

CHAPTER NO. 462

SENATE BILL NO. 1343

By Burchett

Substituted for: House Bill No. 954

By Hargett, Todd, McCormick

AN ACT to amend Tennessee Code Annotated, Section 49-2-203, relative to schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(3)(C)(ii), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(C) (ii) Construction management services which are provided for a fee and which involve preconstruction and construction administration and management services, are deemed to be professional services and may be performed by a qualified person licensed under title 62, chapter 6. Construction management services are to be procured for each project through a written request for proposals process through advertisement made pursuant to Section 49-2-203(a)(3)(A). A board may include, in a single written request for proposal process, new school construction or renovation projects at up to three (3) sites if construction at all sites will occur at substantially the same time. The written request for proposals process invite prospective proposers to participate and will indicate the service requirements and the factors used for evaluating the proposals. Such factors shall include the construction manager's qualifications and experience on similar projects, qualifications of personnel to be assigned to the project, fees and costs, or any additional factors deemed relevant by the procuring entity for procurement of the service; cost is not to be the sole criterion for evaluation. The contract for such services will be awarded to the best qualified and responsive proposer. A construction manager is prohibited from undertaking actual construction work on a project over which such construction manager coordinates or oversees the planning, bid or construction phases of the project, except in instances where bids have been solicited twice and no bids have been submitted. If the construction manager can document that a good faith effort was made in each bid solicitation to obtain bids and no bids were received, then the construction manager can perform the construction work at a price agreed upon by the construction manager, the architect and the owner of the project. A school system, at its own discretion, may perform work on the project with its own employees and include the coordination and oversight of this work as part of the services of the construction manager. Sealed bids for actual construction work shall be opened at the bid opening and the names of the contractors and their bid amounts shall be announced.

SECTION 2. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d).

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 27, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of June 2005


PHIL BREDESEN, GOVERNOR