

DESIGN-BUILD CONSTRUCTION OF SCHOOL BUILDINGS

Phone: (517) 373-8080
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House Bill 5538 (proposed substitute H-3)

Sponsor: Rep. Sara Cambensy

Committee: Regulatory Reform

Complete to 3-22-22

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

SUMMARY:

House Bill 5538 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 Licensing and Regulatory Affairs (LARA)).

The bill would expand that provision to also allow plans and specifications to be prepared by a **design-builder** that employs a state-licensed architect or professional engineer who prepared the plans and specifications. In addition, such a design-builder could **construct** or **remodel** a school building, or any additions to the school building, if the architect or professional engineer directly supervised all of the following:

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

Design-builder would mean an entity that provides **design-build construction services**.

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

- A school district engages the services of a **design-criteria developer** to prepare a **design-criteria package** for the school district for a design-build project.
- A school district contracts with a single individual or entity for both design and construction services.
- Design and construction of the project is either sequential (with the entire design complete before construction commences) or concurrent (with the design produced in two or more phases and construction of some phases commencing before the entire design is complete).
- Selection is a single-phase selection using price and qualification to determine best value.

Design-criteria developer would mean a Michigan-licensed architect who is responsible for preparing a design-criteria package.

Design-criteria package would mean a set of documents that provides sufficient information to permit a design-criteria developer to prepare a proposal in response to a school district's request for proposals.

Construction would mean the construction, erection, reconstruction, alteration, conversion, demolition, repair, moving, or equipping of buildings or structures.

Remodeling would mean the alteration, construction, or remodeling of partitions, hallways, stairways, and means of egress, and the replacement, relocation, or reconstruction of an electrical system or heating, ventilating, and sanitary equipment. [This term is currently defined in the act. The bill would amend it to include the replacement, relocation, or reconstruction of an electrical system.]

MCL 388.851, 388.851a, and 388.852

BACKGROUND:

House Bill 5538 is similar to HB 4495 of the 2019-20 legislative session.

FISCAL IMPACT:

House Bill 5538 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.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Marcus Coffin

■ 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.