

**Title 7—DEPARTMENT OF TRANSPORTATION**  
**Division 10—Missouri Highways and Transportation Commission**  
**Chapter 24—Design-Build Project Contracts**

**7 CSR 10-24.320 Communications**

*PURPOSE: This rule describes the “communications” type of information exchange.*

(1) Communications may be considered in rating proposals for the purpose of inclusion in the competitive range. Prior to determining inclusion in the competitive range, the commission may conduct communications to:

- (A) Enhance the commission’s understanding of proposals;
- (B) Allow reasonable interpretation of the proposal; or
- (C) Facilitate the commission’s evaluation process.

(2) Prior to establishing the competitive range, the commission will hold communications with proposers:

- (A) Whose past performance information is the determining factor preventing them from being placed within the competitive range and address adverse past performance information to which a proposer has not had a prior opportunity to respond; and
- (B) Whose exclusion from, or inclusion in, the competitive range is uncertain.

(3) Communications will not be used to:

- (A) Cure proposal deficiencies or material omissions;
- (B) Materially alter the technical or cost elements of the proposal; or
- (C) Otherwise revise the proposal.

(4) Communications may be used to address the following:

- (A) Ambiguities in the proposal or other concerns such as perceived deficiencies, weaknesses, errors, omissions, or mistakes; and
- (B) Information relating to relevant past performance.

*AUTHORITY: sections 226.020, RSMo 2000 and 226.030 and 227.107, RSMo Supp. 2004.\*  
Original rule filed Aug. 15, 2005, effective Feb. 28, 2006.*

*\*Original authority: 226.020, RSMo 1939; 226.030, RSMo 1939, amended 1965, 2003, 2004;  
and 227.107, RSMo 2002.*