

**SENATE BILL No. 396**

By Committee on Ways and Means

2-13

1 AN ACT concerning state building projects; relating to negotiating  
2 committees; relating to alternative procurement; amending K.S.A. 2013  
3 Supp. 75-1253 and 75-37,143 and repealing the existing sections.  
4

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

6 Section 1. K.S.A. 2013 Supp. 75-1253 is hereby amended to read as  
7 follows: 75-1253. (a) Whenever it becomes necessary in the judgment of  
8 the secretary of administration or in any case when the total cost of a  
9 project for the construction of a building or for major repairs or  
10 improvements to a building for a state agency is expected to exceed  
11 ~~\$750,000 when architectural services are desired for the project or to~~  
12 ~~exceed \$500,000 when engineering services or land surveying services are~~  
13 ~~desired for the project~~ \$1,000,000, the secretary of administration shall  
14 convene a negotiating committee. The state building advisory commission  
15 shall prepare a list of at least three and not more than five firms which are,  
16 in the opinion of the state building advisory commission, qualified to serve  
17 as project architect, engineer or land surveyor for the project. Such list  
18 shall be submitted to the negotiating committee, without any  
19 recommendation of preference or other recommendation.

20 (b) The secretary of administration may combine two or more  
21 separate projects for the construction of buildings or for major repairs or  
22 improvements to buildings for state agencies, for the purpose of procuring  
23 architectural, engineering or land surveying services for all such projects  
24 from a single firm. In each case, the combined projects shall be construed  
25 to be a single project for all purposes under the provisions of K.S.A. 75-  
26 1250 through 75-1267, and amendments thereto.

27 (c) (1) This section shall not apply to any repetitive project with a  
28 standard plan that was originally designed by the secretary of  
29 administration or an agency architect pursuant to paragraphs (2) and (3) of  
30 subsection (a) of K.S.A. 75-1254, and amendments thereto. In such a case,  
31 the secretary of administration or the agency architect may provide  
32 architectural services for the repetitive project.

33 (2) "Repetitive project" means a project which uses the same standard  
34 design as was used for a project constructed previously, including, but not  
35 limited to, sub-area shops and salt domes of the department of  
36 transportation and showers and toilet buildings of the Kansas department

1 of wildlife, parks and tourism. The plans for the project may be modified  
2 as required for current codes, operational needs or cost control. The total  
3 floor area of the project may be increased by an area of not more than 25%  
4 of the floor area of the originally constructed project, except that not more  
5 than 25% of the linear feet of the exterior and interior walls may be moved  
6 for such increase. A project shall not be considered to be repetitive if it has  
7 been over four years between the substantial completion of the last project  
8 using the design plans and the appropriation of funds for the proposed  
9 project.

10 Sec. 2. K.S.A. 2013 Supp. 75-37,143 is hereby amended to read as  
11 follows: 75-37,143. (a) Notwithstanding any other provision of the law to  
12 the contrary, the state building advisory commission is hereby authorized  
13 to institute an alternative project delivery program whereby construction  
14 management at-risk or building design-build procurement processes may  
15 be utilized on state agency public projects pursuant to this act. This  
16 authorization for construction management at-risk and building design-  
17 build procurement shall be for the sole and exclusive use of planning,  
18 acquiring, designing, building, equipping, altering, repairing, improving,  
19 or demolishing any structure or appurtenance thereto, including facilities,  
20 utilities, or other improvements to any real property, but shall not include  
21 highways, roads, bridges, dams, turnpikes or related structures, or stand-  
22 alone parking lots.

23 (b) To assist in the procurement of alternative project delivery  
24 construction services as defined under this act, the secretary of  
25 administration shall encourage firms engaged in the performance of  
26 construction services to submit annually to the secretary of administration  
27 and to the state building advisory commission a statement of qualifications  
28 and performance data. Each statement shall include data relating to the  
29 following:

30 (1) The firm's capacity and experience, including experience on  
31 similar or related projects;

32 (2) the capabilities and other qualifications of the firm's personnel;  
33 and

34 (3) such other information related to qualifications and capability of  
35 the firm to perform construction services for projects as may be described  
36 by the secretary of administration.

37 (c) The state building advisory commission shall approve those  
38 projects for which the use of alternative project delivery procurement  
39 process is appropriate. In making such determination, the commission  
40 shall consider the following factors:

41 (1) The likelihood that the alternative project delivery method of  
42 procurement selected will serve the public interest by providing substantial  
43 savings of time or money over the traditional design-bid-build delivery

1 process.

2 (2) The ability to overlap design and construction phases is required  
3 to meet the needs of the end user.

4 (3) The use of an accelerated schedule is required to make repairs  
5 resulting from an emergency situation.

6 (4) The project presents significant phasing or technical complexities,  
7 or both, requiring the use of an integrated team of designers and  
8 constructors to solve project challenges during the design or  
9 preconstruction phase.

10 (5) The use of an alternative project delivery method will not  
11 encourage favoritism in awarding the public contract or substantially  
12 diminish competition for the public contract.

13 ~~(d) When a request is made for alternative delivery procurement by~~  
14 ~~an agency, the director shall publish a notice in the Kansas register that the~~  
15 ~~state building advisory commission will be holding a public hearing with~~  
16 ~~the opportunity for comment on such request. Notice shall be published at~~  
17 ~~least 15 days prior to the hearing.~~

18 ~~(e)~~ Notwithstanding the provisions of K.S.A. 75-3738 through 75-  
19 3744, and amendments thereto, if the state building advisory commission  
20 finds that the project does not qualify for the alternative project delivery  
21 methods included under this act, then the construction services for such  
22 project shall be obtained pursuant to competitive bids and all contracts for  
23 construction services shall be awarded to the lowest responsible bidder in  
24 accordance with procurement procedures determined and administered by  
25 the division of facilities management which shall be consistent with the  
26 provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto.

27 ~~(f)~~ *(e)* The secretary of administration may adopt regulations pursuant  
28 to K.S.A. 75-3783, and amendments thereto, for the conduct of the  
29 alternative project delivery process.

30 ~~(g)~~ *(f)* When it is necessary in the judgment of the agency to obtain  
31 project services for a particular project as described under this act, the  
32 director shall publish a notice of the request for qualifications and  
33 proposals for the required project services at least 15 days prior to the  
34 commencement of such request in the Kansas register in accordance with  
35 K.S.A. 75-430a, and amendments thereto, and in such other appropriate  
36 manner as may be determined by the agency.

37 Sec. 3. K.S.A. 2013 Supp. 75-1253 and 75-37,143 are hereby  
38 repealed.

39 Sec. 4. This act shall take effect and be in force from and after its  
40 publication in the statute book.