

Notice and Evaluation of Certain Construction Projects; HB 2267

HB 2267 revises the notice requirements and the evaluation of construction projects involving alternatives to the standard competitive bidding procedures for school districts, state agencies, and the Board of Regents. The respective board, or the Director of Facilities Management in the case of the State, must give notice of a request for qualifications (RFQ) or a request for proposal (RFP) to all active general contractor industry associations in Kansas at least 15 days prior to a hearing or the commencement of a request. Local boards of education also must give notice to the Associated General Contractors of Kansas. Under previous law, notice was published at least 15 days prior to a hearing or commencement in either the official school district newspaper or the *Kansas Register*, as applicable.

If a construction firm has been prequalified through an RFQ process, the firm submits a list of proposed fees directly and only to the Secretary of Administration. The Secretary scores and ranks the submitted proposals for the best value and reports the findings and makes a recommendation to the appropriate body charged with selecting a firm. The scores on fees and profits may not account for more than 25 percent of the total possible score.

With regard to the bidding processes for state agencies, the bill clarifies that a prequalified building design-builder is eligible to be paid a stipend for a proposal, as may have been established by the RFP, which was substantially responsive to the request but not accepted by the state agency. Under prior law, a stipend was paid without consideration given to the applicability of the proposal to the RFP.

With regard to projects under the responsibility of the Board of Regents, a construction manager or general contractor may self-perform construction services, at the discretion of the educational institution, if the firm's bid proposal is submitted prior to the receipt of all other bids. Under prior law, self-perform construction services were submitted under the same conditions for all competing firms.