

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.

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

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

19 255.32 State construction management contracting.--

20 (1) As used in 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.

28 (b) "Construction project" means any planned or unforeseen

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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
47 bidding procedures that the department would be required to
48 follow if the department was managing the construction project
49 directly; and

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

53 (3) The department's authority under subsection (2)
54 includes entering into continuing contracts for construction
55 projects the total estimated cost of which does not exceed \$1
56 million.

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

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

74 Section 2. This act shall take effect July 1, 2009.