

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1191, Page 1, Section A, Line 3, by inserting after all of said section and
2 line the following:

3
4 "8.683. Upon award of a construction management services contract, the successful construction
5 manager shall contract with the public owner to furnish his skill and judgment in cooperation with,
6 and reliance upon, the services of the project architect or engineer. The construction manager shall
7 furnish business administration, management of the construction process and other specified services
8 to the public owner and shall perform in an expeditious and economical manner consistent with the
9 interest of the public owner. Should the public owner determine it to be in the public's best interest,
10 the construction manager may provide or perform basic services for which reimbursement is
11 provided in the general conditions to the construction management services contract. The
12 construction manager shall [not, however,] also be permitted to bid on or perform any of the actual
13 construction on a public works project in which he is acting as construction manager, [nor shall] and
14 any construction firm which controls, is controlled by, or shares common ownership or control
15 with[,] the construction manager, shall be allowed to bid on or perform work on such project. The
16 actual construction work on the project shall be awarded by competitive bidding as provided by law.
17 All successful bidders shall contract directly with the public owner or construction manager, but
18 shall perform at the direction of the construction manager unless otherwise provided in the
19 construction manager's contract with the public owner. All successful bidders shall provide payment
20 and performance bonds to the public owner. All successful bidders shall meet all the obligations of a
21 prime contractor to whom a contract is awarded, pertaining to the payment of prevailing wages
22 pursuant to sections 290.210 to 290.340. In addition, all nonresident employers shall meet the
23 bonding and registration requirements of sections 285.230 to 285.234.

24
25 8.685. [No] Any construction management services contract may be awarded by a public owner on a
26 negotiated basis as provided herein [if] regardless of whether the construction manager, or a firm that
27 controls, is controlled by, or shares common ownership or control with the construction manager,
28 guarantees, warrants, or otherwise assumes financial responsibility for the work of others on the
29 project; or provides the public owner with a guaranteed maximum price for the work of others on the
30 project; or furnishes or guarantees a performance or payment bond for other contractors on the
31 project. [In any such case, the contract for construction management services shall be let by
32 competitive bidding as in the case of contracts for construction work.]; and

33
34 Further amend said bill, Section 67.1842, Page 6, Line 27, by inserting after all of said section and
35 line the following:

36
Action Taken _____ Date _____

1 "67.5050. 1. As used in this section, the following terms mean:

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

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

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

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

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

19 2. (1) Notwithstanding any other provision of law to the contrary, any political subdivision is
 20 authorized to enter into design-build contracts for design-build projects that exceed an expenditure
 21 of one million dollars.

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

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

26 (a) The prequalification review team;

27 (b) Specifications for the design criteria package;

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

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

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

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

33 (4) The political subdivision is authorized to issue a request for proposals to a minimum of
 34 two and a maximum of five design-builders who are prequalified in accordance with this section.

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

38 3. (1) Before the prequalification process specified in this section, the political subdivision
 39 shall publicly advertise, once a week for two consecutive weeks, in a newspaper of general
 40 circulation, qualified under chapter 493, located within the political subdivision, or, if there is no
 41 such newspaper, in a qualified newspaper of general circulation in the county, or, if there is no such
 42 newspaper, in a qualified newspaper of general circulation in an adjoining county, and may advertise
 43 in business, trade, or minority newspapers, for qualification submissions on said design-build
 44 project.

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

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

1 proposals.

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

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

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

9 4. (1) The payment bond requirements of section 107.170 shall apply to the design-build
10 project. All persons furnishing design services shall be deemed to be covered by the payment bond
11 the same as any person furnishing labor and materials; however, the performance bond for the
12 design-builder does not need to cover the design services as long as the design-builder or its
13 subcontractors providing design services carry professional liability insurance in an amount
14 established by the political subdivision in the request for proposals.

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

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

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

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