

By Representatives Fuller, Arnall and Constantine

1 A bill to be entitled
2 An act relating to the Consultants' Competitive
3 Negotiation Act; amending s. 287.055, F.S.;
4 providing that municipalities, political
5 subdivisions, school districts, and school
6 boards, as an alternative to awarding
7 design-build contracts using a competitive
8 proposal selection process as described in said
9 section, may award such contracts using a
10 qualifications-based selection process pursuant
11 to standards for competitive selection and
12 competitive negotiation for entering into a
13 contract for a guaranteed maximum price and
14 completion date; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraph (c) of subsection (10) of section
19 287.055, Florida Statutes, 1996 Supplement, is amended to
20 read:

21 287.055 Acquisition of professional architectural,
22 engineering, landscape architectural, or surveying and mapping
23 services; definitions; procedures; contingent fees prohibited;
24 penalties.--

25 (10) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

26 (c) Except as otherwise provided in s. 240.209(3) or
27 s. 337.11(7), the Department of Management Services shall
28 adopt rules for the award of design-build contracts to be
29 followed by state agencies. Each other agency must adopt
30 rules or ordinances for the award of design-build contracts.
31 ~~For~~ Municipalities, political subdivisions, school districts,

1 and school boards shall award design-build contracts by the
2 use of a competitive proposal selection process as described
3 in this subsection, or by the use of a qualifications-based
4 selection process pursuant to subsections (4) and (5) for
5 entering into a contract for a guaranteed maximum price and
6 guaranteed completion date. Procedures for the use of a
7 competitive proposal selection process, ~~such procedures~~ must
8 include as a minimum the following:

9 1. The preparation of a design criteria package for
10 the design and construction of the public construction
11 project.

12 2. The qualification and selection of no fewer than
13 three design-build firms as the most qualified, based on the
14 qualifications, availability, and past work of the firms,
15 including the partners or members thereof.

16 3. The criteria, procedures, and standards for the
17 evaluation of design-build contract proposals or bids, based
18 on price, technical, and design aspects of the public
19 construction project, weighted for the project.

20 4. The solicitation of competitive proposals, pursuant
21 to a design criteria package, from those qualified
22 design-build firms and the evaluation of the responses or bids
23 submitted by those firms based on the evaluation criteria and
24 procedures established prior to the solicitation of
25 competitive proposals.

26 5. For consultation with the employed or retained
27 design criteria professional concerning the evaluation of the
28 responses or bids submitted by the design-build firms, the
29 supervision or approval by the agency of the detailed working
30 drawings of the project; and for evaluation of the compliance
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1 of the project construction with the design criteria package
2 by the design criteria professional.

3 6. In the case of public emergencies, for the agency
4 head to declare an emergency and authorize negotiations with
5 the best qualified design-build firm available at that time.

6 Section 2. This act shall take effect October 1, 1997.

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9 HOUSE SUMMARY

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11 Amends the Consultants' Competitive Negotiation Act to
12 provide that municipalities, political subdivisions,
13 school districts, and school boards, as an alternative to
14 awarding design-build contracts using a competitive
15 proposal selection process as described in said act, may
16 award such contracts using a qualifications-based
17 selection process pursuant to standards for competitive
18 selection and competitive negotiation for entering into a
19 contract for a guaranteed maximum price and completion
20 date.

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