

1                                   A bill to be entitled  
 2           An act relating to state construction management  
 3           contracting; creating s. 255.32, F.S.; providing  
 4           definitions; authorizing the Department of Management  
 5           Services to select and contract with specified  
 6           construction management entities to assist in the  
 7           management of construction projects; providing that the  
 8           department's authority includes the right to enter into  
 9           certain continuing contracts; providing that a  
 10          construction management entity may be required to offer a  
 11          guaranteed maximum price and a guaranteed completion date  
 12          under specified circumstances; providing procedures and  
 13          requirements with respect thereto; requiring the  
 14          department to adopt rules; 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.   Section 255.32, Florida Statutes, is created to  
 19           read:

20           255.32 State construction management contracting.--

21           (1) For purposes of this section:

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

29 engineering of a project.

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

33 1. A grouping of minor construction, rehabilitation, or  
34 renovation activities.

35 2. A grouping of substantially similar construction,  
36 rehabilitation, or renovation activities.

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

41 (d) "Department" means the Department of Management  
42 Services.

43 (2) To assist in the management of construction projects,  
44 the department is authorized to select and contract with  
45 construction management entities:

46 (a) That are competitively selected by the department  
47 pursuant to the process provided in s. 287.055;

48 (b) That agree to follow the advertising and competitive  
49 bidding processes that the department would be required to  
50 follow if the department was managing the construction project  
51 directly; and

52 (c) Under a contract separate from the design criteria  
53 professional contract, if any, assigned to the construction  
54 project.

55 (3) The department's authority under subsection (2)  
56 includes the right to enter into continuing contracts so long as

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57 the continuing contract is not used for any construction project  
58 having a total estimated cost exceeding \$1 million.

59 (4) At the option of the department, the construction  
60 management entity, after having been selected for a construction  
61 project and after competitive negotiations, may be required to  
62 offer a guaranteed maximum price and a guaranteed completion  
63 date. In such event, the construction management entity must  
64 secure an appropriate surety bond pursuant to s. 255.05 and must  
65 hold construction subcontracts. If a project solicited by the  
66 department under the process provided in s. 287.055 includes a  
67 grouping of minor construction, rehabilitation, or renovation  
68 activities, or substantially similar construction,  
69 rehabilitation, or renovation activities, the department may  
70 require the construction management entity to provide for a  
71 separate guaranteed maximum price and a separate guaranteed  
72 completion date for each grouping included within the project.

73 (5) The department shall adopt rules pursuant to chapter  
74 120 for state agencies to utilize construction management  
75 entities under contract with the department.

76 Section 2. This act shall take effect upon becoming a law.