## MAINE STATE LEGISLATURE

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	L.D. 530
Date: 6 13 11	(Filing No. H-613)
EDUCATION AND CULTURAL AEI	FAIDS
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Reproduced and distributed under the direction of the Clerk	of the House.
STATE OF MAINE	
HOUSE OF REPRESENTATIVE	ES
125TH LEGISLATURE	
FIRST REGULAR SESSION	
COMMITTEE AMENDMENT "A" to H.P. 413, L.D. 53 Alternative Delivery Methods for Locally Funded School Const	
Amend the bill by striking out everything after the enact summary and inserting the following:	ing clause and before the
'Sec. 1. 5 MRSA §1743, sub-§9 is enacted to read:	
9. School construction projects; alternative delivery methe competitive bid method provided in subsection 2, a school subject to the provisions of this subsection, undertake a school the construction-manager-advisor method, the design-build memanager-at-risk method for school construction projects that are a minimum total project cost of \$1,000,000.	l administrative unit may, construction project using ethod or the construction-
A. A school administrative unit seeking to use an alternative school construction project shall apply on an application Department of Education and the bureau for approval of method prior to commencing the project. Project application review panel composed of representatives of the Department and others with expertise in education, architecture, constructions.	n form developed by the of the alternative delivery ons must be evaluated by a nt of Education, the bureau
B. The Commissioner of Education and the Commission Financial Services shall adopt rules to implement the applic paragraph A, the project evaluation method and evaluation the review panel, performance measures, contract documents process and all other matters necessary to implement this supprovide that decisions pertaining to prequalification and supprovide the bureau and that the decision of the director or final and may not be appealed. The director or the director with 2 nonvoting, outside advisors from the design and contain adopted under this paragraph are routine technical rules appealed.	cation form required under on criteria, composition of onts, administrative appeals subsection. The rules must delection may be appealed to the director's designee is or's designee shall consult instruction industry. Rules
	STATE OF MAINE HOUSE OF REPRESENTATIVE 125TH LEGISLATURE FIRST REGULAR SESSION  COMMITTEE AMENDMENT "A" to H.P. 413, L.D. 53 Alternative Delivery Methods for Locally Funded School Const Amend the bill by striking out everything after the enact summary and inserting the following:  'Sec. 1. 5 MRSA §1743, sub-§9 is enacted to read:  9. School construction projects; alternative delivery methe competitive bid method provided in subsection 2, a school subject to the provisions of this subsection, undertake a school the construction-manager-advisor method, the design-build mmanager-at-risk method for school construction projects that at a minimum total project cost of \$1,000,000.  A. A school administrative unit seeking to use an alternate school construction project shall apply on an application Department of Education and the bureau for approval of method prior to commencing the project. Project application review panel composed of representatives of the Department and others with expertise in education, architecture, construction. The Commissioner of Education and the Commission Financial Services shall adopt rules to implement the applic paragraph A, the project evaluation method and evaluation the review panel, performance measures, contract document process and all other matters necessary to implement this suprovide that decisions pertaining to prequalification and sonly to the bureau and that the decision of the director of final and may not be appealed. The director or the director with 2 nonvoting, outside advisors from the design and contract document of the director

ROFS	
	COMMITTEE AMENDMENT " to H.P. 413, L.D. 530
1	Sec. 2. P&SL 1999, c. 79, §3 is repealed.
2 3	Sec. 3. P&SL 1999, c. 79, §§4 and 5, as amended by P&SL 2001, c. 54, §1, are repealed.
4	Sec. 4. P&SL 1999, c. 79, §§6 to 8 are repealed.
5	<b>Sec. 5. P&amp;SL 1999, c. 79, §9,</b> as amended by P&SL 2005, c. 52, §1 and affected by §6, is repealed.
7 8	<b>Sec. 6. P&amp;SL 1999, c. 79, §9-A,</b> as enacted by P&SL 2005, c. 52, §2 and affected by §6, is repealed.
9	Sec. 7. P&SL 1999, c. 79, §§10 and 11 are repealed.
10 11	Sec. 8. P&SL 1999, c. 79, §12, as amended by P&SL 2005, c. 52, §§3 to 5 and affected by §6, is repealed.'
12	SUMMARY
13	This amendment replaces the bill. The amendment repeals those provisions of Private
14	and Special Law 1999, chapter 79 that authorized school administrative units to utilize
15	alternative delivery methods for school construction projects and enacts the substantive
16	provisions of that law into the statutes governing public improvement construction
17	contracts. The amendment allows a school administrative unit to undertake a school
18	construction project using the construction-manager-advisor method, the design-build
19	method or the construction-manager-at-risk method for school construction projects that

are locally funded and have a minimum total project cost of \$1,000,000.

20

FISCAL NOTE REQUIRED (See attached)

ROFS



## 125th MAINE LEGISLATURE

LD 530

LR 1184(02)

An Act To Allow Alternative Delivery Methods for Locally Funded School Construction Projects

Fiscal Note for Bill as Amended by Committee Amendment "\( \hat{\text{\text{H}}}\)"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

## **Fiscal Note**

Potential current biennium cost increase - General Fund

## Fiscal Detail and Notes

The Department of Administrative and Financial Services, Bureau of General Services may require additional General Fund appropriations to support one Architect postion if a significant number of schools pursue alternative delivery for school construction projects. The amount of additional funding required, if any, will depend on the number of projects and cannot be estimated at this time.

This legislation may also have a significant fiscal impact on the Department of Education associated with providing staff to serve on the review panel. The ability of the Department of Education to absorb these costs within existing resources can not be determined at this time and will depend on the number of local-only school construction projects undertaken by school administrative units using the alternative delivery methods specified in this bill.