

**CHAPTER 154****(HB 347)**

AN ACT relating to architectural firms.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

**(1) *As used in this section:***

- (a) *"Employ" means to hire, retain, or otherwise contract with an individual or entity for goods or services;***
- (b) *"Local government" means a city, county, charter county government, urban-county government, consolidated local government, or a special district;***
- (c) *"Construction manager" means a person who coordinates and communicates the entire project process, clarifying cost and time consequences of design decisions as well as clarifying construction feasibility, and who manages the bidding, awarding, and construction phases of the project; and***
- (d) *"Design-build" means a system of contracting under which one (1) entity performs both architecture/engineering and construction under one (1) single contract.***

**(2) *A local government shall not employ the same entity to provide both architectural services and construction management services on the same capital construction project. No local government shall knowingly employ an officer, employee, or agent of, or an immediate family member of an officer, employee, or agent of:***

- (a) *The architectural firm that provided the architectural services to also provide construction management services for the same capital construction project for which the architectural firm provided architectural services; or***
- (b) *The construction management firm that provided the construction management services to also provide architectural services for the same capital construction project for which the construction management firm provided construction management services.***

**(3) *A violation of subsection (2) of this section shall suspend the local government from receiving any financial assistance from the state, or any state agency, with respect to the project for which the architectural or construction management firm was employed until the matter is resolved.***

**(4) *Nothing in this section shall prohibit a local government from using design-build as a method of providing for capital construction services.***

**Approved March 20, 2001**