

FIRST REGULAR SESSION

# HOUSE BILL NO. 642

## 97TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES ELMER (Sponsor), FRAKER AND JONES (50) (Co-sponsors).

1658L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal sections 8.683 and 8.685, RSMo, and to enact in lieu thereof two new sections relating to construction management services for the state and political subdivisions.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 8.683 and 8.685, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 8.683 and 8.685, to read as follows:

8.683. Upon award of a construction management services contract, the successful construction manager shall contract with the public owner to furnish his skill and judgment in cooperation with, and reliance upon, the services of the project architect or engineer. The construction manager shall furnish business administration, management of the construction process and other specified services to the public owner and shall perform in an expeditious and economical manner consistent with the interest of the public owner. Should the public owner determine it to be in the public's best interest, the construction manager may provide or perform basic services for which reimbursement is provided in the general conditions to the construction management services contract. The construction manager shall [not, however,] **also** be permitted to bid on or perform any of the actual construction on a public works project in which he is acting as construction manager, [nor shall] **and** any construction firm which controls, is controlled by, or shares common ownership or control with, the construction manager **shall** be allowed to bid on or perform work on such project. The actual construction work on the project shall be awarded by competitive bidding as provided by law. All successful bidders shall contract directly with the public owner **or construction manager**, but shall perform at the direction of the construction manager unless otherwise provided in the construction manager's contract with the public owner. All successful bidders shall provide payment and performance

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 bonds to the public owner. All successful bidders shall meet all the obligations of a prime  
19 contractor to whom a contract is awarded, pertaining to the payment of prevailing wages  
20 pursuant to sections 290.210 to 290.340. In addition, all nonresident employers shall meet the  
21 bonding and registration requirements of sections 285.230 to 285.234.

8.685. [No] **Any** construction management services contract may be awarded by a public  
2 owner on a negotiated basis as provided herein [if] **regardless of whether** the construction  
3 manager, or a firm that controls, is controlled by, or shares common ownership or control with  
4 the construction manager, guarantees, warrants, or otherwise assumes financial responsibility for  
5 the work of others on the project; or provides the public owner with a guaranteed maximum price  
6 for the work of others on the project; or furnishes or guarantees a performance or payment bond  
7 for other contractors on the project. [In any such case, the contract for construction management  
8 services shall be let by competitive bidding as in the case of contracts for construction work.]

✓