
Rules of
Department of Transportation
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating
to Determine Responsibility

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**Title 7—DEPARTMENT OF
TRANSPORTATION**
**Division 10—Missouri Highways and
Transportation Commission**
**Chapter 10—Contractor Performance
Rating to Determine Responsibility**

7 CSR 10-10.010 Definitions

PURPOSE: This rule contains the definitions of terms used in this chapter.

- (1) Active project. Any contract of which final acceptance has not been made.
- (2) Affiliate. Persons are affiliates of each other if, directly or indirectly, either one controls or has the power to control the other; or a third person controls or has the power to control both. Indicia of control include, but are not limited to: interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the suspension, debarment, or disqualification of a person which has the same or similar management, ownership or principal employees as the suspended, debarred, or disqualified person.
- (3) Bidder. Any individual, partnership, corporation or joint venture submitting a bid to supply goods or to perform the work contemplated.
- (4) Chief engineer. The chief engineer of the Missouri Department of Transportation.
- (5) Commission. The Missouri Highways and Transportation Commission.
- (6) Construction and materials. The functional unit within the department which is responsible for administering all construction contracts awarded by the commission.
- (7) Contractor. Any individual or any legal entity including its officers and directors, that submits bids or proposals for or is awarded or may reasonably be expected to submit bids or proposals for or be awarded a commission contract. This definition includes any subcontractor that conducts business with the commission or department as an agent or representative of a contractor and any individual or legal entity that conducts business with the department as an agent or representative of a contractor.
- (8) Contractor performance review committee consists of the following: director of operations, chairperson; director of project development; state design engineer; state construction and materials engineer; state bridge engineer; or an authorized representative acting on behalf of any one of them.
- (9) Contractor representative. A general partner, officer of a corporation or other proper term depending on the company or organization, as one having authority of position, stated in writing.
- (10) Department. The Missouri Department of Transportation (MoDOT).
- (11) District. One (1) of ten (10) geographic regions of Missouri established for administrative purposes within the department.
- (12) District engineer. The engineer in charge of a district.
- (13) Mean. The sum of all of the individual contractor's ratings divided by the total number of ratings.
- (14) Nonresponsible contractor. A contractor determined by the commission to lack one (1) or more of the qualities associated with a responsible bidder or responsible contractor.
- (15) Notice of rating. Notice of the rating by the resident engineer in a contractor performance questionnaire or of the annual rating shall be sent by mailing a copy of the contractor performance questionnaire or of a writing containing the annual rating to the contractor at the contractor's address contained in its most recent contractor questionnaire required by the Missouri Standard Specifications for Highway Construction. The department will keep a written record of the persons to whom such notices of ratings were sent and of the address and date they were sent for a period of at least ten (10) years in the case of the contractor performance questionnaire and at least ten (10) years in the case of the notice of the annual rating, which record shall prove the mailing of the notice of rating. Further, it shall be presumed that a notice of rating sent by mail was received by the contractor on the second day, which is not a Sunday or holiday, after the day the written record states it was sent excepting only if a different date is shown by a delivery receipt of the United States Postal Service.
- (16) Person. Any individual, corporation, partnership, association, unit of government or legal entity, however organized.
- (17) Principal. Officer, director, owner, partner, key employee, or other person within an organization with primary management or supervisory responsibilities; or a person who has critical influence on or substantive control over a transaction, whether or not employed by the participant.
- (18) Resident engineer. The individual employed by the department and assigned to a district, holding that title, who is the department's representative assigned the immediate control and administration of a commission project awarded by contract to a contractor for construction. Whenever appropriate, it also refers to his/her designated representative.
- (19) Responsible bidder or responsible contractor. A person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.
- (20) Sample. A statistical subset of the total number of contractors doing work for MoDOT during the rated year.
- (21) Specialty contractors. Those contractors who have performed eighty-five percent (85%) or more of their work in one specification area as set forth in Divisions 200–900 in the Missouri Standard Specifications for Highway Construction.
- (22) Standard deviation. The square root of the average of the squared difference between the individual ratings and their mean.
- (23) State construction and materials engineer. The registered professional engineer in charge of construction and materials administration within the department.
- (24) Subcontractor. Any individual, partnership, corporation or a person or firm participating as part of a joint venture, to whom the contractor sublets any part of the work under a commission contract.
- (25) Successor. A person, firm or corporation is a successor to another if it is a business entity organized following the disqualification of the other, and it has the same or similar management, ownership or principal employees as the disqualified person, firm or corporation.
- (26) Weighted average. The weighted average is the sum of a sample lot's adjusted individual ratings. The adjustment factor is (\$ volume of sample)/(\$ volume of sample lot total).



AUTHORITY: sections 226.020, 226.130 and 227.030, RSMo 2000 and 227.100, RSMo Supp. 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency amendment filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Amended: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expired May 16, 2000. Amended: Filed Nov. 9, 1999, effective May 30, 2000. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002, effective June 30, 2003.*

**Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; 227.030, RSMo 1939; and 227.100, RSMo 1939, amended 1963, 1967, 1969, 2002.*

7 CSR 10-10.020 Explanation of Contractor Performance Rating System

PURPOSE: This rule explains the need for the contractor rating system established in this chapter and states the general objectives of the system.

(1) The commission has the obligation to award its contracts to only responsible bidders. The commission also has the duty to supervise and control the construction and maintenance of its state highway system. Inherent in these concepts, and in the commission's general obligation to the traveling public of this state, is that the commission must regulate those who construct the finished highway product. The commission does not prequalify persons or firms as responsible bidders and contractors. Therefore, it requires a system for evaluating the performance of those contractors working on commission projects.

(2) This contractor rating system is intended to help the commission periodically determine those contractors who are responsible or are nonresponsible and those responsible contractors whose outstanding or superior performance merits recognition by the commission. In the process, the rating system is intended to provide the contractors with evaluations of their work and information they can use to improve their performance and product on future commission projects.

(3) These regulations also set forth the procedures governing how contractors who render unsatisfactory performance may be determined nonresponsible and ineligible to bid for work on commission projects and how

nonresponsible contractors may be reinstated as responsible bidders or responsible contractors.

AUTHORITY: sections 226.020, 227.030 and 227.100, RSMo 1986 and 226.130, RSMo Supp. 1993. Original rule filed Dec. 31, 1990, effective July 8, 1991.*

**Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993; 227.030, RSMo 1939; and 227.100, RSMo 1939, amended 1963, 1967, 1969.*

7 CSR 10-10.030 Rating Categories for Evaluating the Performance of a Contractor

PURPOSE: This rule sets forth the rating criteria used in evaluating the performance of contractors awarded commission projects.

(1) Contractors awarded commission projects shall be rated on the following four (4) categories:

(A) Quality of work includes, but is not limited to, construction methods, materials, structural adequacy, appearance, workmanship, attention to detail and acceptable work;

(B) Contract compliance includes, but is not limited to, timely compliance, compliance with traffic control, handling of traffic, maintenance of the work site and adherence to environmental requirements;

(C) Prosecution and progress includes, but is not limited to, proper planning and execution, achieving the progress schedule, coordinating subcontractors and timely completion; and

(D) Contract administration includes, but is not limited to, submittal of required documents.

(2) Each question will be assigned to a category and will be assigned a point value for comparison purposes. Questions will be completed according to the guidelines shown on the questionnaire. Not all questions will be applicable and will, therefore, not be completed.

(3) A contractor's individual category ratings in the category of "Quality" and "Contract Compliance" will be determined by comparing the total number of points awarded to the total number of points possible for each question completed, based on the weighted average of the total dollar value of work completed during the rated period and pertaining to applicable sections of the questionnaire. A contractor's individual category ratings, in the category of "Prosecution & Progress" and "Contract Administration" will be deter-

mined by comparing the total number of points awarded to the total number of points possible for each question completed, based on the weighted average of the contract dollar value.

(4) For overall rating purposes, the categories are assigned importance factors as follows: quality of work, thirty percent (30%); contract compliance, twenty percent (20%); prosecution and progress, thirty percent (30%); and contract administration, twenty percent (20%).

AUTHORITY: sections 226.020, 226.130 and 227.030, RSMo 2000 and 227.100, RSMo Supp. 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency amendment filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Amended: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002, effective June 30, 2003.*

**Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; 227.030, RSMo 1939; and 227.100, RSMo 1939, amended 1963, 1967, 1969, 2002.*

7 CSR 10-10.040 Contractor Performance Questionnaire Used in Evaluating Contractor Performance

PURPOSE: This rule describes generally the form used in rating and reporting a contractor's performance on a contract, according to the provisions of this chapter.

(1) The form used to evaluate contractor performance on a commission contract is known as the Contractor Performance Questionnaire. The Contractor Performance Questionnaire identifies the contractor, the project(s) to which it applies, the original and final contract amounts and other pertinent project data.

(2) One (1) form is intended to rate all projects together which were awarded in a combination bid contract. The Contractor Performance Questionnaire shall designate all project(s) listed in the contract on these combinations.

(3) The Contractor Performance Questionnaire contains questions that are assigned to the four (4) evaluation categories: quality of work; prosecution and progress; contract compliance; and contract administration. Not all questions will be applicable on any certain project and will, therefore, not be completed.

(4) The Contractor Performance Questionnaire shall rate a contractor on the work required in the whole contract and shall take into consideration the contractor's progress and work product, as well as those of all the subcontractors. The contractor is responsible for all work required in the contract, as well as the selection of subcontractors and the quality of their work.

(5) A copy of the Contractor Performance Questionnaire may be obtained by submitting a written request to the following address: Missouri Department of Transportation, Construction and Materials, PO Box 270, Jefferson City, MO 65102.

AUTHORITY: sections 226.020, 226.130 and 227.030, RSMo 2000 and 227.100, RSMo Supp. 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expired May 16, 2000. Amended: Filed Nov. 9, 1999, effective May 30, 2000. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002, effective June 30, 2003.*

**Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; 227.030, RSMo 1939; and 227.100, RSMo 1939, amended 1963, 1967, 1969, 2002.*

7 CSR 10-10.050 Procedure and Schedule for Completing the Contractor Performance Questionnaire

PURPOSE: This rule describes the procedures and schedule which apply to the completion of the Contractor Performance Questionnaire.

(1) The Contractor Performance Questionnaire shall be completed by the resident engineer assigned to the contract project(s). If the resident engineer is unable to complete the form, the district engineer responsible for those projects shall designate another person familiar with those projects to complete the Contractor Performance Questionnaire.

(2) The Contractor Performance Questionnaire shall be completed in accordance with this chapter and with written instructions given the resident engineer by the Construction and Materials unit. A copy of the current

instructions may be obtained from the state construction and materials engineer.

(3) Each Contractor Performance Report shall be completed as an Interim Report, Annual Report, or Final Report. The report shall note which type of report it is. The following criteria govern each type of report and when it is completed:

(A) Interim Report. This midseason report is completed on all contractors currently on probation or which have been disqualified when approximately fifty percent (50%) of the work on the project for the year is completed or by September 1, whichever comes first. An Interim Report may also be completed at any time, at the discretion of the engineer, for any contractor when there is a serious concern regarding contractor performance on the project. This report is for informational purposes only.

(B) Annual Report. This report is completed on all active projects. Each Annual Report shall be completed on all projects that were active during the rated year and shall be completed no later than January 15.

(C) Final Report. This report is completed on all projects having received final acceptance during the rated year. The Final Contractor Performance Reports will be completed within thirty (30) days after final project acceptance, but shall be completed no later than January 15, whichever comes first. Prior reports on the same contract shall not bind or govern the completion of a final report.

(4) The resident engineer shall sign and date the Contractor Performance Questionnaire when he/she completes his/her rating. The contractor's representative, at his/her election, may meet privately with the resident engineer to review the questionnaire. If the contractor's representative does review the questionnaire, he/she shall sign and date it as an acknowledgment that he/she has reviewed it. A copy of the questionnaire shall be furnished to the contractor by the resident engineer. If the contractor's representative does not return a signed questionnaire to the resident engineer within two (2) weeks after it has been mailed to him/her, the questionnaire shall be final, with no further comment to be considered by the contractor's representative.

AUTHORITY: sections 226.020, 226.130 and 227.030, RSMo 2000 and 227.100, RSMo Supp. 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency*

amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expired May 16, 2000. Amended: Filed Nov. 9, 1999, effective May 30, 2000. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002, effective June 30, 2003.

**Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; 227.030, RSMo 1939; and 227.100, RSMo 1939, amended 1963, 1967, 1969, 2002.*

7 CSR 10-10.060 Explanation of Standard Deviation Rating System for All Contractors

PURPOSE: This rule describes the procedures and rating values used in annual ratings of contractors.

(1) Statistical Analysis. Statistical analysis shall be used by the commission to compare performance by the contractors. Through standard deviation analysis, the commission shall determine how contractors relate to each other.

(2) Rating Categories. The following categories shall be used by the commission in determining the annual rating of each contractor based on the Contractor Performance Questionnaire and on the statistical analysis used by the commission: average, above average, below average, outstanding and unacceptable:

(A) Average Rating. An average rating shall result if the contractor's rating is within the range of the mean plus or minus one (1) standard deviation;

(B) Above Average Rating. An above average rating shall result if the contractor's rating is equal to or greater than the mean plus one (1) standard deviation but less than the mean plus two (2) standard deviations;

(C) Outstanding Rating. An outstanding rating shall result if the contractor's rating is equal to or greater than the mean plus two (2) standard deviations;

(D) Below Average Rating. A below average rating shall result if the contractor's rating is equal to or less than the mean minus one (1) standard deviation but greater than the mean minus two (2) standard deviations; and

(E) Unacceptable Rating. An unacceptable rating shall result if the contractor's rating is equal to or less than the mean minus two (2) standard deviations.



(3) Overall and Category Ratings. On an annual basis, each contractor who has done work for the commission and which the commission has completed a Contractor Performance Questionnaire, shall be given a rating for each of the four (4) categories: quality of work, prosecution and progress, contract compliance, and contract administration as well as receiving an overall rating which combines the ratings of all of the four (4) categories.

AUTHORITY: sections 226.020, 226.130 and 227.030, RSMo 2000, and 227.100, RSMo Supp. 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Amended: Filed April 13, 1994, effective Oct. 30, 1994. Amended: Filed June 12, 1996, effective Jan. 30, 1997. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002, effective June 30, 2003.*

**Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; 227.030, RSMo 1939; 227.100, RSMo 1939, amended 1963, 1967, 1969, 2002.*

7 CSR 10-10.070 Procedure for Annual Rating of Contractors

PURPOSE: This rule describes the procedures used in annual rating of contractors.

(1) Annual Rating of Contractors. The construction and materials unit shall be responsible for the determination of the annual ratings of contractors. The construction and materials unit will annually determine a contractor's overall and category performance rating for all contracts on all active projects. The ratings for the categories Quality, Contract Compliance, and Contract Administration will be based on a weighted average of the dollar value of all work completed during the rated year on all contracts. The categories, Prosecution and Progress and Contract Administration, shall use contract dollar totals for determining the contractor's performance rating.

(2) Contractor Rating Groups. For purposes of recognizing outstanding contractor performance, contractors shall be divided into four (4) sample groups based upon whether the contractor is a specialty contractor and on the dollar value of the work completed during the rated year.

(A) Contractor Groups. Group one contractors shall be the ten (10) contractors who have the largest dollar value of work completed during the rated year. Contractors not included in group one or the specialty contractor group shall be divided in half as group two, medium volume, contractors and group three, light volume, contractors.

(B) Determination of Contractor Ratings. The construction and materials unit shall determine contractor ratings and make action recommendations to the chief engineer.

(3) Upon the chief engineer's review and approval, all contractors shall be notified in writing of their annual ratings. The construction and materials unit will act on each contractor or not, based on the overall and category ratings the contractor receives. These actions may range from recognizing very outstanding performance, to recommending that a contractor be declared nonresponsible. Probation or disqualification shall become effective upon the date stated in the written notification.

(4) Review Process. If the contractor disagrees with any particular response on the questionnaire and cannot resolve the dispute with the resident engineer, it may request in writing that the district engineer review the matter. Such request must be made to the district engineer within twenty-eight (28) days from the date of the mailing of the questionnaire form to the contractor. However, the contractor's representative shall first have discussed the questionnaire response with the resident engineer in order to resolve the dispute. Upon receiving the contractor's written request to review the particular area of discrepancy on the questionnaire, the district engineer shall review the matter and provide the contractor with a written response regarding the particular area of dispute between the contractor and the resident engineer. All reports shall be submitted to the construction and materials unit before, but no later than, February 15.

(A) "Unacceptable" Rating. No request for review to the committee or to the department regarding the contractors' performance ratings is permitted or is provided under this chapter, with the exception of contractors who receive an unacceptable performance rating.

1. The contractor must have received either an unacceptable category or overall performance rating and timely discussed the dispute with the resident engineer and made a timely written request for review by the district engineer of the particular rating on the questionnaire that the contractor disagrees with as provided in this chapter.

2. If the contractor has complied with the requirements of paragraph (4)(A)1. above, the contractor shall have ten (10) working days to request an informal hearing to review an unacceptable performance rating.

3. The contractor shall submit its request for an informal hearing to the following address: Missouri Department of Transportation, Construction and Materials, PO Box 270, Jefferson City, MO 65102.

(B) Procedure. If the contractor timely requests an informal hearing, the review committee shall advise the contractor of the time, date and place. This is not a contested case under Chapter 536, RSMo. The rules of evidence shall not apply at the hearing.

(C) Review by the Contractor Performance Review Committee. The contractor performance review committee will review the contractor's request and make a recommendation to the chief engineer. The chief engineer's decision regarding the contractor's rating, review of which is held as provided by this section, shall be final and no further commission action is necessary.

(5) No Further Commission Action. As to contractor performance ratings of which no review is requested or permitted under this rule, upon the determination by the construction and materials unit regarding the annual ratings of all contractors and the approval of the chief engineer of the annual ratings, the ratings of the contractors shall become final for purposes of this chapter and the effect of this chapter on a level of performance on the contractor's status to bid or perform work as a subcontractor or vendor on commission contracts. No commission action is necessary regarding the annual ratings of the contractors.

AUTHORITY: sections 226.020, 226.130 and 227.030, RSMo 2000 and 227.100, RSMo Supp. 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expired May 16, 2000. Amended: Filed Nov. 9, 1999, effective May 30, 2000. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002, effective June 30, 2003.*

**Original authority: 226.020, RSMo 1939; 227.030, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; 227.100, RSMo 1939, amended 1963, 1967, 1969, 2002.*

7 CSR 10-10.080 Determination of Nonresponsibility

PURPOSE: This rule describes the effect and consequences that a commission determination of nonresponsibility has upon the person or contractor which has been disqualified under the provisions of this chapter.

(1) Unacceptable Category or Overall Rating. A contractor who receives an initial unacceptable rating shall be placed on probation. Any contractor who is on probation and receives a second unacceptable rating shall be declared nonresponsible and shall be disqualified from bidding and, may be declared disqualified from performing work as a subcontractor or vendor, for a period of one (1) year. At the conclusion of this disqualification period, the contractor shall be reinstated on a probationary basis and be allowed to bid on commission projects. Any contractor who is currently disqualified for unacceptable performance and receives a subsequent unacceptable rating shall be declared nonresponsible and disqualified from bidding on commission projects and, may be declared disqualified from performing work as a subcontractor or vendor, for a period of three (3) years. After the three (3) year disqualification period has ended, the contractor may be reinstated on a probationary basis. Any deficiency status shall remain in effect until the contractor obtains an annual average category rating in all categories.

(2) Affiliates of the Contractor. Any probation or disqualification of the contractor shall be equally applicable to all affiliates of the contractor.

AUTHORITY: sections 226.020, 226.130 and 227.030, RSMo 2000 and 227.100, RSMo Supp. 2002.* Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002, effective June 30, 2003.

*Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; 227.030, RSMo 1939; 227.100, RSMo 1939, amended 1963, 1967, 1969, 2002.

7 CSR 10-10.090 Reservation of Rights to Recommend or Declare Persons or Contractors Nonresponsible on Other Grounds

PURPOSE: This rule reserves to the department the right to recommend disqualification of, and to the commission the right to disqualify persons, firms or contractors for reasons other than those set forth in this chapter.

(1) Nothing in this chapter shall be construed to waive, limit or restrict the right of the department to determine that a contractor be declared nonresponsible, if any individual rating on one (1) or more of the four (4) rating categories specified in 7 CSR 10-10.030 is so low that there is cause to believe that the contractor cannot responsibly or competently perform contract work generally, or of a particular type or description. The department reserves the right to declare disqualified any contractor which it finds to be incompetent or nonresponsible, with such terms and conditions governing the disqualification as it deems appropriate.

(2) Nothing in this chapter shall be construed to waive, limit or restrict the right of the department or of the commission to determine that a person, firm, corporation or contractor be disqualified for any other legal reason, circumstance, or for financial irresponsibility that would support a finding that the person, firm, corporation, or contractor was nonresponsible. The commission reserves the right to declare nonresponsible any person, firm, corporation or contractor which it finds to be nonresponsible or ineligible upon sufficient legal grounds, with those terms and conditions governing that action as it deems appropriate.

AUTHORITY: sections 226.020, 226.130 and 227.030, RSMo 2000 and 227.100, RSMo Supp. 2002.* Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002, effective June 30, 2003.

*Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; 227.030, RSMo 1939; 227.100, RSMo 1939, amended 1963, 1967, 1969, 2002.

7 CSR 10-10.100 Procedure for Reinstatement of a Person or Contractor Previously Declared Nonresponsible
(Rescinded May 30, 1998)

AUTHORITY: sections 226.020, 227.030 and 227.100, RSMo 1986 and 226.130, RSMo Supp. 1993. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded: Filed Nov. 20, 1997, effective May 30, 1998.

7 CSR 10-10.110 Effect of Reinstatement of a Person or Contractor Previously Declared Nonresponsible
(Rescinded May 30, 1998)

AUTHORITY: sections 226.020, 227.030 and 227.100, RSMo 1986 and 226.130, RSMo Supp. 1993. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded: Filed Nov. 20, 1997, effective May 30, 1998.

7 CSR 10-10.120 Reservation of Rights to Recommend or Declare Persons or Contractors Nonresponsible on Other Grounds
(Rescinded May 30, 1998)

AUTHORITY: sections 226.020, 227.030 and 227.100, RSMo 1986 and 226.130, RSMo Supp. 1993. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded: Filed Nov. 20, 1997, effective May 30, 1998.

7 CSR 10-10.130 Addresses for Written Notification or Appeal
(Rescinded May 30, 1998)

AUTHORITY: sections 226.020, 227.030 and 227.100, RSMo 1986 and 226.130, RSMo Supp. 1993. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded: Filed Nov. 20, 1997, effective May 30, 1998.