

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Attkisson offered the following:

2
3 **Amendment (with title amendment)**

4 On page 1, between lines 9 and 10, insert:

5
6 Section 1. Section 287.046, Florida Statutes, is created
7 to read:

8 287.046 Construction management entities; program
9 management entities.--

10 (1) "Local government" as used in this section means a
11 county, municipality, or special district as defined in chapter
12 189, or other political subdivision of the state.

13 (2) A local government may select a construction
14 management entity, pursuant to the process provided by s.
15 287.055, that would be responsible for construction project
16 scheduling and coordination in both preconstruction and

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17 construction phases and is generally responsible for the
18 successful, timely, and economical completion of the
19 construction project. The construction management entity must
20 consist of or contract with licensed or registered professionals
21 for the specific fields or areas of construction to be
22 performed, as required by law. The construction management
23 entity may retain necessary design professionals selected under
24 the process provided in s. 287.055. At the option of the local
25 government, the construction management entity, after having
26 been selected and after competitive negotiations, may be
27 required to offer either a guaranteed maximum price and a
28 guaranteed completion date or a lump-sum price and a guaranteed
29 completion date, in which case the construction management
30 entity must secure an appropriate surety bond pursuant to s.
31 255.05 and must hold construction subcontracts. If a project, as
32 defined in s. 287.055(2)(f), solicited by a local government
33 under the process provided in s. 287.055 includes a grouping of
34 substantially similar construction, rehabilitation, or
35 renovation activities as permitted under s. 287.055(2)(f), the
36 local government, after competitive negotiations, may require
37 the construction management entity to provide for a separate
38 guaranteed maximum price or a separate lump-sum price and a
39 separate guaranteed completion date for each grouping of
40 substantially similar construction, rehabilitation, or
41 renovation activities included within the project.

42 (3) A local government may select a program management
43 entity, pursuant to the process provided by s. 287.055, that
44 would be responsible for schedule control, cost control, and
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45 coordination in providing or procuring planning, design, and
46 construction services. The program management entity must
47 consist of or contract with licensed or registered professionals
48 for the specific areas of design or construction to be performed
49 as required by law. The program management entity may retain
50 necessary design professionals selected under the process
51 provided in s. 287.055. At the option of the local government,
52 the program management entity, after having been selected and
53 after competitive negotiations, may be required to offer either
54 a guaranteed maximum price and a guaranteed completion date or a
55 lump-sum price and a guaranteed completion date, in which case
56 the program management entity must secure an appropriate surety
57 bond pursuant to s. 255.05 and must hold design and construction
58 subcontracts. If a project, as defined in s. 287.055(2)(f),
59 solicited by a local government under the process provided in s.
60 287.055 includes a grouping of substantially similar
61 construction, rehabilitation, or renovation activities as
62 permitted under s. 287.055(2)(f), the local government, after
63 competitive negotiations, may require the program management
64 entity to provide for a separate guaranteed maximum price or a
65 lump-sum price and a separate guaranteed completion date for
66 each grouping of substantially similar construction,
67 rehabilitation, or renovation activities included within the
68 project.

69 (4) Nothing in this section shall be construed to prohibit
70 a local government from procuring construction management
71 services, including the services of a program management entity,
72 pursuant to the requirements of s. 255.20.

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73 Section 2. Paragraphs (b) and (c) of subsection (9) of
74 section 287.055, Florida Statutes, are amended to read:

75 287.055 Acquisition of professional architectural,
76 engineering, landscape architectural, or surveying and mapping
77 services; definitions; procedures; contingent fees prohibited;
78 penalties.--

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

80 (b) The design criteria package must be prepared and
81 sealed by a design criteria professional employed by or retained
82 by the agency. If the agency elects to enter into a professional
83 services contract for the preparation of the design criteria
84 package, then the design criteria professional must be selected
85 and contracted with under the requirements of subsections (3),
86 (4), and (5). A design criteria professional who has been
87 selected to prepare the design criteria package is not eligible
88 to render services under a design-build contract executed
89 pursuant to the design criteria package.

90 (c) Except as otherwise provided in s. 337.11(7), the
91 Department of Management Services shall adopt rules for the
92 award of design-build contracts to be followed by state
93 agencies. Each other agency must adopt rules or ordinances for
94 the award of design-build contracts. Municipalities, political
95 subdivisions, school districts, and school boards shall award
96 design-build contracts by the use of a competitive proposal
97 selection process as described in this subsection, or by the use
98 of a qualifications-based selection process pursuant to
99 subsections (3), (4), and (5) for entering into a contract
100 whereby the selected firm will, subsequent to competitive

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101 negotiations, ~~subsequently~~ establish a guaranteed maximum price
102 and guaranteed completion date. If the procuring agency elects
103 the option of qualifications-based selection, during the
104 selection of the design-build firm the procuring agency shall
105 employ or retain a licensed design professional appropriate to
106 the project to serve as the agency's representative. Procedures
107 for the use of a competitive proposal selection process must
108 include as a minimum the following:

109 1. The preparation of a design criteria package for the
110 design and construction of the public construction project.

111 2. The qualification and selection of no fewer than three
112 design-build firms as the most qualified, based on the
113 qualifications, availability, and past work of the firms,
114 including the partners or members thereof.

115 3. The criteria, procedures, and standards for the
116 evaluation of design-build contract proposals or bids, based on
117 price, technical, and design aspects of the public construction
118 project, weighted for the project.

119 4. The solicitation of competitive proposals, pursuant to
120 a design criteria package, from those qualified design-build
121 firms and the evaluation of the responses or bids submitted by
122 those firms based on the evaluation criteria and procedures
123 established prior to the solicitation of competitive proposals.

124 5. For consultation with the employed or retained design
125 criteria professional concerning the evaluation of the responses
126 or bids submitted by the design-build firms, the supervision or
127 approval by the agency of the detailed working drawings of the
128 project; and for evaluation of the compliance of the project

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129 construction with the design criteria package by the design
130 criteria professional.

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

134

135

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

137 On page 1, lines 2 through 6,
138 remove: all of said lines

139

140 and insert:

141

142 An act relating to procurement of personal property and
143 services; creating s. 287.046, F.S.; authorizing local
144 governments to select construction management entities and
145 program management entities; specifying the
146 responsibilities of such entities; providing procedures
147 and requirements with respect to such entities; providing
148 construction of the section; amending s. 287.055, F.S.,
149 relating to the acquisition of professional architectural,
150 engineering, landscape architectural, or surveying and
151 mapping services; revising requirements under which a
152 design criteria professional must be selected and
153 contracted with; revising provisions relating to the award
154 of design-build contracts for such services by
155 municipalities, political subdivisions, school districts,
156 and school boards; amending s. 287.057, F.S.; requiring

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HOUSE AMENDMENT

Bill No. CS/SB 1976

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157 | that additional types of contracts by state agencies be
158 | procured by competitive solicitation; providing an
159 | effective date.