

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Bill No. 628, Page 5, Section 37.005, Line 159, by inserting after all of said line  
2 the following:

3  
4 "67.5050. 1. As used in this section, the following terms 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 political subdivision and a design-builder to  
8 furnish the architectural, engineering, and related design services and the labor, materials, and other  
9 construction services required for a specific construction project;

10 (3) "Design-build project", the design, construction, alteration, addition, remodeling, or  
11 improvement of any buildings or facilities under contract with a political subdivision. Contracts for  
12 design-build projects that involve the construction, replacement, or rehabilitation of a political  
13 subdivision property such that, in all cases, the project must exceed an expenditure of one million  
14 dollars;

15 (4) "Design-builder", any individual, partnership, joint venture, corporation, or other legal  
16 entity that furnishes architecture or engineering services and construction services either directly or  
17 through subcontracts;

18 (5) "Design criteria package", performance-oriented specifications for the design-build  
19 project sufficient to permit a design-builder to prepare a response to the political subdivision's  
20 request for proposals for a design-build project, which may include preliminary designs for the  
21 project or portions thereof.

22 2. (1) Notwithstanding any other provision of law to the contrary, any political subdivision is  
23 authorized to enter into design-build contracts for design-build projects that exceed an expenditure  
24 of one million dollars.

25 (2) In using a design-build contract, the political subdivision shall establish a written  
26 procedure by rule for prequalifying design-builders before such design-builders will be allowed to  
27 make a proposal on the project.

28 (3) The political subdivision shall adopt procedures for:

29 (a) The prequalification review team;

30 (b) Specifications for the design criteria package;

31 (c) The method of advertising, receiving, and evaluating proposals from design-builders;

32 (d) The criteria for awarding the design-build contract based on the design criteria package.

33 As part of such criteria, the political subdivision may require a separate proposal stating the cost of  
34 construction; and

35 (e) Other methods, procedures, and criteria necessary to administer this section.

36 (4) The political subdivision is authorized to issue a request for proposals to a minimum of

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1 two and a maximum of five design-builders who are prequalified in accordance with this section.

2 (5) The political subdivision may require approval of any person performing subcontract  
 3 work on the design-build project including, but not limited to, those furnishing design and  
 4 construction services, labor, materials, or equipment.

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

12 (2) If the political subdivision fails to receive at least two responsive submissions from  
 13 design-builders, submissions shall not be opened and the political subdivision shall re-advertise the  
 14 project.

15 (3) The political subdivision shall have the right to reject any and all submissions and  
 16 proposals.

17 (4) The proposals from prequalified design-builders shall be submitted sealed and in writing,  
 18 to be opened publicly at the time and place of the political subdivision's choosing.

19 (5) The design-build contract shall be awarded to the design-builder whose proposal  
 20 represents the best overall value to the political subdivision in terms of quality, technical skill, and  
 21 schedule.

22 (6) No proposal shall be entertained by the political subdivision that is not made in  
 23 accordance with the request for proposals furnished by the political subdivision.

24 4. (1) The payment bond requirements of section 107.170 shall apply to the design-build  
 25 project. All persons furnishing design services shall be deemed to be covered by the payment bond  
 26 the same as any person furnishing labor and materials; however, the performance bond for the  
 27 design-builder does not need to cover the design services as long as the design-builder or its  
 28 subcontractors providing design services carry professional liability insurance in an amount  
 29 established by the political subdivision in the request for proposals.

30 (2) Any person or firm providing architectural, engineering, landscape architecture, or  
 31 land-surveying services for the design-builder on the design-build project shall be duly licensed or  
 32 authorized in this state to provide such services as required by chapter 327.

33 5. A political subdivision planning a design-build project shall retain an architect or engineer,  
 34 as appropriate to the project type and duly licensed in this state, to assist with the design criteria  
 35 package, preparation of the request for proposals, prequalifying design-builders, and evaluation of  
 36 proposals.

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

43  
 44 Further amend said bill by amending the title, enacting clause, and intersectional references  
 45 accordingly.