

SESSION OF 2006

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2394

As Amended by House Committee on
Appropriations

Brief*

HB 2394, as amended, would establish the Kansas Alternative Project Delivery Building Construction Procurement Act that would provide a second method for procuring building design and construction services for state public improvement contracts. The bill only would apply to state agencies, including state educational institutions under the Board of Regents, that have authority to award public contracts for building design and construction of state projects. The bill would prescribe certain safeguards that must be followed if the alternative method were to be considered for a particular project. Amendments to the bill would clarify that projects would include buildings and would not include various types of state highway construction projects.

Background

The bill was requested by representatives responsible for capital improvement projects who work for state agencies and institutions, including Regents institutions. After initial hearings during the 2005 Session, representatives of various groups and state agencies were asked to work on amendments to the original bill in order to alleviate objections.

Conferees appearing in 2006 to support the bill and proposed amendments included representatives of Associated General Contractors of Kansas, Marin K. Eby Construction Company, Kansas Contractors Association, American Institute of Architects, and the Department of Administration.

During the review of the bill, a representative from the Department of Administration explained the purpose of the legislation was to provide for use of alternative delivery methods, such as building

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

design-build or construction manager at-risk, for state building design and construction projects. Current law requires the design-bid-build delivery method for most state projects. Under this method, a design firm first is selected, and after project plans are drafted and placed out for bids, a contractor is selected to build the project. The proposed alternative method would be used on a limited basis, after determination is made that such a method is appropriate for each particular project. The proposed alternative method might provide substantial savings of time and money compared with the traditional design-bid-build method, according to the Department of Administration representative.

The fiscal note for the bill indicates that the use of the alternative delivery method would be the exception rather than the rule. An agency would need to show that the alternative project delivery method would provide substantial savings of time and money compared with the traditional design-bid-build delivery method.