete Institute (ACI—current edition);

11. [(J)] Sheet Metal and Air Conditioning Contractor's National Association (SMACNA—current edition);

12. [(K)] Boiler and Pressure Vessel Act of the State of Missouri—(current edition).

[(E)] If there are significant differences between the local codes and current international codes, the designer shall discuss with the local authority to resolve the issues. If a resolution cannot be reached, the division chief engineer/architect shall be contacted for final ruling.]

[(F)](L) Local Codes. Current codes adopted by a Missouri city and/or county in which a project site is located. These codes are applicable only to the extent that they are not in conflict with [code determinations by the chief engineer/architect] the codes listed above or are otherwise required by statute. The State of Missouri and its contractors are exempt from paying license, inspection, or similar fees for work on state premises.

(5) Bidding.

(A) Prospective Bidders. Consultants retained for design work [under the program shall] should assist the director in establishing a list of prospective bidders for projects they design. If necessary, consultants [shall] will contact prospective bidders to determine and/or solicit interest in bidding for the work. The department/agency [shall] will provide, within its capability, similar assistance.

(B) Bid Review and Recommendations. The project/[construction] manager [shall] will notify the designer and the [agency capital improvement coordinator/service level manager of the] department/agency [concerned] of scheduled project bid dates. Immediately following the opening of bids for a project, the project manager may coordinate a review of the bids with the department/agency [capital

improvement coordinator/service level manager] and, when appropriate, with the designer. If the bids for the project are within available funding and there is agreement on the low responsive bidder, the department/agency [shall] will forward its written recommendation for award to the director along with the encumbrance for the amount of the recommended award [within five (5) working days]. If project bids are not within available funding or agreement on the low responsive bidder is not reached, the department/agency[, within five (5) working days, shall] will forward to the director its written recommendation for subsequent action on the project. When requested by the director, the designer also [shall] will forward[, within five (5) working days,] a recommendation on the bids received and/or subsequent action on the project.

(7) Exemptions. There are specific exemptions from requirements of this rule provided by the Missouri Constitution and by the Revised Statutes of Missouri.

(B) Institutions of higher learning, community junior colleges, and the Department of Conservation are exempted by section 8.310, RSMo [Supp. 2007] from provisions of this rule which require coordination with or approval by the commissioner of administration and/or the director of the Division of Facilities Management, Design and Construction for defining projects, determining fund allocation, negotiation or approval of contracts, and approval of payments.

[(8)] This rule becomes effective with the appropriation for the applicable fiscal year.]

AUTHORITY: sections 8.310 and 8.320, RSMo [2000] 2016. Original rule filed July 9, 1981, effective Feb. 15, 1982. Emergency amendment filed June 14, 1985, effective July 1, 1985, expired Oct. 29, 1985. Amended: Filed June 14, 1985, effective Aug. 26, 1985. Rescinded and readopted: Filed Nov. 5, 2007, effective June 30, 2008. Amended: Filed Oct. 11, 2018.

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

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**Title 1—OFFICE OF ADMINISTRATION**  
**Division 30—Division of Facilities Management, Design**  
**and Construction**  
**Chapter 3—Capital Improvement and Maintenance**  
**Program**

**PROPOSED AMENDMENT**

**1 CSR 30-3.040 Project Contracts and Work Completion.** The Division of Facilities Management, Design and Construction is deleting sections (1) and (2) and amending what were previously sections (3) and (4) of this rule. The purpose statement is also being amended.

PURPOSE: This amendment deletes provisions that were moved to another regulation or are unnecessarily restrictive. This amendment also revises the rule to better reflect FMDC's current practices and