



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

PROPOSED AMENDMENT

7 CSR 10-10.010 Definitions. The Missouri Highways and Transportation Commission is deleting sections (1), (2), (4), (6), (8), (9), (11), (12), (13), (16), (17), (18), (20), (21), (22), (23), (25), and (26), and renumbering accordingly.

PURPOSE: This amendment is to remove unused definitions.

(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 person, individual, partnership, corporation, or joint venture submitting a bid to supply goods or to perform the work contemplated under a commission contract.*

[(4) Chief engineer. The chief engineer of the Missouri Department of Transportation.]

[(5)2] Commission. The Missouri Highways and Transportation Commission.

[(6) Construction and materials. The division within the department responsible for administering all construction contracts awarded by the commission.]

[(7)3] Contractor. Any person, individual, or 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 person, individual, or legal entity that conducts business with the department as an agent or representative of a contractor.

[(8) Contractor performance review committee. The review committee consists of the following three (3) persons: the assistant chief engineer, as chair; the state construction and materials engineer; and the administrator of the contractor performance rating system, or an authorized representative acting on behalf of any one (1) of them.

(9) Contractor's 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)4] Department. The Missouri Department of Transportation (MoDOT).

[(11) District. One (1) of seven (7) geographic regions of Missouri established for administrative purposes within the department.

RECEIVED
By JCAR at 10:57 am, Feb 06, 2026

(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]5) *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 and are deemed ineligible to bid on commission contracts.*

([15]6) *Person. Any individual, corporation, partnership, association, unit of government, or legal entity, however organized.*

([16] *Population. The collection of all results of a specified group.*

(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 another person's transaction, whether or not employed by that person.*

(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]7) *Responsible bidder or responsible contractor. A person who has the capability in all respects to perform fully the contract requirements, and who possesses the integrity and reliability which will assure good faith performance.*

([20] *Sample. A subset of a statistical population.*

(21) *Specialty contractors. Those contractors who have performed eighty-five percent (85%) or more of their work in one (1) 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]8) *Subcontractor. Any person 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 is a successor if it is organized following the disqualification of another person, and it has the same or similar management, ownership, or principal employees as the disqualified person.*

(26) *Weighted average. An average of quantities adjusted by a mathematical value to allow for their relative importance in a data set. The weighted average for ratings is the sum of the products of each individual rating within a population multiplied by its corresponding dollar value, which is then divided by the sum of these corresponding dollar values alone. For example: population=1*

and 2, R1=rating for 1, R2=rating for 2; so the weighted average for the population's rating is $[(R1 \times \$ \text{ related to R1}) + (R2 \times \$ \text{ related to R2})] / [(\$ \text{ related to R1}) + (\$ \text{ related to R2})]$.

*AUTHORITY: sections 226.020, 226.130, 227.030, and 227.105, RSMo 2016. * 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. Amended: Filed Dec. 5, 2006, effective July 30, 2007. Amended: Filed Dec. 8, 2016, effective July 30, 2017. Amended: Filed February 6, 2026.*

**Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; 227.030, RSMo 1939; and 227.105, RSMo 1996.*

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 or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Jennifer L. Jorgensen, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Jennifer.Jorgensen@modot.mo.gov. 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.*