

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

‘**Sec. 1. 5 MRSA §1743, sub-§9** is enacted to read:

9. School construction projects; alternative delivery method. As an alternative to the competitive bid method provided in subsection 2, a school administrative unit may, subject to the provisions of this subsection, undertake a school construction project using the construction-manager-advisor method, the design-build 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.

A. A school administrative unit seeking to use an alternative delivery method for a school construction project shall apply on an application form developed by the Department of Education and the bureau for approval of the alternative delivery method prior to commencing the project. Project applications must be evaluated by a review panel composed of representatives of the Department of Education, the bureau and others with expertise in education, architecture, construction and engineering.

B. The Commissioner of Education and the Commissioner of Administrative and Financial Services shall adopt rules to implement the application form required under paragraph A, the project evaluation method and evaluation criteria, composition of the review panel, performance measures, contract documents, administrative appeals process and all other matters necessary to implement this subsection. The rules must provide that decisions pertaining to prequalification and selection may be appealed only to the bureau and that the decision of the director or the director's designee is final and may not be appealed. The director or the director's designee shall consult with 2 nonvoting, outside advisors from the design and construction industry. Rules adopted under this paragraph are routine technical rules pursuant to chapter 375, subchapter 2-A.

Sec. 2. P&SL 1999, c. 79, §3 is repealed.

Sec. 3. P&SL 1999, c. 79, §§4 and 5, as amended by P&SL 2001, c. 54, §1, are repealed.

Sec. 4. P&SL 1999, c. 79, §§6 to 8 are repealed.

Sec. 5. P&SL 1999, c. 79, §9, as amended by P&SL 2005, c. 52, §1 and affected by §6, is repealed.

Sec. 6. P&SL 1999, c. 79, §9-A, as enacted by P&SL 2005, c. 52, §2 and affected by §6, is repealed.

Sec. 7. P&SL 1999, c. 79, §§10 and 11 are repealed.

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.’

SUMMARY

This amendment replaces the bill. The amendment repeals those provisions of Private and Special Law 1999, chapter 79 that authorized school administrative units to utilize alternative delivery methods for school construction projects and enacts the substantive provisions of that law into the statutes governing public improvement construction contracts. The amendment allows a school administrative unit to undertake a school construction project using the construction-manager-advisor method, the design-build 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.