

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Oversight, Transparency &
 2 Public Management Subcommittee
 3 Representative Smith, D. offered the following:
 4

Amendment (with directory and title amendments)

6 Remove lines 31-52 and insert:
 7 to cost more than \$400,000 ~~\$300,000~~. For electrical work, the
 8 local government must competitively award to an appropriately
 9 licensed contractor each project that is estimated in accordance
 10 with generally accepted cost-accounting principles to cost more
 11 than \$100,000 ~~\$75,000~~. As used in this section, the term
 12 "competitively award" means to award contracts based on the
 13 submission of sealed bids, proposals submitted in response to a
 14 request for proposal, proposals submitted in response to a
 15 request for qualifications, or proposals submitted for
 16 competitive negotiation. This subsection expressly allows

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17 contracts for construction management services, design/build
18 contracts, continuation contracts based on unit prices, and any
19 other contract arrangement with a private sector contractor
20 permitted by any applicable municipal or county ordinance, by
21 district resolution, or by state law. For purposes of this
22 section, cost includes the cost of all labor, except inmate
23 labor, and the cost of equipment and materials to be used in the
24 construction of the project. Subject to the provisions of
25 subsection (3), the county, municipality, special district, or
26 other political subdivision may establish, by municipal or
27 county ordinance or special district resolution, procedures for
28 conducting the bidding process.

29 (a) Notwithstanding any other law, a governmental entity
30 seeking to construct or improve bridges, roads, streets,
31 highways, or railroads, and services incidental thereto, at a
32 cost in excess of \$250,000 may require that persons interested
33 in performing work under contract first be certified or
34 qualified to perform such work. A contractor may be considered
35 ineligible to bid if the contractor is behind by 10 percent or
36 more on completing an approved progress schedule for the
37 governmental entity at the time of advertising the work. A
38 prequalified contractor considered eligible by the Department of
39 Transportation to bid to perform the type of work described
40 under the contract is presumed to be qualified to perform the
41 work described. The governmental entity may provide an appeal

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42 process to overcome that presumption with de novo review based
43 on the record below to the circuit court.

44 (b) For contractors who are not prequalified by the
45 Department of Transportation, the governmental entity shall
46 publish prequalification criteria and procedures prior to
47 advertisement or notice of solicitation. Such publications must
48 include notice of a public hearing for comment on such criteria
49 and procedures prior to adoption. The procedures must provide
50 for an appeal process within the authority for making objections
51 to the prequalification process with de novo review based on the
52 record below to the circuit court within 30 days.

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D I R E C T O R Y A M E N D M E N T

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57 Remove line 21 and insert:

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58 Section 1. Subsection (1) of section

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T I T L E A M E N D M E N T

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62 Between lines 3 and 4, insert:

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63 revising the amount at which specified entities must
64 competitively award certain projects;

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