

Senate File 2264 - Introduced

SENATE FILE 2264
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 2177)

A BILL FOR

1 An Act relating to the use of construction managers for certain
2 public improvement projects.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 72.6 Requirements for use of
2 construction managers.

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 a. "Construction" means the same as defined in section
6 103A.3.

7 b. "Construction manager" means a person with substantial
8 discretion and authority to plan, coordinate, manage, and
9 direct all phases of a construction project, but does not mean
10 a person who provides architectural, landscape architectural,
11 or engineering design services, or who actually performs
12 construction work on the project.

13 c. "General contractor" means a person who engages in the
14 business of construction, but does not include a construction
15 manager.

16 d. "Governing body" means a city council, county board of
17 supervisors, or school district board of directors.

18 e. "Governmental entity" means a city, county, or school
19 district.

20 f. "Public improvement" means a building or construction
21 work which is constructed under the control of a governmental
22 entity and is paid for in whole or in part with funds of the
23 governmental entity, including a building or improvement
24 constructed or operated jointly with any other public or
25 private agency.

26 2. If the governing body of a governmental entity is
27 considering the use of a construction manager to administer
28 the construction of a public improvement, before the governing
29 body begins the process of selecting a construction manager for
30 the project, the governing body shall hold a public hearing
31 for the purpose of determining the relative advantages and
32 disadvantages in cost and other aspects of the project that
33 may result from using a construction manager to administer
34 the project instead of a general contractor. Notice of the
35 hearing must be published as provided in section 362.3. At

1 the time and place fixed for the public hearing, the governing
2 body shall give all individuals who appear at the hearing an
3 opportunity to express their views on the subject at issue. If
4 the governing body decides to use a construction manager to
5 administer the project subsequent to the hearing, the governing
6 body shall publicly adopt a resolution to that effect. If
7 such a resolution is adopted, the governing body may use a
8 construction manager to administer the project. If such a
9 resolution is not adopted, the governing body shall use a
10 general contractor to administer the project.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill requires the governing body of a governmental
15 entity considering the use of a construction manager to
16 administer the construction of a public improvement to hold
17 a public hearing before beginning the process of selecting a
18 construction manager for the project.

19 The purpose of the public hearing is to determine the
20 relative advantages and disadvantages in cost and other aspects
21 of the project that may result from using a construction
22 manager to administer the project instead of a general
23 contractor. At the hearing, the governing body shall give all
24 individuals who appear at the hearing an opportunity to express
25 their views.

26 If the governing body decides to use a construction manager
27 to administer the project subsequent to the hearing, the
28 governing body shall publicly adopt a resolution to that
29 effect. If such a resolution is adopted, the governing body
30 may use a construction manager to administer the project. If
31 such a resolution is not adopted, the governing body shall use
32 a general contractor to administer the project.

33 The bill defines "governmental entity" as a city, county,
34 or school district. The bill defines "construction manager"
35 as a person with substantial discretion and authority to plan,

1 coordinate, manage, and direct all phases of a construction
2 project, but not a person who provides architectural, landscape
3 architectural, or engineering design services, or who actually
4 performs construction work on the project. The bill defines
5 "general manager" as a person who engages in the business of
6 construction who is not a construction manager. The bill
7 defines "public improvement" as a building or construction
8 work which is constructed under the control of a governmental
9 entity and is paid for in whole or in part with funds of the
10 governmental entity, including a building or improvement
11 constructed or operated jointly with any other public or
12 private agency. The bill defines "construction" as the
13 construction, erection, reconstruction, alteration, conversion,
14 repair, equipping of buildings, structures or facilities, and
15 requirements or standards relating to or affecting materials
16 used in connection therewith, including provisions for safety
17 and sanitary conditions.