

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 630,
2 Section 71.015, Page 5, Line 138, by inserting after all of said section and line the following:

3
4 "71.295. 1. As used in this section, the following terms shall mean:

5 (1) "Design-build", a project for which the design and construction services are furnished
6 under one contract;

7 (2) "Design-build contract", a contract between a city and a design-build contractor to
8 furnish the architecture, engineering, and related design services, and the labor, materials, and other
9 construction services required for a specific construction project;

10 (3) "Design-build contractor", any individual, partnership, joint venture, corporation, or
11 other legal entity that furnishes architecture or engineering services and construction services either
12 directly or through subcontracts;

13 (4) "Design-build project", the design, construction, alteration, addition, remodeling, or
14 improvement of any sewer or water building or facility under contract with a city;

15 (5) "Design criteria package", performance-oriented specifications for the design-build
16 project sufficient to permit a design-build contractor to prepare a response to the city's request for
17 proposals for a design-build project, which may include preliminary designs for the project or
18 portions thereof.

19 2. Any city is authorized to enter into design-build contracts for design-build projects that
20 exceed an expenditure of seven hundred fifty thousand dollars.

21 3. In using a design-build contract, the city shall establish a written procedure by rule for
22 prequalifying design-build contractors before such design-build contractors will be allowed to make
23 a proposal on the project.

24 4. The city shall adopt procedures for:

25 (1) The prequalification review team;

26 (2) Specifications for the design criteria package;

27 (3) The method of advertising, receiving, and evaluating proposals from design-build
28 contractors;

29 (4) The criteria for awarding the design-build contract based on the design criteria package
30 and a separate proposal stating the cost of construction; and

31 (5) Other methods, procedures, and criteria necessary to administer this section.

32 5. The city is authorized to issue a request for proposals to a maximum of five design-build
33 contractors who are prequalified in accordance with this section.

34 6. The city may require approval of any person performing subcontract work on the
35 design-build project including, but not limited to, those furnishing design services, labor, materials,
36 or equipment.

Action Taken _____ Date _____

1 7. Before the prequalification process specified in this section, the city shall publicly
2 advertise once a week, for two consecutive weeks, in a newspaper of general circulation, qualified
3 under chapter 493, located within the city, or if there be no such newspaper, in a qualified newspaper
4 of general circulation in the county, or if there be no such newspaper, in a qualified newspaper of
5 general circulation in an adjoining county, and may advertise in business, trade, or minority
6 newspapers, for qualification submissions on said design-build project.

7 8. The city shall have the right to reject any and all submissions and proposals.

8 9. The proposals from prequalified design-build contractors shall be submitted sealed and in
9 writing, to be opened publicly at the time and place of the city's choosing. Technical proposals and
10 qualifications submissions shall be submitted separately from any cost proposals. No cost proposal
11 shall be opened until the technical proposals and qualifications submissions are first opened,
12 evaluated, and ranked in accordance with the criteria identified by the city in the request for
13 proposals.

14 10. The design-build contract shall be awarded to the design-build contractor whose proposal
15 represents the best overall value to the city in terms of quality, technical skill, schedule, and cost.

16 11. No proposal shall be entertained by the city that is not made in accordance with the
17 request for proposals furnished by the city.

18 12. The payment bond requirements of section 107.170 shall apply to the design-build
19 project. All persons furnishing design services shall be deemed to be covered by the payment bond
20 the same as any person furnishing labor or materials; however, the performance bond for the
21 design-build contractor does not need to cover the design services as long as the design-build
22 contractor or its subcontractors providing design services carry professional liability insurance in an
23 amount established by the city in the request for proposals.

24 13. Any person or firm providing architectural, engineering, or land surveying services for
25 the design-build contractor on the design-build project shall be duly licensed or authorized in this
26 state to provide such services as required by chapter 327.

27 14. A city planning a design-build project shall retain an architect or engineer, as appropriate
28 to the project type, under sections 8.285 to 8.291, to assist with programming, site selection, master
29 plan, the design criteria package, preparation of the request for proposals, prequalifying design-build
30 contractors, evaluation of proposals, and preparation of forms necessary to award the design-build
31 contract. The city shall also retain that same architect or engineer or another to perform contract
32 administration functions on behalf of the city during the construction phase and after project
33 completion. If the city has an architect or engineer capable of fulfilling the functions described in
34 this section, the city is exempt from being required to retain another such professional.

35 15. Any architect or engineer who is retained by a city under this section shall be ineligible
36 to act as the design-build contractor, or to participate as part of the design-build contractor's team as
37 a subcontractor, joint venturer, partner, or otherwise for the same design-build project for which the
38 architect or engineer was hired by the city.

39 16. Under section 327.465, any design-build contractor that enters into a design-build
40 contract for a city is exempt from the requirement that such person or entity hold a certificate of
41 registration or such corporation hold a certificate of authority if the architectural, engineering, or
42 land surveying services to be performed under the contract are performed through subcontracts with
43 properly licensed and authorized persons or entities, and not performed by the design-build
44 contractor or its own employees."; and

45
46 Further amend said bill by amending the title, enacting clause, and intersectional references
47 accordingly.