

1 AN ACT relating to school construction.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 162.065 is amended to read as follows:

4 The State Board of Education shall promulgate administrative regulations for use by local
5 school boards when constructing school buildings using construction managers. A
6 construction manager is an experienced and qualified construction contracting
7 organization that is paid a fee for its professional management and supervision services.
8 The regulations shall include, but not be limited to:

- 9 (1) A standard "Request for Proposal" form, including appropriate criteria for use by
10 local school boards to ensure only qualified construction managers are considered:
- 11 (a) A list of successfully completed projects or a demonstrated capability to
12 perform projects of a similar type;
- 13 (b) A descriptive detail of projects showing the experience and the ability to
14 perform budget estimating, value engineering, and scheduling; and
- 15 (c) A list of experienced and qualified personnel with a track record of achieved
16 quality and the capability to provide bidder solicitation;
- 17 (2) Adequate public notice of the invitation for proposals shall be given a sufficient
18 time prior to the date set for the opening of proposals;
- 19 (3) A requirement for bids, when requested by a construction manager, be submitted to
20 the architect or owner and opened in public;
- 21 (4) A requirement that all bids for school construction projects be advertised in
22 newspapers with the largest local circulation;
- 23 (5) A sample fee schedule for construction manager services shall be developed by
24 recommendation of a diversified committee consisting of Department of Education
25 personnel, architects, and construction managers for the guidance of local school
26 boards;
- 27 (6) A requirement that established qualifications-based selection procedures be

1 implemented by local boards when selecting firms to provide architectural and
2 engineering services;~~[-and]~~

3 (7) A requirement that specifications in every invitation for bids or request for
4 proposals shall provide that an item equal to that named or described in the
5 specifications may be furnished. The specifications may identify a sole brand in
6 cases where, in the written opinion of the chief procurement officer, documented
7 unique and valid conditions require compatibility, continuity, or conformity with
8 established standards. An item shall be considered equal to the item named or
9 described if, in the opinion of the local board and the design professional
10 responsible for the specifications:

- 11 (a) It is at least equal in quality, durability, strength, design, and other criteria
12 deemed appropriate;
- 13 (b) It will perform at least equally the function imposed by the general design for
14 the public work being contracted for or the material being purchased; and
- 15 (c) It conforms substantially to the detailed requirements for the item in the
16 specifications; and

17 **(8) The option for local boards to choose construction management-at-risk as a**
18 **project delivery method and the requirements and procedures to be followed. For**
19 **purposes of this subsection, "construction management-at-risk" means a project**
20 **delivery method in which the local board enters into a single contract with an**
21 **offeror that assumes the risk for construction at a contracted guaranteed**
22 **maximum price as a general contractor, and provides consultation and**
23 **collaboration regarding the construction during and after design of a capital**
24 **project.**