



044162

CHAMBER ACTION

Senate

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House

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1 Senator Baker moved the following **amendment**:

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

4 Delete line(s) 1668-1691

5 and insert:

6 Section 29. Subsections (7), (8), (9), (10), (11), (12),  
7 (13), (14), and (15) of section 337.11, Florida Statutes, are  
8 renumbered as subsections (8), (9), (10), (11), (12), (13), (14),  
9 (15), and (16), respectively, subsection (7) is added to that  
10 section, and paragraph (a) of new subsection (8) of that section  
11 is amended, to read:

12 337.11 Contracting authority of department; bids; emergency  
13 repairs, supplemental agreements, and change orders; combined  
14 design and construction contracts; progress payments; records;  
15 requirements of vehicle registration.--

16 (7) If the department determines that it is in the best  
17 interest of the public, the department may pay a stipend to

Bill No. CS for CS for CS for SB 1978



044162

18 unsuccessful firms who have submitted responsive proposals for  
19 construction or maintenance contracts. The decision and amount of  
20 a stipend will be based upon department analysis of the estimated  
21 proposal development costs and the anticipated degree of  
22 competition during the procurement process. Stipends shall be  
23 used to encourage competition and compensate unsuccessful firms  
24 for a portion of their proposal development costs. The department  
25 shall retain the right to use ideas from unsuccessful firms that  
26 accept a stipend.

27 (8)-(7)(a) If the head of the department determines that it  
28 is in the best interests of the public, the department may  
29 combine the design and construction phases of a building, a major  
30 bridge, a limited access facility, or a rail corridor project  
31 into a single contract. Such contract is referred to as a design-  
32 build contract. The department's goal shall be to procure up to  
33 25 percent of the construction contracts which add capacity in  
34 the 5-year adopted work program as design-build contracts by July  
35 1, 2013. Design-build contracts may be advertised and awarded  
36 notwithstanding the requirements of paragraph (3)(c). However,  
37 construction activities may not begin on any portion of such  
38 projects for which the department has not yet obtained title to  
39 the necessary rights-of-way and easements for the construction of  
40 that portion of the project has vested in the state or a local  
41 governmental entity and all railroad crossing and utility  
42 agreements have been executed. Title to rights-of-way shall be  
43 deemed to have vested in the state when the title has been  
44 dedicated to the public or acquired by prescription.

45 (b) The department shall adopt by rule procedures for  
46 administering design-build contracts. Such procedures shall  
47 include, but not be limited to:



044162

- 48 | 1. Prequalification requirements.
- 49 | 2. Public announcement procedures.
- 50 | 3. Scope of service requirements.
- 51 | 4. Letters of interest requirements.
- 52 | 5. Short-listing criteria and procedures.
- 53 | 6. Bid proposal requirements.
- 54 | 7. Technical review committee.
- 55 | 8. Selection and award processes.
- 56 | 9. Stipend requirements.

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58 | ===== T I T L E A M E N D M E N T =====

59 | And the title is amended as follows:

60 |       On line 142, after the semicolon,

61 | insert:

62 |       authorizing the department to pay stipends to unsuccessful

63 |       bidders on construction and maintenance contracts;