

DESIGN-BUILD CONSTRUCTION OF SCHOOL BUILDINGS

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House Bill 4495 as introduced
Sponsor: Rep. Rebekah Warren
Committee: Regulatory Reform
Complete to 5-14-19

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4495 would amend 1937 PA 306, which governs the construction of school buildings. Currently, a school building or its additions cannot be erected, remodeled, or reconstructed without having the plans prepared by a state-licensed architect or professional engineer (unless otherwise specified in the rules on used modular classrooms promulgated by the director of the Department of Talent and Economic Development (TED)).

The bill would expand that provision so that plans and specifications could also be prepared by a *design-builder* that employed a state-licensed architect or professional engineer who prepared the plans and specifications.

The bill would provide that a design-builder described above could construct a school building if the architect or professional engineer supervised all of the following:

- The school building's construction.
- The review of the materials used in the building's construction.
- The review of the completed phases of construction.

Design-builder would mean an entity that provided *design-build construction services* and employed one or more persons certified in design-build by the Design-Build Institute of America or any other national design-build accreditation program.

Design-build construction services would mean a project delivery method that met all of the following:

- A school district contracted with a single individual or entity for both design and construction services.
- Design and construction of the project was either sequential or concurrent.
- Selection was either a single-phase selection using qualification-based selection or a two-phase selection using qualifications-based selection first and best-value selection in the second phase.

Under the bill, a design-builder would have to self-perform part of the construction work as agreed to in writing by the school district and design-builder. The design-builder could select subcontractors based on qualifications alone or a combination of qualifications and price (and not based on price alone). A selection based on qualifications and price could

be a single-step or two-step selection. If a two-step selection process were utilized, the first step would have to be based on qualifications alone and the second based on a combination of qualifications and price or on price alone.

MCL 388.851, 388.851a, and 388.852

FISCAL IMPACT:

House Bill 4495 would have an indeterminate fiscal impact on school construction costs. The cost differential associated with using a design-builder would be determined on a case-by-case basis.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.