

## DESIGN-BUILD CONSTRUCTION OF SCHOOL BUILDINGS

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<http://www.house.mi.gov/hfa>

**House Bill 5538 as introduced**  
**Sponsor: Rep. Sara Cambensy**  
**Committee: Regulatory Reform**  
**Complete to 2-28-22**

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 Labor and Economic Opportunity (LEO)).

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* or *remodel* a school building, or any additions to the school building, if the architect or professional engineer 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* and employs 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 meets all of the following requirements:

- A school district engages the services of a criteria developer licensed in Michigan to assist the school district in the selection and compensation of a design-builder and to provide for the scope of the design-builder's services.
- 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.

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

***Remodeling*** means the alteration, construction, or remodeling of partitions, hallways, stairways, and means of egress, and the replacement, relocation, or reconstruction of heating, ventilating, and sanitary equipment.

Under the bill, a design-builder would be allowed to self-perform part of the construction work as agreed to in writing by the school district and design-builder.

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.

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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.