

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 202

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO THE DIVISION OF PUBLIC WORKS; AMENDING CHAPTER 57, TITLE 67,
3 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5711E, IDAHO CODE, TO
4 PROVIDE FOR A CONSTRUCTION MANAGER AT-RISK IN CERTAIN WORKS OF THE STATE
5 OF IDAHO, TO PROVIDE FOR SELECTION OF AN INDIVIDUAL OR FIRM PROVIDING
6 CONSTRUCTION MANAGER AT-RISK SERVICES, TO PROVIDE FOR REQUIREMENTS RE-
7 LATING TO A CONSTRUCTION MANAGER AT-RISK AND TO DEFINE TERMS.

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 57, Title 67, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 67-5711E, Idaho Code, and to read as follows:

12 67-5711E. CONSTRUCTION MANAGER AT-RISK CONTRACTING AUTHO-
13 RIZED. (1) The director of the department of administration, or his
14 designee, is authorized and empowered, subject to the approval of the perma-
15 nent building fund advisory council, to employ the use of the construction
16 manager at-risk (CMAR) method of construction in the letting of any and
17 all contracts for the construction, alteration, equipping, furnishing and
18 repair of any and all buildings, improvements or other public works of the
19 state of Idaho. If CMAR services are used, the following shall apply:

20 (a) Selection of the individual or firm providing CMAR services shall
21 be made pursuant to section 67-2320, Idaho Code; and

22 (b) An individual or firm providing CMAR services is subject to all re-
23 quirements, including licensing and bonding requirements, applicable
24 to contractors subject to chapter 19, title 54, Idaho Code.

25 (2) For purposes of this section, "construction manager at-risk ser-
26 vices" means services provided by an individual or firm that:

27 (a) Provides construction management services for a project throughout
28 the preconstruction and construction phases;

29 (b) Is licensed under chapter 19, title 54, Idaho Code, as a public
30 works contractor;

31 (c) Acts as a general contractor in accordance with the construction
32 manager at-risk contract; and

33 (d) Guarantees the cost of the project.

34 (3) "Construction manager at-risk contract" means a contract by which
35 an individual or firm agrees to provide construction management at-risk ser-
36 vices and which may provide for the individual or firm to self-perform por-
37 tions of the project and may require the individual or firm to satisfy appli-
38 cable prequalification criteria on any self-performed work.

39 (4) "Firm" means any business organization, including individuals,
40 partnerships, corporations, associations or any combination thereof acting
41 as a unit.