By Senator Haridopolos

26-01393-09   20092666__

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

6   entities to assist in the management of state

7   construction projects; providing criteria; authorizing

8   the department to enter into continuing contracts

9   under certain circumstances; providing that a

10   construction management entity may be required to

11   offer a guaranteed maximum price and a guaranteed

12   completion date under specified circumstances and

13   secure a surety bond; requiring the department to

14   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) As used in this section, the term:

22   (a) "Construction management entity" means a licensed

23   general contractor or a licensed building contractor, as defined

24   in s. 489.105, who coordinates and supervises a construction

25   project from the conceptual development stage through final

26   construction, including the scheduling, selection, contracting

27   with, and directing of specialty trade contractors, and the

28   value engineering of a project.

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

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30 fixed capital outlay activity authorized under s. 255.31. A
31 construction project may include:
32   1. A grouping of minor construction, rehabilitation, or
33 renovation activities.
34   2. A grouping of substantially similar construction,
35 rehabilitation, or renovation activities.
36   (c) "Continuing contract" means a contract with a
37 construction management entity for work during a defined time
38 period on construction projects described by type, which may or
39 may not be identified at the time of entering into the contract.
40   (d) "Department" means the Department of Management
41 Services.
42   (2) To assist in the management of state construction
43 projects, the department may select and contract with
44 construction management entities that:
45   (a) Are competitively selected by the department pursuant
46 to s. 287.055;
47   (b) Agree to follow the advertising and competitive bidding
48 procedures that the department is required to follow if the
49 department is managing the construction project 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 for which the total estimated cost does not exceed $1
56 million.
57   (4) The department may require the construction management
58 entity, after having been selected for a construction project

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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 a separate guaranteed
69 maximum price and a separate guaranteed completion date for each
70 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.

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