

HCS SCS SB 781 -- CONSTRUCTION

SPONSOR: Schatz (Jones)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Emerging Issues by a vote of 10 to 0. Voted "Do Pass with HCS" by the Select Committee on General Laws by a vote of 9 to 0.

The bill authorizes any political subdivision to use the construction manager-at-risk method, as defined in the bill, for specified civil works projects. Before or concurrently with selecting a construction manager-at-risk, the political subdivision shall select or designate an engineer or architect who shall prepare the construction documents for the project and comply with all state laws, as applicable. If the engineer or architect is not a full-time employee of the political subdivision, the political subdivision shall select the engineer or architect on the basis of demonstrated competence and qualifications. This bill also allows for and defines specialty construction design contracts.

The bill specifies definitions for use in regulating design build projects.

In using a design-build contract, the political subdivision shall determine the scope and level of detail required to permit qualified persons to submit proposals in accordance with the request for proposals given the nature of the project. The design criteria consultant may evaluate construction as to the adherence to the design criteria. The consultant shall be selected and the contract negotiated in compliance with this provision unless the consultant is a direct employee of the political subdivision (Sections 8.285 to 8.291).

Criteria for notice and content regarding requests for proposals are specified in the bill. The political subdivision shall solicit proposals in a three-stage process. The bill describes these phases in detail.

As an inducement to qualified design-builders, the political subdivision shall pay a reasonable stipend, the amount of which shall be established in the request for proposal, to each prequalified design-builder whose proposal is responsive but not accepted. Upon payment of the stipend to any unsuccessful design builder, the political subdivision shall acquire a nonexclusive right to use the design submitted by the design-builder, and the design-builder shall have no further liability for the use of the design. If the design-builder desires to retain all rights and interest in the design proposed, the design-builder shall forfeit the stipend. The payment bond requirements of the bill shall apply

to the design-build project (Section 107.170).

The bill does not apply to any metropolitan sewer district established under Article VI, Section 30(a) of the Constitution of Missouri, or any charter city or charter county governed by home rule under Article VI, Section 18 or 19 of the Constitution of Missouri. The authority to use construction manager-at-risk, design-build, and design-build contracts expires September 1, 2026.

This bill requires the Department of Health and Senior Services to establish regulations for the construction and renovation of hospitals that include life safety code standards for hospitals that exclusively reflect the life safety code standards imposed by the federal Medicare program under federal laws and regulations. The bill prohibits the department from requiring a hospital to meet the standards contained in the Facility Guidelines Institute for the Design and Construction of Health Care Facilities but any hospital that complies with the 2010 or later version of such guidelines for the construction and renovation of hospitals must not be required to comply with any regulation that is inconsistent or conflicts in any way with such guidelines. The department is authorized to waive the enforcement of the standards imposed by these provisions if the department determines that compliance with those specific standards would result in unreasonable hardship for the facility and if the health and safety of hospital patients would not be compromised by the waiver or waivers.

Regulations established by the department to establish and enforce hospital licensure regulations that conflict with the standards established under these provisions must lapse on and after January 1, 2018.

This bill is similar to HB 2376 (2016).

PROPONENTS: Supporters say that this bill gives local governments more flexibility in awarding contracts and will help to reduce costs.

Testifying for the bill were Senator Schatz and The Bio2 Solution.

OPPONENTS: There was no opposition voiced to the committee.