

FIRST REGULAR SESSION

SENATE BILL NO. 359

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEHOE.

Read 1st time January 29, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1822S.011

AN ACT

To repeal sections 8.683 and 8.685, RSMo, and to enact in lieu thereof two new sections relating to construction management services.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 8.683 and 8.685, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 8.683 and 8.685, to read
3 as follows:

8.683. Upon award of a construction management services contract, the
2 successful construction manager shall contract with the public owner to furnish
3 his skill and judgment in cooperation with, and reliance upon, the services of the
4 project architect or engineer. The construction manager shall furnish business
5 administration, management of the construction process and other specified
6 services to the public owner and shall perform in an expeditious and economical
7 manner consistent with the interest of the public owner. Should the public owner
8 determine it to be in the public's best interest, the construction manager may
9 provide or perform basic services for which reimbursement is provided in the
10 general conditions to the construction management services contract. The
11 construction manager shall [not, however,] be permitted to bid on or perform any
12 of the actual construction on a public works project in which he is acting as
13 construction manager,[nor shall any construction firm which controls, is
14 controlled by, or shares common ownership or control with, the construction
15 manager be allowed to bid on or perform work on such project] **but only if such**
16 **construction manager submits a sealed bid in the same manner as a**
17 **trade contractor.** The actual construction work on the project shall be awarded
18 by competitive bidding as provided by law. All successful bidders shall contract

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 directly with the public owner, [but] **and** shall perform at the direction of the
20 construction manager unless otherwise provided in the construction manager's
21 contract with the public owner. All successful bidders **that contract directly**
22 **with the public owner** shall provide payment and performance bonds to the
23 public owner. All successful bidders shall meet all the obligations of a prime
24 contractor to whom a contract is awarded, pertaining to the payment of prevailing
25 wages pursuant to sections 290.210 to 290.340. In addition, all nonresident
26 employers shall meet the bonding and registration requirements of sections
27 285.230 to 285.234.

8.685. [No] Construction management services [contract] may be awarded
2 by a public owner on a negotiated basis as provided herein [if] **regardless of**
3 **whether** the construction manager, or a firm that controls, is controlled by, or
4 shares common ownership or control with the construction manager, guarantees,
5 warrants, or otherwise assumes financial responsibility for the work of [others
6 on] the project; or provides the public owner with a guaranteed maximum price
7 for the work of [others on] the project; or furnishes or guarantees a performance
8 or payment bond for [other contractors] on the project. In any such case, [the
9 contract for construction management services shall be let by competitive bidding
10 as in the case of contracts] **the construction manager may enter into**
11 **contracts with the successful bidder** for construction work.

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