

House _____ Amendment NO. _____

Offered By _____

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

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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 under one
6 contract;

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

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

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

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

20 2. (1) Notwithstanding any other provision of law to the contrary, any political subdivision is
21 authorized to enter into design-build contracts for design-build projects that exceed an expenditure of one
22 million dollars.

23 (2) In using a design-build contract, the political subdivision shall establish a written procedure by
24 rule for prequalifying design-builders before such design-builders will be allowed to make a proposal on the
25 project. The political subdivision, when establishing the prequalification procedure and factors of
26 consideration, shall not discriminate against a design-builder for entering or refusing to enter or to remain
27 signatory or otherwise adhere to agreements with one or more labor organizations.

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

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

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

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1 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 work on the
3 design-build project including, but not limited to, those furnishing design and construction services, labor,
4 materials, or equipment.

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

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

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

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

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

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

20 4. (1) The payment bond requirements of section 107.170 shall apply to the design-build project. All
21 persons furnishing design services shall be deemed to be covered by the payment bond the same as any person
22 furnishing labor and materials; however, the performance bond for the design-builder does not need to cover
23 the design services as long as the design-builder or its subcontractors providing design services carry
24 professional liability insurance in an amount established by the political subdivision in the request for
25 proposals.

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

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

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

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38 Further amend said bill, Page 6, Section B, Line 2, by inserting after the word "manner," the words "section
39 37.005 of"; and

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41 Further amend said bill, Page 6, Section B, Line 5, by inserting after the word "and" the words "section 37.005
42 of"; and

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