

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-1999

Legislative Document

No. 2311

S.P. 892

In Senate, December 27, 1999

**An Act to Authorize School Administrative Units to Utilize Alternative
Delivery Methods for a Limited Range and Number of School
Construction Projects.**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 27, 1999. Referred to the Committee on Education and Cultural Affairs and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PENDLETON of Cumberland.
Cosponsored by Representative: AHEARNE of Madawaska.

Be it enacted by the People of the State of Maine as follows:

2

Sec. 1. Alternative delivery methods authorized. A school
4 administrative unit may use design-build and
construction-manager-at-risk methods of construction and project
6 management under the terms and conditions of this Act.

8

Sec. 2. Design-build method. The design-build method must
generally follow the format used for the development of the new
10 Bath-Woolwich Bridge as set out in Private and Special Law 1997,
chapter 2, section 2.

12

Sec. 3. Construction-manager-at-risk method. The
14 construction-manager-at-risk method must generally follow the
format of "Standard Form of Agreement Between Owner and
16 Construction Manager where the Construction Manager is also the
Constructor," American Institute of Architects Document A121/CMc
18 and Association of General Contractors Document 565(1991 Edition).

20

Sec. 4. Project manager. Project manager services must
generally follow the standard scope of services employed by the
22 Bureau of General Services within the Department of
Administrative and Financial Services for the State Office
24 Building project and the Department of Public Safety's Maine
Criminal Justice Academy at Vassalboro.

26

Sec. 5. Design-build method. The Maine Revised Statutes, Title
28 5, section 1743-A and Title 20-A, chapter 609 explain the
traditional competitive design-build method, and may not be
30 interpreted to permit alternative delivery methods except as
provided in this Act.

32

Sec. 6. Eligible projects. Subject to approval under section 8
34 of this Act, design-build and construction-manager-at-risk
methods may be employed for school construction projects that do
36 not exceed \$2,500,000 in total project cost. Two projects in a
school administrative unit that do not exceed \$10,000,000 in
38 total project cost may utilize the design-build method. Two
projects in a school administrative unit that do not exceed
40 \$10,000,000 in total project cost may employ the
construction-manager-at-risk method. All the projects described
42 in this section must be scheduled for completion by 2005, the
intent of this law being creation of a 5-year pilot or study
44 program. All design-build projects that have total project costs
of \$10,000,000 or more require a project manager, who must be
46 funded through the State-supported line of the project budget.

48

Sec. 7. Procurement. Unless otherwise provided in this Act,
alternative delivery method services must be procured through the
Bureau of General Services' procurement processes.
50

2 **Sec. 8. Approval process.** A school administrative unit
3 seeking to use an alternative delivery method for a school
4 construction project shall apply on an application form developed
5 under section 9 of this Act, to the Department of Education and
6 the Bureau of General Services for approval of the alternative
7 delivery method prior to commencing the project. Project
8 applications must be evaluated by a review panel composed of
9 representatives of the Department of Education, the Bureau of
10 General Services and others with expertise in education,
11 architecture, construction and engineering.

12 **Sec. 9. Rules.** The Commissioner of Education and the
13 Commissioner of Administrative and Financial Services shall adopt
14 rules to implement the application form and review the evaluation
15 criteria, composition of the review panel, performance measures,
16 contract documents and all other matters necessary to implement
17 this Act. Rules adopted pursuant to this section are routine
18 technical rules pursuant to the Maine Revised Statutes, Title 5,
19 chapter 375, subchapter II-A.

22

SUMMARY

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25 This bill clarifies that the school construction method set
26 out in the Maine Revised Statutes, Title 5, section 1743-A and
27 Title 20-A, chapter 609 is traditional competitive design-build.
28 It provides for a 5-year pilot program for use of design-build
29 and construction-manager-at-risk methods. Generally, during the
30 pilot program, all projects with total costs less than \$2,500,000
31 may use design-build and construction-manager-at-risk methods.
32 Two projects in a school administrative unit that do not exceed
33 \$10,000,000 in total cost may use design-build methods, and 2
34 projects in a school administrative district that do not exceed
35 \$10,000,000 or more in total costs may use
36 construction-manager-at-risk methods. All other school
37 construction projects with total costs of \$10,000,000 or more
38 must employ a project manager.