

SESSION OF 2008

**CONFERENCE COMMITTEE REPORT BRIEF
SUBSTITUTE FOR SENATE BILL NO. 485**

As Agreed to April 4, 2008

Brief*

Sub. for SB 485 would establish the Alternative Project Delivery Building Construction Procurement acts for counties and for school districts. The bill would permit counties and school districts to use an alternative project delivery program, with both able to use a construction management at-risk process and counties also permitted to use a building design-build procurement process for certain projects. The bill also would allow counties and school districts to award contracts for design and construction based on a best value approach to be used in the selection process. The bill would authorize counties and school districts to determine if the alternative procurement process is appropriate and to approve contracts for such projects. The bill would permit a technical proposal to contain certain limited references to specific elements of the cost.

Conference Committee Action

The Conference Committee agreed to the House amendments except to prohibit schools from using the design build process. In addition, the Committee agreed to include and amend another statute pertaining to counties to conform the dollar limitation at not more than \$25,000.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/klrd>

Background

Conferees generally supporting SB 485 as introduced included representatives from the Kansas Contractors Association, Associated General Contractors of Kansas, the Builders' Association, and the Johnson County Commission. Written testimony in support of the bill was submitted by the Kansas Association of Counties, Walton Construction, and Turner Construction.

The Senate Committee recommended a substitute bill that includes a number of amendments requested by various conferees that modify the original bill to adapt state law on alternative procurement procedures to local government procedures. The amendments also increase from \$10,000 to \$25,000 for the amount required for a public bidding of contracts, and modified current law to add highway, road, dam, turnpike or related structures or stand-alone parking lot projects to the current listing of projects that includes courthouse, jail, county building and bridge that must be publicly bid if the project exceeds the dollar threshold.

The Senate Committee of the Whole amended the bill to provide that a technical proposal may contain limited references to specific elements of the cost.

The House Committee of the Whole added school districts to the bill and new sections that pertain only to school districts.

The fiscal note indicates the bill would have no impact.

Alternative Project Delivery Building Construction Procurement