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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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IN THIS ISSUE:

EMERGENCY RULES

Department of Social Services
 MO HealthNet Division 655

EXECUTIVE ORDERS 658

PROPOSED RULES

Office of Administration
 Commissioner of Administration 660
 Division of Facilities Management, Design and
 Construction 667
 Purchasing and Materials Management 671
Department of Mental Health
 Certification Standards 678

ORDERS OF RULEMAKING

Department of Agriculture
 Grain Inspection and Warehousing 683
Department of Social Services
 Family Support Division 684

IN ADDITIONS

Department of Transportation
 Missouri Highways and Transportation Commission 685
Department of Health and Senior Services
 Missouri Health Facilities Review Committee 688

CONSTRUCTION TRANSIENT LIST 690

DISSOLUTIONS 709

SOURCE GUIDES

RULE CHANGES SINCE UPDATE 712
EMERGENCY RULES IN EFFECT 715
EXECUTIVE ORDERS 717
REGISTER INDEX 718

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
January 4, 2016 January 15, 2016	February 1, 2016 February 16, 2016	February 29, 2016 February 29, 2016	March 30, 2016 March 30, 2016
February 1, 2016 February 16, 2016	March 1, 2016 March 15, 2016	March 31, 2016 March 31, 2016	April 30, 2016 April 30, 2016
March 1, 2016 March 15, 2016	April 1, 2016 April 15, 2016	April 30, 2016 April 30, 2016	May 30, 2016 May 30, 2016
April 1, 2016 April 15, 2016	May 2, 2016 May 16, 2016	May 31, 2016 May 31, 2016	June 30, 2016 June 30, 2016
May 2, 2016 May 16, 2016	June 1, 2016 June 15, 2016	June 30, 2016 June 30, 2016	July 30, 2016 July 30, 2016
June 1, 2016 June 15, 2016	July 1, 2016 July 15, 2016	July 31, 2016 July 31, 2016	August 30, 2016 August 30, 2016
July 1, 2016 July 15, 2016	August 1, 2016 August 15, 2016	August 31, 2016 August 31, 2016	September 30, 2016 September 30, 2016
August 1, 2016 August 15, 2016	September 1, 2016 September 15, 2016	September 30, 2016 September 30, 2016	October 30, 2016 October 30, 2016
September 1, 2016 September 15, 2016	October 3, 2016 October 17, 2016	October 31, 2016 October 31, 2016	November 30, 2016 November 30, 2016
October 3, 2016 October 17, 2016	November 1, 2016 November 15, 2016	November 30, 2016 November 30, 2016	December 30, 2016 December 30, 2016

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 10—Nursing Home Program

EMERGENCY AMENDMENT

13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates. The division is adding paragraph (3)(A)19.

PURPOSE: This amendment provides for a per diem increase to nursing facility and HIV nursing facility per diem reimbursement rates by granting a two dollars and nine-cents (\$2.09) increase to the current per diem rate for dates of service beginning January 1, 2016 through June 30, 2016.

EMERGENCY STATEMENT: The Department of Social Services, MO HealthNet Division, by rule and regulation, must define the reasonable costs, manner, extent, quantity, quality, charges, and fees of medical assistance. Effective for dates of service beginning January 1, 2016 through June 30, 2016, the appropriation by the General Assembly included additional funds to increase nursing facilities' and HIV nursing facilities' reimbursements to account for a trend adjustment for SFY 2016. The MO HealthNet Division is carrying out the General Assembly's intent by providing for a per diem increase to nursing facility and HIV nursing facility reimbursement rates through the implementation of a trend adjustment of two dollars and nine cents (\$2.09) effective for dates of service beginning January 1, 2016

through June 30, 2016. The trend adjustment is necessary to ensure that payments for nursing facility and HIV nursing facility per diem rates are in line with the funds appropriated for that purpose. There is a total of five hundred and three (503) nursing facilities and HIV nursing facilities currently enrolled in MO HealthNet which will receive a per diem increase to its reimbursement rate effective for dates of service beginning January 1, 2016 through June 30, 2016. This emergency amendment will ensure payment for nursing facility and HIV nursing facility services to approximately twenty-four thousand (24,000) senior Missourians in accordance with the appropriation authority. For the State Fiscal Year 2016 payment to be made, a Medicaid State Plan Amendment was required to be submitted and approved by the Centers for Medicare and Medicaid Services (CMS). The State Plan Amendment was approved by CMS on April 6, 2016, and delivered to the state on April 11, 2016, but the proposed state regulation amendment will not be effective until May 30, 2016. This emergency amendment must be implemented on a timely basis to ensure that quality nursing facility and HIV nursing facility services continue to be provided to MO HealthNet participants in nursing facilities and HIV nursing facilities during state fiscal year 2016 in accordance with the appropriation authority. As a result, the MO HealthNet Division finds an immediate danger to public health, safety, and/or welfare and a compelling governmental interest, which requires emergency action. The MO HealthNet Division has a compelling government interest in providing continued cash flow for nursing facility and HIV nursing facility services. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*.

The MO HealthNet Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering this same material was published in the *Missouri Register* on December 15, 2015 (40 MoReg 1879-1882). The final order of rulemaking relating to that proposed amendment was filed with the Joint Committee on Administrative Rules on February 2, 2016, and was filed with the secretary of state on March 4, 2016. This emergency amendment was filed April 12, 2016, becomes effective April 22, 2016, and expires May 31, 2016.

(3) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed in 13 CSR 70-10.015, a nursing facility's reimbursement rate may be adjusted as described in this section. Subject to the limitations prescribed in 13 CSR 70-10.080, an HIV nursing facility's reimbursement rate may be adjusted as described in this section.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments. Global per diem rate adjustments shall be added to the specified cost component ceiling.

1. FY-96 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1995, shall be granted an increase to their per diem effective October 1, 1995, of four and six-tenths percent (4.6%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

2. FY-97 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1996, shall be granted an increase to their per diem effective October 1, 1996, of three and seven-tenths percent (3.7%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

3. Nursing Facility Reimbursement Allowance (NFRA). Effective October 1, 1996, all facilities with either an interim rate or a prospective rate shall have its per diem adjusted to include the current NFRA as an allowable cost in its reimbursement rate calculation.

4. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on November 1, 1996, shall be granted an increase to their per diem effective November 1, 1996, of two dollars and forty-five cents (\$2.45) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the fifty-cent (50¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

5. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents (\$1.98) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty-cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

6. FY-98 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of three and four-tenths percent (3.4%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

7. FY-99 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of two and one-tenth percent (2.1%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

8. FY-2000 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of one and ninety-four hundredths percent (1.94%) of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on

paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

9. FY-2004 nursing facility operations adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2003, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2003, through June 30, 2004, of four dollars and thirty-two cents (\$4.32) for the cost of nursing facility operations. Effective for dates of service beginning July 1, 2004, the per diem adjustment shall be reduced to three dollars and seventy-eight cents (\$3.78); and

B. The operations adjustment shall be added to the facility's current rate as of June 30, 2003, and is effective for payment dates after August 1, 2003.

10. FY-2007 quality improvement adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2006, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2006, of three dollars and seventeen cents (\$3.17) to improve the quality of life for nursing facility residents; and

B. The quality improvement adjustment shall be added to the facility's current rate as of June 30, 2006, and is effective for dates of service beginning July 1, 2006, and after.

11. FY-2007 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on February 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning February 1, 2007, of three dollars and zero cents (\$3.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's reimbursement rate as of January 31, 2007, and is effective for dates of service beginning February 1, 2007, for payment dates after March 1, 2007.

12. FY-2008 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2007, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2007, and is effective for dates of service beginning July 1, 2007.

13. FY-2009 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2008, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2008, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2008, and is effective for dates of service beginning July 1, 2008.

14. FY-2010 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2009, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2009, of five dollars and fifty cents (\$5.50) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2009, and is effective for dates of service beginning July 1, 2009.

15. FY-2012 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on October 1, 2011, shall be granted an increase to their per diem rate effective for dates of service beginning October 1, 2011, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of September 30, 2011, and is effective for dates of service

beginning October 1, 2011; and

C. This increase is contingent upon the federal assessment rate limit increasing to six percent (6%) and is subject to approval by the Centers for Medicare and Medicaid Services.

16. FY-2013 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2012, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2012, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2012, and is effective for dates of service beginning July 1, 2012; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

17. FY-2014 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2013, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2013, of three percent (3.0%) of their current rate, less certain fixed cost items. The fixed cost items are the per diem amounts included in the facility's current rate from the following: subsection (2)(O) of 13 CSR 70-10.110, paragraphs (11)(D)1., (11)(D)2., (11)(D)3., (11)(D)4., (13)(B)3. and (13)(B)10. of 13 CSR 70-10.015;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2013, and is effective for dates of service beginning July 1, 2013; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

18. FY-2015 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2014, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2014, of one dollar and twenty-five cents (\$1.25) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2014, and is effective for dates of service beginning July 1, 2014; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

19. January 1, 2016 - June 30, 2016 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on January 1, 2016, shall be granted an increase to their per diem rate effective for dates of services beginning January 1, 2016, of two dollars and nine cents (\$2.09) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment will not be added to the facility's rate after June 30, 2016; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services and sufficient funding available through the Tax Amnesty Fund.

AUTHORITY: section 208.159, RSMo 2000, and sections 208.153 and 208.201, RSMo Supp. 2013. Original rule filed July 1, 2008, effective Jan. 30, 2009. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 16, 2015. Emergency amendment filed April 12, 2016, effective April 22, 2016, expires May 31, 2016.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2014.

EXECUTIVE ORDER

16-04

WHEREAS, approximately 96% of individuals sentenced to prison will eventually return to our communities; and

WHEREAS, there are currently more than 59,000 individuals under the supervision of the Division of Probation and Parole; and

WHEREAS, individuals with criminal records frequently encounter challenges in obtaining employment that make it more difficult for them to successfully assimilate back into society; and

WHEREAS, gainful employment is an important factor in reducing recidivism rates among former offenders and providing financial stability for their families; and

WHEREAS, “Ban the Box” is a policy which places questions relating to an individual’s criminal history later in the hiring process in order to provide applicants an opportunity to explain the unique aspects of their situation to a potential employer; and

WHEREAS, delaying inquiry of a job applicant’s criminal history affords every Missourian with a meaningful opportunity to compete for jobs; and

WHEREAS, this approach will lessen barriers to those individuals with criminal histories attempting to enter the workforce, lower recidivism rates and improve public safety.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, do hereby Order that all departments, agencies and boards and commissions in the Executive Branch subject to the authority of the Governor shall take all necessary action to amend initial employment applications by removing questions relating to an individual’s criminal history unless a criminal history would render an applicant ineligible for the position.

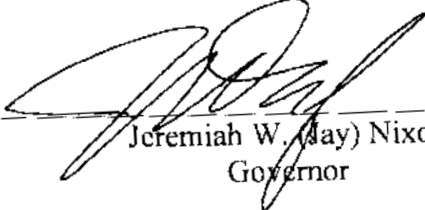
Nothing herein shall prevent the conducting of a criminal background check as a condition of employment.

Agencies shall immediately begin implementation of this Order and this Order shall be fully implemented no later than ninety (90) days after this Executive Order is signed.

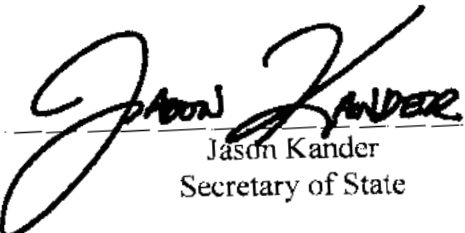
This Order shall remain in full force and effect until amended or rescinded by further Executive Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 11th day of April, 2016.


Jeremiah W. (Jay) Nixon
Governor

ATTEST:


Jason Kander
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

[(C)] Compliance—When a firm has met the requirements of these regulations, the applicable statutes, and the Minority and/or Women’s Business Enterprise (M/WBE) provisions of its state contract;]

[(D)](C) Contract—A legally-binding relationship obligating a contractor, subcontractor, or supplier to furnish goods or services and the buyer to pay for them. For the purposes of these regulations, leases and subcontracts may be considered contracts;

[(E)](D) Contractor—A [firm] person or entity that has a contract directly with the state of Missouri;

[(F)](E) Firm—A person or for profit business lawfully existing under the laws of the state of Missouri or its state of origin, including but not limited to, a sole proprietorship, corporation, partnership, limited partnership, joint venture, limited liability company (LLC), or professional corporation;

[(G)](F) Minority—Any individual who is a citizen or lawfully-admitted permanent resident of the United States and who is a member of any of the following groups:

1. Black Americans—Includes persons having origins in any of the black racial groups of Africa;

2. Hispanic Americans—Includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or *[Portugese] Portuguese* culture or origin, regardless of race;

3. Native Americans—Includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;

4. Asian-Pacific Americans—Includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, **Singapore**, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), **Republic of the Marshall Islands**, the Commonwealth of the Northern Mariana Islands, Macao, Fiji, Tonga, *[Kirbati] Kiribati*, *[Juvalu] Tuvalu*, Nauru, Federated States of Micronesia, or Hong Kong;

5. *[Asian-Indian Americans] Subcontinent Asian Americans*—Includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka; or

6. Any additional groups whose members are designated as socially and economically disadvantaged by the U.S. Small Business Administration (SBA), at such time as the SBA designation becomes effective;

[(H)](G) Minority Business Enterprise (MBE)—The definition in section 37.020.1(3), RSMo, will be applied;

[(I)] Noncompliance—Failure by the contractor, subcontractor, or supplier to achieve the goals of M/WBE participation set forth in the contract;]

[(J)](H) OA—The state of Missouri’s Office of Administration;

(I) OEO—Office of Equal Opportunity;

[(K)] Out-of-state applicant—Any applicant whose principal place of business is located outside Missouri. Such applicants must be certified by their home state. Certification by another state does not guarantee certification by OEO;]

[(L)](J) Principal place of business—[Where] The primary headquarters of the firm where the individuals who manage the day-to-day operations and make executive decisions for the firm are located and where its records are kept;

[(M)](K) Rapid response applicant—Any applicant [whose principal place of business is in Missouri and who possesses a current M/WBE certification from another certifying entity] who possesses a current M/WBE certification or equivalent from another qualified certifying entity as determined by OEO. Rapid response applicants may receive certification from OEO through a memorandum of understanding. Less documentation is needed than for a standard/initial applicant, and an on-site review is [not] required

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 17—Office of Equal Opportunity**

PROPOSED AMENDMENT

1 CSR 10-17.010 Definitions. The commissioner is amending section (1).

PURPOSE: This amendment updates defined terms related to the state of Missouri’s Minority and Women’s Business Enterprise Program, established by the Office of Administration and administered by the Office of Equal Opportunity.

(1) For purposes of the state of Missouri’s Minority and Women’s Business Enterprise Program, established by the Office of Administration and administered by the Office of Equal Opportunity, the following definitions apply:

from the other qualified certifying entity. Certification by another certifying entity does not guarantee certification by OEO;

[(N)](L) Subcontractor—A firm that does not have a contract directly with the state of Missouri but instead contracts a portion of the work of a state contract from the contractor or another subcontractor;

[(O)](M) Standard/initial applicant—Any applicant whose principal place of business is in Missouri and who does not currently *[hold any other M/WBE certifications]* possess a current M/WBE certification or equivalent from another qualified certifying entity as determined by OEO. OEO may perform an on-site review at the applicant's place of business *[after reviewing]* and must review the application and all supporting documentation before certification is granted; and

[(P)](N) Women's Business Enterprise (WBE)—The definition in section 37.020.1(6), RSMo, will be applied.

AUTHORITY: section[s] 34.050, RSMo 2000, and section 37.020, RSMo Supp. 2014. Original rule filed June 1, 2011, effective Nov. 30, 2011. Amended: Filed April 5, 2016.

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 Commissioner 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 17—Office of Equal Opportunity**

PROPOSED AMENDMENT

1 CSR 10-17.040 Minority/Women's Business Enterprise Certification. The commissioner is amending sections (1)–(17).

PURPOSE: This amendment updates the procedures by which Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) may be certified by the Office of Equal Opportunity (OEO).

(1) Any firm desiring to obtain certification as a Minority Business Enterprise (MBE) or Women's Business Enterprise (WBE) shall submit an application and required documentation to the Office of Equal Opportunity (OEO), and be registered and in good standing with the Missouri Secretary of State, if applicable. There are *[three (3)] two (2)* methods *[of]* to obtain certification—initial/standard~~[,]~~ and rapid response~~[,] and out-of-state~~.

(2) *[All applicants are]* An applicant is required to submit to OEO documentation related to the legal structure, ownership, and control of the firm that is necessary to determine eligibility for certification. Such documentation may include, but is not limited to: Articles of Incorporation/Organization~~[,]~~; shareholder meeting minutes, bylaws or operating agreements, board meeting minutes, partnership agreements, stock ledgers and certificates, tax returns, lease and loan agreements, bank account signature cards, and joint venture agreements.

(A) The application must be signed by all of the applicant

firm's minority or women owners who are in control of the firm. The application must include a statement attesting to the accuracy, completeness, and truthfulness of the information on and accompanying the application form.

(B) Each application received shall be reviewed by OEO for completeness, and the applicant firm will be notified in writing by OEO of any additional information required. The additional information requested must be received within a maximum of thirty (30) days from the date on the notice for additional information or as otherwise specified in writing by OEO. After that period, if the additional information required has not been received by OEO and no extension of time has been requested and granted in writing, OEO may deny the application for the firm's failure or refusal to provide the relevant information requested by OEO.

(C) After all required information is received, an on-site visit to the office(s) of the applicant firm whose principal place of business is located in Missouri and possible visits to job sites at which the firm is working in Missouri, may be scheduled by OEO. OEO will not make an on-site visit to a firm whose principal place of business is outside of Missouri, but will contact the firm's home state (or another certifying entity) for a copy of its on-site visit.

(3) *[Every]* An applicant seeking certification has the burden of demonstrating to OEO, by a preponderance of the evidence, that it meets the requirements of section 37.020, RSMo, and these regulations.

(4) *[Initial/standard certifications]* Initial/standard certification and a rapid response certification are effective for three (3) years from the date of issuance. *[Rapid response and out-of-state certifications are based on the certification from other certifying entities and are effective until the expiration date that appears on the certificate provided to OEO.]* Joint venture certifications are effective for either *[one (1) year]* two (2) years or the term of the joint venture, whichever occurs first.

(5) *[Out-of-State Certifications. OEO will not conduct on-site reviews outside the state of Missouri; certification determinations for out-of-state applicants will be made based upon a desk audit of the application and all submitted documentation. Out-of-state applicants may only be certified by OEO if their home state allows Missouri-based minority-and women-owned firms to certify there. All currently certified out-of-state firms who might be affected by this rule will be allowed to maintain certification unless upon expiration they do not complete the renewal process or fail to meet other standards of ownership and control required by these regulations.]* Rapid Response Certifications. An applicant who possesses a current M/WBE certification or equivalent from another qualified certifying entity as determined by OEO may apply for certification through OEO's rapid response application process. The on-site review report from the primary certifying entity must be received by OEO. OEO shall provide a list of qualified certifying entities. Certification by another certifying entity does not guarantee certification by OEO regardless of the other certifying entity which may have previously or currently certified a firm as a M/WBE, OEO will make an independent determination of whether the applicant firm will be certified.

(6) If an applicant is approved for certification, a *[letter]* notice of approval and a certificate will be *[mailed]* sent to the Minority and/or Women's Business Enterprise (M/WBE) by OEO. Such certification may identify the specific category or categories of work or industry code(s) in which the firm is certified. The firm and its pertinent information, including any approved specific categories of work shall be added to OEO's directory.

(7) *[Firms]* A firm certified by OEO must notify OEO in writing of any changes that may affect *[their]* its eligibility for continued certification under section 37.020, RSMo, and these regulations within thirty (30) days of the effective date of such change. The notice must provide supporting documentation describing in detail the nature of such change(s).

(8) *[Applicants]* An applicant denied certification or whose certification is revoked will be notified in writing of the reasons for denial or revocation. Reasons may include, but are not limited to: incomplete or inaccurate application, failure to provide requested information, failure to meet certification standards, or failure to cooperate during the certification process. If OEO denies or revokes a certification, an applicant *[has twenty-one (21) calendar days from the date the denial letter to appeal in writing]* may appeal to the commissioner. The appeal shall be in writing and addressed to the commissioner. The appeal shall be received by the commissioner no later than twenty-one (21) calendar days from the date of the denial or revocation notification. Appeals received by the commissioner after twenty-one (21) calendar days will not be considered. The appeal shall clearly state why the denial or revocation is alleged to be in error. Information that was requested but not provided before the denial or revocation will not be considered in an appeal. The commissioner's decision shall be final. Applicants denied certification or revocation are ineligible to reapply for one *[hundred eighty (180) days]* (1) year from the date of the denial *[letter]* or revocation notification.

(9) *[Third parties]* A third party who *[have]* has reason to believe that an applicant has been wrongly denied or granted certification as an M/WBE or joint venture may file a third-party challenge with OEO. *[Challenges]* A challenge by a third *[parties are]* party is not considered *[appeals]* an appeal.

(D) *[The M/WBE or applicant will be notified in writing that a challenge has been filed.]* OEO will review the complaint and related material concerning the firm in question, including available material from other sources within or outside OEO. OEO may conduct an investigation, including requests for information or documentation and unannounced site visits. However, OEO is not obligated to conduct any investigation beyond a document review. At an appropriate time in the complaint investigative phase, OEO will notify the certified firm in writing that a complaint alleging the firm's ineligibility has been filed. OEO may request additional information from the firm relating to the allegations.

(E) *[OEO will investigate the challenge and issue a written decision.]* After OEO has reviewed the complaint and conducted any investigation deemed necessary, OEO shall make a determination whether there is reasonable cause to believe that the firm in question is ineligible to be certified.

(F) If OEO finds reasonable cause to believe that the firm is ineligible, OEO will provide written notice to the firm that OEO proposes to find the firm ineligible, setting forth the reasons for the proposed determination and supporting documentation. If OEO determines that such reasonable cause does not exist, it will notify the complainant and the firm in writing of this determination and the reasons for it.

(G) If OEO notifies a firm of its ineligibility, the firm may appeal the decision to the commissioner pursuant to the requirements of section (9) of this regulation.

(H) OEO may decline rather than deny certification when one (1) or more questions are identified during the preview for certification. Applicants declined certification will be notified in writing and may respond with additional documentation or clarification within the time frame stated in the notice.

(I) Firms shall cooperate fully with OEO's request for information relevant to the certification process. Failure or refusal to provide such information is grounds for a denial or revocation of certification.

(10) OEO will be guided by the following standards when evaluating applicants for certification:

(C) OEO may authorize a one- (1-)/-/ year provisional certification in certain circumstances, such as to allow time for a minority or woman to transition from being an employee to a business owner, to allow entities who have not been in business for at least a year to be certified, or to review tax information that is not available for a new firm at the time of application;

(D) An applicant will not be denied certification solely because it is a newly-formed firm; has not completed projects or contracts at the time of its application; has not yet realized profits from its activities; or has not demonstrated a potential for success; and

(E) *[OEO may decline rather than deny certification when one (1) or more questions are identified during the preview for certification. Applicants declined certification will be notified in writing and may respond with additional documentation or clarification within the time frame stated in the notice.]* Per OEO's discretion, it shall grant certification to a firm, and such certification may identify the specific category or categories of work or industry code in which the firm is certified. To become certified in an additional type of work after initial certification, OEO may require the firm to demonstrate that it meets the criteria for certification to perform that type of work. OEO shall not require that the firm be recertified or submit a new application for certification, but OEO may verify the minority or woman owner's control of the firm in the additional category of work.

1. OEO shall use categories or codes that describe, as specifically as possible, the principal goods or services which the firm provides to its customers. Multiple categories or codes may be assigned where appropriate.

2. OEO and the certified firm shall ensure that the categories or codes listed in a certification are kept up-to-date and accurate. The firm bears the burden of providing detailed company information to OEO to make an appropriate designation.

3. If a firm and OEO agree that there is not a category or code that fully or clearly describes the type(s) of work in which the firm is seeking to be certified, the firm may request that OEO, in its certification documentation, supplement the assigned category or code with a clear, specific, and detailed narrative description of the type of work in which the firm is certified. OEO may grant such request, if appropriate. A vague, general, or confusing description is not sufficient.

4. OEO is not precluded from changing at any time a certification classification or description if there is a factual basis supported by documentation pursuant to the process identified in section (14) of this regulation.

(11) Each year following the original date of certification, OEO will *[send an annual update form to]* notify each firm certified under this program. Each firm must *[complete and return the form]* accurately, truthfully, and fully provide the requested information and supporting documentation to OEO. The annual update information and supporting documentation must be verified by all of the applicant firm's minority or women owners who are in control of the firm. The verification shall be in the form of a statement attesting to the accuracy, completeness, and truthfulness of the information and supporting documentation. OEO may revoke the certification of a firm that fails to complete and return the form. *[Information provided in the annual update form helps ensure that OEO's Directory of Certified M/WBEs remains accurate. It also provides verification that ownership and control have remained the same.]* If changes have taken place, the M/WBE must provide information and/or documentation to substantiate that it continues to meet the requirements of these regulations as required by section (7) of this regulation.

(12) OEO will *[send a Recertification Application to]* notify a

certified firm [one (1) month] approximately sixty (60) days before the expiration date of the certification. [This application must be completed and returned to OEO before the expiration date.] However, regardless of whether the firm receives the recertification notification, it is the firm's responsibility to timely submit the required information and supporting documentation. If the recertification update materials and supporting documentation are received by OEO on or before the certification expiration date, then the firm's certification will not lapse on the third anniversary date after certification. While a timely recertification application is pending, the prior certification shall continue until OEO rules on the recertification request. If recertification information and supporting documentation are not timely received by OEO on or before the anniversary date of certification, then that firm's certification shall lapse, and the firm shall no longer be certified as a M/WBE, and will be removed from the active list of certified M/WBE vendors. Should a firm whose certification has lapsed later apply for M/WBE certification with OEO, that firm shall remain without M/WBE certification unless and until its new M/WBE certification is approved by OEO. Recertification will be determined by information submitted on the renewal [form] update, tax returns, and any documented changes regarding ownership, management, or control. Recertification is not guaranteed. [If the recertification application is not submitted before the expiration date, the firm will be removed from the active list of certified M/WBE vendors. To become recertified after the expiration date of the original certification, the applicant must submit the renewal form with an explanation for the delay. If one (1) year or more has passed, a complete new application will be required.] Rapid response recertification is subject to continued certification by another qualified certifying entity as determined by OEO.

(13) Revocation of Certification.

(A) [OEO may revoke a firm's certification for reasons including, but not limited to, the following:

1. The firm does not meet the requirements of section 37.020, RSMo, and these regulations;
2. The firm's certification with OEO is based on certification by another entity, and that entity has revoked the firm's certification; or
3. The firm has falsified or intentionally misrepresented information to OEO.]

If, based on notification by the firm of a change in its circumstances or other information that comes to OEO's attention, a determination is made that there is reasonable cause to believe that the currently certified firm is ineligible for certification in whole or per certain categories or codes, OEO shall provide written notice to the firm that OEO proposes to find the firm ineligible. The notice shall set forth the reasons for the proposed determination and state the date by which the firm must provide a written response to the proposed determination if it desires to challenge OEO's determination. Reasons for ineligibility may include, but are not limited to, a change in the firm's circumstance effecting eligibility such as information not available to OEO at the time the firm was certified or information relevant to eligibility that was concealed or misrepresented by the firm; the firm's certification with OEO is based on certification by another entity whose certification has been revoked; a change in the certification standards or requirements; or OEO's decision to certify the firm was against the weight of the evidence. The firm may respond in writing to the stated reasons and provide arguments as to why the firm should remain certified. OEO shall provide written notice of its final decision regarding the status of the firm's certification. Firms found to be ineligible may appeal to the commissioner pursuant to the procedures set forth in section (9) of this regulation.

(B) OEO shall immediately suspend a firm without adhering

to the requirements in subsection (14)(A) of this regulation when an individual owner, whose ownership and control of the firm is necessary to the firm's certification, dies or is incarcerated.

(14) OEO will use the following standards in determining ownership:

(A) [The contribution of capital or expertise by the minorities or women shall be real and substantial. Examples of insufficient contributions include: a promise to contribute capital, participation as employee rather than a manager, or an unsecured note payable to the firm or an owner who is not a minority or woman. Debt instruments from financial institutions or other organizations that lend funds in the normal course of their business would not render a firm ineligible, even if the debtor's ownership interest is security for the loan] In considering whether a minority or woman owns a firm, OEO will consider all relevant facts viewed as a whole, including the origin of all assets and how and when they were used to acquire the ownership interest in the firm. All transactions for the establishment of ownership (or transfer of ownership) must be in the normal course of business, reflecting commercial and arms-length practices;

(B) The contribution of capital or expertise by the minorities or women to acquire their ownership interests in a firm shall be real, substantial, and continuing, going beyond *pro forma* ownership of the firm as reflected in ownership documents. Proof of contribution of capital shall be submitted at the time of the application. When the contribution of capital is through a loan, documentation must be provided to OEO of the value of assets used as collateral for the loan. Examples of insufficient contributions include: a promise to contribute capital, capitalization not commensurate with the value for the firm, participation as employee rather than a manager, or an unsecured note payable to the firm or an owner or former owner who is not a minority or woman. Debt instruments from financial institutions or other organizations that lend funds in the normal course of their business do not render a firm ineligible, even if the debtor's ownership interest is security for the loan;

[(B)](C) Securities held in trust, or by a guardian for a minor, shall not be considered as held by a minority or woman in determining the ownership or control of a [corporation] firm. However, securities or assets held in trust are considered as held by a minority or a woman for purposes of determining ownership of the firm if—

1. The beneficial owner of securities or assets held in trust is a minority or a woman, and the trustee is the same or another such individual; [or]

2. The beneficial owner of a trust is a minority or a woman who, rather than the trustee, exercises effective control over the management, policy-making, and daily activities of the [trust.] firm; or

3. Assets held in a revocable living trust may be counted only if the same minority and/or woman is the sole grantor, beneficiary, and trustee;

[(C)](D) In determining ownership of a firm, assets or interests acquired in the following ways will be considered held by a minority or woman:

1. From a final property settlement or court order in a divorce or legal separation, provided that no term or condition of the agreement or divorce decree is inconsistent with these regulations; or

2. Through inheritance, or otherwise because of the death of the former owner;

[(D)](E) Expertise of a minority or woman applicant may be regarded as a contribution toward ownership if the minority or woman has a significant financial investment in the firm and if the expertise is—

1. In a specialized field;

2. Of outstanding quality;

[2.]3. In areas critical to the firm's operations;

[3.]4. Indispensable to the firm's potential success;

[4.]5. Specific to the type of work the firm performs; and

[5.]6. Documented in the records of the firm. These records must clearly show the contribution of expertise and its value to the firm;

[(E)](F) Ownership and control of the *[enterprise]* firm by the minorities or women must be real, substantial, and continuing. The minorities or women shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with ownership, **as demonstrated by the substance, not merely the form, of arrangements. Any terms or practices that give a non-minority or male a priority or superior right to a firm's profits, compared to the minority or woman owner, are grounds for denial;**

[(F)](G) The applicant must show that ownership has not been acquired as a gift or by transfer without adequate consideration from a non-minority or male, within one (1) year before application. Thereafter, it is presumed that ownership is not held by the minority or woman if received from a non-minority or male who—

1. Continues to be involved in the same firm for which the applicant is seeking certification or is an affiliate of that firm **in a manner that suggests control of the firm;**

2. Continues to be involved in the same or similar line of business **that suggests control of the firm;** or

3. Is engaged in an ongoing business relationship with the firm, or an affiliate of the firm, for which the individual is seeking certification;

[(G)](H) To overcome the presumption in subsection **[(14)](F)** **(15)(G)**, the minority or woman must clearly demonstrate to OEO that—

1. The gift or transfer to the minority or woman was made for reasons other than obtaining certification; and

2. The minority or woman actually controls the management, policy, and daily operations of the firm, notwithstanding the continuing participation of a non-minority or male who provided the gift or transfer;

[(H)](I) When marital assets (other than the assets of the firm in question), held jointly or as community property by both spouses, are used to acquire the ownership interest asserted by a minority or woman spouse, OEO will deem the ownership interest in the firm to have been acquired by the minority or woman with his or her own individual resources, provided that the other spouse irrevocably renounces and transfers all rights in the ownership interest in the manner sanctioned by the laws of the state *[of Missouri]* **in which the spouse is domiciled.** A copy of the document legally transferring and renouncing the non-minority or *[female]* male spouse's rights in the jointly-held or community assets used to acquire an ownership interest in the firm must be included with the firm's application. **OEO cannot count a greater portion of joint or community property assets toward ownership than applicable state law would recognize as belonging to the minority or woman owner of the applicant firm;** and

[(I)](J) A contribution of capital may be real and substantial even though financing agreements, contracts for the purchase or sale of real estate or personal property, bank signature cards, and the like, require the co-signature of a spouse who is not a minority or a woman.

(15) OEO will use the following standards in determining control:

(B) Only independent firms are eligible for certification. A firm is independent if its viability does not depend on its relationship with another firm or firms. In determining whether a firm is independent, OEO will consider the firm's relationships with non-M/WBEs in areas such as personnel, facilities, equipment, and financial and bonding support and other resources. OEO must consider whether a present or recent employer/employee relationship between minority or women owners of the applicant and any non-M/WBE firms or persons associated with those firms compromise the independence of the applicant. **OEO will examine the firm's relationship with any applicable contractor to determine whether a pattern of exclusive or primary dealings with a contractor compromises the independence of the potential firm;**

(C) There can be no restrictions through corporate charters, by-laws, contracts, or any other formal or informal devices (e.g., cumulative voting rights, voting powers attached to different classes of stock, employment contracts, requirements for concurrence by non-minority or non-female partners, conditions precedent or subsequent, *[executor]* **executory** agreements, voting trusts, restrictions on or assignments of voting rights) that prevent the minority or woman, without the cooperation or vote of any non-minority or male, from making any business decision of the firm. This does not preclude a spousal co-signature on documents;

(G) The minority or women owners of the firm may delegate various areas of the management, policymaking, or daily operations of the firm to other participants in the firm, regardless of whether these participants are non-minorities or males. Such delegations of authority must be revocable, and the minority or women owners must retain the power to hire and fire any person to whom such authority is delegated. The managerial role of the minority or women owners in the firm's overall affairs must be such that OEO can reasonably conclude that the owner actually exercises control over the firm's operations, management, and policy;

[(G)](H) The minority or women owners must have an overall understanding of, and managerial and technical competence or experience directly related to, the type of business in which the firm is engaged and the firm's operations. **The minority or women owners are not required to have experience or expertise in every critical area of the firm's operation, or to have greater experience or expertise in a given field than managers or key employees.** The minority or women owners must have the ability to evaluate information presented by other participants in the firm's activities and be able to use this information to make independent decisions concerning the firm's daily operations, management, and policymaking. Generally, expertise limited to office management, administration, or bookkeeping functions unrelated to the principal business activities of the firm is insufficient to demonstrate competency of the business's area of expertise and control over its daily operations;

[(H)](I) If state or local law requires the business to maintain a particular license or other credential in order to own or operate a certain type of firm, then the minority or women owners who exercise majority control of that type of business must possess the required license or credential. If state or local law does not require those persons to have such a license or credential in order to own or operate such a firm, OEO will not deny certification solely on the grounds that the minority or women owners lack such license or credential. However, OEO will consider the absence of the license or credential as one (1) factor in determining whether the minority or women owners actually exercise daily control over the firm;

[(I)](J) OEO will consider the difference in remuneration between the minority or women owners and other participants in the firm in determining whether to certify a firm. Such consideration shall be in the context of the duties of the persons involved, normal industry practices, the firm's practices and policies concerning the reinvestment of income, and any other explanations for the difference offered by the firm. Based upon the evidence, OEO will make a determination about whether a firm is controlled by its minority or women owners, even though that owner's remuneration may be lower than other participants in the firm. In a case where a non-minority or male owner has formerly controlled the firm, and a minority or a female owner now controls it, OEO may consider the difference between the remuneration of the former and current controller of the firm as a factor in determining who exercises true control over the firm, particularly when the non-minority or male owner remains involved with the firm and continues to receive greater compensation than the minority or female owner;

[(J)](K) In order to be viewed as controlling a firm, a minority or female owner cannot engage in outside employment or other business interests that could conflict with the management of the firm or prevent them from devoting sufficient time and attention to the affairs of

the firm to control its daily activities. For example, absentee ownership or management of a firm and part-time work in a full-time firm are viewed as not exercising effective daily control over the firm;

/(K)/(L) Minority or women owners may control a firm even though one (1) or more of the individual's immediate family members (who themselves are not minorities or women) participate in the firm as a manager, employee, owner, or in some other capacity. OEO will consider how much control the minority or women owners exercise as compared to other persons involved in the business, without regard to whether those other persons are immediate family members;

/(L)/(M) If OEO cannot determine that the minority or woman owner versus the family as a whole actually controls the firm, then the minority or female owners have failed to meet their burden of proof concerning control, even though they may participate significantly in the firm's activities;

/(M)/(N) If a firm was formerly owned and controlled by a non-minority or male who still remains involved in the firm, then the minority or women owners seeking certification must show that—

1. The transfer of ownership and/or control to the minority or women owners was *[not made solely]* made for reasons other than to obtain certification; and

2. The minority or women owners actually control the management, policy, and daily operations of the firm, notwithstanding the continuing participation of a non-minority or male who formerly owned and/or controlled the firm;

/(N)/(O) In determining whether a firm is actually controlled by its minority or women owners, OEO will consider whether the firm owns equipment necessary to perform its work. Lack of control by a minority or woman owner will not be found solely because a firm leases, rather than owns such equipment, if leasing equipment is a normal industry practice, and the lease is not with a contractor or other party that compromises the independence of the firm;

/(O)/(P) Lack of control by a minority or woman owner will not be found solely because a firm leases employees so long as the minority or women owners maintain an employer-employee relationship with the leased employees and are responsible for hiring, firing, training, assigning, and otherwise controlling the leased employees;

/(P)/(Q) A firm operating under a franchise or license agreement may be controlled by a minority or woman even though the franchise or license arrangement imposes restraints relating to standardized quality, advertising, accounting format, and the like, so long as the firm has the right to profit from its efforts, bears the risk of loss commensurate with ownership, and meets all other requirements of section 37.020, RSMo, and these regulations. Factors that indicate a lack of control by the minority or woman owner include common management or excessive restrictions on the sale or transfer of the franchise interest or license; *[and]*

/(Q)/(R) In order for a partnership to be deemed controlled by a minority or a woman, any non-minority or male partners must be incapable of, without the specific written authorization of the minority or female partners, contractually binding the partnership. A written partnership agreement is necessary to establish both ownership and control./.;

(S) Recognition of a business as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is an independent business, owned and controlled by a woman or minority; and

(T) A firm that is owned by an Indian tribe or Native Hawaiian organization, rather than by Indians or Native Hawaiians as individuals, may be eligible for certification if otherwise qualifying. Such a firm must be controlled by Indians or Native Hawaiians.

(16) An applicant that is not owned by minorities or women, but is instead owned by another firm, even though that firm is a certified M/WBE, is ineligible to be certified as an M/WBE except as provided below./.;

(A) If the minority or women owners own and control the appli-

cant firm through a parent or holding company, established for tax, capitalization, or other purposes consistent with industry practices, and the parent or holding company, in turn, owns and controls an operating subsidiary, OEO may certify the subsidiary if it otherwise meets all requirements of these regulations. In this situation, the individual owners and operators of the parent or holding company are deemed to control the subsidiary through the parent or holding company.

(B) OEO may certify such a subsidiary as an M/WBE if and only if the subsidiary is fifty-one percent (51%) cumulatively owned by a minority or a woman. The following examples illustrate how the provision for cumulative ownership works:

1. Example 1: A minority or a woman owns one hundred percent (100%) of a holding company which in turn has a wholly-owned subsidiary. The subsidiary may be certified as a/n/ M/WBE, if it meets all other requirements of these regulations./.;

2. Example 2: A minority or woman owns one hundred percent (100%) of a holding company which, in turn, owns fifty-one percent (51%) of a subsidiary. The subsidiary may be certified, if it meets all other requirements of these regulations./.;

3. Example 3: A minority or woman owns eighty percent (80%) of a holding company which in turn, owns seventy percent (70%) of a subsidiary. In this case, the cumulative ownership of the subsidiary by a minority or a woman is fifty-six percent (56%) (80% of 70% = 56%). This is more than the fifty-one percent (51%) threshold, so it may be certified as a/n/ M/WBE, if it meets all other requirements of these regulations./.;

4. Example 4: A minority or a woman owns sixty percent (60%) of the holding company, which, in turn, owns fifty-one percent (51%) of a subsidiary. In this case, the cumulative ownership would be thirty-one percent (31%) (60% of 51% = 31%). This is less than the required fifty-one percent (51%) threshold, so it cannot be certified as a/n/ M/WBE./.;

5. Example 5: Someone other than the minority or women owners of the parent or holding company controls the subsidiary. Even though the subsidiary is owned by minorities or women, through the holding or parent company, it cannot be certified as a/n/ M/WBE because it does not meet the control requirement.

(17) Joint Venture. As required by section 37.020.1(3)(b), RSMo, in order to qualify for joint venture certification, at least fifty-one percent (51%) of the ownership interest in the joint venture must be held by minorities, and the management and daily business operations of the joint venture must be controlled by one (1) or more of the minorities who own it. OEO *[may]* shall require a joint venture applicant to submit documentation including, but not limited to, a copy of the joint venture agreement and a copy of the certification issued to the M/WBE participant in the joint venture. Any changes proposed in the joint venture agreement must be filed with and approved by OEO prior to the implementation of the changes in order to maintain certification. Failure to comply may result in revocation of the joint venture certification.

AUTHORITY: section 37.023, RSMo 2000. This rule originally filed as 1 CSR 40-1.080. Original rule filed Oct. 20, 1997, effective May 30, 1998. Amended: Filed March 24, 2000, effective Oct. 30, 2000. Amended: Filed June 1, 2011, effective Nov. 30, 2011. Amended: Filed April 5, 2016.

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

Commissioner 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 17—Office of Equal Opportunity

PROPOSED AMENDMENT

1 CSR 10-17.050 Minority and Women's Business Enterprise Participation in Procurement Process. The commissioner is amending sections (1)–(10).

PURPOSE: This amendment updates collaborative practices throughout the rule to encourage and facilitate the utilization of Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) (collectively, M/WBEs) by assuring that they have the maximum opportunity to participate in procurements financed in whole or in part with state funds.

(1) The Office of Equal Opportunity (OEO) will provide assistance to Minority and Women's Business Enterprises (M/WBEs). Assistance provided may include, but is not limited to: workshops, bid history and pricing abstracts, minority vendor registration, access to state agency procurement staff, inclusion in the M/WBE online directory, [and] notification of bid opportunities to promote increased participation, **and referrals to agencies that may provide specialized training or assist with financing and bonding issues.**

(2) By collaborating with the Divisions of Purchasing [and Materials Management (DPMM)] and Facilities Management, Design and Construction [(FMDC)] within the Office of Administration, OEO will encourage participation in the procurement process and fairness in consideration of bids and proposals submitted by M/WBEs. Programs and procedures designed by OEO to accomplish these objectives may include: providing diversity training for state procurement personnel; identifying minority and women personnel to serve on evaluation committees; closely reviewing the requirements for bonding; notifying M/WBEs of procurement opportunities online; [referring M/WBEs to agencies that may provide specialized training or assist with financing and bonding issues;] and actively collaborating with executive branch agencies.

(3) OEO will compile and maintain a directory of certified M/WBEs. The directory will include [contact information for M/WBEs and information regarding the products and services they offer] **each firm's name, address, phone number, email address, firm's status as a M/WBE, age of the firm, and the categories of work the firm has been certified to perform.** The directory will be available online to bidders, contractors, and the public.

(4) OEO will [establish M/WBE participation goals and] **support the Division of Purchasing in setting individual contract percentages for M/WBEs to help meet the State's Annual Aspirational Program Goals and work to further its programs in accordance with section 37.020, RSMo; any successor or similar statutes; executive orders based upon a study to determine the availability of qualified M/WBEs; and any other pertinent information.** OEO will periodically review M/WBE [participation goals] **contract goal setting procedures, M/WBE utilization percentages, and outreach and assistance programs to determine whether existing [programs] activities should be continued or revised and whether new programs should be implemented.**

(5) By collaborating with [DPMM, FMDC] **the Office of Administration, Division of Purchasing, and the Division of Facilities Management Design and Construction,** and executive branch agencies, OEO may [recommend M/WBE subcontracting goals to the] **work with agencies.** To] to assist in the achievement of [those goals,] **the State's Annual Aspirational Program.** OEO may also recommend to agencies solicitations in which M/WBE [subcontracting] requirements may be appropriate; recommend that qualified M/WBEs be included on solicitation lists; and, when feasible, recommend structuring contracts to maximize potential M/WBE **and small business participation.**

[(6) The following expenditures may be counted toward meeting established M/WBE goals in a contract financed in whole or in part with state funds:

(A) The total dollar value of a contract awarded to an M/WBE;

(B) The total dollars paid by a prime contractor to an M/WBE for supplies and materials provided to the state in fulfillment of the contract;

(C) That portion of the total dollar value subcontracted to a certified joint venture by a prime contractor equal to the percentage of the ownership and control of the M/WBE partner in the joint venture; and

(D) Only expenditures to M/WBEs that perform a commercially useful function related to the delivery of the supplies required by the contract.]

[(7)](6) The total dollar value of a purchase procured from a[n] M/WBE may be counted toward meeting established M/WBE goals in procurements under twenty-five thousand dollars (\$25,000) financed in whole or in part with state funds.

[(8)](7) After the contract is established, OEO [may] **shall** monitor the activity of the contractor to assure compliance with the M/WBE utilization stipulated in the contract **and in accordance with applicable statutes and regulations.**

[(9)](8) Contractors that fail to comply with [the] **their** M/WBE [utilization stipulated in the contracts] **contractual requirements** may be considered in breach of contract and may be subject to the remedies in the contract and as otherwise allowable by law.

[(10)](9) OEO shall maintain statistics and issue periodic reports about M/WBE participation **and recommendations for improvement.**

AUTHORITY: section[s] 34.050, RSMo 2000, and section 37.020, RSMo Supp. 2014. This rule originally filed as 1 CSR 40-1.070. Original rule filed Oct. 20, 1997, effective May 30, 1998. Amended: Filed March 24, 2000, effective Oct. 30, 2000. Amended: Filed June 1, 2011, effective Nov. 30, 2011. Amended: Filed April 5, 2016.

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 Commissioner 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 5—Minority/Women Business Enterprises**

PROPOSED AMENDMENT

1 CSR 30-5.010 Minority/Women Business Enterprise and Service Disabled Veteran Business Enterprise Participation in State Construction Contracts. The commissioner is amending the rule purpose and sections (1), (4)-(11).

PURPOSE: This amendment updates the purpose statement, updates terminology, and implements provisions consistent with Executive Order 15-06.

PURPOSE: This regulation establishes a uniform program by which Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) that have been certified [or approved] by the Office of [Workforce Diversity (OSWD)] Equal Opportunity (OEO) and Service Disabled Veteran Business Enterprises (SDVEs) listed with the Division of Facilities Management, Design and Construction (FMDC) [as such] may participate in construction contracts let by the [Office of Administration, state of Missouri] FMDC. [This regulation provides that the state of Missouri, except to the extent that the commissioner of the Office of Administration determines otherwise, shall require that for contracts bid and awarded in an amount greater than or equal to one hundred thousand dollars (\$100,000), the successful bidder shall have as an overall goal subcontracting not less than ten percent (10%) of the awarded contract price for work to be performed by MBEs, and shall have as an overall goal subcontracting not less than five percent (5%) of the awarded contract price for work to be performed by WBEs. Individual project goals may be set to higher than the overall goals where availability of MBE/WBEs has been demonstrated to be higher such as the St. Louis and Kansas City metropolitan areas. Individual project goals may be set lower than the overall goals in areas where availability of MBE/WBEs has been demonstrated to be lower, such as rural communities.]

(1) Definitions.

(A) "Bidder" means one who submits a response to a solicitation by [the Office of Administration] FMDC for construction services.

(B) "Bid" means a bid proposal submitted to [the Division of Facilities Management, Design and Construction] FMDC by a bidder.

[(C) "Compliance" means the condition existing when a bidder or contractor has met the requirements of these regulations.]

[(D)](C) "Contract" means a mutually binding legal relationship or any modifications obligating the contractor to furnish construction supplies or services.

[(E)](D) "Contractor" means one who participates, through a contract, in any [program] project covered by these regulations.

[(F)](E) "Commissioner" means the commissioner of the Office of Administration.

[(G)](F) "Director" means the director of the Division of Facilities Management, Design and Construction.

(G) "FMDC" means **Division of Facilities Management, Design and Construction within the Office of Administration.**

(H) "Joint venture" means an association of two (2) or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills, and knowledge.

(J) "Minority." The definition in 1 CSR 10-17.010(1)/[(G)](F) will be applied.

[(L) "OA" means the Office of Administration.

[(M) "Kansas City metropolitan area" means the City of Kansas City and the Missouri counties of Jackson, Cass, and Clay.]

(L) "OEO" means the **Office of Equal Opportunity within the Office of Administration.**

[(N)](M) "Service-disabled veteran" means any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans' affairs.

[(O)](N) "Service-[d]Disabled [v]Veteran [b]Business [e]Enterprise" (SDVE). The definition contained in section 34.074, RSMo, will be applied.

[(P) "St. Louis metropolitan area" means the City of St. Louis and the Missouri counties of St. Charles and St. Louis.]

[(Q)](O) "WBE" means Women Business Enterprise.

[(R)](P) "Women Business Enterprise" [means a business concern which is at least fifty-one percent (51%) owned by one (1) or more women or in the case of any publicly-owned business at least fifty-one percent (51%) of the stock of which is owned by one (1) or more women and whose management and daily business operations are controlled by one (1) or more women.] **The definition in section 37.020(6), RSMo, will be applied.**

[(S) "OEO" means the Office of Equal Opportunity.

(T) "FMDC" means **Division of Facilities Management, Design and Construction.]**

(4) Commissioner, Duties, and Responsibilities.

[(A)] The commissioner shall, through the Office of Equal Opportunity (OEO) for [MBE/WBEs] M/WBEs and through [the Division of Facilities Management, Design and Construction [FMDC]] for SDVEs—

[1.](A) Compile, maintain, and make available a directory of [MBE/WBE] M/WBE and SDVE vendors along with their capabilities relevant to construction contracting requirements in general and to particular solicitations. OEO or FMDC shall make the directory available, upon request, to all bidders and contractors. The directory shall specify the name of the [MBE/WBE] M/WBE or SDVE, the [type of business it conducts] categories of work in which the firm is certified, if applicable, [and] its address, phone number, email address, age of firm, and contact person;

[2.](B) To the extent deemed appropriate, include all [MBE/WBEs] M/WBEs and SDVEs on open solicitation mailing lists;

[3.](C) Annually report in writing to the commissioner concerning the awarding of contracts to [MBE/WBEs] M/WBEs or SDVEs; and

[4.](D) Certify the eligibility of [MBE/WBEs] M/WBEs and joint ventures involving [MBE/WBEs] M/WBEs and maintain listings of SDVEs.

(5) [Percentage] Contract Goals and Compliance with Program Requirements.

(A) For contracts bid and awarded [in an amount greater than or equal to one hundred thousand dollars (\$100,000)] by FMDC, the successful bidder shall have as the overall [goals subcontracting not less than ten percent (10%) of the awarded contract price for work to be performed by MBEs, shall have as overall goals subcontracting not less than five percent (5%) of the awarded contract price for work to be performed by WBEs, and shall have as overall goals of subcontracting] SDVE contract goal not less than three percent (3%) of the work to be performed by SDVEs. [Individual project goals may be set to higher than the overall goals where availability of MBE/WBEs has been demonstrated to be higher, such as the St. Louis and Kansas City metropolitan areas. Individual project goals may be set lower than the overall goals in areas where availability of MBE/WBEs has been demonstrated to be lower,

such as rural communities.]

(B) If after the contract has been awarded to the contractor, the contractor fails to meet or maintain the contracted participation amount(s), the contractor must satisfactorily explain to the director why the participation amount(s) cannot be achieved and why meeting the participation amount(s) was beyond the contractor's control.

1. It is the responsibility of the contractor to submit documentation that supports the utilization of MBE/WBE subcontractors to OEO and the utilization of SDVE subcontractors to FMDC on a regular basis, with the understanding that the amounts submitted might be verified by OEO or FMDC staff. If upon verification it is found that the amounts disagree, then the contractor must satisfactorily explain to the directors of FMDC or OEO the reason for the discrepancies.

(C) If the directors find the contractor's explanation unsatisfactory, the directors may take any appropriate action, including, but not limited to:

1. Declaring the contractor ineligible to participate in any state contracts administered through the Office of Administration for a period not to exceed six (6) months; and

2. Declaring the contractor in breach of contract.]

(B) Executive Order 15-06 states that the State of Missouri's Annual Aspirational Program Goal for Minority Business Enterprises is ten percent (10%) of all state annual procurement funds expended by executive branch agencies, and the State of Missouri's Annual Aspirational Program Goal for Women Business Enterprises is ten percent (10%) of all such state annual procurement funds. These goals are a benchmark by which M/WBE opportunities to participate in state procurement are monitored and evaluated. These ten percent (10%) goals do not authorize or require FMDC to set M/WBE contract goals at the ten percent (10%) level, or any other particular level, or to take any special administrative steps if the contract goals are above or below ten percent (10%).

(C) FMDC may use individual contract goals to help meet the State's Annual Aspirational Program Goals. FMDC may establish individual contract goals, with support from the Office of Equal Opportunity (OEO). FMDC shall set each contract goal by reviewing the type of project, elements of work to be performed, time for contract performance, and geographical location, history of M/WBE, and non-M/WBE utilization, and availability of ready, willing, and able M/WBEs certified by OEO. The goals will be expressed in the bid document as a percentage of the total contract value. Individual contract goals may be set higher or lower than the State's Annual Aspirational Program Goals.

(D) Bidders must, in order to be responsive, make sufficient good faith efforts to meet M/WBE and SDVE contract goals. The bidder can meet the individual contract goals in either one (1) of two (2) ways. First, the bidder can meet the goals through documenting commitments for participation by M/WBEs and SDVEs sufficient to meet the M/WBE and SDVE contract goals. Second, the bidder can document adequate good faith efforts pursuant to section (5), Good Faith Efforts Waiver.

(E) M/WBE and SDVE individual contract goals can be met by a qualified M/WBE or SDVE vendor and/or through the use of qualified M/WBE and SDVE subcontractors, suppliers, joint ventures, or other arrangements that afford meaningful opportunities for M/WBE and SDVE participation. M/WBE vendors shall be certified by OEO on the opening date of a bid/proposal. If a M/WBE vendor's certification has expired or otherwise ended, but the vendor has submitted its renewal application or other supporting documents to OEO prior to the bid/proposal opening and certification is reinstated prior to contract award, then the M/WBE vendor shall be considered certified for purposes of the responsiveness of the bid or proposal.

(F) If the bidder is awarded the contract, the amount of the

M/WBE and SDVE vendor participation committed to by the bidder shall be a binding contractual requirement.

(G) A bidder that is certified as a MBE, WBE, or SDVE, or a combination thereof, can meet the MBE, WBE, or SDVE target participation percentages as long as the bidder is performing at least the total of the combined target MBE, WBE, or SDVE percentage of the contract value.

(H) Once the contract is awarded, it is the responsibility of the contractor to submit documentation to FMDC on a monthly basis, as required in the solicitation, that supports the utilization of M/WBE and SDVE subcontractors.

1. No dollar value of work performed under a contract may be counted toward the contract goal after the M/WBE has ceased to be certified.

2. The participation of a M/WBE or SDVE subcontractor toward a contract goal cannot be counted until the amount has been paid to the M/WBE or SDVE.

(I) If the contractor fails to fulfill its contractual responsibilities, and no M/WBE or SDVE waiver has been granted, the director may cancel the contract and/or suspend or debar the contractor from participating in future state procurements for a period of a minimum of six (6) months, up to permanent debarment or withhold payment to the contractor in an equal amount to the value of the participating commitment less actual payments made by the contractor to the participating entity. If the director determines that a contractor has met its contractual commitments, any withheld funds shall be released.

1. A contractor may appeal a suspension or debarment to the commissioner by filing a written appeal within twenty (20) days from the date on the notice of suspension or debarment. The suspension or debarment remains in effect pending the results of the appeal. The commissioner may request additional documentation, information, or explanation when reviewing the appeal.

2. At the time of contract renewal, a contractor must verify it is meeting its contractual obligations. If the contractor is not meeting its obligations, the contract renewal shall not be processed unless and until the contractor fulfills its obligations satisfactorily or a waiver on the basis of good faith efforts is obtained from FMDC.

(6) Good Faith Efforts Waiver.

(A) A bidder is required to make a good faith effort to locate and contract with [MBE/WBEs] M/WBEs and SDVEs. If a bidder has made a good faith effort to [secure] meet the [required MBE/WBEs and SDVEs and has failed] M/WBE or SDVE contract goal, the bidder may submit with [their] its bid or proposal or at the time specified in the solicitation the information requested on forms provided with the [bid] solicitation documents. The director will review the bidder's actions as set forth in the bidder's submittal documents and other factors deemed relevant by the director, to determine if a good faith effort has been made to meet the applicable [percentage] contract goal. If the bidder is judged not to have made a good faith effort, the bid shall be rejected.

(B) [Bidders] A bidder who [demonstrate] demonstrates that [they have] it has made a good faith effort to [include MBE/WBE] meet the M/WBE and SDVE [participation] contract goal will [be awarded the contract] not have its bid rejected regardless of the percent of [MBE/WBE] M/WBE and SDVE participation, provided the bid is otherwise acceptable.

(C) In reaching a determination [of good faith] that the bidder has made a good faith effort to meet the contract goal, the director may evaluate, but is not limited to, the following factors:

1. The bidder's [efforts to develop and sustain a working relationship with MBE/WBEs and SDVEs] attendance at pre-bid conferences for the solicitation;

2. The bidder's efforts and methods to provide [MBE/WBEs] M/WBEs and SDVEs with full sets of plans, [and] specifications,

or appropriate [sections thereof sufficient to prepare a proposal to the bidder;] information in a timely manner to assist the M/WBE or SDVE in responding to the bidder's solicitation. This could include conducting market research to identify M/WBEs and SDVEs, and providing emails or written notices to all OEO certified M/WBEs listed in OEO's directory and listed SDVEs that specialize in the areas of work desired and which are located in the applicable area or surrounding areas as early in the acquisition process as practicable. *Pro forma* mailings to M/WBEs or SDVEs requesting bids are not alone sufficient to satisfy good faith efforts;

[3. The bidder's efforts and methods to find and inform multiple local MBE/WBEs and SDVEs about the proposed work in a timely manner and define for them the specific scope of work for which a proposal is requested;]

[4.]3. The bidder's efforts to make initial contact with at least three (3) [MBE/WBEs] M/WBEs and SDVEs for each category of work to be performed, its follow up with those contacted, and [receive] whether the bidder received a proposal for those categories of work;

4. The bidder's efforts to assist interested M/WBEs and SDVEs in obtaining bonding, lines of credit, or insurance as required by FMDC, or the efforts made to assist in obtaining necessary equipment, supplies, materials, or related assistance or services;

[5. Reasons for rejecting MBE/WBEs and SDVEs proposal;]

[6.]5. The extent to which the bidder divided work into projects suitable for subcontracting to [MBE/WBEs] M/WBEs and SDVEs;] including, where appropriate, breaking out contract work items into economically feasible units, for example, smaller tasks or quantities to facilitate M/WBE or SDVE participation, even when the bidder might otherwise prefer to perform the work with its own forces. Prime contractors are not, however, required to accept higher quotes from M/WBEs or SDVEs if the price difference is excessive or unreasonable, but the fact that there may be some additional costs involved in finding and using M/WBEs or SDVEs is not in itself sufficient reason for a bidder's failure to meet the contract M/WBE or SDVE percentage, as long as such costs are reasonable;

[7.]6. The bidder's ability to provide sufficient evidence in the form of documentation that supports the information provided; [and]

7. The reasons provided by the bidder for the inability to reach a contract percentage and the ability of other bidders to meet the percentages, if applicable;

8. Actual past participation of [MBE/WBEs] M/WBEs and SDVEs achieved by the bidder./; and

9. The rejection of a M/WBE or SDVE solely because its quotation for work was not the lowest received is not a sufficient good faith effort. However, a bidder is not required to accept an excessive or unreasonable quote in order to satisfy contract percentages.

(D) When a non-M/WBE or non-SDVE subcontractor is selected over a M/WBE or SDVE, FMDC may require the bidder to submit copies of each M/WBE and SDVE and each non-M/WBE and non-SDVE quote to review whether M/WBE or SDVE prices were substantially higher, and FMDC may contact the M/WBE or SDVE subcontractor to inquire as to whether the firm was contacted by the prime bidder.

(7) Bidder's Duties and Responsibilities.

(A) [The] A bidder shall submit with [their] its bid or proposal the information requested [on the form provided] as required in the solicitation for [every] each subcontractor, including [MBE/WBE] M/WBEs and SDVEs the bidder intends to use on the contract work.

(B) If the [MBE/WBE] M/WBE and SDVE is a joint venture, and one (1) or more parties of the joint venture is not certified or listed

as a [MBE/WBE] M/WBE and SDVE, the bidder shall submit with [their] its bid proposal the information requested on the form provided.

(C) The bidder shall use [MBE/WBEs] M/WBEs certified or approved by OEO or listed SDVEs to meet the contract goal. Certified [MBE/WBE] M/WBE vendors can be found at the OEO's website and listed SDVE vendors can be found on the [websites for the Division of Purchasing and Materials Management and FMDC] FMDC's website.

[(D) For construction projects bid by FMDC, MBE/WBEs certified by other municipalities, counties, and state and federal agencies that meet the basic requirements of the OA/OEO certification program may be used and counted toward achieving the goals, provided that the names and certifications of these MBE/WBEs are referred to OEO for subsequent follow-up and certification by OEO.

(E) If an MBE/WBE or SDVE is replaced during the course of the contract, the contractor shall make a good faith effort to replace it with another certified MBE/WBE or SDVE. All substitutions shall be approved by the director.

(F) Successful bidders shall provide the director monthly reports on the bidder's progress in meeting its MBE/WBE and SDVE obligations.]

[(8) Counting MBE/WBE and SDVE Participation Toward Meeting MBE/WBE and SDVE Goals.

(A) The total dollar value of the work granted to the MBE/WBE and SDVE by the successful bidder is counted towards the applicable goal of the entire contract.

(B) A bidder may count towards their MBE/WBE and SDVE goals that portion of the total dollar value granted to a certified joint venture equal to the percentage of the ownership and control of the MBE/WBE and SDVE partner in the joint venture.

(C) A bidder may count toward their MBE/WBE and SDVE goals only expenditures to certified MBE/WBE and listed SDVE vendors that perform a commercially useful function in the work of a contract.

1. An MBE/WBE and SDVE vendor is considered to perform a commercially useful function when it is responsible for executing a distinct element of the work contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether an MBE/WBE or SDVE vendor is performing a commercially useful function, the director shall evaluate the amount of work subcontracted by the MBE/WBE and SDVE, industry practices, and any other relevant factors.

2. An MBE/WBE and SDVE vendor may subcontract a portion of the work. If an MBE/WBE and SDVE subcontracts a greater portion of the work than would be expected on the basis of normal industry practices, the MBE/WBE and SDVE shall be presumed not to be performing a commercially useful function. The MBE/WBE and SDVE vendor may present evidence to rebut this presumption to the bidder. The bidder's decision on the rebuttal of this presumption is subject to review by the director.

(D) A bidder may count toward their MBE/WBE and SDVE goals only that portion of work performed at the lowest subcontract level such that the percentage of work performed by MBE/WBEs and SDVEs cannot exceed one hundred percent (100%).

(E) A bidder may count toward its MBE/WBE and SDVE goals expenditures for materials and supplies obtained from certified MBE/WBE and listed SDVE suppliers and manufacturers provided that the MBE/WBE and SDVE vendor assumes the actual and contractual responsibility for the provision of the materials and supplies.

1. The bidder may count its entire expenditure to an

MBE/WBE or SDVE manufacturer. For the purposes of this regulation, a manufacturer shall be defined as an individual or firm that produces goods from raw materials or substantially alters them before resale and is a certified MBE/WBE approved through the state of Missouri certification program administered by OEO or listed as an SDVE with the Division of Purchasing and Materials Management or FMDC.

2. *The bidder may count its entire expenditures to MBE/WBE or SDVE suppliers provided that the MBE/WBE or SDVE supplier performs a commercially useful function, as defined in paragraph (8)(C)1. of this rule, in the supply process.]*

(8) Termination or Substitution of a M/WBE or SDVE. If a contractor needs to substitute a M/WBE or SDVE subcontractor, the contractor, for good cause, must apply to the director for written approval to replace the entity.

(A) Before a contractor transmits to the director its request to terminate and/or substitute a M/WBE or SDVE, the contractor must give notice in writing to the M/WBE or SDVE subcontractor, with a copy to OEO and FMDC, of its intent to request to terminate and/or substitute, and the reason for the request. The contractor must give the M/WBE or SDVE five (5) working days to respond to the contractor's notice and advise OEO and FMDC and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why OEO and FMDC should not approve the contractor's request. If required in a particular case as a matter of public necessity (e.g., safety), the contractor may provide a response period shorter than five (5) days.

(B) For purposes of this subsection, good cause for approval of a request for termination or substitution for a M/WBE or SDVE includes the following:

1. The listed M/WBE or SDVE subcontractor fails or refused to execute a written contract;
2. The listed M/WBE or SDVE fails or refused to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal by the M/WBE or SDVE subcontractor to perform its work on the subcontract resulted from the bad faith or discriminatory action of the prime contractor;
3. The listed M/WBE or SDVE subcontractor fails or refused to meet the prime contractor's reasonable, nondiscriminatory bond requirements;
4. The listed M/WBE or SDVE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
5. The listed M/WBE or SDVE subcontractor is ineligible to work on public works projects because of suspension or debarment proceedings;
6. The listed M/WBE or SDVE subcontractor is not a responsible contractor as determined by FMDC;
7. The listed M/WBE or SDVE subcontractor voluntarily withdraws from the project and provides the prime contractor written notice of its withdrawal;
8. The listed M/WBE subcontractor is ineligible to receive M/WBE credit for the type of work required;
9. The listed M/WBE or SDVE subcontractor owner dies or becomes disabled with the result that a listed M/WBE or SDVE prime contractor is unable to complete its work on the contract; and
10. Other documented good cause that FMDC determines compels the termination of a M/WBE or SDVE subcontractor. Provided that good cause does not exist if the prime contractor seeks to terminate a M/WBE or SDVE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the M/WBE or SDVE contractor was engaged or so that the prime contractor can substitute another subcontractor after contract award.

(C) If approved, the contractor must make good faith efforts to meet the contractual commitment to the contract goal. These good faith efforts shall be directed at finding another M/WBE or SDVE to perform at least the same amount of work under the contract as the M/WBE or SDVE that was terminated, to the extent needed to meet the contract goal. FMDC's approval shall not be arbitrarily withheld. If the contractor cannot obtain a replacement M/WBE or SDVE, it may apply to FMDC for a waiver or reduction of the contract goal by providing documentation detailing all good faith efforts made to secure a replacement and a good cause statement establishing why the contract goal cannot be met. If the contractor has met its burden of proof, FMDC, after consulting with OEO regarding M/WBE waiver requests, may grant a waiver or reduction of the M/WBE or SDVE contract goal.

1. The good faith efforts shall be documented by the contractor. If FMDC requests additional documentation under this subsection, the contractor shall submit the additional documentation within seven (7) calendar days, which may be extended for an additional seven (7) days if necessary at the request of the contractor.

2. FMDC shall provide a written determination to the contractor, after consulting with OEO regarding M/WBE waiver requests, stating whether or not good faith efforts have been demonstrated.

(9) Counting M/WBE and SDVE Participation Towards Goals.

(A) M/WBE and SDVE participation will be counted towards the contract goal only for the value of the work actually performed by the M/WBE or SDVE including the cost of supplies and materials obtained or leased by the M/WBE or SDVE, but excluding supplies and equipment purchased or leased by the M/WBE or SDVE subcontractor from the prime contractor or its affiliate.

1. A contractor's entire expenditure to be paid to a M/WBE or SDVE supplier or manufacturer for material furnished which becomes a permanent part of the contract work will be counted towards the contract goal. For the purpose of this regulation, a manufacturer shall be defined as an individual or firm that produces goods from raw materials or substantially alters them before resale.

2. The work a M/WBE or SDVE contractor commits to perform with its own forces as well as the work that it commits to perform with M/WBE or SDVE subcontractors and suppliers will be counted towards the contract goal.

3. When a M/WBE or SDVE performs as a participant in a joint venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the M/WBE or SDVE performs with its own forces will be counted towards the contract goal.

(B) A bidder may count towards the contract goal only expenditures to certified M/WBE and listed SDVE vendors that perform a commercially useful function in the work of a contract.

1. A M/WBE and SDVE vendor is considered to perform a commercially useful function when it is responsible for executing a distinct element of the work or the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved.

2. To perform a commercially useful function, the M/WBE or SDVE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.

3. To determine whether a M/WBE or SDVE is performing a commercially useful function, OEO and FMDC will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the firm's

credit claimed for its performance of the work, and other relevant factors. A firm does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of M/WBE or SDVE participation. In determining whether a firm is such an extra participant, FMDC will examine similar transactions, particularly those in which M/WBEs or SDVEs do not participate.

4. If a M/WBE or SDVE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own work force, or the M/WBE or SDVE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the director will presume that it is not performing a commercially useful function.

5. When a M/WBE or SDVE is presumed not to be performing a commercially useful function as provided in paragraph (9)(B)4. of this rule, the M/WBE or SDVE may present evidence to rebut this presumption. The director may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

(C) The bidder may count its entire expenditures to M/WBE or SDVE suppliers provided that the M/WBE or SDVE supplier performs a commercially useful function in the supply process.

[[9]](10) Maintenance of Records and Reports. The director shall maintain records identifying and assessing the contractor's progress in achieving *[and maintaining MBE/WBE] the contract goals M/WBE and SDVE [percentage goals]*. These records shall show—

(A) Procedures which have been adopted by the contractor to comply with the requirements of these regulations;

(B) The amount and nature of awards made by the contractor to *[MBE/WBE] M/WBE and SDVE vendors/suppliers/manufacturers*; and

(C) Monthly reports from the contractor on its progress in meeting *[MBE/WBE and SDVE] the contract goals*.

[[10]](11) Certification of *[MBE/WBE] M/WBE Vendors*.

(A) OEO, which was created under Executive Orders *[05-30] 15-06* and 10-24, is responsible for the certification of *[MBE/WBE] M/WBE vendors* for the state of Missouri by following state regulation 1 CSR 10-17.040.

[[11]](12) Nothing in this regulation shall limit or affect the commissioner's functions and rights to determine the qualification, responsibilities, and reliability of any individual, firm, or other entity to participate in state contracts.

AUTHORITY: section 8.320, RSMo [2000] Supp. 2014. Original rule filed March 9, 1984, effective Aug. 11, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed April 5, 2016.

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 Commissioner 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 40—Purchasing and Materials Management
Chapter 1—Procurement

PROPOSED AMENDMENT

1 CSR 40-1.050 Procedures for Solicitation, Receipt of Bids, and Award and Administration of Contracts. The commissioner is amending sections (2)–(4), (6)–(7), (10)–(11), (13)–(15), and (18)–(20) and adding a new section (21).

PURPOSE: This amendment updates procedures and purchasing requirements consistent with Executive Order 15-06.

(2) When the procurement is estimated to be twenty-five thousand dollars (\$25,000) or more, a formal method of solicitation must be utilized. Formal competitive bidding may be accomplished by utilizing an Invitation for Bid (IFB). Pursuant to section 34.047, RSMo, information technology purchases estimated not to exceed seventy-five thousand dollars (\$75,000) may be completed under an informal process provided the procurement does not exceed twelve (12) months and it is posted on the division online bidding/vendor registration system website.

(B) Formal bids received after the time set for the opening of bids shall be considered late and will not be opened **except in those circumstances described below**.

(C) Under extraordinary circumstances, the director or designee, may authorize the opening of a late bid. In such cases, the bid must have been turned over to the physical control of an independent postal or courier service with promised delivery time prior to the time set for the opening of bids. All such decisions are at the sole discretion of the director or designee. The following guidelines may be utilized to determine the criteria for an extraordinary circumstance:

1. State offices were closed due to inclement weather conditions;

2. Postal or courier services were delayed due to labor strikes or unforeseen "Acts of God"; or

3. Postal or courier service did not meet delivery time promised to the *[bidder] bidder/offeror*. In such a case, the *[bidder] bidder/offeror* must provide written proof **from the delivery service** that promised delivery time was prior to the time set for the opening of bids.

(E) When the division decides that all bids are unacceptable and circumstances do not permit a rebid, negotiations may be conducted with only those *[bidders] bidder/offerors* who submitted bids in response to the IFB. No additional *[bidder] bidder/offerors* may be solicited. Upon determination that negotiations will be conducted, the bids and related documents will be closed to public viewing in accordance with section 610.021, RSMo. **All negotiations will be conducted in accordance with the competitive negotiation provisions provided for in these regulations, or as provided for in the solicitation, if applicable.**

(3) When the procurement requires the utilization of competitive negotiation, the formal Request for Proposal (RFP) solicitation method should be utilized.

(B) Formal proposals received after the time set for the opening of proposals shall be considered late and will not be opened, **except in those circumstances described below**.

(C) Under extraordinary circumstances, the director or designee may authorize the opening of a late proposal. In such cases, the proposal must have been turned over to the physical control of an independent postal or courier service with promised delivery time prior to the time set for the opening of proposal. All such decisions are at the sole discretion of the director or designee. The following guidelines may be utilized to determine the criteria for an extraordinary circumstance:

1. State offices were closed due to inclement weather conditions;

2. Postal or courier services were delayed due to labor strikes or unforeseen "Acts of God"; or

3. Postal or courier service did not meet delivery time promised to the offeror. In such a case, the offeror must provide written proof **from the delivery service** that promised delivery time was prior to the time set for the opening of proposals.

(4) When the supplies meet the criteria delineated in section 34.044, RSMo, the division may elect to utilize the Single Feasible Source procurement method. The following delineates additional guidelines and examples to determine satisfaction of the criteria:

(A) The following guidelines may be utilized to determine if supplies may be purchased as a single feasible source due to being proprietary, **although the following list is not intended to be exhaustive:**

1. The parts are required to maintain validity of a warranty;
2. Additions to a system must be compatible with original equipment;
3. Only one (1) type of computer software exists for a specific application;
4. Factory authorized maintenance must be utilized in order to maintain validity of a warranty;
5. The materials are copyrighted and are only available from the publisher or a single distributor; and
6. The services of a particular provider are unique[,] (e.g., entertainers, authors, etc.);

(6) When circumstances dictate that it would be most advantageous, the state may purchase supplies from or in cooperation with another governmental entity **pursuant to section 34.046, RSMo.**

(7) Regardless of the solicitation method utilized, the following procedures shall apply:

(B) The division may request bids/proposals for new, **used, rebuilt, or remanufactured** equipment employing the trade-in of used equipment. The solicitation document may request pricing with a trade-in and without a trade-in;

(F) **[For] In accordance with section 34.353, RSMo, for bids/proposals with a value of twenty-five thousand dollars (\$25,000) or more, bidders/offerors who can certify that goods or commodities to be provided in accordance with the contract are manufactured or produced in the United States or imported in accordance with a qualifying treaty, law, agreement, or regulation shall be entitled to a ten percent (10%) preference as stated below over a bidder/offeror whose products do not qualify. Failure to provide a certification may result in forfeiture of any preference. All solicitation responses for the purchase of [supplies] goods or commodities, except software, with an estimated value of twenty-five thousand dollars (\$25,000) or more must include proof of compliance requirements as stated in the solicitation document. If the division has any questions regarding either the information submitted on the form or the lack of a submitted form by a bidder/offeror, the division may contact the bidder/offeror for clarification before completing the cost evaluation if under consideration for award. If the division determines that an American-made product is competing against a foreign-made product, the division shall multiply the cost of the foreign-made product by ten percent (10%) and add this amount to the actual cost of the bid/proposal to reflect the Buy American preference in the cost evaluation. The division shall consider any applicable exceptions, including those set by statute or executive order, to the Buy American preference before awarding any contract;**

(J) When bids/proposals are equal in all respects, any preferences shall be applied in accordance with applicable statute. If all such [bidder] bidder/offerors or none qualify for the statutory preference, the contract shall be awarded by a formal drawing of lot. Whenever practical, the drawing will be held in the presence of the bidders/offerors who are considered equal. If this is not practical, the drawing will be witnessed by [a] at least two (2) disinterested persons;

(L) After an award is made, the solicitation file or facsimile thereof shall be *[imaged and]* made available to the public for inspection via the Internet;

(10) Section 34.165, RSMo, provides for a ten- (10-)/- point bonus on bids/proposals submitted by qualified nonprofit organizations for the blind and qualified sheltered workshops, if the participating organization provides the greater of two percent (2%) or five thousand dollars (\$5,000) of the total contract value of bids/proposals for a purchase not exceeding ten (10) million dollars.

(B) Supplies provided by an organization for the blind or sheltered workshop must provide a commercially useful function that offers added value to a contract. Supplies shall be provided exclusive to the performance of a contract, and the organization's obligation outside of a state contract shall not be considered an added value. Services or supplies to be provided by an organization that are outside the usual and customary business of the organization may be considered not to offer added value.

1. An organization performs a commercially useful function when it is responsible for executing a distinct element of the work of the contract and is carrying out its responsibilities by actually performing, managing, or supervising the work involved. To perform a commercially useful function, the organization must also be responsible, when applicable, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.

2. To determine whether an organization is performing a commercially useful function, the division may evaluate the amount of work subcontracted, whether the amount the organization is to be paid under the contract is commensurate with the work it is actually performing and the organization's credit claimed for its performance of the work, and other relevant factors.

3. An organization does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of an organization's participation. In determining whether an organization is such an extra participant, the division may examine similar transactions, particularly those in which organizations do not participate.

(D) The bidder/offeror shall submit documents as required by the solicitation that [—]: 1) describes the products or services the organization for the blind or sheltered workshop will provide and the percentage or dollar level of the participation which must meet or exceed the minimum participation amount specified in section 34.165, RSMo; 2) indicates the organization for the blind and sheltered workshop's commitment to aid the bidder/offeror in the performance of the required services and the provision of the required products; [and] 3) provides evidence of the organization for the blind and sheltered workshop qualifications such as a copy of the certification or certification number; and 4) includes affirmation from each organization for the blind and sheltered workshop that it is willing to participate in the contract in the kind and amount of work provided in the bidder/offeror's response.

(F) If the bid/proposal is awarded, the percentage or dollar level of the organization for the blind or sheltered workshop participation committed to by the bidder/offeror in required documentation shall be a binding contractual requirement.

(H) Once a contract is awarded, a contractor shall submit on or before the fifteenth of the month immediately following the reporting period, **unless another timeframe is approved by the division**, until full payment is made a report detailing all payments it made to all organizations for the blind and sheltered workshops participating in the contract. **This is not required if the organization for the blind or sheltered workshop is acting as a prime contractor. However, it may be required if the prime contractor is also using other subcontractors to meet required goals outlined in the contract.** The report shall be submitted to the division on a division

form. The division may waive this reporting requirement at any time for good cause.

1. No dollar value of work performed under a contract by an organization for the blind and sheltered workshop after it has ceased to be certified can be counted.

2. The participation of a sheltered workshop on a contract cannot be counted until the amount being counted has actually been paid to the organization for the blind and sheltered workshop.

(I) An organization for the blind and sheltered workshop participation will be credited by the division only for the value of the work actually performed by the entity toward the division individual contract percentage or dollar level, including cost of supplies and materials obtained or leased by the entity. The total dollar value of the work granted to the entity by the prime contractor is counted toward the applicable contract requirement. When counting an entity for the organization for the blind and sheltered workshop participation, the division will consider the following:

1. A contractor's entire expenditure to be paid to an organization for the blind and sheltered workshop supplier or manufacturer for material furnished which becomes a permanent part of the contract work. For the purpose of this regulation, a manufacturer shall be defined as an individual or firm that produces goods from raw materials or substantially alters them before resale and is a qualified organization for the blind and sheltered workshop;

2. By counting the work an organization for the blind and sheltered workshop contractor commits to perform with its own labor as well as the work that it commits to perform with organization for the blind and sheltered workshop subcontractors and suppliers;

3. When an organization for the blind and sheltered workshop performs as a participant in a joint venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the organization for the blind and sheltered workshop performs with its own forces shall count toward individual contract percentages or dollar levels; and

4. When an organization, during the contract, is presumed not to be performing a commercially useful function as provided in subsection (10)(B) of this rule, the organization may present evidence to rebut this presumption. The director may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

((/))(J) If a participating entity is unable to satisfactorily perform its organization for the blind and sheltered workshop participation level, or if there are other reasons the contractor needs to replace an entity, the contractor must obtain written approval from the division prior to replacing the entity. If approved, the contractor must obtain other participation in compliance with its original commitment as approved by the division. The division's approval shall not be arbitrarily withheld. If the contractor cannot obtain a replacement, it may apply to the division for a participation waiver by providing documentation detailing all efforts made to secure a replacement and a good cause statement establishing why the participation level cannot be obtained. If the contractor has met its burden of proof, the division may grant a waiver for good cause.

((/))(K) If the contractor's participation level or payment to a participating organization for the blind and sheltered workshop entity is less than the amount committed, and no waiver for good cause has been obtained, the division may cancel the contract and/or suspend or debar the contractor from participating in future state procurements or withhold payment to the contractor in an equal amount to the value of the participating commitment less actual payments made by the contractor to the participating entity. If the division determines that a contractor has become compliant with the commitment amount, any withheld funds shall be released.

((K))(L) At the time of contract renewal, a contractor must verify it is meeting its participation level and required payment to all organization for the blind and sheltered workshop entities, or the contractor must submit a statement of when such blind and sheltered participation is scheduled to occur. If the contractor is not meeting said requirements, the contract renewal may not be processed unless and until said requirements are satisfactorily met, a cure plan is approved, the statement is accepted by the division, or a waiver for good cause is obtained from the division.

(11) The division will encourage participation in the procurement process and fairness in consideration of bids/proposals submitted by Missouri Service-Disabled Veteran Business Enterprises (SDVEs). Programs/procedures designed to accomplish these objectives may include: inclusion of SDVE subcontractor goals in solicitation documents; close review of requirements for bonding; notice of procurement opportunities on the division's website; access to bid history and pricing abstracts on the division's website; access to the division's procurement staff; utilization of service disabled personnel on evaluation committees, if available; etc.

(D) The following standards shall be used by the division in determining whether an individual, business, or organization is eligible to be listed as a /s/Service-/d/Disabled /v/Veteran /b/Business /e/Enterprise (SDVE):

1. Doing business as a Missouri firm, corporation, or individual or maintaining a Missouri office or place of business, not including an office of a registered agent;

2. Having not less than fifty-one percent (51%) of the business owned by one (1) or more service-disabled veterans (SDVs) or, in the case of any publicly-owned business, not less than fifty-one percent (51%) of the stock of which is owned by one (1) or more SDVs;

3. Having the management and daily business operations controlled by one (1) or more SDVs;

4. Having a copy of the SDV's [award letter from] Certificate of Release or Discharge from Active Duty (DD Form 214), and a disability rating letter issued by the Department of Veterans Affairs [or discharge paper (DD Form 214, Certificate of Release or Discharge from Active Duty) and documentation of certifying disability by the appropriate federal agency responsible for the administration of veterans' affairs] establishing a service connected disability rating, or a Department of Defense determination of service connected disability, unless the SDVE is listed with the division on its website as previously certified in which case said documentation is not required;

5. The /SDVE(s)/ SDV(s) shall possess the power to make day-to-day as well as major decisions on matters of management, policy, and operation;

6. All SDVE listings and renewals shall be effective for a period not to exceed [five (5)] three (3) years, unless otherwise found inapplicable; and

7. If it has been determined that the SDVE at any time no longer meets the requirements stated above, it shall be removed from the listing.

(G) [Supplies provided by an] A SDVE must provide a commercially useful function that offers added value to a contract. [Supplies shall be provided exclusive to the performance of a contract, and an SDVE's obligation outside of a state contract shall not be considered an added value. Services or supplies to be provided by an SDVE that are outside the usual and customary business of the SDVE may be considered not to offer added value.]

1. A SDVE performs a commercially useful function when it is responsible for executing a distinct element of the work of the contract and is carrying out its responsibilities by actually performing, managing, or supervising the work involved. To perform a commercially useful function, the SDVE must also be responsible, when applicable, with respect to materials and supplies used on the contract, for negotiating price, determining

quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. Supplies shall be provided exclusive to the performance of a contract, and a SDVE's obligation outside of a state contract shall not be considered an added value. Services or supplies to be provided by an SDVE that are outside the usual and customary business of the SDVE may be considered not to offer added value.

2. To determine whether a SDVE is performing a commercially useful function, the division may evaluate the amount of work subcontracted, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the firm's credit claimed for its performance of the work, and other relevant factors.

3. A firm does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of SDVE participation. In determining whether a firm is such an extra participant, the division may examine similar transactions, particularly those in which SDVEs do not participate.

4. If a SDVE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own work force, or the SDVE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the director will presume that it is not performing a commercially useful function.

5. When a SDVE is presumed not to be performing a commercially useful function as provided in subsection (11)(G) of this rule, the SDVE may present evidence to rebut this presumption. The director may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

(H) If a bidder/offeree is proposing SDVE vendor participation, it must provide *[the following]* to the division **all documents required by the solicitation including:**

1. Complete information as required by the solicitation document including a list of each proposed SDVE vendor, the committed percentage of participation for each SDVE **with the corresponding dollar amount of the participation of each SDVE**, and the commercially useful supplies to be provided by each listed SDVE. If the bidder/offeree is a listed SDVE vendor, then the bidder/offeree must also list itself; *[and]*

2. A copy of the *[SDV award letter from the Department of Veterans Affairs or service-disabled veteran's discharge form (DD Form 214 Certification of Release or Discharge from Active Duty) and documentation of certifying disability by the appropriate federal agency responsible for the administration of veterans' affairs,]* **SDVE's certification as a SDVE unless the SDVE is listed with the division on its website as previously certified** in which case said documentation is not required*./;* **and**

3. **Written documentation as required in the solicitation from each listed SDVE that it is willing to participate in the contract in the kind and amount of work provided in the bidder/offeree's response.**

(K) Once a contract is awarded, a contractor shall submit on or before the fifteenth of the month immediately following the reporting period, **unless another timeframe is approved by the division**, until full payment is made a report detailing all payments it made *[to all SDVEs participating in the contract]* **immediately following the reporting period to all SDVEs participating in the contract.** *[This is not required if the SDVE is acting as a prime contractor. However, it may be required if the prime contractor is also using other subcontractors to meet required goals outlined in the contract.]* The report shall be submitted to the division on a division form. *[The division may waive this reporting requirement at any time for good cause.]*

1. No dollar value of work performed under a contract with a firm after it has ceased to be certified can be counted toward the SDVE overall goal.

2. The participation of a SDVE subcontractor toward a contractor's final compliance with its SDVE obligations on a contract cannot be counted until the amount being counted has actually been paid to the SDVE.

(L) SDVE participation will be credited by the division only for the value of the work actually performed by the SDVE toward the individual contract percentage, including cost of supplies and materials obtained or leased by the SDVE. The total dollar value of the work awarded to the SDVE by the prime contractor is counted toward the contract goal. When counting SDVE participation, the division may consider the following:

1. A contractor's entire expenditure to be paid to a SDVE supplier or manufacturer for material or services furnished which becomes a permanent part of the contract work. For the purpose of this regulation, a manufacturer shall be defined as an individual or firm that produces goods from raw materials or substantially alters them before resale;

2. By counting the work SDVE contractor commits to perform with its own labor as well as the work that it commits to perform with SDVE subcontractors and suppliers; and

3. When a SDVE performs as a participant in a joint venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the SDVE performs with its own forces shall count toward SDVE individual contract percentages.

[(L)](M) If a contractor is unable to satisfactorily *[perform]* meet its SDVE *[participation level]* contractual commitment, or if there are other reasons the vendor needs to replace an SDVE, the contractor must replace the business per the terms of the contract. If the contractor cannot obtain a replacement per the terms of the contract, it may apply to the division for a participation waiver by providing documentation detailing all efforts made to secure a replacement and a good cause statement establishing why the participation level cannot be obtained. If the contractor has met its burden of proof, the division may grant a waiver of the contractual obligation for good cause.

[(M)](N) If the contractor's *[participation level or]* payment to a *[participating]* committed SDVE is less than the amount committed, and no waiver of the contractual obligation for good cause has been obtained, the state may cancel the contract and/or suspend or debar the contractor from participating in future state procurements or withhold payment to the contractor in an equal amount to the value of the participating commitment less actual payments made by the contractor to the participating business. If the division determines that a contractor has become compliant with the commitment amount, any withheld funds shall be released.

[(N)](O) At the time of contract renewal, a contractor must verify it is meeting its participation level and required payment to all SDVEs, **or the contractor must submit a statement of when such SDVE participation is scheduled to occur.** If the contractor is not meeting said requirements, the contract renewal may not be processed unless and until said requirements are satisfactorily met, **a cure plan is approved, the statement is accepted by the division,** or a waiver for good cause is obtained from the division.

(13) For solicitations using weighted criteria evaluations, the evaluation criteria and point assessment assigned to each criterion, as well as the award process, shall be stated in the solicitation documents. *[The evaluation criteria shall not be changed during the bid process.]* **The point assessment assigned to each evaluation criteria shall not be changed after the final end date and time for submission of the initial bids/responses has passed.** The division shall consult with the applicable agency to determine which criteria are most important. Points assigned to cost do not have to be fifty percent (50%) or more of the assigned points.

(14) Any clerical error, apparent on its face, may be corrected by the division before contract award. Upon discovery of an apparent clerical error, the division shall contact the bidder/offeror and request clarification of the intended bid/proposal. The correction shall be incorporated in the notice of award, **if applicable**. Examples of apparent clerical errors are misplacement of a decimal point and obvious mistake in designation unit.

(15) Minor technicalities or irregularities in bid/proposals can be waived by the division if the waiver does not create a competitive advantage for any bidder/offeror. Such waiver is appropriate for a condition that does not conform with a mandatory requirement of the solicitation document, and therefore could otherwise be considered non-responsive, but is so minor in nature, **or cannot otherwise be met by all bidders/offerors**, that to determine non-responsiveness could be considered unreasonable and would not be to the state's advantage.

(18) Awards shall be made to the bidder/offeror whose bid/proposal complies with—

(B) Is the lowest and best **bid**/proposal in accordance with the evaluation methodology outlined in the bid/proposal; and

(19) With regard to competitive negotiation procurements, the basic steps of the evaluation should generally include the following:

(E) *[In]* **When conducting [BAFO offers] competitive negotiations**, there shall be no disclosure of any information submitted by competing offerors.

(20) The division will encourage participation in the procurement process and fairness in consideration of bids/proposals submitted by Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs). Programs/procedures designed to accomplish these objectives may include: inclusion of M/WBE *[subcontractor targets]* requirements in solicitation documents, close review of requirements for bonding, **experience and insurance requirements**, **contract unbundling**, targeted notice of procurement opportunities, utilization of minority and women personnel on evaluation committees, if available, etc.

(A) **Percentage Requirements and Compliance**. Executive Order 15-06 states that the State of Missouri's Annual Aspirational Program Goals for Minority- and Women- Business Enterprises (M/WBE) are both ten percent (10%) of all state annual procurement funds expended by executive branch agencies. These goals are a benchmark by which M/WBE opportunities to participate in state procurement are monitored and evaluated. These ten percent (10%) goals do not authorize or require the division to set M/WBE individual contract percentages at the ten percent (10%) level, or any other particular level, or to take any special administrative steps if the percentages are above or below ten percent (10%).

1. The division may use individual contract percentages to help meet the State's Annual Aspirational Program Goals. The division may establish individual contract percentages, with support from the Office of Equal Opportunity (OEO). The division may set each contract percentage by reviewing the type of goods or services being procured, elements of work to be performed, time frame, and geographical location, history of M/WBE and non-M/WBE usage, and availability of ready, willing, and able M/WBEs certified by OEO. The percentages will be expressed in the bid document as a percentage of the total contract value. Individual contract percentages may be set higher than the State's Annual Aspirational Program Goals where availability of M/WBEs has been demonstrated to be higher. Likewise, individual contract percentages may be set lower in areas where availability of M/WBEs has been demonstrated to be lower.

2. Bidders/Offerors must, in order to be responsive, make sufficient good faith efforts to meet M/WBE contract percent-

ages. The bidder/offeror can meet the individual contract percentages in either one (1) of two (2) ways. First, the bidder/offeror can meet the percentages through documenting commitments for participation by M/WBEs sufficient to meet the M/WBE contract percentages. Second, the bidder/offeror can document adequate good faith efforts pursuant to subsection (20)(I) by demonstrating the bidder/offeror took all necessary and reasonable steps to achieve the M/WBE contract percentages, but was unable to achieve it.

[(A)](B) M/WBE *[goals]* individual contract percentages can be met by a qualified M/WBE vendor and/or through the use of qualified M/WBE subcontractors, suppliers, joint ventures, or other arrangements that afford meaningful opportunities for M/WBE participation. The M/WBE vendor shall be certified by *[the Office of Equal Opportunity (OEO) by]* OEO on the opening date of a bid/proposal. If an M/WBE vendor's certification has expired **or otherwise ended**, but the vendor had submitted its renewal application **or other supporting documents** to OEO prior to the bid/proposal opening and certification is reinstated prior to contract award, then the M/WBE vendor shall be considered qualified.

[(B)](C) Supplies provided by M/WBE vendors must provide a commercially useful function that provides added value to a contract. Supplies shall be provided exclusive to the performance of a contract, and an M/WBE vendor's obligation outside of a state contract shall not be considered an added value to the contract.

1. A M/WBE performs a commercially useful function when it is responsible for executing a distinct element of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the M/WBE must also be responsible, when applicable, with respect to supplies used on the contract, for negotiating price, determining quality and quantity, ordering the supplies, and installing (where applicable) and paying for the supplies.

2. To determine whether a M/WBE is performing a commercially useful function, the division may evaluate the amount of work subcontracted, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the firm's credit claimed for its performance of the work, and other relevant factors.

3. A firm does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of M/WBE participation. In determining whether a firm is such an extra participant, the division may examine similar transactions, particularly those in which M/WBEs do not participate.

4. If a M/WBE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own work force, or the M/WBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the director will presume that it is not performing a commercially useful function.

5. When a M/WBE is presumed not to be performing a commercially useful function as provided in paragraph (20)(C)4. of this rule, the M/WBE may present evidence to rebut this presumption. The director may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

(D) M/WBE Participation Computed. M/WBE participation will be credited by the division only for the value of the work actually performed by the M/WBE toward the division individual contract percentage, including cost of supplies and materials obtained or leased by the M/WBE. The total dollar value of the work granted to the M/WBE by the prime contractor is counted toward the applicable goal of the entire contract. When counting M/WBE participation, the division may consider the following:

1. A contractor's entire expenditure to be paid to a M/WBE supplier or manufacturer for supplies furnished which becomes a permanent part of the contract work. For the purpose of this regulation, a manufacturer shall be defined as an individual or firm that produces goods from raw materials or substantially alters them before resale and is an OEO certified M/WBE;

2. By counting the work a M/WBE contractor commits to perform with its own labor as well as the work that it commits to perform with M/WBE subcontractors and suppliers; and

3. When a M/WBE performs as a participant in a joint venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the M/WBE performs with its own forces shall count toward M/WBE individual contract percentages.

[(C)](E) If a bidder/offeror is proposing M/WBE vendor participation it must provide *[the following]* to the division all documents required by the solicitation, which may include:

[1. Documentation regarding M/WBE participation as required in the solicitation must be completed. This information should include, but is not limited to, the following:]

[A.]1. Bid/proposal forms outlining the name, address, and telephone number of each and the M/WBE commitment percentage with the corresponding dollar amount of the participation of each M/WBE;

[B.]2. Bid/proposal forms outlining M/WBE participation and a description of what services or supplies the vendor will supply; and

[C.]3. M/WBE vendor certification number or copy of certification issued by OEO[.]; and

4. Written documentation as required in the solicitation from each listed M/WBE that it is willing to participate in the contract in the kind and amount of work provided in the bidder/offeror's response.

[(D)](F) If the bidder/offeror's bid/proposal is awarded, the percentage level of the M/WBE vendor participation committed to by the *[vendor]* bidder/offeror shall be a binding contractual requirement.

[(E)](G) A bidder/offeror that is certified as both an MBE and WBE can meet both MBE and WBE *[target participation goals]* individual contract percentages as long as the *[vendor]* bidder/offeror is performing at least the total of the target MBE and WBE percentage of the contract value.

[(F) A bidder/offeror meeting or exceeding the state's MBE or WBE target participation goals shall receive the maximum points allowed. A bidder/offeror with a lesser participation commitment shall receive a lesser amount of points. M/WBE participation evaluation points shall be assigned using a formula as documented in the solicitation.]

[(G)](H) If the solicitation will not include subjective criteria, the division is not required to address *[MBE and]* M/WBE *[participation targets]* contract percentages in the solicitation. If the solicitation will include subjective criteria, the division must include the *[MBE and]* M/WBE *[requirements]* individual contract percentages in the solicitation document, except when a solicitation is for a no cost contract. Any other exception must be approved at the discretion of the director.

[(H) The division shall indicate the maximum number of points for the M/WBE participation criteria and it shall be documented in the solicitation.]

(I) Good Faith Waiver. A bidder/offeror is required to make a good faith effort to locate and contract with M/WBEs. If a bidder/offeror has made a good faith effort to secure the required M/WBE participation and has failed, the bidder/offeror may submit with its bid proposal the information requested on forms provided with the bid documents. The division will review the bidder/offeror's actions as set forth in the bidder/offeror's submittal documents and other factors deemed relevant by the division, to determine if a good faith effort has been made to meet the applicable contract percentages. If the bidder/offeror is

judged not to have made a good faith effort, the bid shall be rejected.

1. Bidders/offerors who demonstrate that they have made a good faith effort to include M/WBE participation will not have their bids/proposals rejected regardless of the percent of M/WBE participation, provided the bids/proposals are otherwise acceptable.

2. In reaching a determination of good faith, the director may evaluate, but is not limited to, the following factors:

A. The efforts to develop and sustain a working relationship with M/WBEs, including attending pre-bid conferences and matchmaking meetings and events;

B. The bidder's/offeror's efforts and methods to provide M/WBEs with full sets of plans, specifications, or appropriate information in a timely manner to assist the M/WBE in responding to the bidder's/offeror's solicitation. This could include conducting market research to identify M/WBEs, and providing emails or written notices to relevant OEO-certified M/WBEs listed in OEO's directory, and which are located in the applicable area or surrounding areas as early in the acquisition process as practicable;

C. The bidder's/offeror's efforts to make initial contact with at least three (3) relevant OEO-certified M/WBEs, its follow-up with the contacted M/WBEs, and whether the bidder/offeror received a proposal from a certified M/WBE for the relevant categories of work;

D. The bidder's/offeror's efforts to assist interested M/WBEs in obtaining bonding, lines of credit, or insurance as required by the division, or the efforts made to assist in obtaining necessary equipment, supplies, materials, or related assistance or services;

E. The extent to which the bidder/offeror divides work into projects suitable for subcontracting to M/WBEs, including, where appropriate, breaking out contract work items into economically feasible units, for example, smaller tasks or quantities to facilitate M/WBE participation, even when the bidder/offeror might otherwise prefer to perform the work with its own forces. Prime contractors are not, however, required to accept higher quotes from M/WBEs if the price difference is excessive or unreasonable, but the fact that there may be some additional costs involved in finding and using M/WBEs is not in itself sufficient reason for a bidder's/offeror's failure to meet the individual contract M/WBE percentages, as long as such costs are reasonable;

F. The bidder's/offeror's ability to provide sufficient evidence in the form of documentation that supports the information provided;

G. Actual past participation of M/WBEs achieved by the bidder/offeror with contracts established by the division;

H. The reasons provided by the bidder/offeror for the inability to reach the individual contract percentages, and the ability of other bidders/offerors to meet the percentages, if applicable;

I. An insufficient good faith effort is the rejection of a M/WBE because its quotation for the work was not the lowest received. However, as noted above, a bidder/offeror is not required to accept an excessive or unreasonable quote in order to satisfy contract percentages; and

J. When a non-M/WBE subcontractor is selected over a M/WBE subcontractor, the division may require the bidder/offeror to submit copies of each M/WBE and non-M/WBE subcontractor quote to review whether the M/WBE prices were substantially higher; and the division may contact the M/WBE subcontractor to inquire as to whether the firm was contacted by the prime bidder/offeror. *Pro forma* mailings to M/WBEs requesting bids are not alone sufficient to satisfy good faith efforts.

[(I)](J) Once a contract is awarded, a contractor shall submit on or before *[the]* each fifteenth of the month *[immediately following the reporting period]*, unless another timeframe is approved by

the division, until full payment is made, a report detailing all payments it made immediately following the reporting period to all M/WBEs participating in the contract. The report shall be submitted to the division on a division form. The division may waive this reporting requirement at any time for good cause. The amounts submitted may be verified by the division, OEO, or the Contract Oversight Office.

1. No dollar value of work performed under a contract with a firm after it has ceased to be certified can be counted toward the M/WBE overall goal.

2. The participation of a M/WBE subcontractor toward a contractor's final compliance with its M/WBE obligations on a contract cannot be counted until the amount being counted has actually been paid to the M/WBE.

(K) The director shall maintain records identifying and assessing the contractor's progress in achieving and maintaining M/WBE contract percentages. These records should show—

1. The amount and nature of awards made by the contractor to M/WBE vendors/suppliers/manufacturers; and

2. Monthly reports from the contractor on its progress in meeting M/WBE percentages, unless a different interval for reporting has been approved.

(L) Termination or Substitution of a M/WBE.

[1.] If a [participating entity] M/WBE is unable to satisfactorily perform its [M/WBE] participation level, or if there are other reasons the contractor needs to replace a[n entity] M/WBE, the contractor [must] for good cause can obtain written approval from the division prior to replacing the entity.

1. Before a contractor transmits to the division its request to terminate and/or substitute a M/WBE, the contractor must give notice in writing to the M/WBE subcontractor, with a copy to OEO and the division, of its intent to request to terminate and/or substitute, and the reason for the request. The contractor must give the M/WBE five (5) business days to respond to the contractor's notice and advise the OEO and the division and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why OEO and the division should not approve the contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), the contractor may reduce or waive the response period as approved by the division.

2. For purposes of this subsection, good cause for approval of a request for termination or substitution for a M/WBE includes, but is not limited to, the following:

A. The listed M/WBE subcontractor fails or refuses to execute a written contract;

B. The listed M/WBE fails or refused to perform the work of its subcontract in a way consistent with normal industry standards, provided, however, that good cause does not exist if the failure or refusal by the M/WBE subcontractor to perform its work on the subcontract resulted from the bad faith or discriminatory action of the prime contractor;

C. The listed M/WBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements;

D. The listed M/WBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;

E. The listed M/WBE subcontractor is ineligible to work on projects because of suspension or debarment proceedings;

F. The listed M/WBE subcontractor is not a responsible contractor as determined by the division;

G. The listed M/WBE subcontractor voluntarily withdraws from the project and provides the prime contractor written notice of its withdrawal, or the withdrawal is otherwise confirmed by the division;

H. The listed M/WBE subcontractor is ineligible to receive M/WBE credit for the type of work required;

I. The listed M/WBE subcontractor owner dies or becomes disabled with the result that a listed M/WBE prime con-

tractor is unable to complete its work on the contract; and

J. Other documented good cause that the division determines compels the termination of a M/WBE subcontractor. But good cause does not exist if the prime contractor seeks to terminate a M/WBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the M/WBE subcontractor was engaged or so that the prime contractor can substitute another M/WBE or non-M/WBE after contract award without good cause.

3. If approved, the contractor must [obtain other participation in compliance with its original commitment as approved by the division] make good faith efforts to meet the contractual commitment to the contract goal. These good faith efforts shall be directed at finding another M/WBE to perform at least the same amount of work under the contract as the M/WBE that was terminated, to the extent needed to meet the contract goal. [The] OEO and the division's approval shall not be arbitrarily withheld. If the contractor cannot obtain a replacement, it may apply to the division for a participation waiver by providing documentation detailing all good faith efforts made to secure a replacement and a good cause statement establishing why the participation level cannot be obtained. If the contractor has met its burden of proof, the division, after consulting with OEO, may grant an M/WBE waiver for good cause.

4. The good faith efforts shall be documented by the contractor. If the division requests documentation under this subsection, the contractor shall submit the documentation within seven (7) business days, which may be extended for an additional seven (7) business days, if necessary, at the request of the contractor.

5. The division shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

[2.](M) If the contractor's participation level or payment to a participating M/WBE entity is less than the amount committed, and no M/WBE waiver for good cause has been obtained, the division may cancel the contract and/or suspend or debar the contractor from participating in future state procurements for a period of six (6) months or longer, up to permanent debarment, or withhold payment to the contractor in an equal amount to the value of the participating commitment less actual payments made by the contractor to the participating entity. If the division determines that a contractor has become compliant with the commitment amount, any withheld funds shall be released. Any suspension or debarment based on such noncompliance may be rescinded by the division at its discretion.

1. A contractor may appeal a suspension or debarment to the commissioner by filing a written appeal no later than twenty (20) calendar days from the date on the notice of suspension or debarment issued by the division. The suspension or debarment remains in effect pending the results of the appeal.

[3.](N) At the time of contract renewal, a contractor must verify it is meeting its participation level and required payment to all M/WBE entities, or the contractor must submit a statement of when such M/WBE participation is scheduled to occur. If the contractor is not meeting said requirements, the contract renewal shall not be processed unless and until said requirements are satisfactorily met, a cure plan is approved, the statement is accepted by the division, or a[n W/WBE] M/WBE waiver for good cause is obtained from the division.

(21) For a delegation of authority by the division to a state agency, the delegation shall contain any restrictions on the agency's management of the solicitation, including those related to use of weighted criteria, M/WBE participation, and competitive negotiations.

AUTHORITY: section 34.050, RSMo 2000, and section 34.074, RSMo Supp. [2010] 2013. Original rule filed Oct. 15, 1992, effective June 7, 1993. For intervening history, please consult the Code of

State Regulations. Amended. Filed April 5, 2016.

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 Commissioner 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 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

PROPOSED RULE

9 CSR 30-3.310 Recovery Support Programs

PURPOSE: This rule describes the certification and service delivery requirements for recovery support programs.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Program Description. Recovery support programs offer individuals recovery support services such as, care coordination, spiritual and group counseling, life skills training, recovery housing, and transportation assistance, before, during, after, or independent of substance use disorder treatment provided by an organization certified by the department. These services are offered in a multitude of settings including, but not limited to, community support groups, faith-based organizations, and self-help and peer recovery groups. Recovery support programs are person-centered, allowing individuals the opportunity to direct his/her recovery process.

(2) Types of Programs. Certification is available for the following types of recovery support programs and services:

(A) Care coordination. Care coordination consists of assisting individuals with accessing the network of services and other community resources available to facilitate retention in substance use disorder treatment and/or sustained recovery. This may include, but is not limited to, consultation with the individual's treatment provider, procurement of medication for a mental and/or substance use disorder through charitable programs, assistance in finding and securing permanent housing, development of a social support system, and when funded by the department, bus passes to eligible individuals. A care coordination service provider shall meet the following requirements:

1. Services shall be provided by recovery support program staff;
2. Services shall include, but are not limited to:

A. Arranging, referring, and when necessary, advocating for quality services to which the individual is entitled;

B. Monitoring provider service delivery and ensuring communication among service providers;

C. Locating and coordinating services specific to crisis resolution; and

D. Training in resource acquisition;

(B) Peer recovery drop-in center. Peer recovery drop-in center service emphasizes building peer relationships to help support personal choice(s), respect, and recovery. A peer recovery drop-in center shall meet the following requirements:

1. Each center shall be managed by a Missouri Recovery Support Specialist or Missouri Recovery Specialist – Peer as designated by the Missouri Credentialing Board;

2. Each center shall be staffed with a minimum of eighty percent (80%) staff and volunteers who are in recovery from a substance use disorder or co-occurring mental and substance use disorder;

3. The drop-in center shall create a home-like environment, including a living room type space with chairs, couches, and lighting for informal conversation, and a separate space for group meetings;

4. The drop-in center shall provide coffee, tea, or other free or low-cost beverages and may offer free or low-cost healthy food items;

5. The drop-in center shall offer recreational activities that induce social interaction, such as playing cards and other games, as well as the opportunity to participate in formal peer counseling and structured life-skill building groups;

6. The drop-in center shall provide a physically and emotionally safe environment that is accessible on foot or through public transportation; otherwise, the program shall provide or arrange for alternative transportation;

7. The drop-in center hours of operation shall be geared to the needs of individuals and include evening and weekend hours, at a minimum five (5) days per week for four (4) hours per day;

8. Drop-in center services shall be voluntary, free of charge, and free of expectations of length of participation;

9. A calendar of groups meetings, educational opportunities, and recreational activities shall be posted and updated at least monthly; and

10. Drop-in center services shall provide information on and coordination with social service support agencies in the community, as well as traditional behavioral health and physical health care service providers;

(C) Recovery coaching. Recovery coaching offers the individual support to develop proactive recovery-oriented problem solving skills for the future. A recovery coaching program shall meet the following requirements:

1. Recovery coaching shall be offered before, after, or concurrently with any department-funded certified substance use disorder treatment program;

2. Recovery coaching shall be a one-to-one service delivered face-to-face or, with department approval, through telehealth;

3. Recovery coaching shall not be considered a substitute for services delivered by a certified substance use disorder treatment program;

4. Recovery coaching shall be provided by a Missouri Recovery Support Specialist or a Missouri Recovery Support Specialist - Peer as designated by the Missouri Credentialing Board; and

5. Recovery coaching services and activities shall include, but are not limited to:

A. Helping individuals connect with peers and their communities to develop a network for information and support;

B. Sharing experiences of recovery, including the use of recovery tools, and modeling successful recovery behaviors;

C. Helping individuals make independent choices and taking a proactive role in their recovery;

D. Assisting individuals with identifying strengths and personal resources to aid in setting and achieving recovery goals; and

E. Conducting periodic recovery management check-ups and assessing victories, strengths, challenges, and setbacks;

6. Wellness coaching is recovery coaching that focuses on the relevant physical health factors previously identified by the individual as problematic, including:

A. Low levels of physical activity/sedentary lifestyle;

B. Use of tobacco and other addictive substances;

- C. Lack of nutrition and dietary education;
 - D. Diet and glucose monitoring for diabetes prevention and management;
 - E. Oral hygiene/dental health practices; and/or
 - F. Use of medications which contribute to metabolic syndrome, obesity, and other health conditions;
7. Employment coaching is recovery coaching that assists individuals in finding and maintaining competitive and gainful employment and may include, but is not limited to:
- A. Assisting in identifying tasks and activities geared toward career exploration and planning;
 - B. Assisting with job searching and preparation; and/or
 - C. Assisting in the development of self-management skills, interpersonal skills for the workplace, social and communication skills, and job maintenance;
- (D) Spiritual counseling. Spiritual counseling helps individuals explore problems and conflicts from a spiritual perspective. Spiritual counseling shall meet the following requirements:
1. Services shall be provided by qualified clergy. A qualified clergy is defined as an ordained clergy by a recognized religious organization with at least one (1) of the following credentials:
 - A. Missouri Recovery Support Specialist (MRSS);
 - B. Missouri Recovery Support Specialist-Peer (MRSS-P);
 - C. Certified Alcohol Drug Counselor (CADC);
 - D. Certified Reciprocal Alcohol Drug Counselor (CRADC);
 - E. Certified Reciprocal Advanced Alcohol Drug Counselor (CRAADC);
 - F. Recognized Substance Abuse Professional (RSAP);
 - G. Certified Criminal Justice Professional (CCJP);
 - H. Physician;
 - I. Licensed Professional Counselor (LPC);
 - J. Licensed Marriage and Family Therapist (LMFT);
 - K. Licensed Clinical Social Worker (LCSW); or
 - L. Licensed Psychologist;
 2. Religious organization shall mean that defined in 352.400.1(5), RSMo.
 3. The individual's spiritual beliefs, morals, ideas, values, and conflicts shall be explored in a safe and non-judgmental manner; and
 4. Spiritual counseling services shall include one (1) or more of the following:
 - A. Establishing or re-establishing a relationship with a higher power;
 - B. Developing personal connectedness with a spiritual, religious, or faith-based entity;
 - C. Acquiring skills needed to cope with life-changing incidents;
 - D. Adopting positive values or principles;
 - E. Identifying a sense of purpose and mission for one's life;
 - F. Achieving serenity and peace of mind;
 - G. Finding life purpose;
 - H. Overcoming emotional, social, mental, or physical obstacles; and/or
 - I. Putting pain and grief into perspective;
- (E) Support, educational, or life-skills groups. Support, educational, or life-skills groups provide support for individuals in recovery by offering encouragement and connections with others who share similar experiences. Support, educational, or life-skills groups shall meet the following requirements:
1. Group services shall address recovery, employment, spiritual, and/or wellness issues relevant to the needs of the individuals served;
 2. Groups may be formed around shared identity such as common cultural or religious affiliation, shared experiences, and/or goals such as community re-entry following incarceration, HIV status, or challenges in parenting;
 3. Group sessions may consist of the presentation of general information and application of the information to participants through group discussion designed to promote recovery and enhance

- social functioning;
4. Support group services shall include, but are not limited to:
 - A. Classroom-style didactic lecture to present information about a topic and its relationship to substance use disorders and recovery;
 - B. Presentation of educational audiovisual materials with required follow-up discussion;
 - C. Promotion of discussion and questions about the topic presented to the individuals in attendance;
 - D. Generalization of the information and demonstration of its relevance to recovery and enhanced functioning;
 - E. Facilitating disclosure of issues that permits generalization of the issue to the larger group;
 - F. Promoting positive help-seeking and supportive behaviors; and
 - G. Encouraging and modeling productive and positive interpersonal communication;
 5. A support, educational, or life-skills group session shall include a qualified facilitator and at least two (2) but no more than thirty (30) individuals per group in order to promote participation;
- (F) Transportation. Transportation services assist individuals enrolled in a certified recovery support program or substance use disorder treatment program in achieving and sustaining recovery goals when they do not have the means to provide personal transportation. Transportation services shall meet the following requirements:
1. Transportation shall be limited to specific destinations and/or appointments as defined by the department. Allowable transportation services shall include:
 - A. To and from a certified substance use disorder treatment program;
 - B. To and from a certified recovery support program;
 - C. To and from a doctor's appointment, dental appointment, or appointment with other healthcare providers;
 - D. To and from probation and parole, court, or other criminal justice agencies; and
 - E. To and from employment-seeking activities and/or active employment;
 2. Staff or volunteers who provide transportation services shall meet the background screening requirements in 9 CSR 10-5.190 and hold a class E chauffeur's license, or if transporting more than fifteen (15) passengers, a CDL license;
 3. The vehicle used for transportation shall be currently licensed, properly insured, and provide safe and reliable transportation for individuals served;
 4. Staff or volunteers who provide transportation shall have access to a communication device in the vehicle at all times;
- (G) Recovery housing. Recovery housing is a direct service that provides supervised, short-term housing to individuals with substance use disorders or co-occurring mental and substance use disorders. Recovery housing services shall meet the following requirements:
1. To be eligible for recovery housing, the individual shall be participating in a department certified and funded substance use disorder treatment program or recovery support program;
 2. Recovery housing levels of support and supervision shall include one (1) of the following:
 - A. Peer-run: At least weekly house meetings facilitated by staff; or
 - B. Monitored: At least a daily monitoring visit by staff; or
 - C. Supervised: twenty-four- (24-) hour supervision of individuals by staff, with a minimum of three (3) different staff members providing supervision per twenty-four- (24-) hour period;
 3. Each recovery housing provider that offers the self-pay option to individuals served shall have written rental agreement policies and procedures that include, but are not limited to:
 - A. An explanation of the housing arrangements shall be posted in all housing units;
 - B. The grounds for termination of the rental agreement;

C. The terms of the agreement shall be established and explained to each individual at admission to housing services; and

D. If an individual enters into a rental agreement for housing with the recovery support organization, a signed copy of that rental agreement shall be kept in the individual record;

4. Recovery housing properties shall:

A. Provide proof of an initial successful Housing Quality Standards (HQS) inspection conducted by an HQS inspector;

B. Provide proof of a successful annual fire inspection; and

C. Provide proof of meeting all local government occupancy/safety requirements such as an occupancy permit, zoning approval, and/or other correspondence showing approval from the local municipal or county governing body;

5. Recovery housing properties inspected and approved as meeting standards of a state/local/regional/national provider organization such as the National Association of Recovery Residences shall be exempt from requirements in paragraph (2)(G)4. of this rule.

(3) Specialized Services. Recovery support programs that specialize in serving minority or other populations with unique recovery needs may tailor individual and group services to address specific needs. These specialized populations, services, and philosophies may be combined in multiple ways to include, but not limited to:

- (A) Employment;
- (B) Faith and spiritual beliefs;
- (C) Housing;
- (D) Offender re-entry;
- (E) Peer supports; and
- (F) Wellness.

(4) Program Certification. Certification is required for a recovery support organization to obtain and maintain a contract with the department, to participate in department programs eligible for Medicaid reimbursement, and to serve individuals whose referral sources require the provider to be certified by the department. Organizations accredited under standards of care for recovery support services by the National Association of Recovery Residences (NARR), the Council on Accreditation of Peer Recovery Support Services (CAPRSS), the local affiliates of NARR or CAPRSS, or other entity recognized by the department may be eligible for certification through deeming. Certification or deemed status does not constitute an assurance or guarantee that the department or other entity will fund or utilize designated services or programs.

(A) An organization seeking certification or deemed status as a recovery support program shall comply with certification requirements set forth in 9 CSR 10-7.130, as well as all department rules and standards contained herein.

(B) The following core rules for psychiatric and substance use disorder treatment programs shall be met by recovery support programs:

- 1. 9 CSR 10-7.010 Treatment Principles and Outcomes;
- 2. 9 CSR 10-7.020 Rights, Responsibilities, and Grievances;
- 3. 9 CSR 10-7.040 Quality Improvement;
- 4. 9 CSR 10-7.050 Research;
- 5. 9 CSR 10-7.060 Behavior Management;
- 6. 9 CSR 10-7.070 Medications;
- 7. 9 CSR 10-7.080 Dietary Service;
- 8. 9 CSR 10-7.090 Governing Authority and Program Administration;
- 9. 9 CSR 10-7.100 Fiscal Management;
- 10. 9 CSR 10-7.110 Personnel;
- 11. 9 CSR 10-7.120 Physical Plant and Safety;
- 12. 9 CSR 10-7.130 Procedures to Obtain Certification;
- 13. 9 CSR 10-7.140 Definitions.

(C) The following general program procedures shall be met by recovery support programs:

- 1. 9 CSR 10-5.190 Background Screening for Employees and Volunteers;

2. 9 CSR 10-5.200 Report of Complaints of Abuse, Neglect, and Misuse of Funds/Property;

3. 9 CSR 10-5.206 Report of Events;

4. 9 CSR 10-5.210 Exceptions Committee Procedures;

5. 9 CSR 10-5.220 Privacy Rule of Health Insurance Portability and Accountability Act of 1996 (HIPAA); and

6. 9 CSR 10-5.230 Hearings Procedures.

(D) The following department rules and standards shall be waived for recovery support programs unless the department determines that a specific requirement is applicable due to the unique circumstances and service delivery methods of a particular recovery support program:

1. 9 CSR 10-7.030 Service Delivery Process and Documentation;

2. 9 CSR 30-3.100 Service Delivery Process and Documentation; and

3. 9 CSR 30-3.110 Service Definitions and Staff Qualifications.

(5) Staff. Qualified staff shall be available in sufficient numbers to ensure effective service delivery.

(A) All staff and volunteers of recovery support programs shall meet background screening requirements in 9 CSR 10-5.190. The Missouri Department of Health and Senior Services Family Care Registry or other department-approved background screening service shall be used.

(B) All staff and volunteers who have contact with individuals receiving services shall, at a minimum, meet department-approved qualifications and complete six (6) hours of annual training on ethics and professional boundaries. The six (6) hours of annual ethics and boundaries training shall apply to the required thirty-six (36) hours of training, every two (2) years, for personnel as referenced in 9 CSR 10-7.110(2)(E)1.

(C) Training activities shall be documented in each employee's personnel file and shall include the training topic, name of instructor, date(s) of training, certification/continuing education units, and location.

(D) Former recipients of services who transition to staff and volunteer roles shall have been in continuous personal recovery from a substance use disorder or co-occurring mental and substance use disorder for a period equal to or greater than twelve (12) months. Continuous personal recovery shall mean the individual—

- 1. Has not used any illegal drugs;
- 2. Has not used any physician-prescribed medication in a non-prescribed way;
- 3. Has not used any over-the-counter medication except for its intended use;
- 4. Has abstained from all use of alcohol; and
- 5. Is successfully managing their mental illness.

(E) All staff and volunteers of a certified recovery support program shall adhere to the Missouri Recovery Support Specialist (MRSS) *Code of Ethics*, or if functioning in a peer role, Missouri Recovery Support Specialist - Peer (MRSS-P) *Code of Ethics*, January, 2016, incorporated by reference, without any later amendments or additions, as published by the Missouri Credentialing Board, 428 E. Capitol Avenue, Jefferson City, MO 65101.

(F) The recovery support program shall establish and consistently implement policies and procedures to guide the roles and activities of volunteers and staff in an organized and productive manner.

(G) Minimum qualifications for supervision of staff and volunteers include holding any of the following credentials: qualified substance abuse professional (QSAP) as defined in 9 CSR 10-7.140(2)(RR); Licensed Professional Counselor (LPC); Licensed Marriage and Family Therapist (LMFT); Licensed Clinical Social Worker (LCSW); Licensed Psychologist; qualified clergy as defined in paragraph (2)(D)1. of this rule; or a director of a certified recovery support program. Acceptable supervision shall include a minimum of one (1) hour every month of face-to-face individual or group supervision.

(6) Admission Criteria. The criteria for admission to a recovery support program shall include at least one (1) of the following:

(A) The individual has a current substance use disorder or co-occurring mental and substance use disorder as identified in the screening and assessment process outlined in section (8) of this rule;

(B) The individual is in recovery from a substance use disorder or co-occurring mental and substance use disorder and in need of services as identified in the screening and assessment process outlined in section (8) of this rule; or

(C) The individual is re-entering the community from a correctional facility and has a prior history of a substance use disorder or co-occurring mental and substance use disorder.

(7) Treatment Goals. Successful outcomes for individuals participating in recovery support services include, but are not limited to:

(A) Obtaining and maintaining sobriety;

(B) Minimizing the risk of relapse;

(C) Improving family, natural support, and social relationships;

(D) Improving employment/educational functioning;

(E) Promoting productive use of time;

(F) Developing social support;

(G) Developing spiritual support;

(H) Developing safe and stable housing;

(I) Complying with all legal, court, probation, or parole requirements;

(J) Minimizing harmful social or behavioral risk; and/or

(K) Improving physical health and wellness.

(8) Screening, Assessment, and Recovery Plan. Each individual participating in recovery support services, as defined in this rule, shall be subject to a screening, an assessment, and the development of an individualized recovery plan.

(A) Screening. Each individual requesting a recovery support service(s) shall have prompt access to a screening to determine eligibility, substance use and/or co-occurring mental and substance use disorder history, and recovery needs. The screening shall—

1. Be conducted by a recovery support program and/or substance use disorder treatment program certified by the department;

2. Be conducted by trained staff;

3. Be responsive to the individual's requests and needs; and

4. Include written notice to the individual regarding service eligibility and an initial course of action. If indicated, the individual shall be linked to other appropriate services and resources in the community. Referrals to other community resources shall include active care coordination to ensure the individual accesses appropriate supports.

(B) Assessment. Each individual requesting a recovery support service(s) shall participate in a recovery-oriented assessment that identifies his/her needs and goals, guides the development of an individualized recovery plan, and ensures engagement in appropriate recovery services. The participation of family and other natural supports and collateral parties (e.g., referral source, employer, other community agencies) in the assessment and development of the recovery plan shall be encouraged, as appropriate, and based upon the wishes of the individual.

1. The assessment shall be conducted by an organization certified by the department as a substance use disorder treatment program or a recovery support program.

2. The assessment shall be completed by a person who meets established criteria for a qualified substance abuse professional (QSAP) as defined in 9 CSR 10-7.140(2)(RR).

3. The assessment shall be completed within thirty (30) days of initial contact with the recovery support program. This time period does not include weekends and holidays observed by the state of Missouri.

A. If an individual is determined to have active or a severe substance use disorder, mental illness, or co-occurring mental and substance use disorder, presents symptoms of intoxication, impairment or withdrawal, cannot achieve abstinence without close moni-

toring, or requires structured support and daily supervision, he or she shall be referred to a certified substance use disorder treatment program or certified community mental health center for services.

B. The recovery support program may provide interim services for individuals with severe substance use, mental illness, or a co-occurring mental and substance use disorder while he/she is waiting for higher intensity services.

4. Documentation of the screening and assessment shall include, but is not limited to, the following:

A. Demographic and identifying information;

B. Needs, goals, and expectations from the person requesting services;

C. Presenting situation/problem and referral source;

D. History of previous and current psychiatric and/or substance use disorder treatment;

E. Wellness screening;

F. Current medications and medication allergies;

G. Alcohol and drug use history, including duration, patterns, and consequences of use;

H. Current psychiatric symptoms;

I. Family, social, legal, vocational and educational status, and functioning;

J. Current use of resources and services from other community agencies; and

K. Personal strengths, including family and other natural supports, social, peer, and recovery history.

5. The recovery support program shall actively coordinate other services and make appropriate referrals to ensure the safety and well-being of individuals with severe substance use, mental illness, physical health conditions, or other basic needs.

(C) Individualized Recovery Plan. The individualized recovery plan shall reflect the person's unique needs and goals with a focus on integration and inclusion in his/her community, building healthy relationships with family and other natural supports systems, and accessing other community supports. Services may begin before the assessment is completed and the recovery plan is fully developed.

1. Each individual participating in a recovery support program shall actively participate in the creation of a recovery plan within thirty (30) days of admission to the recovery support program. A qualified substance abuse professional and other member(s) of the individual's recovery team shall also participate in development of the recovery plan.

2. The recovery plan shall guide ongoing service delivery and shall be signed by the individual.

3. The recovery plan shall be based on the individual's initial screening and assessment as well as an assisted self-assessment of his or her goals and the strengths and capacities that he or she will use or rely upon to achieve these goals.

4. Service needs beyond the scope of the recovery support program that are being addressed by referral to or coordination with another community organization shall be included in the recovery plan.

5. Progress toward achievement of recovery goals shall be reviewed on a periodic basis to ensure the plan reflects current issues and maintains relevance for the individual. Each individual shall directly participate in regular reviews and updates of their recovery plan and shall sign the review.

(9) Organized Record System. Each recovery support program shall have an organized record system for each individual that receives recovery support services.

(A) Records shall be maintained in a manner that ensures confidentiality and security. The organization shall abide by all local, state, and federal laws and regulations concerning the confidentiality of records.

(B) If records are maintained on a computer system, there shall be a backup process in place to safeguard records in the event of operator or equipment failure and to ensure security from inadvertent or unauthorized access.

(C) The recovery support program shall retain individual records for at least six (6) years from the date of service or until all litigation, adverse audit findings, or both, are resolved.

(D) The recovery support program shall assure ready access to all records, including computerized records, by authorized staff and other authorized parties including department staff.

(10) Documentation. Services funded by the department shall be entered in the department-approved electronic record system. Services documented shall be legible, clear, complete, accurate, and recorded in a timely fashion not to exceed twenty-four (24) hours from service delivery with indelible ink, print, or approved electronic record system.

(A) Entries shall be dated and authenticated by the staff member providing the service, including name and title. Any errors on paper documentation shall be marked through with a single line, initialed, and dated.

(B) There shall be documentation of services provided and results accomplished.

(C) Individual service notes and group logs shall include:

1. Description of the specific service provided;
2. The date and actual time (beginning and ending times) the service was rendered;
3. Name and title of the person who rendered the service;
4. The setting in which the service was rendered;
5. The relationship of the services to the recovery plan; and
6. Description of the individual's response to the service provided.

(D) Where applicable, the record shall also include documentation of referrals to other services or community resources and the outcome of those referrals, signed authorization to release confidential information, missed appointments and efforts to re-engage the individual, urine drug screening or other toxicology reports, and crisis or other significant events that may impact the recovery process.

AUTHORITY: section 630.050, RSMo Supp. 2013, and section 630.055, RSMo 2000. Original rule filed on April 4, 2016.

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

PRIVATE COST: This proposed rule 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 rule by writing to Amber L. Daugherty, Assistant General Counsel, Department of Mental Health, PO Box 687, 1706 E. Elm Street, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 411.070, RSMo 2000, the department amends a rule as follows:

2 CSR 60-4.030 Warehouse License—Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2016 (41 MoReg 155-156). No changes have made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 411.070, RSMo 2000, the department amends a rule as follows:

2 CSR 60-4.050 Warehouse Receipts is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2016 (41 MoReg 157). No changes have made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 411.070, RSMo 2000, the department amends a rule as follows:

2 CSR 60-4.120 Tariffs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2016 (41 MoReg 157). No changes have made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 411.070, RSMo 2000, the department amends a rule as follows:

2 CSR 60-4.150 Letters of Credit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2016 (41 MoReg 157-158). No changes have made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 5—Missouri Grain Dealer's Law**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under sections 276.406 and 276.431, RSMo 2000, the department amends a rule as follows:

2 CSR 60-5.080 Letters of Credit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2016 (41 MoReg 158-159). No changes have made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 7—Family Healthcare****ORDER OF RULEMAKING**

By the authority vested in the Family Support Division under sections 207.022 and 208.662, RSMo Supp. 2014, the director adopts a rule as follows:

13 CSR 40-7.060 Show-Me Healthy Babies Program is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2016 (41 MoReg 163). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, June 15, 2016.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* Pamela.lueckenotto@modot.mo.gov
- *Mail:* PO Box 270, Jefferson City, MO 65102
- *Hand Delivery:* 830 MoDOT Drive, Jefferson City, MO 65102
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #149

Renewal Applicant's Name & Age: Ronald K. Dunnivant, 48

Relevant Physical Condition: Vision impaired.

Mr. Dunnivant has Amblyopia (Lazy Eye) in his left eye since birth and his best corrected visual acuity in his right eye is 20/30 Snellen. His best corrected visual acuity in his left eye is 20/100 Snellen. Mr. Dunnivant has had this visual impairment since July 18, 1967.

Relevant Driving Experience: Mr. Dunnivant has approximately thirty (30) years of commercial motor vehicle experience. Mr. Dunnivant currently has a Class A license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in February 2016, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Dunnivant has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: April 5, 2016

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

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DATES: Comments must be received at the address stated below, on or before, June 15, 2016.

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- *Email:* Pamela.lueckenotto@modot.mo.gov
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The individuals listed in this notice have recently filed applications

requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #166

Renewal Applicant's Name & Age: Dominic E. Hanway, 44

Relevant Physical Condition: Vision impaired.

Mr. Hanway is blind in his right eye. His best uncorrected visual acuity in his left eye is 20/25 Snellen. Mr. Hanway has had this visual impairment since 1999.

Relevant Driving Experience: Mr. Hanway has approximately eleven (11) years of commercial motor vehicle experience. Mr. Hanway currently has a Class E license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in March 2016, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Hanway has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: April 13, 2016

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, June 15, 2016.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* Pamela.lueckenotto@modot.mo.gov
- *Mail:* PO Box 270, Jefferson City, MO 65102
- *Hand Delivery:* 830 MoDOT Drive, Jefferson City, MO 65102
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #297

New Applicant's Name & Age: Brion K. McKee, 54

Relevant Physical Condition: Vision impaired. Mr. McKee has light perception only in his right eye due to Proliferative Diabetic Retinopathy and his best uncorrected visual acuity in his left eye is 20/25 Snellen. Mr. McKee has had this visual impairment since May 2015.

Relevant Driving Experience: Mr. McKee has approximately thirty-three (33) years of commercial motor vehicle experience. Mr. McKee currently has a Class A license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in November 2015, a board-certified ophthalmologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. McKee has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: April 8, 2016

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

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for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

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ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* Pamela.lueckenotto@modot.mo.gov
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COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #333

New Applicant's Name & Age: Florece A. Williams, 36

Relevant Physical Condition: Vision impaired.

Ms. Williams has Amblyopia (Lazy Eye) in her left eye since birth and her best uncorrected visual acuity in her right eye is 20/20 Snellen. Her best uncorrected visual acuity in her left eye is 20/200 Snellen. Ms. Williams has had this visual impairment since April 3, 1980.

Relevant Driving Experience: Ms. Williams has approximately two (2) years of commercial motor vehicle experience. Ms. Williams currently has a Class B license. In addition, she has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in March 2016, a board-certified optometrist certified her condition would not adversely affect her ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Ms. Williams has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: April 11, 2016

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 60—Missouri Health Facilities Review Committee Chapter 50—Certificate of Need Program

NOTIFICATION OF REVIEW: APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for July 11, 2016. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

4/5/16

#5310 HS: CenterPointe Hospital of Columbia
Columbia (Boone County)
\$21,181,405, Establish 72-bed Psychiatric Hospital

4/18/16

#5315 RS: Stonecrest at Wildwood
Wildwood (St. Louis County)
\$23,225,000, Establish 94-bed ALF

4/25/16

#5316 HS: Freeman Health System
Joplin (Jasper County)
\$1,289,361, Replace MRI

4/29/16

#5331 HS: Barnes-Jewish Hospital
St. Louis (St. Louis City)
\$2,022,653, Acquire Hybrid Operating Room

#5332 HS: Mercy Hospital Springfield
Springfield (Greene County)
\$1,957,435, Replace Linear Accelerator

#5326 NS: Meramec Nursing Center
Sullivan (Crawford County)
\$1,886,000, Add 30 SNF beds

#5322 NS: Northland Care Center
Kansas City (Clay County)
\$14,720,910, Establish 120-bed SNF

#5328 NS: Independence Health Retreat
Independence (Jackson County)
\$17,047,437, Establish 90-bed SNF

#5329 NS: North Kansas City Health Retreat
Kansas City (Platte County)
\$16,858,612, Establish 90-bed SNF

#5321 NS: Sunterra Springs of O'Fallon
O'Fallon (St. Charles County)
\$8,534,505, Establish 38-bed SNF

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by June 2, 2016. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102
For additional information contact Alicia Wieberg, (573) 751-6403.

Updated: 4/4/2016

Construction Transient

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
2 POINT CONSTRUCTION CO LLC	8004 REEDER	LENEXA	KS	66214
4MC CORPORATION	8040 JORDAN RD	ARGENTA	IL	62501
A & B PROCESS SYSTEMS CORP	201 S WISCONSIN AVE	STRATFORD	WI	54484
A & D CONSTRUCTORS INC	707 SCHRADER DRIVE	EVANSVILLE	IN	47712
A & K CONSTRUCTION SERVICES INC	100 CALLOWAY CT	PADUCAH	KY	42001
A AND M ENGINEERING AND ENVIRONMENTAL SERVICES INC	10010 E 16TH STREET	TULSA	OK	74128
A I INTERNATIONAL INC	414 TERRY BLVD	LOUISVILLE	KY	40229
A&A CONCRETE CONSTRUCTION INC	17839 157TH STREET	BASEHOR	KS	66007
ABAT BUILDERS INC	10700 W HIGGINS RD ST 350	ROSEMONT	IL	60018
ACADEMY ROOFING & SHEET METAL OF THE MIDWEST INC	6361 N E 14TH STREET	DES MOINES	IA	50313
ACC CONSTRUCTION CO INC	635 NW FRONTAGE ROAD	AUGUSTA	GA	30907
ACCEL CONSTRUCTION LLC	4015 N WOODLAWN CT STE 1	BEL AIRE	KS	67220
ACE REFRIGERATION OF IOWA INC	6440 6TH ST SW	CEDAR RAPIDS	IA	52404
ACE/AVANT CONCRETE CONSTRUCTION CO INC	109 SEMINOLE DR	ARCHDALE	NC	27263
ACME ELECTRIC COMPANY OF IOWA	3353 SOUTHGATE COURT SW	CEDAR RAPIDS	IA	52404
ACRONYM MEDIA INC	350 5TH AVE STE 5501	NEW YORK	NY	10118
ADENA CORPORATION	1310 W FOURTH STREET	MANSFIELD	OH	44906
ADVANCE ELECTRIC INC	353 N INDIANA AVE	WICHITA	KS	67214
ADVANCED DEVELOPMENT INC	2426 ADVANCED BUS CTR DR	COLUMBUS	OH	43228
ADVANCED EROSION SOLUTIONS LLC	5920 NALL AVE SUITE 308	MISSION	KS	66202
AE MFG INC	2505 S 33RD W AVE	TULSA	OK	74157
AERO ENERGY SERVICES LLC	2901 PEORIA STREET STE 3	PERU	IL	61354
AFFORDABLE COMMERCIAL CONSTRUCTION LLC	3240 N DELAWARE ST	CHANDLER	AZ	85225
AG PROPERTY SOLUTIONS	1901 E MAIN ST	EMMETSBURG	IA	50536
AH BECK FOUNDATION CO INC	5123 BLANCO ROAD	SAN ANTONIO	TX	78216
AHRS CONSTRUCTION INC	533 RAILROAD ST	BERN	KS	66408
AIC DRYWALL INC	1330 S HAMILTON CIRCLE	OLATHE	KS	66061
AIC INSULATION COMPANY INC	1330 S HAMILTON CIRCLE	OLATHE	KS	66061
AIRCO POWER SERVICES INC	4919 OLD LOUISVILLE ROAD	GARDEN CITY	GA	31408
AIRCO WELDING SERVICES INC	4919 OLD LOUISVILLE RD	GARDEN CITY	GA	31408
ALBSMEYER ELECTRIC INC	1899 N 53RD LANE	PLAINVILLE	IL	62365

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ALDRIDGE ELECTRIC INC	844 E ROCKLAND RD	LIBERTYVILLE	IL	60048
ALL PURPOSE ERECTORS INC	13222 SCHUMACHER RD	BREESE	IL	62230
ALL SERVICE CONTRACTING CORP	2024 EAST DAMON AVE	DECATUR	IL	62526
ALL SYSTEMS DESIGNED SOLUTIONS INC.	3241 N 7TH ST TRFY #200	KANSAS CITY	KS	66115
ALLENTECH INC	3184 AIRPORT ROAD	BETHLEHEM	PA	18017
ALLIANCE GLAZING TECHNOLOGIES, INC.	646 FORESTWOOD DRIVE	ROMEOVILLE	IL	60446
ALLIANCE RESTORATION LLC	911 S 2ND STREET	LEAVENWORTH	KS	66048
ALLIANCE RETAIL CONSTRUCTION INC	2414 LYTTLE RD STE 201	BETHEL PARK	PA	15102
ALTRESS TRUCKING INC	220 W 440 N	WASHINGTON	IN	47501
AMERICAN COATINGS INC	612 W IRIS DR	NASHVILLE	TN	37204
AMERICAN CONCRETE RESTORATIONS INC	11S375 JEANS ROAD	LEMONT	IL	60439
AMERICAN ELECTRICAL CONTRACTORS INC	9040 GARDEN ARBOR DR 201	GERMANTOWN	TN	38138
AMERICAN HYDRO	1029 IRS AVE	BALTIMORE	MD	21205
AMERICAN LIFT & SIGN SERVICE COMPANY	6958 NO 97TH PLAZA	OMAHA	NE	68122
AMERICAN PRESERVATION BUILDERS LLC	8111 ROCKSIDE RD STE 101	VALLEY	OH	44125
AMERICAN SEALANTS INC	393 INDIAN ROAD UNIT A	GRAND JUNCTION	CO	81501
AMERICAN SUNCRAFT CO INC	10836 SCHILLER ROAD	MEDWAY	OH	45341
AMES CONSTRUCTION INC	2000 AMES DRIVE	BURNSVILLE	MN	55306
ANCO INC	9362 LITTEKIN LANE	COLUMBIA	IL	62236
ANNESE TELECOM & UTILITY CONSTRUCTION LLC	114 GORHAM STREET	CHELMSFORD	MA	01824
ANTELOPE DRYWALL METAL STUD INC	3132 AUBURN BOULEVARD	SACRAMENTO	CA	95821
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
AOI CORPORATION	8801 S 137TH CIR	OMAHA	NE	68138
AQUATIC EXHIBITS INTERNATIONAL INC	61 07 77 STREET	MIDDLE VILLAGE	NY	11379
AR AIR CONDITIONING & REFRIGERATION INC	P O BOX 1687	SPRINGDALE	AR	72765
ARCHER WESTERN CONTRACTORS LLC	PAYROLL 929 W ADAMS ST	CHICAGO	IL	60607
ARCHWALL LLC	408 WEST MISSION STREET	CLAYTON	IA	52076
ARISTEO CONSTRUCTION CO	12811 FARMINGTON RD	LIVONIA	MI	48150
ARISTEO INSTALLATION, LLC	12811 FARMINGTON	LIVONIA	MI	48150
ARMI CONTRACTORS INC	1860 E PUMP STATION ROAD	FAYETTEVILLE	AR	72701
ARNOLDS CUSTOM SEEDING LLC	4626 WCR 65	KEENESBURG	CO	80643
ART A & M JV LLC	10010 E 16TH STREET	TULSA	OK	74128
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATLANTIC FIXTURE INSTALLATIONS INC	1615 ROBIN CIRCLE H	FOREST HILL	MD	21050
ATWOOD ELECTRIC INC	23124 HIGHWAY 149	SIGOURNEY	IA	52591
AUBREY SILVEY ENTERPRISES INC	371 HAMP JONES RD	CARROLLTON	GA	30117
AUDIO VISUAL INNOVATIONS INC	6313 BENJAMIN RD #110	TAMPA	FL	33634
AYARS & AYARS INC	2436 N 48TH ST	LINCOLN	NE	68504
B & M WEST CONSTRUCTION OF TEXAS LP	2571 HWY 60 WEST	BARTOW	FL	33830
B & S STEEL CO., LLC	119 N LOCUST ST	WINFIELD	IA	52659
B D WELCH CONSTRUCTION LLC	120 INDUSTRIAL STATION RD	STEELE	AL	35987
B&E ELECTRICAL INC	1843 ROYLE ROAD	SUMMERVILLE	SC	29486

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
BARRIER TECHNOLOGIES LLC	7700 WEDD STREET	OVERLAND PARK	KS	66204
BARTON ELECTRIC CONTRACTING INC	247 STATE ROUTE 160	TRENTON	IL	62293
BAZIN SAWING & DRILLING LLC	30790 SWITZER	LOUISBURG	KS	66053
BEL O COOLING & HEATING INC	90 WHITEHALL DRIVE	OFALLON	IL	62269
BERBERICH TRAHAN & CO PA PC	3630 SW BURLINGAME ROAD	TOPEKA	KS	66611
BEST PLUMBING & HEATING INC	421 SECTION OD	SCAMMON	KS	66773
BETTIS ASPHALT & CONSTRUCTION INC	2350 NW WATER WORKDS DR	TOPEKA	KS	66606
BIERMAN CONTRACTING INC	2560 E 29 AVE BOX 539	COLUMBUS	NE	68602
BIGGE CRANE AND RIGGING CO	10700 BIGGE AVE	SAN LEANDRO	CA	94577
BIRDAIR INC	65 LAWRENCE BELL DR	AMHERST	NY	14221
BKM CONSTRUCTION LLC	501 N 20TH STREET	LEAVENWORTH	KS	66048
BLACK CONSTRUCTION CO	18483 US HIGHWAY 54	ROCKPORT	IL	62370
BLAHNIK CONSTRUCTION COMPANY	150 50TH AVE DR SW	CEDAR RAPIDS	IA	52404
BLANKENSHIP CONSTRUCTION CO	1824 IL RT 140	MULBERRY GROVE	IL	62262
BLD SERVICES LLC	2424 TYLER STREET	KENNER	LA	70062
BLUE SKY CONSTRUCTION OF IDAHO LLC	17501 NORTHSIDE BLVD	NAMPA	ID	83687
BLUESTONE LLC	220 N SMITH ST STE 420	PALATINE	IL	60067
BLUEWATER CONSTRUCTORS, INC.	5337 DOW RD	HOUSTON	TX	77255
BOB BERGKAMP CONSTRUCTION CO INC	3709 S WEST STREET	WICHITA	KS	67217
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BODINE ELECTRIC OF DECATUR	1845 NORTH 22ND ST	DECATUR	IL	62526
BOUMA CONSTRUCTION INC	5000 17TH ST	KANSAS CITY	MO	64127
BR INDUSTRIAL OPERATIONS LLC	2600 CITIPLACE DRIVE	BATON ROUGE	LA	70808
BRADFORD BUILDING COMPANY INC	2151 OLD ROCKY RIDGE RD	BIRMINGHAM	AL	35216
BRADSHAW CONSTRUCTION CORPORATION MARYLAND	175 WEST LIBERTY ROAD	ELDERSBURG	MD	21784
BRANCH BUILDING GROUP LLC	813 B COLUMBIA AVENUE	FRANKLIN	TN	37064
BRANTLEY CONSTRUCTION LLC	5300 MUNICIPAL AVE 2ND FL	KANSAS CITY	MO	64120
BRETT FRITZEL BUILDERS INC	2201 MAILARD CIRCLE	EUDORA	KS	66025
BREWSTER COMPANIES INC	6321 EAST MAIN STREET	MARYVILLE	IL	62062
BRITT AASEBY CONSTRUCTION INC	3025 HARBOR LANE N 410	PLYMOUTH	MN	55447
BROCK SERVICES LLC	10343 SAM HOUSTON PK 200	HOUSTON	TX	77064
BROOKS DIRECTIONAL DRILLING LLC	24531 102ND DRIVE	BURDEN	KS	67019
BROOKS ELECTRICAL	1107 N 1712 ROAD	LAWRENCE	KS	66049
BROWN & ROOT INDUSTRIAL SERVICES LLC	2600 CITIPLACE DRIVE	BATON ROUGE	LA	70808
BROWNELL ENTERPRISES INC	1001 OLD LEBANON DIRT RD	MOUNT JULIET	TN	37122
BRUCE CONCRETE CONSTRUCTION INCORPORATED	4401 HWY 162	GRANITE CITY	IL	62040
BRUNNERS QUALITY DECKS	540 N OAK	GARDNER	KS	66030
BRYAN-OHLMEIER CONST INC	911 NORTH PEARL	PAOLA	KS	66071
BTE MANAGEMENT GROUP LLC	1717 S BOULDER STE 300	TULSA	OK	74119
BUILDING CRAFTS INC	2 ROSEWOOD DRIVE	WILDER	KY	41076
BULLDOG DRILLING INC	411 TRANSPORT DR STE A	DUPO	IL	62239

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
BUSH TURF INC	6800 78TH AVE WEST	MILAN	IL	61264
BYUS CONSTRUCTION INC	16602 S CRAWFORD AVENUE	MARKHAM	IL	60428
CAHILL CONSTRUCTION INC	5233 BETHEL CENTER MALL	COLUMBUS	OH	43220
CAM OF ILLINOIS LLC	300 DANIEL BOONE TRAIL	SOUTH ROXANA	IL	62087
CANYON PLUMBING INC	80 COLLEGE DRIVE	ASH FLAT	AR	72513
CAPEHART & CAPEHART BUILDERS INC	309 S ELM	SALLISAW	OK	74955
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA	KS	66617
CAPITOL CONSTRUCTION SERVICES OF INDIANA INC	10412 ALLISONVILLE RD 100	FISHERS	IN	46038
CARDA CONSTRUCTION COMPANY	40 COMMERCE LANE	LEBANON	IL	62254
CAROLINA LEGAL ASSOCIATES LLC	1330 LADY ST STE 503	COLUMBIA	SC	29201
CARPORT STRUCTURES CORPORATION	1825 METAMORA ROAD	OXFORD	MI	48371
CAS CONSTRUCTORS LLC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION COMPANY	1325 W LAKE ST	ROSELLE	IL	60172
CASEY INDUSTRIAL INC	1400 W 122ND AVE STE 200	WESTMINSTER	CO	80234
CB INDUSTRIES INC	17250 NEW LENOX RD	JOLIET	IL	60430
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CENTRAL BUILDING & PRESERVATION LP	1071 W FRY STREET	CHICAGO	IL	60642
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CHALLENGER CONSTRUCTION CORPORATION	111 E NANCY STREET	CLEARWATER	KS	67026
CHAMBERLAIN DALLAS LLC	2346 GLENDA LANE	DALLAS	TX	75229
CHARLES C BRANDT & COMPANY INC	1505 N SHERMAN DR	INDIANAPOLIS	IN	46201
CHARLES F EVANS CO INC	800 CANAL ST	ELMIRA	NY	14901
CIRCLE C PAVING AND CONSTRUCTION LLC	2513 CASEY DRIVE	GODDARD	KS	67052
CJ DRILLING INC	19N041 GALLIGAN ROAD	DUNDEE	IL	60118
CLEANWRAP INC	1560 W 500 N	SALT LAKE CTY	UT	84116
CLEAVERS FARM SUPPLY INC	2103 S SANTA FE	CHANUTE	KS	66720
CLOVER TOOL COMPANY INC	6903 FM 359 S	FULSHEAR	TX	77441
COASTAL AUTOMATIC FIRE PROTECTION LLC	3590 ROCKY DEDEAUX RD	KILN	MS	39556
COASTAL RECONSTRUCTION, INC.	5570 FLORIDA MINING B 304	JACKSONVILLE	FL	32257
COLUMBIA CONSTRUCTION INC	19965 W 162ND STREET	OLATHE	KS	66062
COMMERCE CONSTRUCTION INC	695 N 40TH STREET	SPRINGDALE	AR	72762
COMMUNICATION DATA LINK LLC	1305 SW 37TH STREET	GRIMES	IA	50111
COMPLETE LAUNDRY EQUIPMENT LLC	3756 SALEM ROAD STE C	BENTON	AR	72019
COMPLIANCE TESTING AND TECHNOLOGY INC	W67N250 EVERGREEN BLVD	CEDARBURG	WI	53012
CONCO SERVICES CORPORATION	135 SYLVAN ST	VERONA	PA	15147
CONCORD TANK CORPORATION	51 D CARPENTER COURT NW	CONCORD	NC	28027
CONLON CONSTRUCTION CO	1100 ROCKDALE RD	DUBUQUE	IA	52003
CONNECTED TECHNOLOGIES LLC	1550 TIMOTHY RD STE 105	ATHENS	GA	30606
CONSTRUCTION SERVICES BRYANT INC	232 NEW YORK ST	WICHITA	KS	67214
CONTEGRA SERVICES LLC	22 GTWAY COMM CTR W 110	EDWARDSVILLE	IL	62025
CONTINENTAL POOLS INC	32330 W 213TH ST	SPRING HILL	KS	66083

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
COOPER RAIL SERVICE INC	1700 N VAN BUREN ST	EVANSVILLE	IN	47542
COOPERS STEEL FABRICATORS	PO BOX 149	SHELBYVILLE	TN	37162
CORNERSTONE CONSTRUCTION MANAGEMENT INC	3221 SKYCRAFT DR	MINNEAPOLIS	MN	55418
CORNERSTONE FCE SERVICES LLC	811 DENTWOOD TRAIL	PROSPER	TX	75078
CORNERSTONE TOWER SERVICE INC	410 S WEBB RD STE 6A	GRAND ISLAND	NE	68802
CORVAL CONSTRUCTORS INC	1633 EUSTIS ST	ST PAUL	MN	55108
CRAIGS RESTORATION & REPAIR LLC	1029 VAIL AVENUE	DURANT	IA	52747
CREEK ELECTRIC INCORPORATED	2811 W PAWNEE ST	WICHITA	KS	67213
CRITERION CORPORATION	1653 ENGMAN LAKE RD	SKANDIA	MI	49885
CROMWELL DEVELOPMENT CO INC	11300 DECIMAL DRIVE	LOUISVILLE	KY	40299
CROOKHAM CONSTRUCTION LLC	19336 182ND STREET	TONGANOXIE	KS	66086
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUMMINS CONST CO	1650 HWY 92	FONTANELLE	IA	50846
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CWPMO INC	1682 LANGLEY AVE	IRVINE	CA	92614
D & D INDUSTRIAL CONTRACTING INC	101 MULLEN DR	WALTON	KY	41094
D & L EXCAVATING INC	1958 HWY 104	LIBERTY	IL	62347
D5 IRON WORKS INC	14200 WASHINGTON ST BDG B	WOODSTOCK	IL	60098
DAMATO BUILDERS + ADVISORS LLC	40 CONNECTICUT AVE	NORWICH	CT	06360
DAN R DALTON INC	912 W CALISPELL ROAD	USK	WA	99180
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DATA CLEAN CORPORATION	1033 GRACELAND AVENUE	DES PLAINES	IL	60016
DAVIS CONSTRUCTION	2143 NE HWY 7	COLUMBUS	KS	66725
DAW TECH	1600 SOUTH 2200 W STE 201	SALT LAKE CITY	UT	84119
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DCI ENVIRONMENTAL INC	7217 WEST 128TH STREET	SAVAGE	MN	55378
DEAN SNYDER CONSTRUCTION CO	912 N 13TH ST	CLEAR LAKE	IA	50428
DEEGIT INC	850 E HIGGINS RD STE 125X	SCHAUMBURG	IL	60173
DEGRAFF CONSTRUCTION LLC	519 E 23RD TER	GALENA	KS	66739
DEJAGER CONSTRUCTION INC	75 60TH ST SW	WYOMING	MI	49508
DELAUTER DEVELOPMENT INC	824 S MAIN ST STE 206	CRYSTAL LAKE	IL	60014
DELTA CONCRETE AND INDUSTRIAL CONTRACTING INC	51825 GRATIOT AVE	CHESTERFIELD	MI	48051
DENHAM BLYTHE COMPANY INC	100 TRADE ST	LEXINGTON	KY	40511
DENISON DRYWALL CONTRACTING INC	2307 HWY 30 EAST	DENISON	IA	51442
DESCO SYSTEMS OF ARKANSAS INC	19890 W 156TH	OLATHE	KS	66062
DETROIT PIPING GROUP MECHANICAL CONTRACTORS INC	38291 SCHOOLCRAFT	LIVONIA	MI	48150
DF CHASE INC	3001 ARMORY DR	NASHVILLE	TN	37204
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND SURFACE INC	21025 COMMERCE BLVD #900	ROGERS	MN	55374
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIVERSIFIED COMMERCIAL BUILDERS INC	829 PICKENS IND DR 13	MARIETTA	GA	30062

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DIVERSIFIED FOUNDATIONS LLC	10530 STATE HWY 29 NORTH	ALEXANDRIA	MN	56308
DIVERSIFIED TRACK WORKS LLC	402 N SPRING STREET	ATKINSON	IL	61235
DLP CONSTRUCTION COMPANY INC	5935 SHILOH RD E STE 200	ALPHARETTA	GA	30005
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DOMERMUTH ENVIRONMENTAL SERVICES	2908 TAZEWELL PIKE STE E	KNOXVILLE	TN	37918
DONCO ELECTRICAL CONSTRUCTION LLC	1506 US HWY 45 NORTH	ELDORADO	IL	62930
DONE RITE CONSTRUCTION CO INC	10277 FL ROUTE 101	LITTLETON	IL	61452
DOSTER CONSTRUCTION CO INC	2100 INTERNATIONAL PARK D	BIRMINGHAM	AL	35243
DOTSON ELECTRIC COMPANY INC	551 CAL BATSEL ROAD	BOWLING GREEN	KY	42104
DRC EMERGENCY SERVICES LLC	740 MUSEUM DRIVE	MOBILE	AL	36608
DS ELECTRIC LLC	5336 KNOX	MERRIAM	KS	66203
DTLS INCORPORATED	P O BOX 1615	BERNALILLO	NM	87004
DUANE HOUKOM INC	7 WINDSONG LANE	FRIENDSWOOD	TX	77546
DUERSON INC	601 1ST AVE N	ALTOONA	IA	50009
DUNK FIRE & SECURITY INC	3446 WAGON WHEEL RD	SPRINGDALE	AR	72762
DURR SYSTEMS INC	40600 PLYMOUTH RD	PLYMOUTH	MI	48170
DYER ELECTRIC INC	PO BOX 132	LOWELL	AR	72745
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFORREST	WI	53532
EAST CENTRAL ELECTRIC INC	1600 W 26TH STREET	MARION	IN	46953
EBM CONSTRUCTION INC	1014 SHERWOOD ROAD	NORFOLK	NE	68701
ECHO POWERLINE LLC	313 WALNUT STREET	BUNKIE	LA	71322
EDM INTERNATIONAL INC	4001 AUTOMATION WAY	FORT COLLINS	CO	80525
EJ BRENEMAN LP	1117 SNYDER RD	WEST LAWN	PA	19609
EJM PIPE SERVICE INC	7807 LAKE DR	CIRCLE PINES	MN	55014
ELECTRICO INC	7706 WAGNER ROAD	MILLSTADT	IL	62260
ELI LLOYD INC	717 N CLINTON	LITCHFIELD	IL	62056
ELLINGER WINFIELD LLC	ONE 157 CENTER	EDWARDSVILLE	IL	62025
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
ELLSWORTH ELECTRIC INC	4425 N HIGHWAY 81	DUNCAN	OK	73533
EMCO CHEMICAL DISTRIBUTORS INC	2100 COMMONWEALTH AVE	NORTH CHICAGO	IL	60064
EMPLOYEE RESOURCE ADMINISTRATION LP	12400 COIT RD #1030	DALLAS	TX	75251
ENERCON SERVICES INC	5100 E SKELLY DR #450	TULSA	OK	74135
ENGINEERED STRUCTURES INC	3330 E LOUISE DR STE 300	MERIDIAN	ID	83642
ENGINEERING AMERICA INC	647 HALE AVENUE N	OAKDALE	MN	55128
ENGLEWOOD CONSTRUCTION INC	9747 W FOSTER AVENUE	SCHILLER PARK	IL	60176
ENHANCED SITE SOLUTIONS LLC	1418 ELMHURST ROAD	ELK GROVE VILLAGE	IL	60007
ENVIROCON INC	500 TAYLOR ST	MISSOULA	MT	59801
ENVISION TECHNOLOGY GROUP LLC	11227 STRANG LINE RD	LENEXA	KS	66215
ERV SMITH SERVICES INC	1225 TRAUX BLVD	EAU CLAIRE	WI	54703
ESA SOUTH INC	1681 SUCCESS DR	CANTONMENT	FL	32533
EUGENIO PAINTING COMPANY	19807 MACK AVENUE	GROSSE POINTE WOODS	MI	48236
EVANS MASON INC	1021 SOUTH GRAND AVENUE	SPRINGFIELD	IL	62703

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F & M CONTRACTORS INC	10915 NEW HALLS FERRY RD	ST LOUIS	MO	63136
F A WILHELM CONSTRUCTION CO INC	3914 PROSPECT STREET	INDIANAPOLIS	IN	46203
F L CRANE & SONS INC	508 S SPRING	FULTON	MS	38843
FALLS CONSTRUCTION COMPANY INC	1100 INDIANA AVE STE 100	WICHITA FALLS	TX	76301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAUGHN ELECTRIC INC	5980 OLD MAYFIELD ROAD	PADUCAH	KY	42003
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FEDERAL STEEL & ERECTION CO	200 E ALTON AVE	EAST ALTON	IL	62024
FIRE CONTROL INC	255 ALDERMAN AVENUE	WHEELING	IL	60090
FIRELAKE CONSTRUCTION INC	7932 NIEMAN ROAD STE A	LENEXA	KS	66214
FIRELINE SPRINKLER CORPORATION	5036 CLAIREMONT DR	APPLETON	WI	54913
FLINTCO LLC	1624 W 21ST STREET	TULSA	OK	74107
FLORIDA INSTITUTE OF TECHNOLOGY INC	150 W UNIVERSITY BLVD	MELBOURNE	FL	32901
FOSTER ROOFING INC	3357 WAGON WHEEL RD	SPRINGDALE	AR	72762
FOUNDATION SPECIALIST INC	328 SOUTH 40TH STREET	SPRINGDALE	AR	72762
FOUNDATION SUPPORTWORKS BY WOODS INC	524 VANDALIA STREET	COLLINSVILLE	IL	62234
FOUR STAR CONSTRUCTION INC	7500 TOWER AVENUE	SUPERIOR	WI	54880
FREEDOM CONCRETE LLC	32565 LEINGTON AVE	DESOTO	KS	66018
FRONTIER MECHANICAL	1234 W SOUTH JORDAN PKWY	SOUTH JORDAN	UT	84096
FSG FACILITY SOLUTIONS GROUP INC	4401 WEST GATE BLVD	AUSTIN	TX	78745
FULCRUM EXPRESS INC	1945 THE EXCHANGE STE 400	ATLANTA	GA	30339
FULSOM BROTHERS INC	PO BOX 547	CEDAR VALE	KS	67024
G B CONSTRUCTION LLC	30790 SWITZER	LOUISBURG	KS	66053
G.A. RICH & SONS INC	P O BOX 50	DEER CREEK	IL	61733
G.C. BROWN AND ASSOCIATES INC	822 S 2ND STREET	CABOT	AR	72023
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GATOR SIGN COMPANY INC	1027 KAREY ANDREWS ROAD	MCCOMB	MS	39648
GBA SYSTEMS INTEGRATORS LLC	9801 RENNEN BLVD	LENEXA	KS	66219
GENERAL EXCAVATING COMPANY	6701 CORNHUSKER HWY	LINCOLN	NE	68507
GENESEE FENCE & SUPPLY CO	53861 GRATIOT	CHESTERFIELD	MI	48051
GEOSTABILIZATION INTERNATIONAL LLC	543 31 ROAD	GRAND JUNCTION	CO	81504
GEOTECH SERVICES INC	350 GOLDEN OAK PARKWAY	OAKWOOD VILLAGE	OH	44146
GERARD TANK & STEEL INC	1540 E 11TH	CONCORDIA	KS	66901
GIBRALTAR CONSTRUCTION COMPANY INC	42 HUDSON ST STE A207	ANNAPOLIS	MD	21401
GIFFIN INC	6250 N LINDBERG	HAZELWOOD	MO	63042
GLASS DESIGN INC	BOX 568	SAPULPA	OK	74067
GLOBAL CONSTRUCTION STRATEGIES INC	5454 LENA ROAD UNIT 106	BRADENTON	FL	34211
GLOBAL EFFICIENCIES INC	2205 W DIVISION ST STE H4	ARLINGTON	TX	76012
GOOLSBY INC	3002 WEST MAIN STRET	BLYTHEVILLE	AR	72315
GORDON ENERGY AND DRAINAGE COMPANY	15735 S MAHAFFIE	OLATHE	KS	66062
GR2, LLC	5724 SUMMER TREES DRIVE	MEMPHIS	TN	38134
GRAND CONSTRUCTION COMPANY LLC	1699 VILLAGE WEST PARKWAY	KANSAS CITY	KS	66111

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GRE CONSTRUCTION	628 PALESTINE RD	CHESTER	IL	62233
GREAT LAKES CONCRETE PRODUCTS LLC	4555 134TH AVE	HAMILTON	MI	49419
GRIFFIN DEWATERING MIDWEST LLC	5306 CLINTON DRIVE	HOUSTON	TX	77020
GRIFFITH STEEL ERECTION INC	1355 S ANNA ST	WICHITA	KS	67209
GUS CONST CO INC	606 ANTIQUE COUNTRY DR	CASEY	IA	50048
GYPSTUM FLOORS OF AR/OK INC	PO BOX 1707	MULDROW	OK	74948
H & H SYSTEMS AND DESIGN, INC	135 WEST MARKET ST	NEW ALBANY	IN	47150
H & M INDUSTRIAL SERVICES INC	121 EDWARDS DR	JACKSON	TN	38302
H AND M CONSTRUCTION CO INC	50 SECURITY DR	JACKSON	TN	38305
H&H DRYWALL SPECIALTIES INC	3727 E 31ST STR	TULSA	OK	74135
HAIER PLUMBING & HEATING INC	301 N ELKTON STREET	OKAWVILLE	IL	62271
HALL BROTHERS INC	1196 PONY EXPRESS HWY	MARYSVILLE	KS	66508
HARDING ENTERPRISES LLC	1016 3RD ST	PRENTISS	MS	39474
HAREN & LAUGHLIN RESTORATION COMPANY INC	8035 NIEMAN RD	LENEXA	KS	66214
HASTCO INC	813 GRAHAM	EMPORIA	KS	66801
HAWKEYE INSULATION SPECIALISTS INC	755 64TH AVE CT SW STE A	CEDAR RAPIDS	IA	52404
HAWKINS CONSTRUCTION COMPANY	2516 DEER PARK BLVD	OMAHA	NE	68105
HAYES PMC LLC	201 TOWER PLZ	BELLEVILLE	IL	62220
HEAD INC	4920 E FIFTH AVE	COLUMBUS	OH	43219
HEAFNER CONTRACTING INC	27457 HEAFNER DRIVE	GODFREY	IL	62035
HEALY CONSTRUCTION SERVICES INC	14000 S KEELER AVE	CRESTWOOD	IL	60445
HEARTLAND RETAIL CONSTRUCTION INC	4956 MEMCO LN STE A	RACINE	WI	53404
HEINEN CUSTOM OPERATIONS INC	HWY 4	VALLEY FALLS	KS	66088
HELLAS CONSTRUCTION INC	12710 RESEARCH BLVD 240	AUSTIN	TX	78759
HERBST ROBINETTE CONSTRUCTION CO	307 E 39TH STREET	SOUTH SIOUX CITY	NE	68776
HICKEY CONTRACTING COMPANY	1318 G ST	KEOKUK	IA	52632
HIGH CONCRETE GROUP LLC	4990 CHILDRENS PL	ST LOUIS	MO	63110
HIGH COUNTRY LINE CONSTRUCTION INC	602 S FERGUSON STE 1	BOZEMAN	MT	59718
HIS CONSTRUCTION INC	5150 E 65TH ST STE B	INDIANAPOLIS	IN	46220
HODESS CONSTRUCTION CORPORATION	100 JOHN L DIETSCH SQUARE	NORTH ATTLEBORO	MA	02763
HOFFMANN SILO CORPORATION	6001 49TH ST S	MUSCATINE	IA	52761
HOHL INDUSTRIAL SERVICES INC	770 RIVERVIEW BLVD	TONAWANDA	NY	14150
HOLDER CONSTRUCTION	3333 RIVERWOOD PKWY	ATLANTA	GA	30339
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HOME CENTER CONSTRUCTION INC	302 OAK STREET	FRONTENAC	KS	66763
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HPI LLC	15503 WEST HARDY STREET	HOUSTON	TX	77060
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HYDRO TECHNOLOGIES INC	6200 E HWY 62 BLD2501 300	JEFFERSONVILLE	IN	47130
HYDROCHEM LLC	900 GEORGIA AVENUE	DEER PARK	TX	77536

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HYPERION BIOTECHNOLOGY INC	13302 LANGTRY STREET	SAN ANTONIO	TX	78248
I B ABEL INC	620 EDGAR STREET	YORK	PA	17403
I C ENTERPRISES INC	9434 US HWY 45	EFFINGHAM	IL	62401
ILLINI DRILLED FOUNDATIONS INC	14512 PERRYSVILLE RD	DANVILLE	IL	61834
IMPACT INSTALLATIONS INC	10091 STREETER RD STE 2	AUBURN	CA	95602
IMPERIAL ROOF SYSTEMS CO	203 ARMOUR ST	WEST UNION	IA	52175
INCorp INC	3020 DIEGO DRIVE	EVANSVILLE	IN	47715
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL ROOFING & CONSTRUCTION LLC	1128 HWY 2	STERLINGTON	LA	71280
INDUSTRIAL STEEL ERECTORS INC	2728 N CLARK STREET	DAVENPORT	IA	52804
INFRASTRUCTURE CORPORATION OF AMERICA	5110 MARYLAND WAY STE 280	BRENTWOOD	TN	37027
INFRASTRUCTURE ENGINEERS INC	1097 HWY 101 S #D11	GREER	SC	29651
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INK CONSTRUCTION LLC	8241 E KELLOGG DR STE 3	WICHITA	KS	67207
INNOVATIONONE, LLC	2600 JOHN SAXON BLVD	NORMAN	OK	73071
INNOVATIVE COMBUSTION TECHNOLOGIES INC	2367 LAKESIDE DR STE A-1	BIRMINGHAM	AL	35244
INNOVATIVE MASONRY RESTORATION LLC	16624 LAKESIDE AVE SE	PRIOR LAKE	MN	55372
INSULATING SERVICES INC	10709 H GRANITE STREET	CHARLOTTE	NC	28273
INTEGRATED SERVICE COMPANY LLC	1900 N 161ST E AVENUE	TULSA	OK	74116
INTERMOUNTAIN SLURRY SEAL INC	585 W BEACH STREET	WATSONVILLE	CA	95077
INTERNATIONAL INDUSTRIAL CONTRACTING CORPORATION	35900 MMOUND RD	STERLING HEIGHTS	KS	48310
INTERSTATE AERIALS LLC	313 BORELLI BLVD	PAULSBORO	NJ	08066
INTERSTATE RESTORATION MISSOURI LLC	3401 QUORUM DRIVE STE 300	FORT WORTH	TX	76137
ISIS CONSULTANTS LLC	327 TOWNEPARK CIR 300B	LOUISVILLE	KY	40228
J & D CONSTRUCTION INC	4495 HWY 212	MONTEVIDEO	MN	56241
J CURRYCONSTRUCTION INC	1209 N ROUTE 45	MATTOON	IL	61938
J.H. HASSINGER INC	N60W16289 KOHLER LAND	MENOMONEE FALLS	WI	53051
JACKSON DEAN CONSTRUCTION INC	3414 S 116TH ST	SEATTLE	WA	98168
JACOBS GROUP INC	3600 CHAMBERLAIN LN 716	LOUISVILLE	KY	40241
JACOBS LADDER INC	2325 COBDEN SCHOOL ROAD	COBDEN	IL	62920
JAKES ELECTRIC LLC	207 ALLEN STREET	CLINTON	WI	53525
JAMES AGRESTA CARPENTRY, INC.	150 ENGLISH STREET	HACKENSACK	NJ	07601
JAMES MCHUGH CONSTRUCTION CO	1737 S MICHIGAN AVE	CHICAGO	IL	60616
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JAY MCCONNELL CONSTRUCTION INC	9300 CHEROKEE PLACE	LENEXA	KS	66214
JEN MECHANICAL INC	803 HOPP HOLLOW DR	ALTON	IL	62002
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JETTON GENERAL CONTRACTING INC	2407 5 LINWOOD DR	PARAGOULD	AR	72450
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JOHN A PAPALAS & CO INC	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203

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JOHNSONS BUILDERS	1455 HODGES FERRY ROAD	DOYLE	TN	38559
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JR MERIT INC	4505 NE 68TH DRIVE	VANCOUVER	WA	98661
JRCT INCORPORATED	1019 BRADLEY DR STE 7	SPRINGFIELD	TN	37172
JURASSIC QUEST INC	6046 FM 2920 #516	SPRING	TX	77379
KADILEX CONSTRUCTION INC.	563 N FIRST STREET	WOOD RIVER	IL	62095
KAISER ELECTRICAL CONTRACTORS INC	310A ERIE AVENUE	MORTON	IL	61550
KANSAS DUSTROL INC	GEN DEL	EL DORADO	KS	67042
KANTEX INDUSTRIES INC	1320 S HAMILTON CIR	OLATHE	KS	66061
KARR TUCKPOINTING LLC	1801 WEST D STREET	VINTON	IA	52349
KASPARIE CONSTRUCTION COMPANY	1500 MAAS RD	QUINCY	IL	62305
KBS CONSTRUCTORS INC	1701 SW 41ST	TOPEKA	KS	66609
KC DOORS INC	120 SOUTH CENTRAL AVE 400	CLAYTON	MO	63105
KEA CONSTRUCTORS LLC	962 238TH RD	MILFORD	NE	68405
KEEGAN WIRELESS	1586 ROUTE 481	CHARLEROI	PA	15022
KEELEY & SONS INC	5 LOISEL VILLAGE SHOP CTR	EAST ST LOUIS	IL	62203
KELVION INC	143 UNION BLVD STE 400	LAKEWOOD	CO	80228
KEMBER FLOORING INC	2055 S MERRILL	MERRILL	MI	48637
KENDALL CONSTRUCTION INC	2551 NW BUTTON ROAD	TOPEKA	KS	66618
KENT ANDERSON CONCRETE LP	830 E VALLEY RIDGE BLVD	LEWISVILLE	TX	75057
KES CONSTRUCTION LLC	11184 ANTIOCH 354	OVERLAND PARK	KS	66210
KEVIN KENT CONST LLC	15157 US HIGHWAY 34	LUCAS	IA	50151
KING OF TEXAS ROOFING COMPANY LP	307 GILBERT CIRCLE	GRAND PRAIRIE	TX	75050
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	76013
KNUTSON BROTHERS INC	873 PRENTICE ST	GRANITE FALLS	MN	56241
KORTE & LUITJOHANCONTRACTORS INC	12052 HIGHLAND ROAD	HIGHLAND	IL	62249
KOSS CONSTRUCTION CO	4090 WESTOWN PKWY STE B	W DES MOINES	IA	50266
KR WOLFE INC	10015 MAINE AVENUE	LAKESIDE	CA	92040
KRESCO LLC	7220 N LINDBERGH BLVD 370	HAZELWOOD (T1)	MO	63042
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
KWCC INC	1284 SOUTH US HWY 12 #13	FOX LAKE	IL	60020
L AND A PLUMBING INC	5087 BLUE SPRINGS ROAD	MARIANNA	FL	32446
L G ELECTRIC INC	701 E 15TH ST	CHEYENNE	WY	82001
LAFORGE & BUDD CONST COMPANY INC	2020 N 21ST ST	PARSON	KS	67357
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LAMAR MOORE CONSTRUCTION INC	4401 STATE ROUTE 162	GRANITE CITY	IL	62040
LAND ART LANDSCAPING INC	12429 HOWE DRIVE	LEAWOOD	KS	66209
LAYTON CONSTRUCTION CO INC	9090 S SANDY PKWY	SANDY	UT	84070
LEANTRAK INC	1645 INDIAN WOOD CR #101	MAUMEE	OH	43537
LEICK CONSTRUCTION INC	22027 221ST STREET	GLENWOOD	IA	51534
LINKOUS CONSTRUCTION CO INC	1661 AARON BRENNER DR 207	MEMPHIS	TN	38120

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LM WIND POWER SERVICE AMERICAS INC	1580 S 48TH ST	GRAND FORKS	ND	58202
LOELLKE PLUMBING INC	22974 E COUNTY ROAD	JERSEYVILLE	IL	62052
LONE STAR RAILROAD CONTRACTORS INC	1101 TURTLE CREEK DR	O'FALLON	MO	63366
LONGS DRILLING SERVICE INC	6768 LYNX LANE	HARRISON	AR	72601
LOUK AG SERVICES LLC	104 BEECH STREET	ROXHOLM	IA	50040
LOYD BUILDERS INC	2126 SOUTH ELM	OTTAWA	KS	66067
LR MOURNING CO	2230 COTTONDALE LN STE 5	LITTLE ROCK	AR	72202
LUND-ROSS CONSTRUCTORS INC	4601 F STREET	OMAHA	NE	68117
LYNN ELECTRIC & COMMUNICATIONS, INC.	2415 PONDEROSA DR	LAWRENCE	KS	66046
M & A JONES CONSTRUCTION CO INC	P O BOX 3944	BATESVILLE	AR	72503
M & L ELECTRICAL INC	6060 SCOTTSVILLE RD	BOWLING GREEN	KY	42104
M & W CONTRACTORS INC	400 S STEWART ST	E PEORIA	IL	61611
M CHEMICAL COMPANY INC	825 COLORADO BLVD STE 214	LOS ANGELES	CA	90041
M CON LLC	2335 165TH ROAD	WATHENA	KS	66090
M&J ELECTRIC OF WICHITA LLC	1444 S ST CLAIR BLDG D	WICHITA	KS	67213
MAAS CONSTRUCTION	3615 SAINT ANTHONY ROAD	QUINCY	IL	62305
MAC COMMUNICATIONS LLC	6436 MONAHITI PLACE NE	ALBURQUERQUE	NM	87109
MACHINE REPAIR INTERNATIONAL LLC	2526 MANKAS CORNER RD	FAIRFIELD	CA	94534
MACON GC LLC	201 BONITA AVENUE	BRADFORD	IL	61421
MAHANEY ROOFING COMPANY INC	2822 N MEAD ST	WICHITA	KS	67219
MAINSCAPE INC	13418 BRITTON PARK RD	FISHERS	IN	46038
MAJOR REFRIGERATION CO INC	314 NORTHWESTERN AVENUE	NORFOLK	NE	68701
MANAGEMENT RESOURCE SYSTEMS INC	1907 BAKER RD	HIGH POINT	NC	27263
MAPP CONSTRUCTION LLC	344 THIRD STREET	BATON ROUGE	LA	70801
MARINO ENGINEERING ASSOCIATES	1101 E COLORADO AVE	URBANA	IL	61801
MARKETING ASSOCIATES INC	131 ST JAMES WAY	MOUNT AIRY	NC	27030
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MASCOT CONSTRUCTION INC	1782 W MCDERMOTT DRIVE	ALLEN	TX	75013
MASONS LANDSCAPING & CONSTRUCTION SERVICES INC	1716 TUDOR AVE	EAST ST LOUIS	IL	62207
MATHEWZ CONSTRUCTION LLC	602 BRIAR LAKE PLACE	COLUMBIA	IL	62236
MATTCON GENERAL CONTRACTORS INC	5460 W 84TH STREET	ZIONSVILLE	IN	46268
MAXCOR INC	1331 E DUNSLOW LN	LOCKPORT	IL	60441
MAYER POLLOCK STEEL CORPORATION	850 INDUSTRIAL HIGHWAY	POTTSTOWN	PA	19464
MCCLAIN & CO INCORPORATED OF VIRGINIA	19152 GERMANN HWY	CULPEPER	VA	22701
MCPHERSON CONTRACTORS INC	3715 W 29TH ST	TOPEKA	KS	66614
MCS OF TAMPA INC	3926 W SOUTH AVENUE	TAMPA	FL	33614
MCSHANE CONSTRUCTION COMPANY LLC	9550 W HIGGINS RD STE 200	ROSEMONT	IL	60028
MECHANICAL CONSTRUCTION SERVICES IN	1711 MELROSE DR	BENTON	AR	72015
MERRICK UNDERGROUND CONSTRUCTION LLC	4003 DEER CROSSING DR	JANESVILLE	WI	53546
MESSERSMITH MANUFACTURING INC	2612 F ROAD	BARK RIVER	MI	49807
MEYER CONTRACTING INC	11000 93RD AVENUE N	MAPLE GROVE	MN	55369

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
MEYERS PLUMBING	4117 MAIN STREET RD	KEOKUK	IA	52632
MEYLAN INDUSTRIAL SERVICES INC	3919 S 147TH ST STE 124	OMAHA	NE	68144
MICHIGAN COMMERCIAL CONTRACTORS INC	16745 COMSTOCK STREET	GRANDHAVEN	MI	49417
MID AMERICA MILLING COMPANY LLC	6200 E HWY 62BLD 2501 400	JEFFERSONVILLE	IN	47130
MID SOUTH INDUSTRIAL INC	13994 HWY 79	BELLS	TN	38006
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MID STATES INDUSTRIAL INC	519 E SHIPYARD RD	SENECA	IL	61360
MIDLAND INDUSTRIAL SERVICE LLC	2953 HONEYSUCKLE LANE	ROGERS	AR	72758
MIDSOUTH SPECIALTY CONSTRUCTION LLC	5731 OSBOURNE RD	ST JOE	AR	72675
MIDWEST COOLING TOWERS INC	1156 HIGHWAY 19	CHICKASHA	OK	73018
MIDWEST CUSTOM POOLS LLC	600 LINCOLN	LAWRENCE	KS	66044
MIDWEST MECHANICAL INDUSTRIAL SERVICES	311 E 7TH STREET	LOGAN	IA	51546
MIDWEST MOLE INC	2460 N GRAHAM AVE	INDIANAPOLIS	IN	46218
MIDWEST MOWING INC	2450 OWENS LANE	BRIGHTON	IL	62012
MIDWEST REBAR LLC	6988 BUFFALO RD	MOUNTAIN HOME	AR	72653
MILESTONE CONSTRUCTION COMPANY LLC	2002 SOUTH 48TH STREET	SPRINGDALE	AR	72762
MILLER INSULATION CO INC	US HWY 65 & MO HWY 127	MALTA BEND	MO	65339
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MINERAL FABRICATION & MACHINE CO IN	WAXLER RD INDUS PK	KEYSER	WV	26726
MINNESOTA LIMITED LLC	18640 200TH STREET	BIG LAKE	MN	55309
MIXER SYSTEMS INC	190 SIMMONS AVENUE	PEWAUKEE	WI	53072
MJM SERVICES CONSTRUCTION INC	P O BOX 24006	BELLEVILLE	IL	62223
MKR SERVICES INC	3849 LAKE MICHIGAN DR NW	GRAND RAPIDS	MI	49534
MLA GEOTHERMAL DRILLING LLC	205 HACKBERRY DRIVE	GRETNA	NE	68028
MOLIN CONCRETE PRODUCTS CO INC	415 LILAC STREET	LINO LAKES	MN	55014
MOLTUS BUILDING GROUP LLC	3200 JAMES SAVAGE RD 4	MIDLAND	MI	48642
MOORE ASPHALT INC	1 COMMERCIAL STREET	MILLSTADT	IL	62260
MORGAN HAYDEN LLC	838 E HIGH ST STE 151	LEXINGTON	KY	40502
MORRIS BECK CONSTRUCTION SERVICES INC	8100 COLONEL GLENN RD	LITTLE ROCK	AR	72204
MORRISSEY CONTRACTING COMPANY INC	705 SOUTHMOOR PL	GODFREY	IL	62035
MOUNTAIN STATES ROOFING INCORPORATED	413 E 41ST STREET	GARDEN CITY	ID	83714
MRM CONSTRUCTION INC	110 BELLAMY DRIVE	GALLIPOLIS	OH	45631
MTD ELECTRIC LLC	22004 S WAVERLY RD	SPRING HILL	KS	66083
MULTATECH ENGINEERING INC	2821 W 7TH STREET STE 400	FORT WORTH	TX	76107
MULTIPLE CONCRETE ENTERPRISES INC	1680 W 1000 N	LAYTON	UT	84041
MUNICIPAL PIPE SERVICES INC	1623 W J STREET	HASTINGS	NE	68901
MUNICIPAL PIPE TOOL COMPANY LLC	515 5TH ST PO BOX 398	HUDSON	IA	50643
MUNIE TRENCHING & EXCAVATING	1818 PINE STREET	HIGHLAND	IL	62249
MV RESIDENTIAL CONSTRUCTION INC	9349 WATERSTONE BLVD	CINCINNATI	OH	45249
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082
NATIONAL COATINGS, INC.	3520 RENNIE SCHOOL ROAD	TRAVERSE CITY	MI	49685
NATIONAL CONSULTING & DEVELOPMENT INC	1204 GRAEDON DRIVE	RALEIGH	NC	27603

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NATIONAL ERECTORS & BUILDERS INC	13739 KAYSER RD	HIGHLAND	IL	62249
NATIONAL ROOFING & SHEET METAL COMPANY INC	G4130 FLINT ASPHALT DRIVE	BURTON	MI	48529
NATIONWIDE RETAIL SERVICES INC	6768 CR 140	KAUFMAN	TX	75142
NEESE INC	303 DIVISION PO BOX 392	GRAND JUNCTION	IA	50107
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NEW TEAM LLC	110 E BROWARD BLVD 2450	FT LAUDERDALE	FL	33301
NEW TECH CONSTRUCTION INC	PO BOX 39	NEBRASKA CITY	NE	68410
NORMENT SECURITY GROUP INC	3224 MOBILE HWY	MONTGOMERY	AL	36108
NORTH AMERICAN ROOFING SYSTEMS INC	3 WINNER CIRCLE	ARDEN	NC	28704
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHERN VENTURES INCORPORATED	11050 QUIVIRA	OVERLAND PARK	KS	66210
NORTHWEST AG SYSTEMS INC	1919 22ND ST	BOONE	IA	50036
NOVINIUM INC	1221 29TH ST NW STE D	AUBURN	WA	98001
NOVISYS LIMITED LIABILITY COMPANY	1460 US RT 9 N STE 203	WOODBIDGE	NJ	07095
NUTRI-JECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
NWA GARAGE SOLUTIONS, INC.	5108 N CHEYENNE TRAIL	ROGERS	AR	72756
NYMAN CONSTRUCTION CO	23209 MILES RD 2ND FLOOR	CLEVELAND	OH	44128
OLYMPUS PAINTING CONTRACTORS INC	556 ANCLOTE RD	TARPON SPGS	FL	34689
ON AIR SOLUTIONS INC	10020 FAIRBANKS N HOUSTON	HOUSTON	TX	77064
ONEILL CONSTRUCTION LLC	2217 W 49TH STREET	WESTWOOD HILLS	KS	66205
ORASURE TECHNOLOGIES INC	220 EAST FIRST STREET	BETHLEHEM	PA	18015
OUTDOOR SYSTEMS INC	660 STATE ROUTE 158	COLUMBIA	IL	62236
OZARK-AG CONSTRUCTION LLC	102 E SUNBRIDGE DR STE 13	FAYETTEVILLE	AR	72703
P.C.F. CONST., INC	1311 CART LANE	BELLEVILLE	IL	62221
PACIFIC STUDIO INC	5311 SHILSHOLE AVE NW	SEATTLE	WA	98107
PADGETT BUILDING & REMODELING CO	4200 SMELTING WORKS RD	BELLEVILLE	IL	62226
PARAGON INTERNATIONAL INC	2885 N BERKELEY LAKE #17	DULUTH	GA	30096
PARK CONSTRUCTION MIDWEST INC	7900 BEECH ST NE	MINNEAPOLIS	MN	55432
PENETRADAR CORPORATION	2509 NIAGARA FALLS BLVD	NIAGARA FALLS	NY	14304
PEOPLENOW	9000 SUNSET BLVD STE 900	WEST HOLLYWOOD	CA	90069
PERFECT PLAY FIELDS AND LINKS INC	1921 HIDDEN LAKES DRIVE	BELLEVILLE	IL	62226
PERRETT CONSTRUCTION LTD	111 HOWARD ST	CLARKSVILLE	MO	63336
PETER SCHWABE INC	13890 BISHOPS DR STE 100	BROOKFIELD	WI	53005
PETORE ASSOCIATES INC	1255 RT 70 STE 21N	LAKEWOOD	NJ	08701
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PHOENIX MODULAR ELEVATOR	912 S 19TH STREET	MT VERNON	IL	62864
PIASA COMMERCIAL INTERIORS INC	1001 S MORRISON AVE	COLLINSVILLE	IL	62234
PINNACLE CONSTRUCTION OF IOWA INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PINNACLE MECHANICAL	240 OLD HORTON RD	ALBERTVILLE	AL	35950
PIPING CONTRACTORS OF KANSAS INC	115 SW JACKSON	TOPEKA	KS	66603
PISHNY REAL ESTATE SERVICES LLC	12202 W 88TH STREET	LENEXA	KS	66215

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PK CONTRACTORS LLC	10816 TOWN CENTER BLVD	DUNKIRK	MD	20754
PLYLERS AT YOUR SERVICE INC	10 CREEK STREET	BROOKVILLE	PA	15825
P-N-G CONTRACTING INC	917 CARLA DR	TROY	IL	62294
POLIVKA INTERNATIONAL COMPANY INC	13700 PROVIDENCE RD	WEDDINGTON	NC	28104
POLY VINYL ROOFING INC	785 ELBOW CREEK ROAD	MOUNT VERNON	IA	52314
POWERSECURE INC	1609 HERITAGE COMMERCE CT	WAKE FOREST	NC	27587
PRAIRIE CONTRACTORS INC	9318 GULFSTREAM RD STE C	FRANKFORT	IL	60423
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053
PRECISION CONCRETE CUTTING MIDWEST	9044 PARKHILL ROAD	LENEXA	KS	66215
PREDICTIVE TECHNOLOGIES INC	18827 570TH AVENUE	AUSTIN	MN	55912
PREFERRED CONCRETE CONSTRUCTION INC	16136 149TH STREET SE	BIG LAKE	MN	55309
PREFERRED GLOBAL INC	1360 SOUTH 10TH STREET	NOBLESVILLE	IN	46060
PRELOAD LLC	4000 TOWER ROAD	LOUISVILLE	KY	40219
PREMIER STEEL INC	3248 MARTIN LUTHER KING	ANDERSON	IN	46013
PRO TEK INDUSTRIAL COATINGS LLC	2123 WINDWALKER GROVE	COLORADO SPRINGS	CO	80904
PROCESS EQUIPMENT INC	2770 WELBORN STREET	PELHAM	AL	35124
PROCESS SOLUTIONS INC	1077 DELL AVE STE A	SANTA CLARA	CA	95008
PROGRESSIVE SERVICES INC	23 N 35TH AVE	PHOENIX	AZ	85009
PROSHOT CONCRETE INC	4158 MUSGROVE DRIVE	FLORENCE	AL	35630
PROSSER WILBERT CONSTRUCTION INC	13730 W 108TH ST	LENEXA	KS	66215
PSF MECHANICAL INC	11621 E MARGINAL WAY S A	SEATTLE	WA	98168
PURDUM INC	11620 S WALNUT ST	OLATHE	KS	66061
PUSH INC	2170 18TH ST	RICE LAKE	WI	54868
PYRO INDUSTRIAL SERVICES INC	6610 SHEPHERD AVENUE	PORTAGE	IN	46368
Q AND D CONSTRUCTION INC	1050 S 21ST STREET	SPARKS	NV	89431
Q3 CONTRACTING INC	3066 SPRUCE ST	LITTLE CANADA	MN	55117
QCI THERMAL SYSTEMS INC	405 DRY CREEK AVENUE	WEST BURLINGTON	IA	52655
QUAD COUNTY AG LLC	1485 130TH STREET	PATON	IA	50217
QUALITY ELECTRIC OF DOUGLAS COUNTY INC	1011 E 31ST STREET	LAWRENCE	KS	66046
QUALITY STRIPING INC	1704 E EUCLID AVE	DES MOINES	IA	50313
R&R CONTRACTING	15418 MEYER DRIVE	BASEHOR	KS	66007
R.T.L. CONSTRUCTION MN, INC.	4000 VALLEY IND BLVD S	SHAKOPEE	MN	55379
RABALAIS CONSTRUCTORS, LLC	11200 UP RIVER RD	CORPUS CHRISTI	TX	78410
RAMON J GARCIA CONSTRUCTION	3315 N 115TH STREET	KANSAS CITY	KS	66109
RAMSEY WELDING INC	5360 E 900TH AVENUE	ALTAMONT	IL	62411
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E INTERSTATE 20	ABILENE	TX	79601
RAO CONSTRUCTION	734 EVERGREEN CT	RHINELANDER	WI	54501
RAWLINGS INDUSTRIAL INC	12402 N DIVISION ST #246	SPOKANE	WA	99218
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
REED DILLON & ASSOCIATES LLC	1213 E 24TH STREET	LAWRENCE	KS	66046
RELIA TECH INC	2280 SIBLEY COURT	EAGAN	MN	55122
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219

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RESTAURANT SPECIALTIES INC	999 POLARIS PKWY STE 111	COLUMBUS	OH	43240
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
RFB CONSTRUCTION CO INC	565 E 520TH AVE	PITTSBURGH	KS	66762
RFW CONSTRUCTION GROUP LLC	1315 N CHOUTEAU TRAFFICWA	KANSAS CITY	MO	64120
RICHARD NACHBAR PLUMBING INC	13411 W 74TH ST	SHAWNEE	KS	66216
RIDGELINE CONSTRUCTION	4362 S 87TH STREET	OMAHA	NE	68127
RIEKE GRADING INC	8200 HEDGE LANE TERRACE	SHAWNEE	KS	66227
RIGHT WAY FACILITY SERVICES OF TEXAS LLC	3017 WAITS AVENUE	TARRANT	TX	76109
RJ MECHANICAL INC	3153 BELLWOOD DRIVE	BIRMINGHAM	AL	35243
ROBINS & MORTON GROUP THE	400 SHADES CREEK PKWY	BIRMINGHAM	AL	35209
ROBUST BUILDERS LLC	270 GREENWICH AVE	GREENWICH	CT	06830
ROCKY MOUNTAIN LINE SYSTEMS	1375 EVERLOOK DRIVE	CASPER	WY	82601
ROEHL REFRIGERATED TRANSPORT LLC	1916 E 29TH STREET	MARSHFIELD	WI	54449
ROLLING PLAINS CONSTRUCTION INC	12331 N PEORIA ST	HENDERSON	CO	80640
RON WEERS CONSTRUCTION INC	20765 S FOSTER COURT	BUCYRUS	KS	66013
RON SIGN COMPANY	1329 S HANDLEY	WICHITA	KS	67213
ROPE PARTNER INC	2125 DELEWARE AVE STE C	SANTA CRUZ	CA	95060
ROY ANDERSON CORP	11400 REICHHOLD ROAD	GULFPORT	MS	39503
ROYAL ROOFING COMPANY INC	2445 BROWN ROAD	ORION	MI	48359
ROYAL SEAL CONSTRUCTION INC	124 MCMAKIN RD	BARTONVILLE	TX	76226
ROYALTY COMPANIES OF INDIANA INC	1000 D AVENUE	SEYMOUR	IN	47274
RP COATINGS INC	710A S MAIN STREET	TROY	IL	62294
RSC CONSTRUCTION INC	1631 INDIAN RD	FORT SCOTT	KS	66701
RTCC CONTRACTORS	10425 COGDILL ROAD	KNOXVILLE	TN	37932
RUEDEBUSCH DEVELOPMENT & CONSTRUCTION INC	4605 DOVETAIL DRIVE	MADISON	WI	53704
RUSSELL CONSTRUCTION COMPANY	1414 MISSISSIPPI BLVD	BETTENDORF	IA	52722
RYAN & ASSOCIATES OF MISSOURI INC	10955 160TH STREET	DAVENPORT	IA	52804
RYAN COMPANIES US INC	50 S TENTH ST STE 300	MINNEAPOLIS	MN	55403
S & S POWERLIFT DOORS INC	6926 E SUMMERSIDE CT	BEL AIRE	KS	67226
S & W CONSTRUCTION LLC OF IOWA	109 MOODY DR	HAMBURG	IA	51640
SA SMITH ELECTRIC INC	525 JERSEY ST	QUINCY	IL	62301
SAAB NORTH AMERICA INC	21300 RIDGETOP CIRCLE	STERLING	VA	20166
SAFEGUARD ELECTRIC INC	4131 FF ROAD	COLUMBIA	IL	62236
SAMRON MIDWEST CONTRACTING INC	1510 N 7TH STREET	MURPHYSBORO	IL	62966
SARENS	5000 EXECUTIVE PKWY #230	SAN RAMON	CA	94583
SATELLITE RECEIVERS LTD	1740 COFRIN DR STE 2	GREEN BAY	WI	54302
SATELLITE SERVICES INC	120 SUPERIOR RD	ST ROBERT	MO	65583
SCHECK TECHNICAL SERVICES	500 E PLAINFIELD RD	COUNTRYSIDE	IL	60525
SCHEINER COMMERCIAL GROUP INC	18965 BASE CAMP RD STE A1	MONUMENT	CO	80132
SCHLEIS FLOOR COVERING INC	2744 MANITAWOC ROAD	GREEM BAY	WI	54311
SCHUMACHER ELEVATOR COMPANY	ONE SCHUMAKER WAY	DENVER	IA	50622

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SCHUPPS LINE CONSTRUCTION INC	10 PETRA LANE	ALBANY	NY	12205
SCHWEITZER ENGINEERING LABORATORIES, INC.	2350 NE HOPKINS CT	PULLMAN	WA	99163
SCHWICKERTS TECTA AMERICA LLC	330 POPLAN STREET	MANKATO	MN	56001
SCHWOB BUILDING COMPANY LTD	2349 GLENDA LANE	DALLAS	TX	75229
SEAMLESS SOLUTIONS LLC	12605 W SANTA FE TRAIL DR	LENEXA	KS	66215
SECURICON LLC	5400 SHAWNEE RD STE 206	ALEXANDRIA	VA	22312
SEELE INC	259 W 30TH ST 14TH FLOOR	NEW YORK	NY	10001
SEK HEAT & AIR INC	422 W ATKINSON	PITTSBURG	KS	66762
SEMA CONSTRUCTION INC	7353 S EAGLE ST	ENGLEWOOD	CO	80112
SEMINOLE EQUIPMENT INC	204 TARPON INDUSTRIAL DR	TARPON SPGS	FL	34688
SERVICE & INDUSTRIAL REPAIR INC	RR 2 BOX 176	PLEASANTON	KS	66075
SERVICE TECHNOLOGIES MIDWEST	6800 W 64TH STREET	OVERLAND PARK	KS	66202
SG CONSTRUCTION SERVICES LLC	111 E COURT ST 1A	FLINT	MI	48502
SHAFFER ENTERPRISES D & T LLC	301 LEONA LANE	URSA	IL	62376
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHERRILL CONSTRUCTION COMPANY LLC	12808 HWY 64 W	TYLER	TX	75704
SHIELDS TELECOMM, INC.	7 CIRCLE DR	MOUNT VERNON	IL	62864
SHORTRIDGE CONSTRUCTION COMPANY, INC.	3908 N 24TH ST	QUINCY	IL	62301
SIERRA BRAVO CONTRACTORS LLC	7038 HWY 154	SESSER	IL	62884
SIGNET BUILDERS INC	3103 ALMOND RD	AMES	IA	50014
SIMBECK & ASSOCIATES INC	38256 HWY 160	MANCOS	CO	81328
SIMON ROOFING AND SHEET METAL CORP.	70 KARAGO AVE	YOUNGSTOWN	OH	44512
SIMON SEZ POWERHOUSE INC	1401 EBONY AVENUE	WAVERLY	IA	50677
SKYLINE TECHNOLOGY SOLUTIONS	6956-F AVIATION BLVD	GLEN BURNIE	MD	21061
SKYTOP TOWERS INC	13503 W US HWY 34	MALCOLM	NE	68402
SLEETH ELECTRIC INC	48W605 HINCKLEY ROAD	BIG ROCK	IL	60511
SLEETH TOWER & COMMUNICATIONS, LLC	48W605 HINCKLEY ROAD	BIG ROCK	IL	60511
SMARTLINK, LLC	1449 WHITEHALL ROAD	ANNAPOLIS	MD	21409
SMITH TANK & STEEL INC	42422 HWY 30	GONZALES	LA	70737
SMITHSON INC	1661 S WESLEYAN BLVD	ROCKY MOUNT	NC	27803
SNELSON COMPANIES INC	601 W STATE ST	SEDRO WOOLLEY	WA	98284
SNI COMPANIES	4500 WESTOWN PKWY STE 120	WEST DES MOINES	IA	50266
SOLARIS ROOFING SOLUTIONS INC	4800 JACOBS OLD COAL RD	SHREWSBURY	MO	63119
SOLID PLATFORMS INC	6610 MELTON RD	PORTAGE	IN	46368
SORELLA GROUP	16392 W 157TH ST	OLATHE	KS	66062
SOUTHEAST DIRECTIONAL DRILLING LLC	3117 N CESSDA AVE	CASA GRANDE	AZ	85222
SOUTHERN MARINE CONSTRUCTION CO	100 HAMM ROAD	CHATTANOOGA	TN	37405
SOUTHWEST FIXTURE INSTALLERS INC	242 W VAUGHN	TEMPE	AZ	85283
SOUTHWEST GREENS COMPANY	101 AIRPORT ROAD	ALTO	NM	88312
SOUTHWESTERN CONSTRUCTION SERVICES INC	4542 STATE RT 160	HIGHLAND	IL	62249
SPAN SYSTEMS INC	90 PINE STREET	HUDSON	NH	03103
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301

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SPECTRA TECH LLC	16100 ALLISONVILLE RD	NOBLESVILLE	IN	46060
SRB ELECTRIC LLC	907 HIGH RIDGE DR	COLUMBIA	IL	62236
STARR HOMES LLC	7229 W 161ST ST	OVERLAND PARK	KS	66085
STAYBRIGHT ELECTRIC OF COLORADO INC	4468 BARNES DRIVE	COLORADO SPRINGS	CO	80917
STEEL ERECTORS OF IOWA LLC	1592 NE 58TH AVENUE	DES MOINES	IA	50313
STEPHENS & SMITH CONSTRUCTION CO INC	1542 S 1ST ST	LINCOLN	NE	68502
STEVE HOEGGER & ASSOCIATES INC	2630 N HIGHWAY 78	WYLIE	TX	75098
STILL CONSTRUCTION INC	PO BOX 70	LEAD HILL	AR	72644
STILL CONTRACTORS LLC	15740 S MAHAFFIE ST	OLATHE	KS	66062
STREICHER EXCAVATING INC	1718 EAST BREMER AVE	WAVERLY	IA	50677
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STRUKEL ELECTRIC INC	375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPER SKY PRODUCTS ENTERPRISES LLC	10301 N ENTERPRISE DRIVE	MEQUON	WI	53092
SUPREME ELECTRIC CO	213 S 10TH	QUINCY	IL	62306
SURF PREP INC	19305 HAYDEN COURT	BOOKFIELD	WI	53045
SURFACE AMERICA INC	505 AERO DR	CHEEKTOWAGA	NY	14225
SURFACE PREPARATION TECHNOLOGIES LLC	81 TEXACO ROAD	MECHANICSBURG	PA	17050
SWALVE ENTERPRISES LLC	1755 S WHITE CIRCLE	DEWEY	AZ	86327
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
SWIFT ROOFING INC	INDUSTRIAL RD	MURRAY	KY	42071
SYS-KOOL COOLING TOWERS INC	11313 SO 146TH STREET	OMAHA	NE	68138
SYSTEMS AMERICA INC	2603 CAMINO RAMON	SAN RAMON	CA	94582
T V JOHN & SON INC	5201 N 124TH STREET	BUTLER	WI	53007
T WALSTER OF MAEYSTOWN INC	3907 BAUM ROAD	MAEYSTOWN	IL	62256
T WINN CONSTRUCTION COMPANY	15018A CIRCLE	OMAHA	NE	68144
TANCO ENGINEERING INCORPORATED	1400 TAURUS COURT	LOVELAND	CO	80537
TANK BUILDERS INC	13400 TRINITY BLVD	EULESS	TX	76039
TCI ARCHITECTS ENGINEERS CONTRACTOR INC	1718 STATE ROAD 16	LA CROSSE	WI	54601
TCI SERVICES INCORPORATED	4333 W 21ST ST	TULSA	OK	74107
TDR CONTRACTORS INC	1523 W TYLER ST	GILMER	TX	75644
TEKRAN INSTRUMENTS CORPORATION	330 NANTUCKET BLVD TORONT	ONT CAN M1P2P4	ON	99999
TENCON INC	530 JONES ST	VERONA	PA	15147
TENNESSEE ELECTRIC COMPANY INC	1700 N JOHN B DENNIS HWY	KINGSPORT	TN	37664
TERRAZZO USA AND ASSOCIATES INC	404 E FRANKLIN AVENUE	SHAWNEE	OK	74804
TERWISSCHA CONSTRUCTION INC	1107 HAZELTINE BLVD MD 68	CHASKA	MN	55318
TEXOMA INDUSTRIAL INSULATION ASSOCIATION	1202 N HWY 91	DENISON	TX	75021
TGB INSULATION LLC	7001 HIGHWAY 271 SOUTH	FORT SMITH	AR	72908
THE DELVENTHAL COMPANY	3796 ROCKLAND CIRCLE	MILLBURY	OH	43447
THE DRILLER LLC	5125 E UNIVERSITY AVE	PLEASANT HILL	IA	50327

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THE FAVERGRAY COMPANY	415 PABLO AVE STE 200	JACKSONVILLE BEACH	FL	32250
THE FISHEL COMPANY	1810 ARLINGATE LN	COLUMBUS	OH	43228
THE FORREST GROUP LTD	2108 N 129TH E AVENUE	TULSA	OK	74116
THE FRED CHRISTEN & SONS COMPANY	714 GEORGE ST	TOLEDO	OH	43608
THE KILIAN CORPORATION	608 S INDEPENDENCE	MASCOUTAH	IL	62258
THE MAXIS GROUP INC	8225 E DEL CAMINO DR 100	SCOTTSDALE	AZ	85258
THE REDMOND COMPANY	W228 N745 WESTMOUND DR	WAUKESHA	WI	53186
THE ROSS GROUP CONSTRUCTION CORPORATION	10159 E 11TH ST STE 200	TULSA	OK	74128
THIELSCH ENGINEERING INC	195 FRANCES AVENUE	CRANSTON	RI	02910
THOMAS GRACE CONSTRUCTION INC	5605 MEMORIAL AVENUE N	STILLWATER	MN	55082
THOMPSON ELECTRIC CO	721 14TH ST	SIOUX CITY	IA	51105
TINDALL CONTRACTOR INC	5240 NAMEOKI ROAD	PONTOON BEACH	IL	62040
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TOMS TUCKPOINTING LLC	410 W ELM	CORNING	AR	72422
TOTAL ELECTRIC CONTRACTORS INC	PO BOX 13247	EDWARDSVILLE	KS	66113
TOURNEAR ROOFING CO	2605 SPRING LAKE RD	QUINCY	IL	62305
TOWN AND COUNTRY PLUMBING INC	1201 N 2ND STREET	ROGERS	AR	72756
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRADEMARK RESTORATION INCORPORATED	6260 E RIVERSIDE BLVD 163	LOVES PARK	IL	61111
TRAFCON INDUSTRIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17050
TRI C CONSTRUCTION COMPANY INC	1765 MERRIMAN RD	AKRON	OH	44313
TRI COUNTY WELDING & FABRICATION	1031 E COLUMBIA STREET	ARTHUR	IL	61911
TRI NORTH BUILDERS INC	2625 RESEARCH PARK DR	FITCHBURG	WI	53711
TRI STATE EXTERIOR SOLUTIONS LLC	80 LODGE POLE LN STE B	BOZEMAN	MT	59718
TROTTER GENERAL CONTRACTING INC	820 WEST JACKSON STREET	MACOMB	IL	61455
TRUCK CRANE SERVICE COMPANY	2875 HIGHWAY 55	EAGAN	MN	55121
TUFF WRAP INSTALLATIONS INC	2080 DETWILER ROAD STE 2	HARLEYSVILLE	PA	19438
TUNISTA CONSTRUCTION LLC	745 WEST 4TH AVE STE 306	ANCHORAGE	AK	99501
TWEET GAROT MECHANICAL INC	2545 LARSEN RD	GREEN BAY	WI	54303
TYROLT INCORPORATED DELAWARE	724 N MERCER ST	DECATUR	IL	62522
U S ELECTRICAL CONSTRUCTION CO INC	160 HARRISONVILLE LAKE RD	WOODSTOWN	NJ	08098
U.S. INDUSTRIES GROUP INC	1701 FIRST AVENUE	EVANSVILLE	IN	47710
UCI INC	659 N MAIN	WICHITA	KS	67214
ULTIMATE THERMAL INC	P O BOX 34818	OMAHA	NE	68134
UNITED GOLF LLC	11 E 5TH ST STE 500	TULSA	OK	74103
UNITED PIPING INC	4510 AIRPORT ROAD	DULUTH	MN	55811
UNIVERSAL AUTO HAIL REPAIR	1530 PB LANE #P4198	WICHITA FALLS	TX	76302
UNIVERSAL WALL SYSTEMS INC	6119 28TH ST SE STE B	GRAND RAPIDS	MI	49546
UPCHURCH PLUMBING INC	PO BOX 8106	GREENWOOD	MS	38935
URETEK ICR HEARTLAND	1200 SW BROOKSIDE CIR 15	GRIMES	IA	50111
USC GRAIN SYSTEMS LLC	2320 124TH ROAD	SABETHA	KS	66534
USC OF KANSAS LLC	2320 124TH ROAD	SABETHA	KS	66534

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
UTAH OIL LLC	2394 UTAH ROAD	RANDALL	KS	66079
UTILITY METERING SOLUTIONS	8812 FREY ROAD	HOUSTON	TX	77034
UTILITY SOLUTIONS LLC	17835 185TH STREET	TONGANOXIE	KS	66086
VALIANT INTERNATIONAL INC	1511 EAST 14 MILE RD	TROY	MI	48083
VAN ERT ELECTRIC COMPANY INC	7019 WEST STEWART AVENUE	WAUSAU	WI	54401
VANCE CONSTRUCTION SOLUTIONS LLC	925 EAST PARKER ROAD	JONESBORO	AR	72404
VC INTERNATIIONAL INC	27 MCDONALD AVENUE	DARTMOUTH B3B 1C6	NS	99999
VECTOR CONSTRUCTION INC	3814 3RD AVE NW	FARGO	ND	58102
VENTURE CONSTRUCTION CO MIDWEST	5660 PEACHTREE INDUSTRIAL	NORCROSS	GA	30071
VETERANS RANGE SOLUTIONS LLC	24308 OAK MEADOW LANE	FREDERICKSBURG	VA	22407
VFP FIRE SYSTEMS INC	301 YORK AVE	ST PAUL	MN	55130
VIACON INC	70 BANKS RD	STOCKBRIDGE	GA	30281
VICTORY CONSTRUCTION & REFRIGERATION INC	4771 FOX STREET	DENVER	CO	80216
VISIONSOFT INTERNATIONAL INC	1842 OLD NORCROSS RD 100	LAWRENCEVILLE	GA	30044
VISU SEWER CLEAN & SEAL INC	W230 N4855 BETKER RD	PEWAUKEE	WI	53072
VKW CONSTRUCTION LLC	505 S MADISON DRIVE	TEMPE	AZ	85281
VON ALST OPERATING LLC	2416 SMELTING WORKS ROAD	SWANSEA	IL	62226
WADES REFRIGERATION INC	P O BOX 2164	BATESVILLE	AR	72503
WALKER MASONRY & SONS INC	15053 WALKER RD	PRAIRIE GROVE	AR	72753
WALSH CONSTRUCTON COMPANY II LLC	929 W ADAMS STREET	CHICAGO	IL	60607
WALTERS MORGAN CONSTRUCTION INC	2616 TUTTLE CREEK BLVD	MANHATTAN	KS	66502
WATSON ELECTRIC INC	318 N 8TH ST	SALINA	KS	67401
WAVE COMMUNICATIONS INC	4587 HWY TT	SUN PRAIRIE	WI	53590
WEATHERCRAFT COMPANY OF GRAND ISLAND	PO BOX 80459	LINCOLN	NE	68501
WEATHERCRAFT COMPANY OF LINCOLN	5410 NW 44TH ST STE A	LINCOLN	NE	68524
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEIDMANN DIAGNOSTIC SOLUTIONS INC	230 GORDON MILLS WAY	ST JOHNSBURY	VT	05819
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437
WIGINTON CORPORATION	699 AERO LN	SANFORD	FL	32771
WILLIAM G CURTH INC	13306 WEST 75TH COURT	SHAWNEE	KS	66216
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WOLFSWINKEL INC	2202 WOLF WAY	WDM	IA	50265
WORLDWIDE TURBINES LLC	1001 YAMATO RD STE 312	BOCA RATON	FL	33431
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WSI INC	6414 D ROAD	WATERLOO	IL	62298
WYOMING EFFICIENCY CONTRACTORS INC	530 E COSTILLA STREET	COLORADO SPRINGS	CO	80903
YOTHER CONSTRUCTION MANAGEMENT INCORPORATED	36800 N SIDEWINDER STE 5	CAREFREE	AZ	85377
ZAPATA ENGINEERING PA	6302 FAIRVIEW RD STE 600	CHARLOTTE	NC	28210
ZERCO INC	14033 SW TAWAKONI RD	AUGUSTA	KS	67010
ZIMMERMAN CONSTRUCTION COMPANY INC	12509 HEMLOCK ST	OVERLAND PARK	KS	66213

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**Notice of Dissolution of Limited Liability Company To All Creditors of and Claimants Against
Cornerstone VI, LLC**

On October 8, 2014, Cornerstone VI, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company and Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on October 8, 2014.

All persons with claims against the limited liability company may submit any claim in accordance with this notice to: Carmody MacDonald P.C., 120 S. Central Avenue, Suite 1800, St. Louis, MO 63105, Attention: Mariquita L. Barbieri. All claims must include the name and address and telephone number of the claimant; the amount claimed; the basis for the claim; the documentation of the claim; and the date(s) of the event(s) on which the claim is based occurred.

All claims against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Dissolution of Limited Liability Company To All Creditors of and Claimants Against
Cornerstone North, LLC**

On February 2, 2016, Cornerstone North, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company and Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on February 4, 2016.

All persons with claims against the limited liability company may submit any claim in accordance with this notice to: Carmody MacDonald P.C., 120 S. Central Avenue, Suite 1800, St. Louis, MO 63105, Attention: Mariquita L. Barbieri. All claims must include the name and address and telephone number of the claimant; the amount claimed; the basis for the claim; the documentation of the claim; and the date(s) of the event(s) on which the claim is based occurred.

All claims against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Broadmoor Apartments of Jefferson City Limited Partnership
Notice of Dissolution**

“Notice of Winding Up: Broadmoor Apartments of Jefferson City Limited Partnership, a Missouri limited partnership, has dissolved and requests persons with claims against it to present a detailed description of the claims to Brian J. Beck, 7733 Forsyth Blvd, Suite 400, Clayton, MO 63105. A claim against the corporation will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.”

Notice of Dissolution of Limited Liability Company To All Creditors of and Claimants Against CP North I, LLC

On February 2, 2016, CP North I, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company and Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on February 4, 2016.

All persons with claims against the limited liability company may submit any claim in accordance with this notice to: Carmody MacDonald P.C., 120 S. Central Avenue, Suite 1800, St. Louis, MO 63105, Attention: Mariquita L. Barbieri. All claims must include the name and address and telephone number of the claimant; the amount claimed; the basis for the claim; the documentation of the claim; and the date(s) of the event(s) on which the claim is based occurred.

All claims against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION OF
LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
E.R. AUTO SERVICE, LLC

EFFECTIVE March 14, 2016

On November 17, 2015, E.R. Auto Service, LLC filed Notice of Winding Up with the Missouri Secretary of State. Any claims against E.R. Auto Service, LLC must be submitted to Allen S. Russell, Sr., Attorney at Law, 106 W. 11th St. Ste. 1107, Kansas City, MO 64105 within ninety (90) days from the effective date hereof. Each claim must include claimant's name, address of claimant, and telephone number of claimant; amount of claim; the date on which the event on which the claim is based occurred; and a brief description of the nature of the debt or the basis for the claim. If no claim is received by the stated deadline, your claim may be barred.

NOTICE OF DISSOLUTION
TO ALL CREDITORS AND
CLAIMANTS AGAINST
FB HOLDINGS, LLC

On March 21, 2016, FB HOLDINGS, LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any claims against FB HOLDINGS, LLC may be sent to: Peter D. Wimmer, 135 N. Meramec, Suite 410, Clayton, Missouri 63105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation supporting the claim.

Each claim will be barred unless a proceeding to enforce it is commenced within three (3) years after publication of this notice.

**NOTICE OF WINDING UP FOR
MISSOURI RESTAURANT PARTNERS, LLC**

On (April 13, 2016), Missouri Restaurant Partners, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. All persons and organizations with claims against the Company must submit a written summary of any claims against the Company to MISSOURI RESTAURANT PARTNERS, LLC, c/o THE LAW OFFICE OF JESSE A. GRANNEMAN, LLC, 219 W. College Street, P.O. Box 250, Troy, Missouri 63379, which summary shall include the name, address, and telephone number of the claimant, the amount of the claim, date(s) the claim accrued, a brief description of the nature and basis for the claim, and any documentation of the claim. Claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS
OF AND CLAIMANTS AGAINST
PHOENIX PROCESS ENGINEERING, INC.**

PHOENIX PROCESS ENGINEERING, INC., a Missouri corporation, filed its Articles of Dissolution on with the Missouri Secretary of State on April 13, 2016.

Said corporation requests that all persons and organizations that have claims against it present a summary of said claims in writing to:

SmithAmundsen, LLC
Attn: Elizabeth H. Lum
120 South Central Avenue, Suite 700
St. Louis, Missouri 63105

The written summary of the claim must include the following information:

- (a) The name address and telephone number of the claimant;
- (b) The amount of the claim;
- (c) The date on which the claim arose;
- (d) The basis for the claim; and
- (e) Documentation of the claim.

All claims against PHOENIX PROCESS ENGINEERING, INC. will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication date of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table refers to the volume number or the publication year—39 (2014) and 40 (2015). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				40 MoReg 1836
1 CSR 10-17.010	Commissioner of Administration		This Issue		
1 CSR 10-17.040	Commissioner of Administration		This Issue		
1 CSR 10-17.050	Commissioner of Administration		This Issue		
1 CSR 30-5.010	Division of Facilities Management, Design and Construction		This Issue		
1 CSR 40-1.050	Purchasing and Materials Management		This Issue		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-9.010	Animal Health		41 MoReg 301		
2 CSR 30-9.020	Animal Health		41 MoReg 301		
2 CSR 30-9.030	Animal Health		41 MoReg 302		
2 CSR 30-10.010	Animal Health	40 MoReg 1623	41 MoReg 548		
2 CSR 60-4.030	Grain Inspection and Warehousing		41 MoReg 155	This Issue	
2 CSR 60-4.050	Grain Inspection and Warehousing		41 MoReg 157	This Issue	
2 CSR 60-4.120	Grain Inspection and Warehousing		41 MoReg 157	This Issue	
2 CSR 60-4.150	Grain Inspection and Warehousing		41 MoReg 157	This Issue	
2 CSR 60-5.080	Grain Inspection and Warehousing		41 MoReg 158	This Issue	
2 CSR 70-25.065	Plant Industries		41 MoReg 73	41 MoReg 631	
2 CSR 80-2.050	State Milk Board		41 MoReg 374		
2 CSR 80-5.010	State Milk Board		41 MoReg 548		
2 CSR 80-6.041	State Milk Board		41 MoReg 374		
2 CSR 90-10	Weights and Measures				39 MoReg 1399 40 MoReg 1046
2 CSR 90-30.040	Weights and Measures		41 MoReg 159		
2 CSR 100-11.010	Missouri Agricultural and Small Business Development Authority		41 MoReg 549		
2 CSR 100-11.020	Missouri Agricultural and Small Business Development Authority		41 MoReg 553		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		41 MoReg 481		
3 CSR 10-2.010	Conservation Commission		41 MoReg 481R		
3 CSR 10-2.020	Conservation Commission		41 MoReg 482		
3 CSR 10-4.110	Conservation Commission		41 MoReg 74	41 MoReg 503	
3 CSR 10-4.200	Conservation Commission		41 MoReg 74	41 MoReg 503	
3 CSR 10-7.410	Conservation Commission		41 MoReg 488		
3 CSR 10-7.433	Conservation Commission		41 MoReg 488		
3 CSR 10-7.455	Conservation Commission		41 MoReg 488		
3 CSR 10-11.110	Conservation Commission		41 MoReg 489		
3 CSR 10-11.180	Conservation Commission		41 MoReg 489		
3 CSR 10-11.186	Conservation Commission		N.A.	41 MoReg 505	
3 CSR 10-12.101	Conservation Commission		41 MoReg 489		
3 CSR 10-12.125	Conservation Commission		41 MoReg 489		
3 CSR 10-12.130	Conservation Commission		41 MoReg 490		
3 CSR 10-12.135	Conservation Commission		41 MoReg 491		
3 CSR 10-12.160	Conservation Commission		41 MoReg 494		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 240-3.105	Public Service Commission		41 MoReg 305		
4 CSR 240-13.020	Public Service Commission		41 MoReg 307		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.110	Division of Learning Services		41 MoReg 443		
5 CSR 20-100.120	Division of Learning Services		41 MoReg 443		
5 CSR 20-100.180	Division of Learning Services		41 MoReg 307R		
5 CSR 20-100.270	Division of Learning Services		41 MoReg 77		
5 CSR 20-300.110	Division of Learning Services		N.A.	41 MoReg 631	
5 CSR 20-400.125	Division of Learning Services		41 MoReg 79		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-2.190	Commissioner of Higher Education		41 MoReg 375		
6 CSR 10-5.010	Commissioner of Higher Education		41 MoReg 378		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 10-25.010	DEPARTMENT OF TRANSPORTATION Missouri Highways and Transportation Commission				41 MoReg 456 41 MoReg 457 41 MoReg 509 41 MoReg 510 41 MoReg 510 This Issue This Issue This Issue
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.250	Director, Department of Mental Health		41 MoReg 80	41 MoReg 631	
9 CSR 10-7.140	Director, Department of Mental Health		41 MoReg 494		
9 CSR 30-3.310	Certification Standards		This Issue		
9 CSR 45-3.020	Division of Developmental Disabilities		41 MoReg 80R	41 MoReg 632R	
9 CSR 45-4.030	Division of Developmental Disabilities		41 MoReg 494R		
9 CSR 45-4.040	Division of Developmental Disabilities		41 MoReg 495R		
9 CSR 45-5.040	Division of Developmental Disabilities		41 MoReg 81R	41 MoReg 632R	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-6.220	Air Conservation Commission		41 MoReg 555		
10 CSR 10-6.250	Air Conservation Commission		40 MoReg 1023	41 MoReg 37	
10 CSR 20-6.300	Clean Water Commission		41 MoReg 308		
10 CSR 20-8.300	Clean Water Commission		41 MoReg 322		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 45-5.070	Missouri Gaming Commission		40 MoReg 1878	41 MoReg 632	
11 CSR 45-9.117	Missouri Gaming Commission		40 MoReg 1879	41 MoReg 633	
11 CSR 45-12.010	Missouri Gaming Commission		41 MoReg 237		
11 CSR 45-12.020	Missouri Gaming Commission		41 MoReg 237		
11 CSR 45-12.030	Missouri Gaming Commission		41 MoReg 238		
11 CSR 45-12.040	Missouri Gaming Commission		41 MoReg 238		
11 CSR 45-12.050	Missouri Gaming Commission		41 MoReg 239		
11 CSR 45-12.060	Missouri Gaming Commission		41 MoReg 239		
11 CSR 45-12.070	Missouri Gaming Commission		41 MoReg 240		
11 CSR 45-12.080	Missouri Gaming Commission		41 MoReg 240		
11 CSR 45-12.090	Missouri Gaming Commission		41 MoReg 241		
11 CSR 75-14.020	Peace Officer Standards and Training Program		41 MoReg 81	41 MoReg 505	
11 CSR 75-14.030	Peace Officer Standards and Training Program		41 MoReg 82	41 MoReg 506	
11 CSR 75-15.010	Peace Officer Standards and Training Program		41 MoReg 82	41 MoReg 506	
11 CSR 75-15.020	Peace Officer Standards and Training Program		41 MoReg 87	41 MoReg 506	
11 CSR 75-15.030	Peace Officer Standards and Training Program		41 MoReg 87	41 MoReg 506	
11 CSR 75-15.040	Peace Officer Standards and Training Program		41 MoReg 88	41 MoReg 507	
11 CSR 75-15.050	Peace Officer Standards and Training Program		41 MoReg 88	41 MoReg 507	
11 CSR 75-15.060	Peace Officer Standards and Training Program		41 MoReg 89	41 MoReg 507	
11 CSR 75-18.010	Peace Officer Standards and Training Program		40 MoReg 232	40 MoReg 969	
11 CSR 75-18.020	Peace Officer Standards and Training Program		40 MoReg 233	40 MoReg 973	
11 CSR 75-18.030	Peace Officer Standards and Training Program		40 MoReg 234	40 MoReg 973	
11 CSR 75-18.040	Peace Officer Standards and Training Program		40 MoReg 234	40 MoReg 976	
11 CSR 75-18.050	Peace Officer Standards and Training Program		40 MoReg 235	40 MoReg 976	
11 CSR 75-18.060	Peace Officer Standards and Training Program		40 MoReg 235	40 MoReg 976	
11 CSR 75-18.070	Peace Officer Standards and Training Program		40 MoReg 236	40 MoReg 976	
DEPARTMENT OF REVENUE					
12 CSR 30-4.010	State Tax Commission		41 MoReg 160		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-31.027	Children's Division		41 MoReg 385		
13 CSR 40-2.325	Family Support Division		41 MoReg 386		
13 CSR 40-2.350	Family Support Division		41 MoReg 387		
13 CSR 40-2.357	Family Support Division		41 MoReg 244		
13 CSR 40-7.050	Family Support Division		41 MoReg 557		
13 CSR 40-7.060	Family Support Division		41 MoReg 163	This Issue	
13 CSR 70-10.016	MO HealthNet Division	This Issue	40 MoReg 1879	41 MoReg 507	
13 CSR 70-15.220	MO HealthNet Division		40 MoReg 176	40 MoReg 977	
			41 MoReg 332		
13 CSR 70-35.010	MO HealthNet Division		41 MoReg 560		
13 CSR 70-98.030	MO HealthNet Division		41 MoReg 89		
DEPARTMENT OF CORRECTIONS					
14 CSR 80-3.020	State Board of Probation and Parole		41 MoReg 335		
ELECTED OFFICIALS					
15 CSR 40-3.120	State Auditor		41 MoReg 563R		
15 CSR 40-3.125	State Auditor		41 MoReg 563		
15 CSR 40-3.135	State Auditor		41 MoReg 595		
15 CSR 60-8.100	Attorney General		41 MoReg 22		
			41 MoReg 93	41 MoReg 633	
15 CSR 60-8.110	Attorney General		41 MoReg 93	41 MoReg 634	
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 15-8.410	Division of Senior and Disability Services		40 MoReg 131		
19 CSR 30-40.331	Division of Regulation and Licensure		41 MoReg 495		
19 CSR 30-40.342	Division of Regulation and Licensure		41 MoReg 496		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 60-50	Missouri Health Facilities Review Committee				41 MoReg 457 41 MoReg 636 This Issue
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR 200-11.101	Insurance Solvency and Company Regulation	41 MoReg 11	41 MoReg 22	41 MoReg 508	
20 CSR 400-5.600	Life, Annuities and Health		41 MoReg 336		
20 CSR 700-3.200	Insurance Licensing		41 MoReg 444		
20 CSR 1100-2.185	Division of Credit Unions		41 MoReg 245R		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		41 MoReg 446		
20 CSR 2110-2.170	Missouri Dental Board		41 MoReg 388		
20 CSR 2110-2.210	Missouri Dental Board		40 MoReg 268	40 MoReg 981	
20 CSR 2120-2.100	State Board of Embalmers and Funeral Directors	41 MoReg 373			
20 CSR 2193-4.010	Interior Design Council		41 MoReg 33	41 MoReg 508	
20 CSR 2220-2.020	State Board of Pharmacy	41 MoReg 297	41 MoReg 340		
20 CSR 2220-4.010	State Board of Pharmacy	40 MoReg 1009	40 MoReg 1893	41 MoReg 449	
20 CSR 2230-2.070	State Board of Podiatric Medicine	40 MoReg 1875			
20 CSR 2253-1.040	Missouri Board for Respiratory Care	41 MoReg 547	41 MoReg 627		
20 CSR 2267-2.032	Office of Tattooing, Body Piercing, and Branding		41 MoReg 630		
20 CSR 2267-2.033	Office of Tattooing, Body Piercing, and Branding		41 MoReg 630		
20 CSR 2270-2.052	Missouri Veterinary Medical Board		41 MoReg 93	41 MoReg 635	
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-2.010	Health Care Plan	40 MoReg 1691	40 MoReg 1767	41 MoReg 449	
22 CSR 10-2.020	Health Care Plan	40 MoReg 1693	40 MoReg 1769	41 MoReg 449	
22 CSR 10-2.030	Health Care Plan		40 MoReg 1772	41 MoReg 449	
22 CSR 10-2.045	Health Care Plan	40 MoReg 1696	40 MoReg 1773	41 MoReg 450	
22 CSR 10-2.051	Health Care Plan	40 MoReg 1698R	40 MoReg 1774R	41 MoReg 450R	
		40 MoReg 1698	40 MoReg 1774	41 MoReg 450	
22 CSR 10-2.052	Health Care Plan	40 MoReg 1699R	40 MoReg 1776R	41 MoReg 450R	
		40 MoReg 1700	40 MoReg 1776	41 MoReg 450	
22 CSR 10-2.053	Health Care Plan	40 MoReg 1701R	40 MoReg 1777R	41 MoReg 450R	
		40 MoReg 1702	40 MoReg 1777	41 MoReg 451	
22 CSR 10-2.055	Health Care Plan	40 MoReg 1704	40 MoReg 1779	41 MoReg 451	
22 CSR 10-2.060	Health Care Plan	40 MoReg 1714	40 MoReg 1789	41 MoReg 451	
22 CSR 10-2.070	Health Care Plan	40 MoReg 1715	40 MoReg 1791	41 MoReg 451	
22 CSR 10-2.075	Health Care Plan	40 MoReg 1716	40 MoReg 1791	41 MoReg 451	
22 CSR 10-2.089	Health Care Plan	40 MoReg 1719	40 MoReg 1794	41 MoReg 451	
22 CSR 10-2.090	Health Care Plan	40 MoReg 1719	40 MoReg 1794	41 MoReg 452	
22 CSR 10-2.110	Health Care Plan	40 MoReg 1722	40 MoReg 1797	41 MoReg 452	
22 CSR 10-2.140	Health Care Plan		40 MoReg 1801	41 MoReg 452	
22 CSR 10-2.150	Health Care Plan	40 MoReg 1726	40 MoReg 1802	41 MoReg 452	
22 CSR 10-2.160	Health Care Plan	40 MoReg 1728	40 MoReg 1803	41 MoReg 452	
22 CSR 10-3.010	Health Care Plan	40 MoReg 1728	40 MoReg 1804	41 MoReg 453	
22 CSR 10-3.020	Health Care Plan	40 MoReg 1729	40 MoReg 1804	41 MoReg 453	
22 CSR 10-3.045	Health Care Plan	40 MoReg 1731	40 MoReg 1806	41 MoReg 453	
22 CSR 10-3.053	Health Care Plan	40 MoReg 1733R	40 MoReg 1807R	41 MoReg 453R	
		40 MoReg 1733	40 MoReg 1808	41 MoReg 453	
22 CSR 10-3.055	Health Care Plan	40 MoReg 1735R	40 MoReg 1809R	41 MoReg 453R	
		40 MoReg 1735	40 MoReg 1809	41 MoReg 454	
22 CSR 10-3.056	Health Care Plan	40 MoReg 1736R	40 MoReg 1811R	41 MoReg 454R	
		40 MoReg 1737	40 MoReg 1811	41 MoReg 454	
22 CSR 10-3.057	Health Care Plan	40 MoReg 1738	40 MoReg 1812	41 MoReg 454	
22 CSR 10-3.060	Health Care Plan	40 MoReg 1748	40 MoReg 1822	41 MoReg 454	
22 CSR 10-3.070	Health Care Plan	40 MoReg 1750	40 MoReg 1823	41 MoReg 454	
22 CSR 10-3.075	Health Care Plan	40 MoReg 1750	40 MoReg 1824	41 MoReg 455	
22 CSR 10-3.090	Health Care Plan	40 MoReg 1753	40 MoReg 1826	41 MoReg 455	
22 CSR 10-3.150	Health Care Plan	40 MoReg 1755	40 MoReg 1828	41 MoReg 455	
22 CSR 10-3.160	Health Care Plan	40 MoReg 1756	40 MoReg 1830	41 MoReg 455	

Emergency Rule Table

Agency	Publication	Effective	Expiration
Office of Administration			
Commissioner of Administration			
1 CSR 10-15.010 Cafeteria Plan . . . . .	.40 MoReg 1345	Jan. 1, 2016	June 28, 2016
Department of Economic Development			
Division of Energy			
4 CSR 340-4.010 Wood Energy Credit . . . . .	.40 MoReg 1863	Nov. 26, 2015	May 23, 2016
Department of Labor and Industrial Relations			
Division of Labor Standards			
8 CSR 30-3.010 Prevailing Wage Rates for Public Works Projects . . . . .	.40 MoReg 1864	Nov. 20, 2015	May 17, 2016
Department of Revenue			
Director of Revenue			
12 CSR 10-41.010 Annual Adjusted Rate of Interest . . . . .	.40 MoReg 1690	Jan. 1, 2016	June 28, 2016
Department of Social Services			
MO HealthNet Division			
13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates	This Issue	April 22, 2016	May 31, 2016
Department of Health and Senior Services			
Division of Regulation and Licensure			
19 CSR 30-61.085 Physical Requirements of the Family Day Care Home . . . . .	.40 MoReg 1865	Nov. 26, 2015	May 23, 2016
19 CSR 30-61.095 Furniture, Equipment, and Materials . . . . .	.40 MoReg 1865	Nov. 26, 2015	May 23, 2016
19 CSR 30-61.105 The Day Care Provider and Other Day Care Personnel . . . . .	.40 MoReg 1867	Nov. 26, 2015	May 23, 2016
19 CSR 30-61.135 Admission Policies and Procedures . . . . .	.40 MoReg 1867	Nov. 26, 2015	May 23, 2016
19 CSR 30-61.175 Child Care Program . . . . .	.40 MoReg 1869	Nov. 26, 2015	May 23, 2016
19 CSR 30-62.082 Physical Requirements of Group Day Care Homes and Day Care Centers . . . . .	.40 MoReg 1870	Nov. 26, 2015	May 23, 2016
19 CSR 30-62.092 Furniture, Equipment, and Materials . . . . .	.40 MoReg 1870	Nov. 26, 2015	May 23, 2016
19 CSR 30-62.102 Personnel . . . . .	.40 MoReg 1872	Nov. 26, 2015	May 23, 2016
19 CSR 30-62.132 Admission Policies and Procedures . . . . .	.40 MoReg 1872	Nov. 26, 2015	May 23, 2016
19 CSR 30-62.182 Child Care Program . . . . .	.40 MoReg 1874	Nov. 26, 2015	May 23, 2016
Department of Insurance, Financial Institutions and Professional Registration			
Financial Examination			
20 CSR 200-11.101 Insurance Holding Company Regulation With Reporting Forms and Instructions . . . . .	.41 MoReg 11	Jan. 1, 2016	June 29, 2016
State Board of Embalmers and Funeral Directors			
20 CSR 2120-2.100 Fees . . . . .	.41 MoReg 373	Feb. 12, 2016	Aug. 9, 2016
State Board of Pharmacy			
20 CSR 2220-2.020 Pharmacy Permits . . . . .	.41 MoReg 297	Feb. 2, 2016	July 30, 2016
State Board of Podiatric Medicine			
20 CSR 2230-2.070 Fees . . . . .	.40 MoReg 1875	Nov. 20, 2015	May 17, 2016
Missouri Board for Respiratory Care			
20 CSR 2255-1.040 Fees . . . . .	.41 MoReg 547	April 11, 2016	Jan. 18, 2017
Missouri Consolidated Health Care Plan			
Health Care Plan			
22 CSR 10-2.010 Definitions . . . . .	.40 MoReg 1691	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.020 General Membership Provisions . . . . .	.40 MoReg 1693	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.045 Plan Utilization Review Policy . . . . .	.40 MoReg 1696	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.051 PPO 300 Plan Benefit Provisions and Covered Charges (Res) . . . . .	.40 MoReg 1698	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.051 PPO 300 Plan Benefit Provisions and Covered Charges . . . . .	.40 MoReg 1698	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.052 PPO 600 Plan Benefit Provisions and Covered Charges (Res) . . . . .	.40 MoReg 1699	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.052 PPO 600 Plan Benefit Provisions and Covered Charges . . . . .	.40 MoReg 1700	Jan. 1, 2015	June 28, 2016

Agency	Publication	Effective	Expiration
22 CSR 10-2.053	Health Savings Account Benefit Provisions and Covered Charges (Res) . . . . .	.40 MoReg 1701	Jan. 1, 2015 June 28, 2016
22 CSR 10-2.053	Health Savings Account Benefit Provisions and Covered Charges . . . . .	.40 MoReg 1702	Jan. 1, 2015 June 28, 2016
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges . . . . .	.40 MoReg 1704	Jan. 1, 2015 June 28, 2016
22 CSR 10-2.060	PPO 300 Plan, PPO 600 Plan, and Health Savings Account Plan Limitations . . . . .	.40 MoReg 1714	Jan. 1, 2015 June 28, 2016
22 CSR 10-2.070	Coordination of Benefits . . . . .	.40 MoReg 1715	Jan. 1, 2015 June 28, 2016
22 CSR 10-2.075	Review and Appeals Procedure . . . . .	.40 MoReg 1716	Jan. 1, 2015 June 28, 2016
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members . . . . .	.40 MoReg 1719	Jan. 1, 2015 June 28, 2016
22 CSR 10-2.090	Pharmacy Benefit Summary . . . . .	.40 MoReg 1719	Jan. 1, 2015 June 28, 2016
22 CSR 10-2.110	General Foster Parent Membership Provisions . . . . .	.40 MoReg 1722	Jan. 1, 2015 June 28, 2016
22 CSR 10-2.150	Disease Management Services Provisions and Limitations . . . . .	.40 MoReg 1726	Jan. 1, 2015 June 28, 2016
22 CSR 10-2.160	Pharmacy Lock-In Program . . . . .	.40 MoReg 1728	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.010	Definitions . . . . .	.40 MoReg 1728	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.020	General Membership Provisions . . . . .	.40 MoReg 1729	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.045	Plan Utilization Review . . . . .	.40 MoReg 1731	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.053	PPO 1000 Plan Benefit Provisions and Covered Charges (Res) . . . . .	.40 MoReg 1733	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.053	PPO 1000 Plan Benefit Provisions and Covered Charges . . . . .	.40 MoReg 1733	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.055	Health Savings Account Provisions and Covered Charges (Res) . . . . .	.40 MoReg 1735	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.055	Health Savings Account Provisions and Covered Charges . . . . .	.40 MoReg 1735	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges (Res) . . . . .	.40 MoReg 1736	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges . . . . .	.40 MoReg 1737	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges . . . . .	.40 MoReg 1738	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.060	PPO 600 Plan, PPO 1000 Plan, and Health Savings Account Plan Limitations . . . . .	.40 MoReg 1748	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.070	Coordination of Benefits . . . . .	.40 MoReg 1750	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.075	Review and Appeals Procedure . . . . .	.40 MoReg 1750	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.090	Pharmacy Benefit Summary . . . . .	.40 MoReg 1753	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.150	Disease Management Services Provisions and Limitations . . . . .	.40 MoReg 1755	Jan. 1, 2015 June 28, 2016
22 CSR 10-3.160	Pharmacy Lock-In Program . . . . .	.40 MoReg 1756	Jan. 1, 2015 June 28, 2016

Executive Orders	Subject Matter	Filed Date	Publication
2016			
16-04	Orders all departments, agencies and boards, and commissions, in the Executive Branch subject to the authority of the governor to take all necessary action to amend initial employment applications by removing questions related to an individual's criminal history unless a criminal history would render an applicant ineligible for the position.	April 11, 2016	This Issue
16-03	Extends Executive Orders 15-10, 15-11, and 16-02 until February 22, 2016, due to severe weather that began on December 22, 2015.	Jan. 22, 2016	41 MoReg 299
16-02	Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on December 22, 2015.	Jan. 6, 2016	41 MoReg 235
16-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 4, 2016	41 MoReg 153
2015			
15-11	Activates the state militia in response to severe weather that began on December 22, 2015.	Dec. 29, 2015	41 MoReg 151
15-10	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on December 22, 2015.	Dec. 27, 2015	41 MoReg 149
15-09	Directs all Missouri Executive Branch agencies, as well as strongly encourages all private employers, to review and determine how the practices contained in the Harry S Truman School of Public Affairs preliminary guidelines and, eventually the Pay Equity Best Practices Guidelines, can be utilized by their agency or business and to identify and address any gender wage gap in order to ensure that all Missourians receive equal pay for equal work.	Dec. 4, 2015	41 MoReg 71
15-08	Closes state offices Nov. 27, 2015.	Nov. 6, 2015	40 MoReg 1630
15-07	Dedicates and renames the state office building located at 8800 East 63rd Street in Raytown, Missouri, in honor of Joseph Patrick Teasdale, the 48th governor of the state of Missouri.	Oct. 28, 2015	40 MoReg 1628
15-06	Lays out policies and procedures to be adopted by the Executive Branch of state government in procuring goods and services to enhances economic health and prosperity of Minority and Women Business Enterprises. This order supercedes Executive Order 05-30.	Oct. 21, 2015	40 MoReg 1624
15-05	Extends Executive Order 15-03 until August 14, 2015.	July 14, 2015	40 MoReg 1012
15-04	Orders all departments, agencies, boards, and commissions to comply with the Obergefell decision and rescinds Executive Order 13-14.	July 7, 2015	40 MoReg 1010
15-03	Declares a state of emergency exist in the State of Missouri and directs that the Missouri State of Emergency Operations Plan be activated.	June 18, 2015	40 MoReg 928
15-02	Extends Executive Order 14-06 and orders that the Division of Energy deliver a state energy plan to the governor by October 15, 2015.	May 22, 2015	40 MoReg 833
15-01	Appoints Byron M. Watson to the Ferguson Commission to fill the vacancy created by the resignation of Bethany A. Johnson-Javois.	Jan. 2, 2015	40 MoReg 173

The rule number and the MoReg publication date follow each entry to this index.

ADMINISTRATION, OFFICE OF

definitions; 1 CSR 10-17.010; 5/16/16
minority and women's business enterprise participation in procurement process; 1 CSR 10-17.050; 5/16/16
minority/women's business enterprise and service disabled veteran business enterprise participation in state construction contracts; 1 CSR 30-5.010; 5/16/16
minority/women's business enterprise certification; 1 CSR 10-17.040; 5/16/16
procedures for solicitation, receipt of bids, and award and administration of contracts; 1 CSR 40-1.050; 5/16/16
state official's salary compensation schedule; 1 CSR 10; 12/1/15

AGRICULTURE, DEPARTMENT OF

animal health
animal care facilities definitions; 2 CSR 30-9.010; 3/1/16
animal care facilities minimum standards of operation and transportation; 2 CSR 30-9.030; 3/1/16
animal care facility rules governing licensing, fees, reports, record keeping, veterinary care, identification, and holding period; 2 CSR 30-9.020; 3/1/16
inspection of meat and poultry; 2 CSR 30-10.010; 5/2/16
grain inspection
letters of credit
2 CSR 60-4.150; 2/1/16, 5/16/16
2 CSR 60-5.080; 2/1/16, 5/16/16
tariffs; 2 CSR 60-4.120; 2/1/16, 5/16/16
warehouse license-fee; 2 CSR 60-4.030; 2/1/16, 5/16/16
warehouse receipts; 2 CSR 60-4.050; 2/1/16, 5/16/16
inspection of meat and poultry; 2 CSR 30-10.010; 11/16/15
Missouri agricultural and small business development authority
dairy producer margin insurance premium assistance program; 2 CSR 100-11.010; 5/2/16
Missouri dairy scholars program; 2 CSR 100-11.020; 5/2/16
plant industries
acceptable insurance and bond forms for commercial applicators; 2 CSR 70-25.065; 1/15/16, 5/2/16
state milk board
dairy manufacturing plant, dairy manufacturing farm, and personnel licensure; 2 CSR 80-6.041; 3/15/16
inspection fees; 2 CSR 80-5.010; 5/2/16
inspection frequency and procedure; 2 CSR 80-2.050; 3/15/16
weights and measures
quality standards for motor fuels; 2 CSR 90-30.040; 2/1/16

AIR CONSERVATION COMMISSION

restriction of emission of visible air contaminants; 10 CSR 10-6.220; 5/2/16

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, AND PROFESSIONAL LANDSCAPE ARCHITECTS, MISSOURI BOARD FOR

application, renewal, relicensure, and miscellaneous fees; 20 CSR 2030-6.015; 4/1/16

ATTORNEY GENERAL

reaffirmation of consumer debt without valuable consideration; 15 CSR 60-8.110; 1/15/16, 5/2/16
threatening to file or filing suit on certain consumer debt; 15 CSR 60-8.100; 1/4/16, 1/15/16, 5/2/16

AUDITOR, STATE

calculation and revision of property tax rates; 15 CSR 40-3.120; 5/2/16
calculation and revision of property tax rates by school districts; 15 CSR 40-3.125; 5/2/16
calculation and revision of property tax rates by political subdivisions other than school districts; 15 CSR 40-3.135; 5/2/16

CERTIFICATE OF NEED PROGRAM

application review schedule; 19 CSR 60-50; 3/1/16, 3/15/16, 4/1/16, 5/2/16, 5/16/16

CHILDREN'S DIVISION

definitions; 13 CSR 35-31.010; 7/1/15, 10/15/15

CLEAN WATER COMMISSION

concentrated animal feeding operations; 10 CSR 20-6.300; 3/1/16
manure storage design regulations; 10 CSR 20-8.300; 3/1/16

CONSERVATION, DEPARTMENT OF

chronic wasting disease; management zone; 3 CSR 10-4.200; 1/15/16, 4/15/16
deer: firearms hunting season; 3 CSR 10-7.433; 4/15/16
fishing, general provisions and seasons; 3 CSR 10-12.130; 4/15/16
fishing methods; 3 CSR 10-12.135; 4/15/16
forest cropland; 3 CSR 10-2.020; 4/15/16
general prohibition; application; 3 CSR 10-4.110; 1/15/16, 4/15/16
general provisions; 3 CSR 10-11.110; 4/15/16
hunting and trapping; 3 CSR 10-12.125; 4/15/16
hunting, general provisions and seasons; 3 CSR 10-11.180; 4/15/16
hunting methods; 3 CSR 10-7.410; 4/15/16
organization and methods of operation; 3 CSR 10-1.010; 4/15/16
outdoor recreational access program; 3 CSR 10-12.160; 4/15/16
requirements for managing forest crop lands classified before December 1974; 3 CSR 10-2.010; 4/15/16
title; authority; 3 CSR 10-12.101; 4/15/16
turkeys: seasons, methods, limits; 3 CSR 10-7.455; 4/15/16
waterfowl hunting; 3 CSR 10-11.186; 4/15/16

CORRECTIONS, DEPARTMENT OF

probation and parole, state board of
conditions of lifetime supervision; 14 CSR 80-3.020; 3/1/16

CREDIT UNIONS, DIVISION OF

investments in fixed assets; 20 CSR 1100-2.185; 2/16/16

DENTAL BOARD, MISSOURI

fees; 20 CSR 2110-2.170; 3/15/16

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

actions of the state board of education relating to applications for educator certificates; 5 CSR 20-400.125; 1/15/16
advanced placement and international baccalaureate fee payment program; 5 CSR 20-100.120; 4/1/16
charter sponsorship inflation adjustment; 5 CSR 20-100.270; 1/15/16
individuals with disabilities education act, part B; 5 CSR 20-300.110; 5/2/16
programs for gifted children; 5 CSR 20-100.110; 4/1/16
waiver of regulation; 5 CSR 20-100.180; 3/1/16

EMBALMERS AND FUNERAL DIRECTORS, STATE BOARD OF

fees; 20 CSR 2120-2.100; 3/15/16

ENERGY, DIVISION OF

energy set-aside fund ; 4 CSR 340-2; 8/17/15, 3/15/16
wood energy credit; 4 CSR 340-4.010; 12/15/15, 3/15/16

EXECUTIVE ORDERS

extends Executive Orders 15-10, 15-11, and 16-02 until February 22, 2016, due to the severe weather that began on December 22, 2015; 16-03; 3/1/16
orders all departments, agencies and boards, and commissions, in the Executive Branch subject to the authority of the gover-

nor to take all necessary action to amend initial employment applications by removing questions related to an individual's criminal history unless a criminal history would render an applicant ineligible for the position; 16-04; 5/16/16

FAMILY SUPPORT DIVISION

definitions which are applicable for benefit programs funded by the temporary assistance for needy families (TANF) block grant; 13 CSR 40-2.300; 10/1/15, 3/1/16

investigations involving a conflict of interest; 13 CSR 40-31.011; 9/1/15

presumptive eligibility; 13 CSR 40-7.050; 5/2/16

prohibition against payment of temporary assistance to families that do not include a minor child; 13 CSR 40-2.325; 3/15/16

requirements as to eligibility for temporary assistance; 13 CSR 40-2.310; 10/1/15, 3/1/16

show-me healthy baby program; 13 CSR 40-7.060; 2/1/16, 5/16/16

temporary assistance diversion program; 13 CSR 40-2.357; 2/16/16

time limit for receipt of temporary assistance; 13 CSR 40-2.350; 3/15/16

work activity and work requirement for recipients of temporary assistance; 13 CSR 40-2.315; 10/1/15, 3/1/16

GAMING COMMISSION, MISSOURI

application for a class A or class B license; 11 CSR 45-4.030; 10/1/15, 2/16/16

applications; 11 CSR 45-12.040; 2/16/16

excursion liquor license

and definitions; 11 CSR 45-12.020; 2/16/16

fees; 11 CSR 45-12.050; 2/16/16

required; 11 CSR 45-12.010; 2/16/16

hours of operation; 11 CSR 45-12.080; 2/16/16

license criteria; 11 CSR 45-12.030; 2/16/16

minimum internal control standards (MICS)-Chapter Q; 11 CSR 45-9.117; 12/15/15, 5/2/16

payout percentage for electronic gaming devices; 11 CSR 45-5.070; 12/15/15, 5/2/16

posting licenses and tax stamps; 11 CSR 45-12.070; 2/16/16

renewal; 11 CSR 45-12.060; 2/16/16

rules of liquor control; 11 CSR 45-12.090; 2/16/16

HEALTH AND SENIOR SERVICES

community and public health, division of

duties of laboratories; 19 CSR 20-20.080; 12/15/15, 3/15/16

reporting communicable, environmental, and occupational diseases; 19 CSR 20-20.020; 12/15/15, 3/15/16

regulation and licensure

admission policies and procedures

19 CSR 30-61.135; 12/15/15, 3/15/16

19 CSR 30-62.132; 12/15/15, 3/15/16

application and accreditation or certification requirements for training entities that conduct training for first responders, emergency medical dispatchers, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic; 19 CSR 30-40.331; 4/15/16

application and licensure requirements for the initial licensure and relicensure of emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic; 19 CSR 30-40.342; 4/15/16

child care program

19 CSR 30-61.175; 12/15/15, 3/15/16

19 CSR 30-62.182; 12/15/15, 3/15/16

furniture, equipment, and materials

19 CSR 30-61.095; 12/15/15, 3/15/16

19 CSR 30-62.092; 12/15/15, 3/15/16

personnel; 19 CSR 30-62.102; 12/15/15, 3/15/16

physical requirements of group day care homes and day care centers; 19 CSR 30-62.082; 12/15/15, 3/15/16

physical requirements of the family day care home; 19 CSR 30-61.085; 12/15/15, 3/15/16

the day care provider and other day care personnel; 19 CSR 30-61.105; 12/15/15, 3/15/16

senior and disability services, division of

personal care attendant wage range; 19 CSR 15-8.410; 2/2/15

HIGHER EDUCATION, DEPARTMENT OF

A+ scholarship program; 6 CSR 10-2.190; 3/15/16

rules for certification of proprietary schools; 6 CSR 10-5.010; 3/15/16

HIGHWAYS AND TRANSPORTATION COMMISSION, MISSOURI

skill performance evaluation certificates for commercial drivers;

7 CSR 10-25.010; 3/1/16, 3/15/16, 4/1/16, 4/15/16,

5/16/16

INSURANCE

applied behavior analysis maximum benefit; 20 CSR; 3/1/16

construction claims binding arbitration cap; 20 CSR; 1/4/16

continuing education; 20 CSR 700-3.200; 4/1/16

insurance holding company system regulation with reporting forms and instructions; 20 CSR 200-11.101; 1/4/16, 4/15/16

Missouri life and health insurance guaranty association; 20 CSR 400-5.600; 3/1/16

non-economic damages in medical malpractice cap; 20 CSR; 2/16/16

sovereign immunity limits; 20 CSR; 1/4/16

state legal expense fund; 20 CSR; 1/4/16

INTERIOR DESIGN COUNCIL

fees; 20 CSR 2193-4.010; 1/4/16, 4/15/16

LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF

division of labor standards

prevailing wage rates for public works projects; 8 CSR 30-3.010; 12/15/15, 3/15/16

LIBRARY, STATE

state and federal grants-definitions; 15 CSR 30-200.010; 12/15/15, 3/15/16

MEDICAID AUDIT AND COMPLIANCE, MISSOURI

provider enrollment and application; 13 CSR 65-2.020; 7/1/15, 10/15/15

MENTAL HEALTH, DEPARTMENT OF

definitions; 9 CSR 10-7.140; 4/15/16

family support loans; 9 CSR 45-4.040; 4/15/16

family support stipends; 9 CSR 45-4.030; 4/15/16

individualized supported living services-definitions; 9 CSR 45-3.020; 1/15/16, 5/2/16

Missouri alliance for individuals with developmental disabilities; 9 CSR 45-5.040; 1/15/16, 5/2/16

recovery support programs; 9 CSR 30-3.310; 5/16/16

screening and assessment for behavioral changes; 9 CSR 10-5.250; 1/15/16, 5/2/16

MISSOURI CONSOLIDATED HEALTH CARE PLAN

public entity membership

coordination of benefits; 22 CSR 10-3.070; 12/1/15, 4/1/16

definitions; 22 CSR 10-3.010; 12/1/15, 4/1/16

disease management services provisions and limitations; 22 CSR 10-3.150; 12/1/15, 4/1/16

general membership provisions; 22 CSR 10-3.020; 12/1/15, 4/1/16

health savings account plan benefits provisions and covered charges; 22 CSR 10-3.055; 12/1/15, 4/1/16

medical plan benefit provisions and covered charges; 22 CSR 10-3.057; 12/1/15, 4/1/16

pharmacy benefit summary; 22 CSR 10-3.090; 12/1/15, 4/1/16

pharmacy lock-in program; 22 CSR 10-3.160; 12/1/15, 4/1/16

plan utilization review policy; 22 CSR 10-3.045; 12/1/15, 4/1/16

PPO 1000 plan benefit provisions and covered charges; 22 CSR 10-3.053; 12/1/15, 4/1/16

PPO 600 plan benefit provisions and covered charges; 22 CSR 10-3.056; 12/1/15, 4/1/16

PPO 600 plan, PPO 1000 plan, and health savings account plan limitations; 22 CSR 10-3.060; 12/1/15, 4/1/16

review and appeals procedure; 22 CSR 10-3.075; 12/1/15, 4/1/16

state membership

contributions; 22 CSR 10-2.030; 12/1/15, 4/1/16

coordination of benefits; 22 CSR 10-2.070; 12/1/15, 4/1/16

definitions; 22 CSR 10-2.010; 12/1/15, 4/1/16

disease management services provisions and limitations; 22 CSR 10-2.150; 12/1/15, 4/1/16

general foster parent membership provisions; 22 CSR 10-2.110; 12/1/15, 4/1/16

general membership provisions; 22 CSR 10-2.020; 12/1/15, 4/1/16

health savings account plan benefit provisions and covered charges; 22 CSR 10-2.053; 12/1/15, 4/1/16

medical plan benefit provisions and covered charges; 22 CSR 10-2.055; 12/1/15, 4/1/16

pharmacy benefit summary; 22 CSR 10-2.090; 12/1/15, 4/1/16

pharmacy employer group waiver plan for medicare primary members; 22 CSR 10-2.089; 12/1/15, 4/1/16

pharmacy lock-in program; 22 CSR 10-2.160; 12/1/15, 4/1/16

plan utilization review policy; 22 CSR 10-2.045; 12/1/15, 4/1/16

PPO 600 plan benefit provisions and covered charges; 22 CSR 10-2.052; 12/1/15, 4/1/16

PPO 300 plan benefit provisions and covered charges; 22 CSR 10-2.051; 12/1/15, 4/1/16

PPO 300 plan, PPO 600 plan, and health savings account plan limitations; 22 CSR 10-2.060; 12/1/15, 4/1/16

review and appeals procedure; 22 CSR 10-2.075; 12/1/15, 4/1/16

strive for wellness® health center provisions, charges, and services; 22 CSR 10-2.140; 12/1/15, 4/1/16

MO HEALTHNET

applied behavior analysis services; 13 CSR 70-98.030; 1/15/16

dental benefits and limitations, MO healthnet program; 13 CSR 70-35.010; 5/2/16

disproportionate share hospital payments; 13 CSR 70-15.220; 3/1/16

global per diem adjustments to nursing facility and HIV nursing facility reimbursement rates; 13 CSR 70-10.016; 12/15/15, 4/15/16, 5/16/16

procedures for admission certification, continued stay review and validation review of hospital admissions; 13 CSR 70-15.020; 11/16/15, 3/15/16

prospective reimbursement plan for nursing facility services; 13 CSR 70-10.015; 11/16/15, 3/15/16

sanctions for false or fraudulent claims for MO HealthNet services; 13 CSR 70-3.030; 11/16/15, 3/15/16

PEACE OFFICER STANDARDS AND TRAINING PROGRAM

continuing education requirement; 11 CSR 75-15.010; 1/15/16, 4/15/16

in-service continuing education training; 11 CSR 75-15.060; 1/15/16, 4/15/16

minimum requirements for basic training centers; 11 CSR 75-14.020; 1/15/16, 4/15/16

minimum standards for continuing education training; 11 CSR 75-15.020; 1/15/16, 4/15/16

out-of-state, federal, and organization continuing education; 11 CSR 75-15.050; 1/15/16, 4/15/16

procedure to obtain a continuing education provider license; 11 CSR 75-15.030; 1/15/16, 4/15/16

procedure to obtain approval for an individual CLEE course; 11 CSR 75-15.040; 1/15/16, 4/15/16

standard basic training curricula and objectives; 11 CSR 75-14.030; 1/15/16, 4/15/16

PHARMACY, STATE BOARD OF

general fees; 20 CSR 2220-4.010; 8/17/15, 12/15/15, 4/1/16

pharmacy permits; 20 CSR 2220-2.020; 3/1/16

PODIATRIC MEDICINE, STATE BOARD OF

fees; 20 CSR 2230-2.070; 12/15/15

PROPANE GAS COMMISSION, MISSOURI

liquefied petroleum gases

fiscal year July 1, 2015–June 30, 2016 budget plan; 2 CSR 90; 8/17/15

PUBLIC SAFETY, DEPARTMENT OF

payments for child physical abuse forensic examinations; 11 CSR 30-12.020; 12/1/15, 3/15/16

PUBLIC SERVICE COMMISSION

billing and payment standards; 4 CSR 240-13.020; 3/1/16

filing requirements for electric utility applications for certificates of convenience and necessity; 4 CSR 240-3.105; 3/1/16

RESPIRATORY CARE, MISSOURI BOARD FOR

fees; 20 CSR 2255-1.040; 12/1/15, 3/15/16, 5/2/16

TATTOOING, BODY PIERCING AND BRANDING

military training to meet requirements for licensure; 20 CSR 2267-2.032; 5/2/16

renewal of license or registration for military members; 20 CSR 2267-2.033; 5/2/16

TAX

revenue

annual adjusted rate of interest; 12 CSR 10-41.010; 12/1/15, 3/15/16

state tax commission

agricultural land productive values; 12 CSR 30-4.010; 2/1/16

VETERINARY MEDICAL BOARD, MISSOURI

faculty licensure; 20 CSR 2270-2.052; 1/15/16, 5/2/16

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