

AMENDMENTS TO LB790

(Amendments to E & R amendments, ER178)

Introduced by Hilgers, 21.

1 1. Insert the following new section:

2 Section 1. Section 13-2903, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 13-2903 For purposes of the Political Subdivisions Construction
5 Alternatives Act:

6 (1) Construction management at risk contract means a contract by
7 which a construction manager (a) assumes the legal responsibility to
8 deliver a construction project within a contracted price to the political
9 subdivision, (b) acts as a construction consultant to the political
10 subdivision during the design development phase of the project when the
11 political subdivision's architect or engineer designs the project, and
12 (c) is the builder during the construction phase of the project;

13 (2) Construction manager means the legal entity which proposes to
14 enter into a construction management at risk contract pursuant to the
15 act;

16 (3) Design-build contract means a contract which is subject to
17 qualification-based selection between a political subdivision and a
18 design-builder to furnish (a) architectural, engineering, and related
19 design services for a project pursuant to the act and (b) labor,
20 materials, supplies, equipment, and construction services for a project
21 pursuant to the act;

22 (4) Design-builder means the legal entity which proposes to enter
23 into a design-build contract which is subject to qualification-based
24 selection pursuant to the act;

25 (5) Letter of interest means a statement indicating interest to
26 enter into a design-build contract or a construction management at risk

1 contract for a project pursuant to the act;

2 (6) Performance-criteria developer means any person licensed or any
3 organization issued a certificate of authorization to practice
4 architecture or engineering pursuant to the Engineers and Architects
5 Regulation Act who is selected by a political subdivision to assist the
6 political subdivision in the development of project performance criteria,
7 requests for proposals, evaluation of proposals, evaluation of the
8 construction under a design-build contract to determine adherence to the
9 performance criteria, and any additional services requested by the
10 political subdivision to represent its interests in relation to a
11 project;

12 (7) Political subdivision means a city, village, county, natural
13 resources district, school district, community college, or state college;

14 (8) Project performance criteria means the performance requirements
15 of the project suitable to allow the design-builder to make a proposal.
16 Performance requirements include the following, if required by the
17 project: Capacity, durability, standards, ingress and egress
18 requirements, description of the site, surveys, soil and environmental
19 information concerning the site, interior space requirements, material
20 quality standards, design and construction schedules, site development
21 requirements, provisions for utilities, storm water retention and
22 disposal, parking requirements, applicable governmental code
23 requirements, and other criteria for the intended use of the project;

24 (9) Proposal means an offer in response to a request for proposals
25 (a) by a design-builder to enter into a design-build contract for a
26 project pursuant to the Political Subdivisions Construction Alternatives
27 Act or (b) by a construction manager to enter into a construction
28 management at risk contract for a project pursuant to the act;

29 (10) Qualification-based selection process means a process of
30 selecting a design-builder based first on the qualifications of the
31 design-builder and then on the design-builder's proposed approach to the

1 design and construction of the project;

2 (11) Request for letters of interest means the documentation or
3 publication by which a political subdivision solicits letters of
4 interest;

5 (12) Request for proposals means the documentation by which a
6 political subdivision solicits proposals; and

7 (13) School district means any school district classified under
8 section 79-102.

9 2. On page 1, line 16, strike "The" and insert "For a project
10 authorized under subsection (3) of section 13-2914, the".

11 3. On page 5, line 22, after "sections" insert "13-2903,".

12 4. Renumber the remaining sections accordingly.