

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Aubuchon offered the following:

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3 **Amendment to Amendment (875775) (with title amendment)**

4 Between lines 65 and 66, insert:

5 Section 3. Paragraph (c) of subsection (9) of section
6 287.055, Florida Statutes, is amended to read:

7 287.055 Acquisition of professional architectural,
8 engineering, landscape architectural, or surveying and mapping
9 services; definitions; procedures; contingent fees prohibited;
10 penalties.--

11 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

12 (c) Except as otherwise provided in s. 337.11(7), the
13 Department of Management Services shall adopt rules for the
14 award of design-build contracts to be followed by state
15 agencies. Each other agency must adopt rules or ordinances for
16 the award of design-build contracts. Municipalities, political
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17 subdivisions, school districts, and school boards shall award
18 design-build contracts by the use of a competitive proposal
19 selection process as described in this subsection, or by the use
20 of a qualifications-based selection process pursuant to
21 subsections (3), (4), and (5) for entering into a contract
22 whereby the selected firm will, subsequent to competitive
23 negotiations, subsequently establish a guaranteed maximum price
24 and guaranteed completion date. If the procuring agency elects
25 the option of qualifications-based selection, during the
26 selection of the design-build firm the procuring agency shall
27 employ or retain a licensed design professional appropriate to
28 the project to serve as the agency's representative. Procedures
29 for the use of a competitive proposal selection process must
30 include as a minimum the following:

- 31 1. The preparation of a design criteria package for the
32 design and construction of the public construction project.
- 33 2. The qualification and selection of no fewer than three
34 design-build firms as the most qualified, based on the
35 qualifications, availability, and past work of the firms,
36 including the partners or members thereof.
- 37 3. The criteria, procedures, and standards for the
38 evaluation of design-build contract proposals or bids, based on
39 price, technical, and design aspects of the public construction
40 project, weighted for the project.
- 41 4. The solicitation of competitive proposals, pursuant to
42 a design criteria package, from those qualified design-build
43 firms and the evaluation of the responses or bids submitted by

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44 those firms based on the evaluation criteria and procedures
45 established prior to the solicitation of competitive proposals.

46 5. For consultation with the employed or retained design
47 criteria professional concerning the evaluation of the responses
48 or bids submitted by the design-build firms, the supervision or
49 approval by the agency of the detailed working drawings of the
50 project; and for evaluation of the compliance of the project
51 construction with the design criteria package by the design
52 criteria professional.

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

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57 ===== T I T L E A M E N D M E N T =====

58 Remove line 73 and insert:

59 providing construction; amending s. 287.055, F.S.; requiring
60 firms awarded certain design-build contracts to, subsequent to
61 competitive negotiations, establish a guaranteed maximum price
62 and guaranteed completion date;