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LEGISLATIVE ACTION

Senate

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House

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Floor: 3/AD/2R

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04/22/2009 11:16 AM

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Senator Haridopolos moved the following:

**Senate Amendment**

Delete lines 128 - 190  
and insert:

(3) A governmental entity ~~local government~~ may select a program management entity, pursuant to the process provided by s. 287.055, which is to be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services. The program management entity must consist of or contract with licensed or registered professionals for the specific areas of design or



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13 construction to be performed as required by law. The program  
14 management entity may retain necessary design professionals  
15 selected under the process provided in s. 287.055. At the option  
16 of the governmental entity ~~local government~~, the program  
17 management entity, after having been selected and after  
18 competitive negotiations, may be required to offer a guaranteed  
19 maximum price and a guaranteed completion date or a lump-sum  
20 price and guaranteed completion date, in which case the program  
21 management entity must secure an appropriate surety bond  
22 pursuant to s. 255.05 and must hold design and construction  
23 subcontracts. If a project, as defined in s. 287.055(2)(f),  
24 solicited by a governmental entity ~~local government~~ under the  
25 process provided in s. 287.055 includes a grouping of  
26 substantially similar construction, rehabilitation, or  
27 renovation activities as permitted under s. 287.055(2)(f), the  
28 governmental entity ~~local government~~, after competitive  
29 negotiations, may require the program management entity to  
30 provide for a separate guaranteed maximum price or a lump-sum  
31 price and a separate guaranteed completion date for each  
32 grouping of substantially similar construction, rehabilitation,  
33 or renovation activities included within the project.

34 (4) A governmental entity's authority under subsections (2)  
35 and (3) includes entering into a continuing contract for  
36 construction projects, pursuant to the process provided in s.  
37 287.055, in which the estimated construction cost of each  
38 individual project under the contract does not exceed \$2  
39 million. For purposes of this subsection, the term "continuing  
40 contract" means a contract with a construction management or  
41 program management entity for work during a defined period on



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42 construction projects described by type which may or may not be  
43 identified at the time of entering into the contract.

44 (5)~~(4)~~ This section does not prohibit a local government  
45 from procuring construction management services, including the  
46 services of a program management entity, pursuant to the  
47 requirements of s. 255.20.

48 Section 3. Paragraph (g) of subsection (2) of section  
49 287.055, Florida Statutes, is amended to read:

50 287.055 Acquisition of professional architectural,  
51 engineering, landscape architectural, or surveying and mapping  
52 services; definitions; procedures; contingent fees prohibited;  
53 penalties.—

54 (2) DEFINITIONS.—For purposes of this section:

55 (g) A "continuing contract" is a contract for professional  
56 services entered into in accordance with all the procedures of  
57 this act between an agency and a firm whereby the firm provides  
58 professional services to the agency for projects in which the  
59 estimated construction cost of each individual project under the  
60 contract does ~~costs do~~ not exceed \$2 ~~\$1~~ million, for study  
61 activity ~~if~~ ~~when~~ the fee for ~~such~~ professional services for each  
62 individual study under the contract does ~~service does~~ not exceed  
63 \$200,000 ~~\$50,000~~, or for work of a specified nature as outlined  
64 in the contract required by the agency, with the contract being  
65 for a fixed term or with no time limitation except that the  
66 contract must provide a termination clause. Firms providing  
67 professional services under continuing contracts shall not be  
68 required to bid against one another.