

1 A bill to be entitled
 2 An act relating to state construction management
 3 contracting; creating section 255.32; providing
 4 definitions; authorizing Department of Management Services
 5 to select and contract with construction management
 6 entities under certain conditions; providing an effective
 7 date.

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 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Section 255.32, Florida Statutes, is created to
 12 read:

13 255.32 State construction management contracting. -

14 (1) DEFINITIONS. - For purposes of this section:

15 (a) "Construction Management" means the coordination and
 16 supervision of the construction process by a licensed general
 17 contractor, as defined in s. 489.105(3)(a), or a licensed
 18 building contractor, as defined in s. 489.105(3)(b), within the
 19 scope of his or her license, from the conceptual development
 20 stage through final construction, including but not limited to
 21 scheduling, selection, contracting with and directing of
 22 specialty trade contractors and value engineering of a project.

23 (b) "Continuing Contract" means a contract for construction
 24 management services entered into in accordance with all the
 25 procedures of this section between the department and a
 26 construction management entity whereby the construction
 27 management entity provides construction project services in
 28 which construction costs do not exceed \$1 million or for work of

29 a specified nature as outlined in the contract required by the
 30 department. The contract must provide a termination clause.
 31 Firms providing professional services under continuing contracts
 32 shall not be required to bid against one another during a
 33 negotiation process.

34 (c) "Department" means the Department of Management
 35 Services.

36 (d) "Geographic Area" means an area of the state as defined
 37 by the department to establish continuing contract services.

38 (e) "Project" means a planned or unforeseen fixed capital
 39 outlay activity described by the department as to its scope and
 40 specific requirements. A project may include:

41 1. A grouping of minor construction, rehabilitation, or
 42 renovation activities.

43 2. A grouping of substantially similar construction,
 44 rehabilitation, or renovation activities.

45 (2) The department, pursuant to the process provided in s.
 46 287.055, may select and contract with construction management
 47 entities, to include continuing contracts, for construction
 48 projects with a total cost not exceeding \$1 million per project
 49 where the department may negotiate and contract with any
 50 construction management entity that:

51 (a) Was competitively selected by the department to
 52 perform specific construction management services within a
 53 defined time period and geographical area;

54 (b) Has continuously maintained an office within the
 55 geographic area for the preceding three years;

56 (c) Agrees to follow the advertising and competitive
 57 bidding process that the department would be required to follow
 58 if the department were hiring the subcontractors directly;

59 (d) Is contracted separately from the design criteria
 60 professional contract, if any, assigned to the project; and

61 (e) Has performed any prior construction management
 62 services to the department's satisfaction.

63 (3) At the option of the department, the construction
 64 management entity, after having been selected for a project and
 65 after competitive negotiations, may be required to offer a
 66 guaranteed maximum price and a guaranteed completion date, in
 67 which case the construction management entity must secure an
 68 appropriate surety bond pursuant to s. 255.05 and must hold
 69 construction subcontracts. If a project solicited by the
 70 department under the process provided in s. 287.055 includes a
 71 grouping of substantially similar construction, rehabilitation,
 72 or renovation projects, the department, after competitive
 73 negotiations, may require the construction management entity to
 74 provide for a separate guaranteed maximum price and a separate
 75 guaranteed completion date for each grouping of substantially
 76 similar construction, rehabilitation, or renovation activities
 77 included within the project.

78 (4) The department shall promulgate rules applicable to
 79 state agencies for utilization of construction management and
 80 continuing contracts established by the department.

81 (5) Nothing in this section shall be construed to prohibit
 82 a continuing contract between the department and a construction
 83 management entity as otherwise authorized by law.

PCB GEAC 08-19

2008

84 | Section 2. This act shall take effect upon becoming law. |