

HOUSE BILL No. 2461

By Committee on Appropriations

2-8

AN ACT concerning architectural services for state agencies; relating to certain fees; amending K.S.A. 75-1254, 75-1257 and 75-1263 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 75-1254 is hereby amended to read as follows: 75-1254. (a) Whenever a negotiating committee is not convened in accordance with K.S.A. 75-1253 and amendments thereto for a proposed project for the construction of a building or for major repairs or improvements to a building for a state agency, the secretary of administration shall:

(1) Conduct discussions with at least three firms regarding the proposed project, determine the architectural services desired for such project, and negotiate a contract with one of such firms as project architect for the desired architectural services for all phases of the project which are authorized by appropriations therefor at a rate of compensation ~~not~~ ~~in excess of those~~ specified in K.S.A. 75-1263 and amendments thereto;

(2) undertake to provide all or part of the architectural services for such project, including the construction administration services as described in K.S.A. 75-1260 and amendments thereto; or

(3) designate a qualified employee of the state agency or institution for which the project is being constructed, or of the state agency which controls and supervises the operation and management of such institution, to provide all or part of such services for the project; for the purposes of providing such architectural services, such employee shall be known as the agency architect for the project.

(b) The employee of such agency designated as the agency architect for the project shall be a licensed architect under the provisions of K.S.A. 74-7001 to 74-7035, inclusive, and amendments thereto and shall be found by the secretary of administration to be qualified to perform all of the architectural services for the particular project, including the construction administration services as described in K.S.A. 75-1260 and amendments thereto.

(c) The secretary of administration or the agency architect for the project, as the case may be, shall provide the preliminary design services, construction contract documents, bidding services and construction ad-

1 ministration services as described in K.S.A. 75-1260 and amendments
2 thereto for each phase of the project for which no firm is employed as
3 project architect.

4 Sec. 2. K.S.A. 75-1257 is hereby amended to read as follows: 75-
5 1257. (a) Each negotiating committee shall decide which architectural
6 services are desired and negotiate a contract with the selected firm as
7 project architect for such architectural services as desired at compensa-
8 tion ~~not in excess of that~~ specified in K.S.A. 75-1263, and amendments
9 thereto. Whenever the project is for construction of a building or for
10 major repairs or improvements for a building, such contract shall be for
11 all phases of the project which are authorized by appropriations therefor.

12 (b) In such negotiations, the negotiating committee shall always con-
13 sider demonstrated competence and qualifications, including satisfactory
14 completion of any previous phase of work awarded for the same project,
15 and shall take into account the estimated value of the services to be ren-
16 dered and the scope, complexity and professional nature thereof. The
17 negotiating committee shall attempt to negotiate a contract with any firm,
18 which is on the list submitted by the state building advisory commission,
19 for the later phases of work of any project upon which such firm has been
20 awarded a contract and satisfactorily completed a previous phase of work.

21 (c) Should the negotiating committee be unable to negotiate a satis-
22 factory contract with the firm considered to be the most qualified, ~~within~~
23 ~~the fee limits established,~~ negotiations with that firm shall be terminated.
24 The negotiating committee shall then undertake negotiations with the
25 second most qualified firm. Failing of accord with the second most qual-
26 ified firm, negotiations with such firm shall be terminated. The negoti-
27 ating committee shall then undertake negotiations with the third, fourth
28 and fifth most qualified firm in turn. Should the negotiating committee
29 be unable to negotiate a satisfactory contract with any of the selected
30 firms, the committee shall reevaluate the services and fee requirements
31 and reopen negotiations with any of the nominated firms.

32 (d) Should the negotiating committee still be unable to enter into a
33 contract, it shall request the state building advisory commission to provide
34 another list of nominees as provided in K.S.A. 75-1253, and amendments
35 thereto.

36 Sec. 3. K.S.A. 75-1263 is hereby amended to read as follows: 75-
37 1263. (a) ~~Except as otherwise provided in subsection (c),~~ Fees paid to
38 firms employed as project architect to provide architectural services shall
39 ~~not exceed the following~~ *be based on a fair and reasonable price based*
40 *on the requirements of each project:*

41 (1) ~~When the firm provides preliminary design services, construction~~
42 ~~documents, bidding services and the construction administration services~~
43 ~~specified in K.S.A. 75-1260 and amendments thereto the maximum shall~~

1 be: Seven percent of that portion of the estimated cost of the project not
2 exceeding \$2,250,000; 6.25% of that portion of the estimated cost of the
3 project exceeding \$2,250,000 but not exceeding \$4,500,000; 5.5% of that
4 portion of the estimated cost of the project exceeding \$4,500,000 but not
5 exceeding \$6,750,000. The fees to be paid for any project for which the
6 estimate of cost exceeds \$6,750,000 shall be negotiated between the firm
7 selected and the negotiating committee, but shall not exceed 5% on that
8 portion of the estimated cost of the project exceeding \$6,750,000.

9 —(2) When a prior project architect, the secretary of administration or
10 any agency architect as provided in K.S.A. 75-1254 and amendments
11 thereto provides preliminary design services and the project architect
12 provides construction documents, bidding services and construction ad-
13 ministration services, the ~~maximum~~ fee established under subsection
14 (a)(1) shall be reduced by the negotiating committee which shall deter-
15 mine the value of the services to be performed and shall adjust the fee
16 accordingly.

17 ~~(3)~~ (2) When a prior project architect, the secretary of administration
18 or an agency architect as provided in K.S.A. 75-1254 and amendments
19 thereto provides preliminary design services, bidding services and con-
20 struction administration services, the ~~maximum~~ fee established under sub-
21 section (a)(1) shall be reduced by the negotiating committee which shall
22 determine the value of the services to be performed and shall adjust the
23 fee accordingly.

24 (b) A fee of not to exceed 4% of the estimated cost of the project,
25 which shall be determined by the negotiating committee and which shall
26 be proportional to the relative complexity of the project, may be added
27 to the fees otherwise authorized under this section.

28 —(e) For purposes of computing the project architect's ~~maximum~~ fees,
29 the estimated cost of the project shall be that provided in the original
30 program cost estimate for the project. The estimated cost of the project
31 shall not be reduced or increased without the prior approval of the ne-
32 gotiating committee which approved the project description under K.S.A.
33 75-1255 and amendments thereto. The project architect's ~~maximum~~ fee
34 shall not be reduced or increased except that the project architect may
35 be paid additional fees as a result of change orders initiated by the state
36 or for additional services which are the result of changes in the scope or
37 program of the project or construction circumstances beyond the control
38 of the project architect or the state. Any increase in the fees paid to a
39 project architect above the previously established ~~maximum~~ fee for the
40 project shall receive the prior approval of the negotiating committee
41 which approved the project description under K.S.A. 75-1255 and amend-
42 ments thereto and, upon such approval, shall constitute a revised ~~maxi-~~
43 ~~imum~~ fee under this section.

1 ~~(d)~~ (c) Fees of project architects shall be paid from appropriations
2 for the particular project for which the project architect is employed and
3 in no case shall the amount appropriated for a project be exceeded for
4 any increase in a project architect's fees. The secretary of administration
5 shall report to the joint committee on state building construction all ac-
6 tions relating to any increase under subsection ~~(e)~~ (b) in the fees paid to
7 a project architect above the previously established ~~maximum for the~~
8 ~~project amount~~.

9 Sec. 4. K.S.A. 75-1254, 75-1257 and 75-1263 are hereby repealed.

10 Sec. 5. This act shall take effect and be in force from and after its
11 publication in the statute book.

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