

HB 1945 -- DESIGN-BUILD CONTRACTS

SPONSOR: Guernsey

This bill repeals the prohibition against a construction manager awarded a construction management services contract or any construction firm affiliated with the construction manager bidding on or performing the actual construction on a public works project. The bill also repeals the requirement that a construction management services contract must be let by competitive bidding if the construction manager or any construction firm affiliated with the construction manager guarantees or otherwise assumes financial responsibility for the work of others on the project, provides a guaranteed maximum price for the work of others, or furnishes or provides a performance or payment bond for the other contractors on the project.

The bill also authorizes political subdivisions to enter into design-build contracts for construction projects exceeding \$1 million. In its main provisions, the bill:

- (1) Establishes design-build contract procedures;
- (2) Requires the political subdivision to adopt procedures for requesting proposals and evaluating and awarding contracts from a minimum of two and a maximum of five pre-qualified contractors;
- (3) Establishes advertising requirements and procedures for submitting and opening proposals and for re-advertising when necessary;
- (4) Specifies that payment bonds are required, but the performance bond does not need to cover design services if the contractor or subcontractor providing design services carries professional liability insurance in the amount established in the request for proposal;
- (5) Requires architects, engineers, landscape architects, and land surveyors performing services for the contractor to be licensed or authorized under statute, unless the subcontractors performing the services are properly licensed; and
- (6) Requires the political subdivision to retain an architect or engineer.