

45A.183 Selection committee procedures to apply when capital project is to be constructed using the construction management-at-risk method -- Competitive process consistent with code to apply when construction project is to be constructed using the construction manager-general contractor method -- Administrative regulations.

- (1) When a capital project is to be constructed using the construction management-at-risk method, a process parallel to the selection committee procedures established in KRS 45A.810 shall apply when procuring a construction management-at-risk firm and regulations promulgated in accordance with KRS 45A.180 shall apply that set forth requirements for:
 - (a) Description of the bond, insurance, and other security provisions that apply to a project;
 - (b) Description of appropriate contract clauses and fiscal responsibility requirements that apply to each project; and
 - (c) Restrictions relating to conflicts of interest, including a provision that a construction management-at-risk entity shall be eligible to become an offeror of goods or services on a project it manages only when a subcontractor fails to perform and upon prior approval by the contracting body.
- (2)
 - (a) When a construction project is to be constructed using the construction manager-general contractor method, a competitive process consistent with this code established by administrative regulations promulgated under KRS 45A.180 shall apply.
 - (b) The procurement process shall set forth the requirements for:
 1. Description of the bond, insurance, and other security provisions that apply to the project;
 2. Description of appropriate contract clauses and fiscal responsibility requirements that apply to the project; and
 3. Restrictions relating to conflicts of interest, including a provision that a construction manager-general contractor shall be eligible to become an offeror of goods or services on a project it manages only when a subcontractor fails to perform and upon prior approval by the contracting body.
 - (c) The selection of the construction manager-general contractor shall be based on:
 1. Qualifications; and
 2. Price, including preconstruction consulting services, overhead, and profit.
 - (d) Prior to the construction phase, the construction manager-general contractor shall competitively bid the subcontracts by public notice and award each subcontract to the lowest responsive and responsible bidder.
 - (e) The final construction cost and completion date for the project shall be established by change order after the construction manager-general contractor

enters into all applicable subcontracts.

Effective: June 24, 2015

History: Amended 2015 Ky. Acts ch. 105, sec. 11, effective June 24, 2015. -- Created 2003 Ky. Acts ch. 98, sec. 11, effective June 24, 2003.