

**Title 7--DEPARTMENT OF TRANSPORTATION
Division 10--Missouri Highways and Transportation Commission
Chapter 18--Contractor Disqualification for Misconduct**

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SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

7 CSR 10-18.070 Period of Disqualification. The Missouri Highways and Transportation Commission is amending sections (2) and (3)(B).

COPY

PURPOSE: This proposed amendment clarifies that a declaration to extend a disqualification period is appealable to the review board.

(2) Extension of Period of Disqualification. The chief engineer may extend an existing disqualification for an additional period if the chief engineer determines that an extension is necessary to protect the public interest. The chief engineer shall determine whether an extended period of disqualification is warranted based upon the recommendation forwarded to him/her by the appropriate division engineer or director. The contractor will be notified regarding the *[chief engineer's decision regarding any extension of the period of disqualification]* **intent to extend the disqualification period and will be afforded the opportunity to appeal in writing to the review board.** A disqualification may not be extended solely on the basis of the facts and circumstances upon which the initial disqualification action was based. The chief engineer's decision shall be final and conclusive of these issues, subject to judicial review pursuant to section 536.150, RSMo.

(3) Reversal or Reduction of Disqualification. The contractor may request the chief engineer to reverse the disqualification decision or to reduce the period or scope of disqualification. Such a request shall be submitted in writing to the chief engineer and be supported by documentation. The chief engineer may grant such a request for reasons including, but not limited to the following:

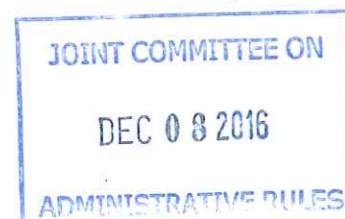
(B) Reinstatement from disbarment by the federal government or by any other state or **political subdivision**; or

*AUTHORITY: Art. IV, section 29, Mo. Const., sections 226.020, 226.150, 227.030, 227.100 and 227.210, RSMo (1994), 226.130, RSMo (Cum. Supp. 1996) and Title 49 Code of Federal Regulations part 29. * Original rule filed Dec. 12, 1996, effective June 30, 1997. Amended: Filed December 8, 2016.*

**Original authority: 226.020, RSMo (1939); 226.130, RSMo (1939), amended 1993, 1995; 226.150, RSMo (1939), amended 1977; 227.030, RSMo (1939); 227.100, RSMo (1939), amended 1963, 1967, 1969; and 227.210, RSMo (1939).*

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 (\$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 Missouri Department of Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, 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.*