

63G-6a-1302 Alternative methods of construction contracting management.

- (1) The applicable rulemaking authority shall, by rule provide as many alternative methods of construction contracting management as determined to be feasible.
- (2) The rules described in Subsection (1) shall:
 - (a) grant to the procurement officer or the head of the issuing procurement unit responsible for carrying out the construction project the discretion to select the appropriate method of construction contracting management for a particular project; and
 - (b) require the procurement officer to execute and include in the contract file a written statement describing the facts that led to the selection of a particular method of construction contracting management for each project.
- (3) Before choosing a construction contracting management method, the procurement officer or the head of the issuing procurement unit responsible for carrying out the construction project shall consider the following factors:
 - (a) when the project must be ready to be occupied;
 - (b) the type of project;
 - (c) the extent to which the requirements of the procurement unit, and the way they are to be met are known;
 - (d) the location of the project;
 - (e) the size, scope, complexity, and economics of the project;
 - (f) the source of funding and any resulting constraints necessitated by the funding source;
 - (g) the availability, qualification, and experience of public personnel to be assigned to the project and the amount of time that the public personnel can devote to the project; and
 - (h) the availability, qualifications, and experience of outside consultants and contractors to complete the project under the various methods being considered.
- (4) An applicable rulemaking authority may make rules that authorize the use of a construction manager/general contractor as one method of construction contracting management.
- (5) The rules described in Subsection (2) shall require that:
 - (a) the construction manager/general contractor be selected using:
 - (i) a standard procurement process; or
 - (ii) an exception to the requirement to use a standard procurement process, described in Part 8, Exceptions to Procurement Requirements; and
 - (b) when entering into a subcontract that was not specifically included in the construction manager/general contractor's cost proposal, the construction manager/general contractor shall procure the subcontractor by using a standard procurement process, or an exception to the requirement to use a standard procurement process, described in Part 8, Exceptions to Procurement Requirements, in the same manner as if the subcontract work was procured directly by the procurement unit.
- (6) Procurement rules adopted by the State Building Board under Subsections (1) through (3) for state building construction projects may authorize the use of a design-build provider as one method of construction contracting management.
- (7) A design-build contract may include a provision for obtaining the site for the construction project.
- (8) A design-build contract or a construction manager/general contractor contract may include provision by the contractor of operations, maintenance, or financing.

Amended by Chapter 445, 2013 General Session