

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2234

By Committee on Commerce, Labor and Economic Development

1-31

1 AN ACT relating to state construction or building improvement projects;
2 increasing the cost threshold for the mandatory convening of a
3 negotiating committee by the secretary of administration or agency
4 head and the selection of architectural, engineering or land surveying
5 services from a list of qualified firms; **providing such cost threshold**
6 **be increased annually based on the percentage increase in the**
7 **consumer price index;** changing the measure of the cost threshold
8 from "total project cost" to "construction cost"; amending K.S.A. 75-
9 1253 and 75-5804 and repealing the existing sections.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 75-1253 is hereby amended to read as follows: 75-
13 1253. (a) **(1)** Whenever it becomes necessary in the judgment of the
14 secretary of administration or in any case when the ~~total~~ *construction* cost
15 of a project for the construction of a building or for major repairs or
16 improvements to a building for a state agency is expected to exceed
17 ~~\$1,000,000~~ ~~-\$1,500,000~~ **the amount specified in paragraph (2)**, the
18 secretary of administration shall convene a negotiating committee. The
19 state building advisory commission shall prepare a list of at least three ~~and~~
20 *but* not more than five firms ~~which that~~ are, in the opinion of the state
21 building advisory commission, qualified to serve as project architect,
22 engineer or land surveyor for the project. Such list shall be submitted to
23 the negotiating committee, without any recommendation of preference or
24 other recommendation.

25 **(2) The construction cost threshold to convene a negotiating**
26 **committee as provided by paragraph (1) shall be \$1,500,000 for fiscal**
27 **year 2024. For fiscal year 2025, and all fiscal years thereafter, the**
28 **threshold to convene a negotiating committee shall be the threshold**
29 **amount for the immediately preceding fiscal year increased by an**
30 **amount equal to the percentage increase in the consumer price index**
31 **for all urban consumers as published by the bureau of labor statistics**
32 **of the United States department of labor during the immediately**
33 **preceding fiscal year rounded to the nearest whole dollar amount.**

34 (b) The secretary of administration may combine two or more
35 separate projects for the construction of buildings or for major repairs or
36 improvements to buildings for state agencies, for the purpose of procuring

1 architectural, engineering or land surveying services for all such projects
2 from a single firm. In each case, the combined projects shall be construed
3 to be a single project for all purposes under the provisions of K.S.A. 75-
4 1250 through 75-1267, and amendments thereto.

5 (c) (1) This section shall not apply to any repetitive project with a
6 standard plan that was originally designed by the secretary of
7 administration or an agency architect pursuant to K.S.A. 75-1254(a)(2)
8 and (3), and amendments thereto. In such a case, the secretary of
9 administration or the agency architect may provide architectural services
10 for the repetitive project.

11 (2) "Repetitive project" means a project ~~which~~ *that* uses the same
12 standard design as was used for a project constructed previously,
13 including, but not limited to, sub-area shops and salt domes of the
14 department of transportation and showers and toilet buildings of the
15 Kansas department of wildlife, *and* parks ~~and tourism~~. The plans for the
16 project may be modified as required for current codes, operational needs
17 or cost control. The total floor area of the project may be increased by an
18 area of not more than 25% of the floor area of the originally constructed
19 project, except that not more than 25% of the linear feet of the exterior and
20 interior walls may be moved for such increase. A project shall not be
21 considered to be repetitive if it has been over four years between the
22 substantial completion of the last project using the design plans and the
23 appropriation of funds for the proposed project.

24 Sec. 2. K.S.A. 75-5804 is hereby amended to read as follows: 75-
25 5804. (a) (1) Whenever it becomes necessary in the judgment of the
26 agency head of a state agency for which a project is proposed and, in any
27 case where the ~~total construction~~ cost of such a proposed project is
28 expected to exceed ~~\$500,000~~ ~~*\$1,500,000*~~ **the amount specified in**
29 **paragraph (2)**, the agency head shall convene a negotiating committee.
30 Except as otherwise provided in subsection (b), the agency head shall
31 submit the list of at least three ~~and~~ *but* not more than five of the most
32 highly qualified firms to the negotiating committee so convened, without
33 any recommendation of preference or other recommendation.

34 (2) **The construction cost threshold to convene a negotiating**
35 **committee as provided by paragraph (1) shall be \$1,500,000 for fiscal**
36 **year 2024. For fiscal year 2025, and all fiscal years thereafter, the**
37 **threshold to convene a negotiating committee shall be the threshold**
38 **amount for the immediately preceding fiscal year increased by an**
39 **amount equal to the percentage increase in the consumer price index**
40 **for all urban consumers as published by the bureau of labor statistics**
41 **of the United States department of labor during the immediately**
42 **preceding fiscal year rounded to the nearest whole dollar amount.**

43 (b) Whenever a negotiating committee is convened under this section

1 for a proposed project requiring engineering or land surveying services
2 ~~which that~~ concerns the construction of any building or facility or any
3 major repairs or improvements to any building or facility, including but not
4 limited, to any heating, cooling or power facility, for a state agency, the
5 agency head for the state agency shall notify the state building advisory
6 commission of the project and shall request a list of firms qualified to
7 provide the engineering or land surveying services for the proposed
8 project. Upon receipt of any such request the state building advisory
9 commission shall evaluate the current statements of qualifications and
10 performance data on file, together with those statements that may be
11 submitted by other firms regarding the proposed project and other
12 information developed and available to the state building advisory
13 commission. The commission shall prepare a list of at least three ~~and but~~
14 not more than five firms ~~which that~~, in the opinion of the state building
15 advisory commission, are qualified to furnish the engineering or land
16 surveying services for the proposed project. Each such list shall be
17 submitted to the negotiating committee so convened without any
18 recommendation of preference or other recommendation.

19 Sec. 3. K.S.A. 75-1253 and 75-5804 are hereby repealed.

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