

House Amendment 8629

Amendment Text

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1 1 Amend [Senate File 2324](#) as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking page 1, line 3, through page 5,
1 4 line 24, and inserting the following:
1 5 "The state or an agency of the state may contract
1 6 for construction management services for public
1 7 improvement projects. Bids shall be received for
1 8 proposals for construction management services after
1 9 issuance of a request for proposals in the manner
1 10 provided for by competitive bidding rules adopted by
1 11 the appropriate state agency pursuant to chapter 17A.
1 12 The rules shall provide for the definition of
1 13 necessary terms in a request for proposals and any
1 14 resulting contract for construction management
1 15 services, including a definition of "construction
1 16 manager" and "construction management services" and
1 17 definitions of such other terms and provisions as
1 18 deemed necessary. A request for proposals shall
1 19 include provisions that the state or an agency of the
1 20 state reserves the right to reject any or all
1 21 proposals or to issue a new request for proposals,
1 22 that the construction manager shall obtain
1 23 professional liability insurance, and that the
1 24 construction manager shall be paid a fixed fee. A
1 25 request for proposals shall also define and prohibit
1 26 conflicts of interest between the construction manager
1 27 and any contractor that performs any service for the
1 28 public improvement project or any person that assumes
1 29 financial responsibility for the work of others on the
1 30 public improvement project.
1 31 Sec. 2. Section [73A.2](#), Code 2001, is amended by
1 32 adding the following new unnumbered paragraph:
1 33 NEW UNNUMBERED PARAGRAPH. Before any municipality
1 34 enters into a contract for construction management
1 35 services to cost twenty-five thousand dollars or more,
1 36 the municipality shall comply with the requirements of
1 37 this section and this chapter relating to public
1 38 improvements costing twenty-five thousand dollars or
1 39 more. The provisions of this chapter relating to
1 40 public improvements, shall, when applicable, apply to
1 41 a contract for construction management services when
1 42 the estimated cost of the construction management
1 43 services is twenty-five thousand dollars or more. The
1 44 request for proposals for construction management
1 45 services and any resulting contract shall include
1 46 descriptions and definitions relating to the
1 47 construction management services requested and
1 48 provisions providing that a municipality reserves the
1 49 right to reject any or all proposals or to issue a new
1 50 request for proposals, that the construction manager
2 1 shall obtain professional liability insurance, and
2 2 that the construction manager shall be paid a fixed
2 3 fee. The request for proposals for construction
2 4 management services shall also define and prohibit
2 5 conflicts of interest between the construction manager
2 6 and any contractor that performs any service for the
2 7 public improvement project or any person that assumes

2 8 financial responsibility for the work of others
2 9 performing services on the public improvement project.
2 10 Sec. 3. NEW SECTION. 384.104 CONSTRUCTION
2 11 MANAGEMENT SERVICES.
2 12 If a governing body as defined in section 384.95,
2 13 subsection 2, makes a determination to engage a
2 14 construction manager for any public improvement and
2 15 the total cost for the construction management
2 16 services will cost twenty-five thousand dollars or
2 17 more, the governing body may follow the same
2 18 procedures set forth in sections 384.95 through
2 19 384.103 for contracts involving public improvements.
2 20 A request for proposals for construction management
2 21 services under this section shall include a definition
2 22 of "construction manager" and "construction management
2 23 services" and definitions of such other terms as
2 24 deemed necessary by the governing body. The request
2 25 for proposals for construction management services
2 26 shall include provisions that the governing body
2 27 reserves the right to reject any or all proposals or
2 28 to issue a new request for proposals, that the
2 29 construction manager shall obtain professional
2 30 liability insurance, and that the construction manager
2 31 shall be paid a fixed fee. The request for proposals
2 32 for construction management services shall also define
2 33 and prohibit conflicts of interest between the
2 34 construction manager and any contractor that performs
2 35 any service for the public improvement project or any
2 36 person that assumes financial responsibility for the
2 37 work of others performing services on the public
2 38 improvement project.
2 39 Sec. 4. STUDY COMMITTEE. The legislative council
2 40 is requested to request representatives of
2 41 organizations, including but not limited to state and
2 42 local government entities, public agencies or agents
2 43 of public agencies, the associated builders and
2 44 contractors of Iowa, and the master builders of Iowa,
2 45 and organizations representing construction managers,
2 46 general contractors, architects, and engineers, and
2 47 representatives of other public or private agencies
2 48 having an interest in the provision of construction
2 49 management services and bidding procedures, to
2 50 organize for the purpose of studying proposed and
3 1 current laws relating to bidding, contracts,
3 2 construction responsibilities, and contract management
3 3 proposals and principles. The legislative council may
3 4 request the private study committee to provide
3 5 periodic reports to the legislative council regarding
3 6 the progress of the study committee and the
3 7 legislative council may communicate with the study
3 8 committee regarding the progress of the study. The
3 9 legislative council may appoint a committee composed
3 10 of legislators to review the work of the study
3 11 committee or may refer the report of the study
3 12 committee to the standing committee on commerce of the
3 13 senate and the standing committee on commerce and
3 14 regulation of the house of representatives by January
3 15 1, 2003."
3 16 #2. Title page, line 2, by striking the word
3 17 "works" and inserting the following: "improvement".
3 18 #3. By renumbering as necessary.
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3 22 HATCH of Polk

3 23 [SF 2324.312](#) 79

3 24 av/cf