

“There she stands, proud in all her glory.”

Missouri County Record

Spring 2019



Pike County Courthouse Bowling Green, Missouri

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On the cover

Pike County

Dennis Weiser

Missouri Courthouses: Building Memories on the Square

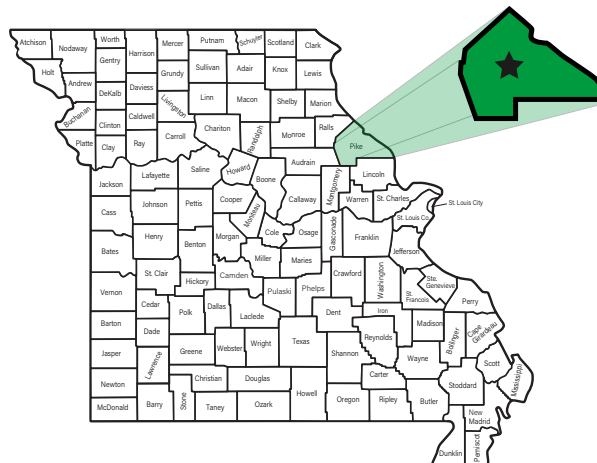
Louisiana was Pike County's first county seat. In 1819, the court met in a small building that continued to serve the county until 1824, even though the county seat had been moved to Bowling Green several years earlier.

In 1823, a hewn-log building was built to serve as a temporary courthouse. It was replaced in 1829 by a second, temporary building. In 1843, county officials decided to build the county's first permanent courthouse building. After 20 years, in 1864, that courthouse was destroyed by fire. The county's next courthouse, built

in 1865, also burned in 1915.

In 1915, the county approved a bond issue to build two courthouses – one in Bowling Green and another in Louisiana – but the election was challenged due to vague language on the ballot. In 1916, the issue was rewritten. Voters approved the Bowling Green courthouse and rejected building a second courthouse in Louisiana.

Work began in 1917 on Bowling Green's courthouse, which continues to serve as the Pike County seat of justice.



Pike County
Bowling Green



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MAC Executive Board for 2019



“ As elected county officials, we have taken an oath to serve the residents of our communities and work to address the issues that are important to them. This year, as president of MAC, I ask that you continue to voice your support and engage with our state lawmakers about the issues our counties face, especially with regard to the resolutions we adopted in November. As one, united voice, we can make a difference that will benefit our counties and the lives of our constituents. ”

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Missouri Secretary of State Jay Ashcroft speaks to MAC board members in February at the Capitol Plaza Hotel in Jefferson City.

Ashcroft outlines his legislative priorities to MAC board members

Initiative petition reform is a hot topic in the halls at the State Capitol this year. Both sides of the aisle have filed bills aimed at modifying the initiative petition process in order to put issues on the ballot. Voters would then decide on amending the state's constitution to modifying the petition process or standing pat.

It's no secret that Secretary of State Jay Ashcroft is leading that charge. Ashcroft said his office had to review more than 370 petition proposals last year, which can cost time and money – not only for his office but for local governments that have to write and review fiscal notes to address any issues that may affect the communities they serve. Ashcroft's main objective in the reform process is to ensure frivolous petitions don't waste valuable time and that petition issues that voters are to address at the ballot box are worth being put into the state's constitution.

"Beyond dealing with initiative petitions in elections, one of the most important things to do is to make sure that people have faith in our elections," Ashcroft told MAC Board members during the February board meeting in

Jefferson City. "We're trying to find a way to get rid of some of those frivolous petitions where they're never going to collect signatures in the first place, but still make sure that the people of the state have the ability to try to get initiative petitions addressed at the ballot box."

Several of the bills filed this year that deal with initiative petition reform are calling for raising filing fees, increasing or decreasing the number of signatures required to put issues on the ballot, and raising the threshold for approving amendments to two-thirds of the voters instead of by a simple majority.

Initiative petition reform became an important issue after last year due to the number of petitions that made their way on to the ballot, including raising the minimum wage, ethics reform, legalizing medical marijuana, right-to-work and reducing restrictions on bingo games in Missouri. While those are heavy-hitting issues made their rounds in the Legislature over the years, there were 143 other petitions that were approved for circulation by Ashcroft's office but didn't make it on to the ballot because they failed to collect

enough signatures.

Whichever way lawmakers decide to reform the initiative petition process this year, Ashcroft wants to make sure the process reduces the number of frivolous petitions while still protecting the right to put issues on the ballot.

"I have been talking to legislators since December of 2016 so that we can try to protect the right of people to put things on the ballot," he said. "But to also make sure that we're putting things in the constitution that ought to be in the constitution."

Another thing Ashcroft touched on during February's MAC board meeting was updating Missouri's outdated notary laws.

"For 50 years, our notary laws have been the same, where we require people to sit right next to each other when we're signing documents for transaction," Ashcroft said. "We need to make it easier for transactions to occur."

Certain transactions or court documents are required by law to have a Notary Public to ensure the documents signed are being signed correctly and are there to verify the identity of the individuals signing the documents. Ashcroft suggests streamlining the process to make transactions occur faster without business owners and families having to take time out of their busy schedules to sign documents in the presence of a Notary Public.

There are a couple of bills filed this year that would change the laws to allow electronic or remote notaries. Two bills filed in the House and Senate are similar to bills that were filed last year that made it out of their respective chambers. Another bill, Senate Bill 409, filed by Senate Paul Wieland, R-Imperial, adds new laws under the section regarding county recorder of deeds. It would also allow the Secretary of State to promulgate rules for developing and maintaining standards

for remote online notarization, which may include the specific use of software and technology for online notarizations and the maintaining of electronic journals through the use of third-party vendors to meet the required standards.

Ashcroft also said his office is looking at changing laws involving financial advisors and others who oversee monetary accounts of senior citizens by giving them the right to notify or halt payments on questionable transactions in an effort to stop scammers.

"Our job at the Secretary of State's Office, when it come to legislation, is to look at those core areas of government, where we all agree that government has to be involved, and how can we make them better," Ashcroft said.

Before wrapping up, Ashcroft thanked the board members for inviting him to talk about what the Secretary of State's Office is doing during the

legislative session, but he hoped he'd get some important feedback from MAC members and county officials.

"I will always be open to what you have to say, because I believe that there is great wisdom at the local level, where you deal with your constituents on a face-to-face basis frequently," he said. "Our office will always be open to help you in any way we can. If you don't know the right official to talk to, call our office. If we don't know, we'll find out and make that connection. I want to be someone who is there for you and is useful to you in moving this state forward but it needs to be done with your wisdom."



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Photo courtesy of Tim Bommel, House photographer

Missouri Supreme Court Chief Justice Zel Fischer, seen at the dais, gives his State of the Judiciary address to members of the House and Senate in January at the Capitol in Jefferson City.

Missouri Supreme Court lays out new rule for bail

Missouri Supreme Court Chief Justice Zel Fischer told members of the Missouri Legislature during his State of the Judiciary speech in January that the judiciary was good, but he did outline a few things that could be improved upon.

While telling members of the legislature that the new rules making it easier for spouses of military members to be licensed to practice law in Missouri or waiving court enrollment fees for retired lawyers who work on a volunteer basis were simple solutions that would improve the court system, he noted that other solutions, such as pretrial detention, posed a more difficult problem.

“Some common-sense solutions are relatively simple, like our new military spouse rule and retired lawyer pro bono rule,” Fischer told Missouri Senators and Representatives during his speech. “Others are more difficult to achieve, and a few require tough conversations, like dealing with pretrial detention. The problem is real. Too many who are arrested

cannot afford bail even for low-level offenses and remain in jail awaiting a hearing. Though presumed innocent, they lose their jobs, cannot support their families and are more likely to reoffend.

“We all share a responsibility to protect the public – but we also have a responsibility to ensure those accused of crime are fairly treated according to the law, and not their pocket books.”

Last year, Fischer told members of the legislature that he was part of the Criminal Justice Task Force that was established to look at changing pretrial detention in Missouri, “as part of a broader national movement away from bail release decisions,” made by judges throughout the state. The task force travelled to Indianapolis in May of last year and attended a pretrial justice reform summit to learn how other states dealt with pretrial issues so the task force

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could develop a plan of action for Missouri.

In January, Fischer unveiled the Supreme Court's new rule regarding pretrial detention to lawmakers.

"During the past year, the Court brought together a whole host of experts – judges, prosecutors, defense attorneys, law professors and court officials – they spent countless hours identifying ways for improvement and working to devise common-sense modifications to our criminal justice system," Fischer said. "As a result of this hard work, the Court has ordered significant changes to its rules governing pretrial release.

"These changes, which will take effect July 1, are extensive and meaningful."

Most notably among the new rule surrounding pretrial detention is that courts must first start with non-monetary conditions of release and may impose monetary conditions only



Photo courtesy of Tim Bommel, House photographer
Members of the Missouri Legislature and other state officials listen to Chief Justice Zel Fischer of the Missouri Supreme Court speak during his State of the Judiciary in January at the Capitol in Jefferson City.

if necessary and only in an amount not more than necessary to ensure the safety of the public or the defendant's appearance back in court. In addition, Fischer said courts may not order a defendant to pay any portion of the costs of any conditions of release

without first considering how to minimize or whether to waive those costs.

According to the new rule adopted, courts have 16 additional conditions of release that can be imposed on a



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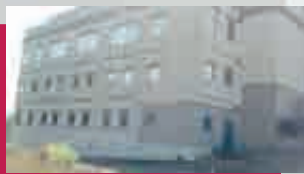
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defendant. Some of these additional conditions include: placing a defendant in the custody of a supervising organization; restricting travel; having the defendant regularly report to a court or law enforcement officer; using electronic monitoring that the court may order an eligible defendant to pay all or a portion of the costs; and requiring a defendant to seek or maintain employment or educational programs.

Under the new rule, Fischer said a court may only order a defendant's pretrial detention if it determines, by clear and convincing evidence, that no combination of non-monetary and monetary conditions will ensure public safety. After a court determines that a defendant must be detained during pretrial, based on the new rule, the defendant will be entitled to a speedy trial that can begin within 120 days after arraignment or after an order granting a change of venue, but the defendant can waive that right if more case preparation is required.

It remains to be seen how this will impact Missouri's criminal justice system at the local and state level, but courts will soon have more options than they have had in the past when it comes to ordering the release a defendant who can't afford bail and poses no threat to public safety. This can result in less crowded county jails, saving bed space for those the court determines that need to be detain because of public safety concerns.

That was the aim of the new rule change when Fischer told lawmakers last year that, "it seems obvious and important that – before a trial is held and guilt or innocence is determined – we reserved our jail space for those who post the most danger to the community or risk of fleeing the jurisdiction, and not those who simply may be too poor to post bail."

In addition to the rule changes to pretrial detention, Fischer praised legislators for passing important

legislation aimed at treatment courts during September's Special Session, but he called on them to now provide the funding for the services those courts can provide.

"Now, we need your help funding the vital services our treatment courts can provide," he said. "The governor included in his budget

recommendations for a restoration of the rest of the core funding to the treatment courts we asked for last year but did not receive, plus nearly \$3.1 million in additional funding to help expand the reach of our treatment court services. Together, not only can we continue to be smart on crime, but, more importantly, we can continue to save money and lives."

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Classification thresholds keep rising

It's been nearly a decade since Missouri changed the laws that increased the base assessed valuation thresholds for county classification, something lawmakers also did in 2004. However, an extra bit of language added into a 2010 bill could possibly mean that lawmakers may never have to go back to the issue again.

In accordance with the law, counties can only be reclassified when they have met or gone above the assessed valuation threshold to place them in a new classification, and only after their assessed valuation is at or above that threshold for five consecutive years.

The process seems simple, but the complexity of reclassification lies in the new obligations that counties have to abide by when they change classification. For example, Class 3 counties are not required to have a county auditor, but first and second class counties are required to have an auditor. Adding extra office space, staff salaries and equipment with that requirement can put additional strain on a county's budget.

In 2010, Missouri had four counties – Morgan, Phelps, Stone and Warren – that were in a holding pattern for moving from Class 3 to Class 2 because their assessed valuation had crossed over the \$450 million assessed valuation threshold. Six other counties had already passed over the \$400 million mark.

Butler County also was set to become a Class 2 county in January 2011 after having an assessed valuation of more than \$450 million for five consecutive years. Newton County was getting ready to move from Class 2 to Class 1, and Lincoln County was in a holding pattern to move into Class 1.

But House Bill 1806, signed into law in 2010, soon changed all that.

The relatively short bill raised the

assessed valuation thresholds of becoming a Class 2 county from \$450 million to \$600 million and a Class 1 county from \$600 million to \$900 million. But the bill also included language that tied the assessed valuation thresholds for classification to the Consumer Price Index (CPI), which is a measure of the average change over time in prices paid for consumers goods and services.

In addition, those thresholds were to increase every year based on the CPI that was published by the State Tax Commission. For example, if the CPI was 2 percent, the thresholds would increase by that amount, but if the CPI was less than zero, there would be no change.

The State Auditor's Office, which is in charge of notifying counties about classification, began applying the CPI to the base thresholds in 2012, and it's made a noticable difference to the thresholds ever since. For instance, the assessed valuation threshold to become a Class 2 county in 2012 increased to

\$609 million based on the CPI of 1.5 percent, while the threshold for a Class 1 county increased from its base to \$913 million.

The following year the threshold to become a Class 2 county increased to \$627.3 million based on a CPI of 3 percent. The Class 1 threshold also went up to nearly \$941 million.

According to data from the Auditor's Office, the assessed valuation thresholds have been increasing every year, as the CPI has never fallen below zero since implementing the new law.

Currently, there are no counties in a holding pattern for rising or falling in classification. The assessed valuation threshold to become a Class 2 county based on 2018 assessed valuation stands at \$685.1 million, while the threshold for a Class 1 county is nearly at \$1.03 billion. And the thresholds are likely to increase again next year, as the January 2019 CPI stood at 1.6 percent, according to the U.S. Department of Labor.

Here are the 2018 assessed valuations for all Missouri counties and the City of St. Louis, as provided by the State Auditor's Office.

County name	Class	2018 Assessed Val	County name	Class	2018 Assessed Val
Adair	3	\$304,462,155	Cedar	3	\$177,501,107
Andrew	3	\$278,613,715	Chariton	3	\$247,146,847
Atchison	3	\$157,081,720	Christian	1	\$1,238,959,251
Audrain	3	\$396,781,332	Clark	3	\$118,160,693
Barry	3	\$528,479,403	Clay	1	\$4,475,962,614
Barton	3	\$185,013,425	Clinton	3	\$303,912,701
Bates	3	\$229,267,138	Cole	1	\$1,430,797,265
Benton	3	\$265,594,935	Cooper	3	\$248,686,378
Bollinger	3	\$139,888,182	Crawford	3	\$325,120,645
Boone	1	\$2,890,791,333	Dade	3	\$121,840,254
Buchanan	1	\$1,360,732,526	Dallas	3	\$178,351,621
Butler	3	\$623,815,582	Daviess	3	\$138,351,390
Caldwell	3	\$158,362,707	DeKalb	3	\$205,282,415
Callaway	2	\$892,426,608	Dent	3	\$169,739,228
Camden	1	\$1,682,546,052	Douglas	3	\$157,079,664
Cape Girardeau	1	\$1,373,549,593	Dunklin	3	\$308,341,803
Carroll	3	\$235,345,994	Franklin	1	\$1,941,353,323
Carter	3	\$68,867,244	Gasconade	3	\$237,097,956
Cass	1	\$1,677,921,714	Gentry	3	\$98,000,770

County name	Class	2018 Assessed Val
Greene	1	\$5,008,996,753
Grundy	3	\$133,378,367
Harrison	3	\$121,371,446
Henry	3	\$351,367,680
Hickory	3	\$127,010,662
Holt	3	\$148,299,888
Howard	3	\$129,310,609
Howell	3	\$471,489,504
Iron	3	\$206,222,883
Jackson	1	\$11,238,776,943
Jasper	1	\$1,726,523,022
Jefferson	1	\$3,351,775,095
Johnson	4	\$656,439,232
Knox	3	\$82,606,883
Laclede	3	\$442,871,960
Lafayette	4	\$472,863,747
Lawrence	3	\$491,885,415
Lewis	3	\$145,078,877
Lincoln	2	\$857,919,165
Linn	3	\$162,187,852
Livingston	3	\$188,119,379
Macon	3	\$233,867,211
Madison	3	\$122,902,861
Maries	3	\$139,028,557
Marion	3	\$454,090,678
McDonald	3	\$285,473,038
Mercer	3	\$82,373,355

County name	Class	2018 Assessed Val
Miller	3	\$442,533,929
Mississippi	3	\$166,447,017
Moniteau	3	\$206,416,295
Monroe	3	\$140,438,694
Montgomery	3	\$224,266,762
Morgan	3	\$520,172,915
New Madrid	3	\$427,758,901
Newton	2	\$879,357,968
Nodaway	3	\$324,864,112
Oregon	3	\$105,388,745
Osage	3	\$217,809,721
Ozark	3	\$120,417,630
Pemiscot	3	\$197,464,468
Perry	3	\$359,259,427
Pettis	4	\$595,090,327
Phelps	3	\$599,646,421
Pike	3	\$288,652,599
Platte	1	\$2,783,089,865
Polk	3	\$320,230,751
Pulaski	3	\$505,678,644
Putnam	3	\$93,641,810
Ralls	3	\$254,917,358
Randolph	3	\$501,046,655
Ray	3	\$342,458,513
Reynolds	3	\$175,635,092
Ripley	3	\$100,483,500
Saline	4	\$373,865,771

County name	Class	2018 Assessed Val
Schuyler	3	\$50,380,595
Scotland	3	\$78,548,895
Scott	3	\$488,564,295
Shannon	3	\$79,208,047
Shelby	3	\$130,637,147
St. Charles	1	\$8,745,724,242
St. Clair	3	\$117,692,140
St. Francois	1	\$765,035,514
St. Louis	1	\$24,804,339,711
Ste. Genevieve	3	\$466,669,848
Stoddard	3	\$468,996,650
Stone	3	\$634,846,625
Sullivan	3	\$92,600,714
Taney	1	\$1,094,250,882
Texas	3	\$239,382,553
Vernon	3	\$264,063,380
Warren	3	\$590,042,318
Washington	3	\$254,733,284
Wayne	3	\$140,961,235
Webster	3	\$430,938,700
Worth	3	\$32,582,939
Wright	3	\$192,848,303
St. Louis City		\$4,581,679,048
Totals		\$109,415,219,300

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MAC Board appoints Odom as NACo Board Member

Jim Odom, Cass County Associate Commissioner, was appointed by the MAC Board of Directors to serve as Missouri's representative on the NACo Board during the MAC Board meeting in February at the Capitol Plaza Hotel in Jefferson City.

Odom has been involved with NACo, serving on the NACo Membership Standing Committee as a Vice Chair for the Central Region.

Odom takes over the NACo seat that was vacated after Jasper County Collector and long-time NACo Board Member Steve Holt retired from office after his term expired in March.



Jimmy Odom, Cass County Associate Commissioner, poses with Debbi McGinnis, Polk County Collector and MAC's NACo Board member, during the February MAC Board meeting in Jefferson City. Odom was appointed to serve as Missouri's representative on the NACo Board, a position left vacant when former member Steve Holt retired.

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Scotland County Clerk Batina Dodge was appointed to the MAC Trust Board of Directors in February.

MAC Trust appoints Dodge to board

Batina Dodge was appointed as a board member to the MAC Trust Board of Directors in February.

Dodge, who was also elected as Treasurer to the MAC Board of Directors at the MAC Annual Conference & Expo in November, is the Scotland County Clerk. She has served as the Scotland County Clerk since 2010.

Dodge replaces Kathryn Harper, who stepped down as the Howard County Clerk in December.

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Which one do I use?

Request for Qualifications or Request for Proposal – 2.0

By **Steve W. Davis, AIA,**
Shive-Hattery

With new project delivery options available in Missouri, it's time to update my original article from May 2014 to help you find the best solicitation method for architectural/professional-services.

The age-old question remains, "Which is appropriate for me? Request

for Qualifications (RFQ) or Request for Proposals (RFP)?

Request for Qualifications (RFQ)

An RFQ is a qualifications-based selection process; it is *NOT* a bid. Consider an RFQ to solicit various professional services including architectural, engineering and CMA (Construction Manager Agency)¹

An RFQ is right for you if you fit the criteria below:

- My city or county is *not* required to take a competitive bid.
- I want to select a provider who is most qualified to meet my functional and design goals AND not be swayed by fee.
- I want the opportunity to negotiate the fee with my final selection. If I can't come to terms with them, then I want the option to go to my second or third choice.

Missouri does not require advertisement. However, some owners will advertise to remove any appearance

of bias. Always check with your legal counsel for what is allowable in your area.

Request for proposals (RFP)

An RFP is right for you if you want to select the most qualified company at the best value for your project.

An RFP is a request for companies to submit their proposal/bid for a project. It is applicable for goods or construction where a city or county is required to take competitive bids resulting in award of a contract for a product/building. Remember to check with your legal counsel for what is allowable in your area.

RFPs for construction typically involve a price component and qualification component including company history, capabilities and financial information. This is an appropriate method of soliciting for construction services including GC (general contractor), CMr (construction manager-at-risk) and D-B (design-build). Frequently, RFPs will include the phrase "best-lowest," which allows the owner to consider more than the lowest price.²

Why Shouldn't I ask for a fee for professional services?

Professional fees are typically competitive and a small percentage of the overall cost of a project. Professional service providers may look to limit the services they'll provide to keep fees down to strategically "win" a project. Later, this can result in additional services, more change orders and higher construction costs.

In the Project Management magazine article, "Cutting Designs Fees Raises Construction Costs," Charles Nelson's research show "93 percent

(contractors) indicated that design and documentation quality did influence the price submitted for a tender (bid), while 75 percent indicated that it also had an influence on the time allowed for a project." Later in the same article, Nelson shows that an extra 1.5 percent in architectural fees can result in as much as 7-11 percent decrease in construction costs.³

Because architectural fees remain competitive, an owner can easily find the average fee range to determine a baseline. With a baseline architectural fee in hand, you can select the best architect for your project.

What's changed with Design-build delivery?

In 2016, the state of Missouri passed³ HB 2376 which added two new delivery options for counties and municipalities: CMr and D-B.

Both options can blur the design and construction roles. As a result, it is critical you understand how to ensure your functional and budget goals are met.

With the D-B option, your project is led by a D-B team. The architect-of-record is hired by and serves as a consultant to the D-B team, not the owner. This is where potential conflict can occur between your functional goals and the D-B team's GMP (Guaranteed Maximum Price).

To ensure your functional and design goals are met, you must clearly communicate to the D-B team the expectations prior to them providing the GMP proposal. This is done by bringing in an architect/design-professional to work with you in developing the "non-negotiables." In Missouri's HB 2376, this entity



is referred to as the Design Criteria Consultant and is responsible for developing the bridging documents which are issued to all D-B proposers to ensure your expectations are met.

The Design Criteria Consultant is your architect/design-professional and their services are solicited through the RFQ process.

How do I find the most qualified architect or “Design Criteria Consultant” for my project?

Request architects to submit their qualifications for your project in an RFQ. Review the RFQ responses, call their references, conduct online research about them, and after doing your due diligence, shortlist a few to interview. A face-to-face meeting can provide a more subjective evaluation to balance qualifications.

What goes in an RFQ?

There are online templates for writing RFQs. Your local architect may also be able to provide you a sample to edit. The main components include the “Cover Letter” and the “RFQ body.”

The “Cover Letter,” at a minimum, states who is making the request, what services are being requested, and submittal deadline for “qualified” firms to submit their responses.

The “RFQ body” will consist of four sections known as general instructions, submittal instructions, state of scope and submittal content. These sections


include their own subsections as follows:

- General Instructions outlining
 1. Request – Repeat of cover letter’s information including who and what is being requested.
 2. Schedule – Provide dates for submittals deadline, selecting shortlisted firms, potential interviews and decision.
 3. Fee – The following verbiage, or something similar to, should be included here: “The owner name will begin

contract negotiations with the firm determined to be the most qualified. In the event that a contract cannot be negotiated with the first firm, the owner name reserves the right to negotiate with the next qualified firm(s) until a contract can be reached.”

- Submittal Instructions stating
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 2. Submittals to be delivered

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in sealed envelope marked
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3. Name and address submittals are to be sent to.
4. Questions to be submitted in writing to – name at contact information
- Statement of Scope stating specific service(s) being requested
 1. Outline of the scope of services being requested. (Architect-of-Record or "Design Criteria Consultant") in a bullet/outline format.
- Submittal Content listing items by section to be included in the submittal for review. Listing by section makes it easier for responders to organize their submittal and for reviewers to critique. Include a page limit. Suggested submittal content includes:
 1. Cover Letter (one page)
 2. Section 1 – Identify firm(s), name, address, phone number and contact person. (one page)
 3. Section 2 – Provide an organizational chart identifying disciplines, specific personnel and role of those who will be assigned to this project. (one page)

4. Section 3 – Describe your project approach for this project. (two pages)
5. Section 4 – Firm's capacity: Number of full-time licensed architects. Provide resumes and workload of those listed in Section 2 above who will be assigned to this project. (maximum one page per person)
6. Section 5 – Detail firm's quality control process regarding design, document control and construction

- administration. (one page)
7. Section 6 – Firm's litigation history and any pending litigation or binding arbitration with a client. (one page)
8. Section 7 – Copy of firm's current professional liability or errors and omissions insurance. (one page)
9. Section 8 – List firm's last five (5) similar project including size, location and contact person. (maximum 5 pages)
10. Section 9 – Describe what



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What goes in an RFP?

There are online templates for writing an RFP. Check out the Form-Based Codes Institute's website at www.formbasedcodes.org. Your local architect is another resource, as they may be able to provide you a sample to edit.

The requested information will vary depending on the construction delivery method selected – CMr or D-B.

Requested information may be similar to the RFQ: firm, team member roles and experience, project approach, similar project experience, and unique qualifications.

With the RFP, add Section 10: Request fee, bid, GMP or method of determining such.

Local jurisdiction

Local bid laws have varying

stipulations and requirements for soliciting and receiving RFP proposal responses.

Professional services RFQs tend to have fewer stipulations and requirements. In some jurisdictions, there is not even a requirement to solicit RFQs.

Whether you decide to use an RFP or an RFQ, seek legal advice from your local attorney before proceeding.

Steve has been doing Justice Design since 1987, primarily in the Midwest. He developed a Small/Medium size Jail Planning Process, PONI Light, and has helped lead several successful Public Awareness Campaigns. He join Shive-Hattery in 2014.

¹. CMA (Construction Manager Agency), is a delivery method that has also been allowed for some time. It is a professional service where the CMA provides management services of multiple prime contracts and does not self-perform any construction. For this article, we've focused on D-B as it is the current delivery method being discussed in the state of Iowa.

². Nelson, Charles. (2014, February). Cutting design fees raises construction costs. *Project Management*, Volume 23, Issue 2.

³. Davis, Steve. (2016, Winter). Project delivery options for Missouri counties. *Missouri County Record*.

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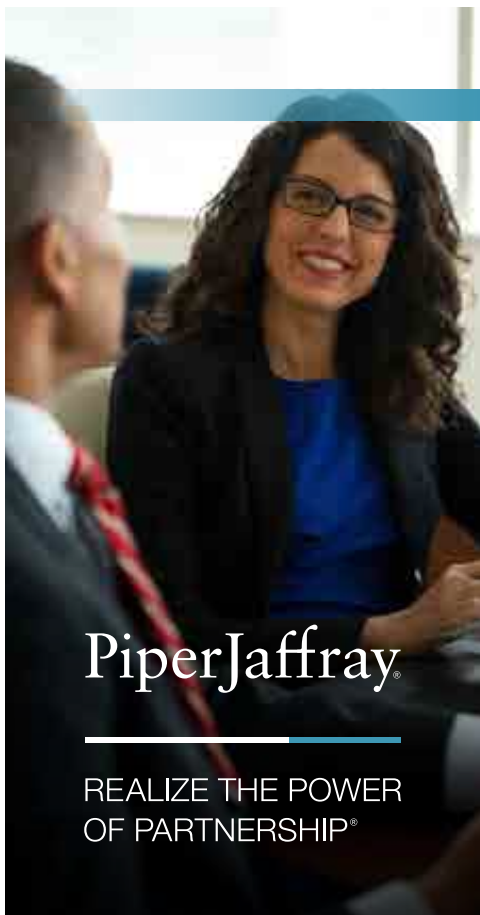
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Missouri Department of Corrections Director Anne Precythe speaks to county commissioners in February during a session of the 36th Annual Training Session for the County Commissioners Association of Missouri in Columbia.

Missouri DOC tells commissioners to hold off on alternative jail sanctions

When the Justice Reinvestment Task Force recommended alternative jail sanctions, it was to be used as a way to help curb the number of individuals being held in county jails and lessen the amount of days county jails would detain certain offenders who were eligible to be released on pretrial services or electronic monitoring.

The idea was to have county officials and the presiding judges of the circuit courts propose plans for pretrial services and submit those to the Missouri Department of Corrections (DOC) for approval. The idea was to use pretrial services to keep eligible offenders out of county jails on supervision or electronic monitoring while their criminal cases were being processed. Counties would be reimbursed up to \$12.50 per day for offenders and any savings would be used to pay down arrearages the state

owed counties for jail reimbursements.

It was considered such a positive step in the right direction to fixing the debt that the state owed counties for detaining state prisoners prior to conviction that the General Assembly appropriated \$5 million of the FY 2019 funds that the state uses to pay for jail reimbursements into the new program.

But that may have been too much, too fast.

DOC Director Anne Precythe told county commissioners in February at their Annual Training Session for the County Commissioners Association of Missouri in Columbia that her department is no longer accepting proposals for alternative jail sanctions or pretrial services at this time. She also reiterated this in a letter to commissioners that was also sent to the

General Assembly, presiding judges, circuit clerks, prosecuting attorneys and sheriffs.

The main reasons for halting the program centered on the fact that it would not reduce the debt the state owes and that time was running out to utilize the \$5 million that was appropriated for the program.

“When we realized the direction that this was going and that we were over halfway through the fiscal year, that’s why we sent out the letters saying that we needed to pull back,” Precythe said. “Because we were not improving the situation, we were making it worse.”

“This is still a good idea, but we have found ourselves in a position where the proposals have not started coming in and we’re running out of time to begin spending that money.”

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The DOC realized in January that they were running out of time to spend the money appropriated for alternative jail sanctions, as too few counties and presiding judges submitted proposals. Some of the counties that did submit proposals already had pretrial services, such as electronic monitoring, and wanted to be reimbursement for having those existing programs. But DOC Budget Director Trevor Foley told the commissioners that existing programs did not qualify for reductions in reimbursements.

Precythe also believes the reason for the low number of proposals were that several circuit court judges were waiting on the Supreme Court to issue new bail rule reforms that may have been counterproductive to any proposals for pretrial services. A new Supreme Court rule on bail issues takes effect July 1, and the rule gives a better outline on how circuit courts will have to deal with offenders before detaining them for the duration of their criminal cases.

The new Supreme Court rule may jump start circuit courts into looking at pretrial services for their jurisdictions. This may save counties some money on the cost of detaining and save the state money on the amount they owe in reimbursements once a person is convicted of a state offense.

"Pretrial services are still supported



County commissioners listen to representatives of the Missouri Department of Corrections speak in February during a session of the 36th Annual Training Session hosted by the County Commissioners Association of Missouri in Columbia.

by this department and the governor, and the Supreme Court heavily voiced their support for pretrial," Foley told the commissioners. "Clearly, this is a direction that a lot of people in the state want to go. We thought (alternative jail sanctions) was the way to get there, but it didn't work because the price of what it would do to jail reimbursements wasn't worth it at that time. Hopefully, we can find another way to both address jail reimbursements and to do things to incentivize the expansion of pretrial services."

It's hard telling if the new rule implemented by the Supreme Court will have a positive outcome for the state and counties. Pretrial services that include electronic monitoring,

supervision and risk assessments, take time to implement and not every county is going to fit into a one-size-fits-all type of program. But at this time, the Supreme Court's Criminal Justice Task Force is looking at alternatives and validated assessments to recommend for counties to use, which Precythe believes will help with the adoption of pretrial services.

"We might not be dead in the water yet, we might have been just too far out in front by asking for proposals before we were ready for guidance on how to do it," Precythe said. "We thought that we would have a template developed that counties could follow, but it's a lot harder doing it than you think."

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Introduction

Accurate connectivity data is the foundation for investments in broadband infrastructure. Unfortunately, connectivity data provided to the Federal Communications Commission is often inaccurate and inflated – leaving many rural communities overlooked and disconnected.

NACo has partnered with the Local Initiatives Support Corporation (LISC) and the Rural Community Assistance Partnership (RCAP) to develop a mobile app designed to identify areas with low or no connectivity to help ensure adequate funding for broadband infrastructure is provided across the country.

“TestIT” is an iOS/Android mobile app that leverages a broadband sampling tool designed by Measurement Labs (MLabs) to aggregate broadband speeds across the country from app users. With the press of a single button, users will be able to test their broadband speed from anywhere. Additionally, users will be able to compare their internet speeds to the national average and minimum standards established by the Federal Communications System. **No personal information will be collected through this mobile app.**

A snapshot of each sample will be sent to a database which will allow NACo and partners to analyze connectivity data across the country. The data collected through this app will help identify areas where broadband service is overstated and underfunded by comparing the data to the National Broadband Map.

Your help identifying gaps in our nation’s broadband coverage is critical to making substantive changes to the process for reporting broadband service. We hope you will help shed light on this critically important issue and encourage your friends, family and constituents to join in the efforts as well!



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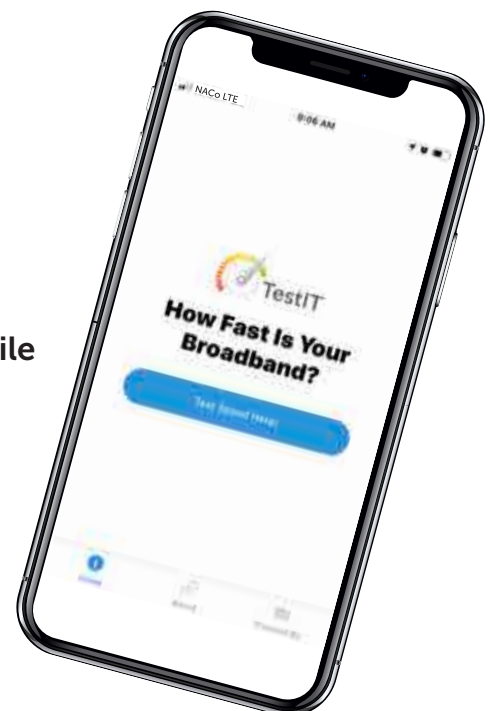


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Audrain County Commissioner Steve Hobbs believes that circuit court judges and county officials may need to see how the services are working for other counties and learn what would work for them before implementing similar programs.

“It takes time to put something like this together,” Hobbs told the commissioners. “We have resources that we can pull from some of the larger counties, but each individual circuit is going to have to develop something that really works for them. You just can’t take a boilerplate one.”

While pretrial services may help alleviate the overcrowding of county jails, it’s not going to solve the bigger issue of the prisoner per diem that put the state in debt with counties.

“This rule has been on the legislative books since 1939,” Precythe said. “It’s got us into a situation today that we can’t dig our way out of this hole. The arrears, as you know, are well beyond anything that was ever intended to happen.”

When Gov. Mike Parson spoke to the commissioners at the Annual Training Session, he said that the state was going to pay the money it owes to the counties, but he didn’t give any timeline on when that would happen.

Still, change may be coming that could end prisoner per diem.

A bill filed this year by Sen. Dan Hegeman, R-Cosby, could signal the beginning of the end to prisoner per diem program in Missouri. Senate Bill 512, which was filed on deadline day, calls for the end of prisoner per diem and states that all reimbursements before Aug. 28, 2019 will be reimbursed. The bill also creates the “Local Boarding of Offenders Grant Program,” which would make the counties and the City of St. Louis apply for grants in order to be reimbursed for boarding “certain” offenders or pay for pretrial services.

The funding for the grants will be appropriated by the General Assembly, which is similar to the current law. The bill also states the DOC would be responsible for publishing a report outlining the requirements an application shall meet. The bill also has the grant program ending in six years unless reauthorized by the General Assembly for another 12 years.

Whether it’s pretrial services, a grant program, a direct aid program that would eliminate jail reimbursements to counties for upfront funding that would be dispersed to counties and the City of St. Louis based on a formula,

or something else, Precythe told the commissioners that she is trying to find a solution to the prisoner per diem issue.

“I’m focused on still trying to find ways we can figure out this issue, but sometimes, what we work ourselves into is not being successful,” she said. “So, we’re still digging around for other options that we can bring to the table that are palatable for the sheriffs, counties, governor and the department. I don’t know what that is yet.

“If you have ideas, we are certainly open to finding out where we can meet in the middle.”



The advertisement has a blurred background showing a person sitting at a desk with a computer monitor. The main heading is "WHAT'S ON THE MENU OF YOUR DEFERRED COMP PROGRAM?" in large, bold, white capital letters. Below the heading, the text reads: "Just like enjoying a meal at a restaurant, your deferred compensation program should be able to suit the individual tastes of your employees. Nationwide offers a full menu of educational resources, innovative planning tools and a variety of investment options to meet the unique needs of public sector employees. Serve your employees a deferred comp program that's made-to-order." Below this, there is a contact section with the text "Contact us today." followed by a phone icon and the number "877-677-3678", and a computer icon with the website "NRSforu.com". At the bottom right, there are two logos: the NACO (National Association of Counties) logo with the tagline "The Voice of America's Counties" and the Nationwide logo with the tagline "On Your Side®". At the very bottom, in small print, it says: "Nationwide Retirement Solutions (Nationwide) partners with the National Association of Counties (NACO) to provide counties and their employees with a competitive deferred compensation program. As part of this partnership, Nationwide pays a fee to NACO in exchange for NACO's exclusive endorsement, marketing support, and program oversight of Nationwide products made available under the program. For more information, including fees paid, Nationwide encourages you to visit NRSforu.com. Information provided by retirement specialists is for educational purposes only and is not intended as investment advice. Retirement Specialists are registered representatives of Nationwide Investment Services Corporation, member FINRA. In MI only: Nationwide Investment Svcs. Corporation. ©2010 Nationwide Retirement Solutions, Inc. All rights reserved. One Nationwide Blvd., Columbus, OH 43215. Nationwide, On Your Side and the Nationwide framework are service marks of Nationwide Mutual Insurance Company. NRV-044240-NX (09/10)".

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What Missouri owes after FY 2019 third quarter payments

The State of Missouri owes Missouri counties and the City of St. Louis more than \$36.5 million in jail reimbursement after making FY 2019 third quarter payments on claims that have been fully audited by the Missouri Department of Corrections (DOC).

Missouri reimburses county jails for detaining state prisoners for the number of days they spend in county jails while their court cases are processed. If convicted and sentenced to serve time in the DOC, Missouri counties will be reimbursed for the number of days the inmate spent being detained in a county jail before being transferred into the custody of the DOC.

The total amount for each county in the table does not reflect what is owed after the department began making fourth quarter payments, which started on April 1, 2019.

The DOC begins paying claims after they have been fully audited and when quarterly funds are released by the state's Office of Administration, which falls on July 1, Oct. 1, Jan 1 and April 1.

The board rate for jail reimbursement stands at \$22.58 per day, per inmate for FY 2019. The rate is appropriated by legislation and approved by the governor.

Information about jail reimbursements, including instructions and forms for making a claim can be found the DOC's website at <https://doc.mo.gov/divisions/human-services/county-reimbursement>.

County	Total outstanding	County	Total outstanding
Adair	11,4061.06	Livingston	194,212.12
Andrew	32,547.64	Macon	33,660.72
Atchison	5,184.86	Madison	73,679.56
Audrain	241,755.90	Maries	35,236.18
Barry	219,677.92	Marion	248,816.68
Barton	39,393.08	Mcdonald	112,311.84
Bates	172,473.42	Mercer	14,172.56
Benton	57,150.72	Miller	236,334.64
Bollinger	47,046.38	Mississippi	253,766.8
Boone	903,768.70	Moniteau	78,231.22
Buchanan	493,576.38	Monroe	15,170.44
Butler	480,408.14	Montgomery	196,002.70
Caldwell	46,589.98	Morgan	400,605.34
Callaway	362,637.90	New Madrid	307,055.50
Camden	159,286.01	Newton	257,317.88
Cape Girardeau	797,353.18	Nodaway	61,712.20
Carroll	46,694.50	Oregon	17,876.14
Carter	18,482.74	Osage	17,428.20
Cass	219,077.78	Ozark	44,090.66
Cedar	54,232.78	Pemiscot	77,661.18
Chariton	3,696.8	Perry	157,150.66
Christian	353,022.18	Pettis	486,880.14
City of St. Louis	3,367,038.44	Phelps	520,950.84
Clark	92,205.54	Pike	48,302.04
Clay	1,038,705.84	Platte	630,033.90
Clinton	133,220.84	Polk	234,680.52
Cole	299,230.14	Pulaski	331,599.95
Cooper	112,595.04	Putnam	36,963.72
Crawford	455,677.34	Ralls	19,124.16
Dade	46,576.58	Randolph	183,317.92
Dallas	193,816.25	Ray	228,191.34
Daviess	109,933.68	Reynolds	17,825.76
DeKalb	126,057.52	Ripley	111,450.12
Dent	188,026.18	Saline	250,308.81
Douglas	42,997.82	Schuyler	14,913.70
Dunklin	451,047.76	Scotland	34,604.00
Franklin	475,685.26	Scott	693,332.18
Gasconade	52,919.48	Shannon	48,281.16
Gentry	18,113.76	Shelby	24,140.21
Greene	2,569,623.91	St. Charles	1,019,718.02
Grundy	65,042.58	St. Clair	192,904.92
Harrison	71,909.88	St. Francois	697,788.98
Henry	210,145.72	St. Louis County	5,292,270.58
Hickory	46,951.3	Ste. Genevieve	41,609.5
Holt	3,006.76	Stoddard	329,537.68
Howard	68,546.38	Stone	236,127.37
Howell	163,060.82	Sullivan	1,558.57
Iron	42,771.12	Taney	325,155.12
Jackson	2,098,426.84	Texas	76,276.54
Jasper	416,451.84	Vernon	327,243.03
Jefferson	690,747.04	Warren	608,378.01
Johnson	72,895.34	Washington	217,613.14
Knox	3,713.06	Wayne	182,204.02
Laclede	304,513.62	Webster	141,466.94
Lafayette	295,566.14	Worth	-
Lawrence	390,026.42	Wright	162,343.76
Lewis	34,989.34		
Lincoln	294,908.62	Totals	36,538,452.48
Linn	23,600.36		

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