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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2015	.	
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The Committee on Community Affairs (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 270 - 300

and insert:

(c) If the responsible public entity solicits proposals under this section, the solicitation must include a design criteria package prepared by an architect or engineer licensed in this state which is sufficient to allow private entities to prepare a bid or a response. The design criteria package must specify performance-based criteria for the project, including



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11 the legal description of the site, with survey information;  
12 interior space requirements; material quality standards;  
13 schematic layouts and conceptual design criteria for the  
14 project, with budget estimates; design and construction  
15 schedules; and site and utility requirements ~~A responsible~~  
16 ~~public entity that is a school board may enter into a~~  
17 ~~comprehensive agreement only with the approval of the local~~  
18 ~~governing body.~~

19 (d) Before approving a comprehensive agreement ~~approval~~,  
20 the responsible public entity must determine that the proposed  
21 project:

22 1. Is in the public's best interest.

23 2. Is for a facility that is owned by the responsible  
24 public entity or for a facility for which ownership will be  
25 conveyed to the responsible public entity.

26 3. Has adequate safeguards in place to ensure that  
27 additional costs or service disruptions are not imposed on the  
28 public in the event of material default or cancellation of the  
29 comprehensive agreement by the responsible public entity.

30 4. Has adequate safeguards in place to ensure that the  
31 responsible public entity or private entity has the opportunity  
32 to add capacity to the proposed project or other facilities  
33 serving similar predominantly public purposes.

34 5. Will be owned by the responsible public entity upon  
35 completion, expiration, or termination of the comprehensive  
36 agreement and upon payment of the amounts financed.

37 (e) Before signing a comprehensive agreement, the  
38 responsible public entity must consider a reasonable finance  
39 plan that is consistent with subsection (9) ~~(11)~~; the qualifying



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40 project cost; revenues by source; available financing; major  
41 assumptions; internal rate of return on private investments, if  
42 governmental funds are assumed in order to deliver a cost-  
43 feasible project; and a total cash-flow analysis beginning with  
44 the implementation of the project and extending for the term of  
45 the comprehensive agreement.

46 (f) In considering an unsolicited proposal, the

47  
48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Delete line 15

51 and insert:

52 comprehensive agreement; requiring a responsible  
53 public entity to include a design criteria package in  
54 a solicitation; specifying requirements for the design  
55 criteria package; revising the conditions