

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2395

By Committee on Appropriations

2-25

1 AN ACT concerning state building projects; relating to negotiating
2 committees; relating to the alternative procurement; amending K.S.A.
3 2014 Supp. 75-1253 and ~~75-37,143~~ and repealing the existing sections
4 **section.**

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

7 Section 1. K.S.A. 2014 Supp. 75-1253 is hereby amended to read as
8 follows: 75-1253. (a) Whenever it becomes necessary in the judgment of
9 the secretary of administration or in any case when the total cost of a
10 project for the construction of a building or for major repairs or
11 improvements to a building for a state agency is expected to exceed
12 ~~\$750,000 when architectural services are desired for the project or to~~
13 ~~exceed \$500,000 when engineering services or land surveying services are~~
14 ~~desired for the project~~ \$1,000,000, the secretary of administration shall
15 convene a negotiating committee. The state building advisory commission
16 shall prepare a list of at least three and not more than five firms which are,
17 in the opinion of the state building advisory commission, qualified to serve
18 as project architect, engineer or land surveyor for the project. Such list
19 shall be submitted to the negotiating committee, without any
20 recommendation of preference or other recommendation.

21 (b) The secretary of administration may combine two or more
22 separate projects for the construction of buildings or for major repairs or
23 improvements to buildings for state agencies, for the purpose of procuring
24 architectural, engineering or land surveying services for all such projects
25 from a single firm. In each case, the combined projects shall be construed
26 to be a single project for all purposes under the provisions of K.S.A. 75-
27 1250 through 75-1267, and amendments thereto.

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

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

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

11 ~~Sec. 2.—K.S.A. 2014 Supp. 75-37,143 is hereby amended to read as~~
12 ~~follows: 75-37,143. (a) Notwithstanding any other provision of the law to~~
13 ~~the contrary, the state building advisory commission is hereby authorized~~
14 ~~to institute an alternative project delivery program whereby construction~~
15 ~~management at-risk or building design-build procurement processes may~~
16 ~~be utilized on state agency public projects pursuant to this act. This~~
17 ~~authorization for construction management at-risk and building design-~~
18 ~~build procurement shall be for the sole and exclusive use of planning,~~
19 ~~acquiring, designing, building, equipping, altering, repairing, improving,~~
20 ~~or demolishing any structure or appurtenance thereto, including facilities,~~
21 ~~utilities, or other improvements to any real property, but shall not include~~
22 ~~highways, roads, bridges, dams, turnpikes or related structures, or stand-~~
23 ~~alone parking lots:~~

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

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

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

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

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

42 ~~(1) The likelihood that the alternative project delivery method of~~
43 ~~procurement selected will serve the public interest by providing substantial~~

1 savings of time or money over the traditional design-bid-build delivery
2 process:

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

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

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

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

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

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

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

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

38 ~~Sec. 3. 2. K.S.A. 2014 Supp. 75-1253 and 75-37,143 are is hereby~~
39 ~~repealed.~~

40 ~~Sec. 4. 3. This act shall take effect and be in force from and after its~~
41 ~~publication in the statute book.~~