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**Rules of**  
**Department of Mental Health**  
**Division 25—Fiscal Management**  
**Chapter 2—Purchase of Service Contracting**

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**Title 9—DEPARTMENT OF  
MENTAL HEALTH  
Division 25—Fiscal Management  
Chapter 2—Purchase of Service  
Contracting**

**9 CSR 25-2.005 Definitions**

*PURPOSE:* This rule defers to state statute for the definition of terms used in this chapter.

(1) Definitions for terms for this chapter can be found in section 630.005, RSMo.

*AUTHORITY:* sections 34.100, 630.050, and 630.405, RSMo 2016.\* Original rule filed Oct. 16, 1986, effective July 13, 1987. Emergency amendment filed May 15, 1990, effective May 25, 1990, expired Sept. 21, 1990. Amended: Filed Aug. 1, 1990, effective Dec. 31, 1990. Emergency amendment filed July 7, 1992, effective July 17, 1992, expired Nov. 13, 1992. Amended: Filed July 7, 1992, effective Feb. 26, 1993. Amended: Filed June 30, 2003, effective Dec. 30, 2003. Amended: Filed Feb. 23, 2018, effective Sept. 30, 2018.

\*Original authority: 34.100, RSMo 1945, amended 1983, 1995; 630.050, RSMo 1980, amended 1993, 1995, 2008; and 630.405, RSMo 1980, amended 1993, 1995, 2001, 2011.

**9 CSR 25-2.105 Purchasing Services for Individuals Served by the Department**

*PURPOSE:* This rule prescribes the procurement process for purchasing services for individuals being served by the department. As set out in sections 34.100 and 630.405, RSMo, the commissioner of administration shall have the power to delegate his/her authority to the department to purchase services for individuals it serves. The delegation of authority requires the department to comply with the basic intent of public procurement procedures to purchase the services.

(1) As set out in sections 34.100 and 630.405, RSMo, the commissioner of administration has delegated his/her authority to the department to purchase services from providers directly rather than through the Division of Purchasing of the Office of Administration. The commissioner delegates the authority by letter to the department director on an annual or triennial basis.

(2) The director may designate administrative entities for the purchase of services for individuals served by the Division of Behavioral Health and the Division of

Developmental Disabilities as defined in section 630.407, RSMo.

(3) As set out in section 630.407, RSMo, the department may contract directly with administrative entities without competitive bids.

*AUTHORITY:* sections 34.100, 630.050, and 630.405, RSMo 2016.\* Original rule filed Oct. 16, 1986, effective July 13, 1987. Emergency amendment filed May 15, 1990, effective May 25, 1990, expired Sept. 21, 1990. Amended: Filed Aug. 1, 1990, effective Dec. 31, 1990. Emergency amendment filed July 7, 1992, effective July 17, 1992, expired Nov. 13, 1992. Amended: Filed July 7, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 31, 2000, effective May 30, 2001. Amended: Filed July 1, 2003, effective Dec. 30, 2003. Amended: Filed Feb. 23, 2018, effective Sept. 30, 2018.

\*Original authority: 34.100, RSMo 1945, amended 1983, 1995; 630.050, RSMo 1980, amended 1993, 1995, 2008; and 630.405, RSMo 1980, amended 1993, 1995, 2001, 2011.

**9 CSR 25-2.205 Request for Proposal Development**  
(Rescinded December 30, 2003)

*AUTHORITY:* sections 34.100, 630.050 and 630.405, RSMo 1986. Original rule filed Oct. 16, 1986, effective July 13, 1987. Emergency amendment filed July 7, 1992, effective July 17, 1992, expired Nov. 13, 1992. Amended: Filed July 7, 1992, effective Feb. 26, 1993. Rescinded: Filed June 30, 2003, effective Dec. 30, 2003.

**9 CSR 25-2.305 Invitation for Bid Solicitation Procedures**

*PURPOSE:* This rule prescribes department procedures for soliciting bidders in response to an invitation for bid for services which require a competitive bid.

(1) The department complies with Office of Administration, Division of Purchasing rules, regulations, and requirements related to the Invitation for Bid (IFB) process as set out in Chapter 34, RSMo, 1 CSR 40, the state procurement manual, and Division of Purchasing policies and procedures.

*AUTHORITY:* sections 34.100, 630.050, and 630.405, RSMo 2016.\* Original rule filed Oct. 16, 1986, effective July 13, 1987. Emergency amendment filed July 7, 1992, effective July 17, 1992, expired Nov. 13, 1992.

Amended: Filed July 7, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 31, 2000, effective May 30, 2001. Amended: Filed June 30, 2003, effective Dec. 30, 2003. Amended: Filed Feb. 23, 2018, effective Sept. 30, 2018.

\*Original authority: 34.100, RSMo 1945, amended 1983, 1995; 630.050, RSMo 1980, amended 1993, 1995, 2008; and 630.405, RSMo 1980, amended 1993, 1995, 2001, 2011.

**9 CSR 25-2.405 Invitation for Bid Evaluation and Award**

*PURPOSE:* This rule prescribes the evaluation and award procedures for an invitation for bid.

(1) The department complies with Office of Administration, Division of Purchasing rules and regulations and requirements related to the Invitation for Bid (IFB) evaluation and award process as set out in Chapter 34, RSMo, 1 CSR 40, the state procurement manual, and Division of Purchasing policies and procedures.

*AUTHORITY:* sections 34.100, 630.050, and 630.405, RSMo 2016.\* Original rule filed Oct. 16, 1986, effective July 13, 1987. Emergency amendment filed May 15, 1990, effective May 25, 1990, expired Sept. 21, 1990. Amended: Filed Aug. 14, 1990, effective March 14, 1991. Emergency amendment filed July 7, 1992, effective July 17, 1992, expired Nov. 13, 1992. Amended: Filed July 7, 1992, effective Feb. 26, 1993. Amended: Filed June 30, 2003, effective Dec. 30, 2003. Amended: Filed Feb. 23, 2018, effective Sept. 30, 2018.

\*Original authority: 34.100, RSMo 1945, amended 1983, 1995; 630.050, RSMo 1980, amended 1993, 1995, 2008; and 630.405, RSMo 1980, amended 1993, 1995, 2001, 2011.

**9 CSR 25-2.505 Protest and Appeal Procedures**

*PURPOSE:* This rule prescribes procedures for bidders to protest a department decision regarding the award of contract(s), as a result of a competitive Invitation for Bid process.

(1) A bid award protest must be submitted in writing to the division director, or their designee, for which the services are to be purchased (directors of the Division of Developmental Disabilities or Division of Behavioral Health). Award protests must be received by the department within ten (10) business days after the date of award. If the tenth day falls on



a Saturday, Sunday, or state holiday, the period shall extend to the next state business day. A protest submitted after the ten- (10-) business day period will not be considered.

(A) The written protest must include the following information:

1. Name, address, and phone number of the protester;
2. Signature of the protester or the protester's representative;
3. Solicitation number;
4. Detailed statement describing the grounds for the protest; and
5. Supporting exhibits, evidence, or documents to substantiate claim.

(B) A protest which does not contain the information specified in this rule may be denied solely on that basis.

(C) All protests filed in a timely manner will be reviewed by the division director or designee. The division director or designee will only issue a determination on the issues asserted in the protest.

(D) A protest that is untimely or fails to establish standing to protest will be summarily denied. In other cases, the determination will contain findings of fact, an analysis of the protest, and a conclusion that the protest will either be sustained or denied. If the protest is sustained, remedies include canceling the award. If the protest is denied, no further action will be taken by the department.

*AUTHORITY: sections 34.100, 630.050, and 630.405, RSMo 2016.\* Original rule filed Oct. 16, 1986, effective July 13, 1987. Emergency amendment filed May 15, 1990, effective May 25, 1990, expired Sept. 21, 1990. Amended: Filed Aug. 14, 1990, effective March 14, 1991. Amended: Filed Dec. 12, 2001, effective June 30, 2002. Amended: Filed Feb. 23, 2018, effective Sept. 30, 2018.*

*\*Original authority: 34.100, RSMo 1945, amended 1983, 1995; 630.050, RSMo 1980, amended 1993, 1995, 2008; and 630.405, RSMo 1980, amended 1993, 1995, 2001, 2011.*