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585-06748-08

Proposed Committee Substitute by the Committee on Governmental  
Operations

1 A bill to be entitled

2 An act relating to state construction management  
3 contracting; creating s. 255.32, F.S.; defining terms;  
4 authorizing the Department of Management Services to  
5 select and contract with construction management entities  
6 to assist in the management of state construction  
7 projects; providing criteria; authorizing the department  
8 to enter into continuing contracts under certain  
9 circumstances; providing that a construction management  
10 entity may be required to offer a guaranteed maximum price  
11 and a guaranteed completion date under specified  
12 circumstances and secure a surety bond; authorizing the  
13 department to adopt rules; providing an effective date.  
14

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

16  
17 Section 1. Section 255.32, Florida Statutes, is created to  
18 read:

19 255.32 State construction management contracting.--

20 (1) For purposes of this section, the term:

21 (a) "Construction management entity" means a licensed  
22 general contractor or a licensed building contractor, as defined  
23 in s. 489.105(3), who coordinates and supervises a construction  
24 project from the conceptual development stage through final  
25 construction, including the scheduling, selection, contracting  
26 with, and directing of specialty trade contractors and the value  
27 engineering of a project.



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28        (b) "Construction project" means any planned or unforeseen  
29 fixed capital outlay activity authorized under s. 255.31. A  
30 construction project may include:

31        1. A grouping of minor construction, rehabilitation, or  
32 renovation activities.

33        2. A grouping of substantially similar construction,  
34 rehabilitation, or renovation activities.

35        (c) "Continuing contract" means a contract with a  
36 construction management entity for work during a defined time  
37 period on construction projects, described by type, which may or  
38 may not be identified at the time the contract is entered into.

39        (d) "Department" means the Department of Management  
40 Services.

41        (2) To assist in the management of state construction  
42 projects, the department may select and contract with  
43 construction management entities that:

44        (a) Are competitively selected by the department pursuant  
45 to s. 287.055;

46        (b) Agree to follow the advertising and competitive bidding  
47 procedures that the department would be required to follow if the  
48 department was managing the construction project directly; and

49        (c) Are under a contract that is separate from the design  
50 criteria professional contract, if any, assigned to the  
51 construction project.

52        (3) The department's authority under subsection (2)  
53 includes entering into continuing contracts for construction  
54 projects whose total estimated cost do not exceed \$1 million.

55        (4) The department may require the construction management  
56 entity, after having been selected for a construction project and  
57 after competitive negotiations, to offer a guaranteed maximum



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58 price and a guaranteed completion date. If so required, the  
59 construction management entity must secure an appropriate surety  
60 bond pursuant to s. 255.05 and must hold construction  
61 subcontracts. If a project solicited by the department pursuant  
62 to s. 287.055 includes a grouping of construction,  
63 rehabilitation, or renovation activities or substantially similar  
64 construction, rehabilitation, or renovation activities costing up  
65 to \$1 million, the department may require the construction  
66 management entity to provide for a separate guaranteed maximum  
67 price and a separate guaranteed completion date for each grouping  
68 included in the project.

69 (5) The department shall adopt rules for state agencies  
70 using the services of construction management entities under  
71 contract with the department.

72 Section 2. This act shall take effect July 1, 2008.