

By: Jackson

To: Public Property;
Finance

SENATE BILL NO. 3161

1 AN ACT TO PROVIDE THAT STATE CAPITAL IMPROVEMENTS PROJECTS
2 COSTING ONE MILLION DOLLARS OR MORE SHALL BE FUNDED BY THE
3 LEGISLATURE IN THREE PHASES; TO DEFINE EACH PHASE; TO PROVIDE THAT
4 EACH PHASE SHALL BE FUNDED IN SEPARATE REGULAR SESSIONS OF THE
5 LEGISLATURE; TO EXEMPT CERTAIN PROJECTS FROM SUCH REQUIREMENTS; TO
6 REQUIRE ALL STATE AGENCIES WHICH PLAN TO UNDERTAKE A CAPITAL
7 IMPROVEMENTS PROJECT TO SUBMIT A PREPLANNED CAPITAL IMPROVEMENTS
8 PROJECT PROJECTION TO THE BUREAU OF BUILDING, GROUNDS AND REAL
9 PROPERTY MANAGEMENT FOR EVALUATION; TO PROVIDE THAT ANY PROJECT
10 COSTING UNDER ONE MILLION DOLLARS SHALL NOT BE REQUIRED TO BE
11 PREPLANNED; TO AMEND SECTIONS 31-3-1 AND 31-11-1, MISSISSIPPI CODE
12 OF 1972, TO DEFINE THE TERMS "PROGRAM MANAGEMENT SERVICE" AND
13 "PROGRAM MANAGER"; AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 SECTION 1. Every capital improvements project, costing One
16 Million Dollars (\$1,000,000.00) or more, which is developed to
17 repair, renovate, construct, remodel, add to or improve a
18 state-owned public building shall be funded by the Legislature in
19 three (3) phases. The three-phase funding requirement shall not
20 apply to capital improvements projects for a state-owned port or
21 where the Legislature finds that an emergency or critical need
22 must be met or a court order complied with. The three (3) phases
23 shall not be funded in the same regular session of the
24 Legislature. Each phase shall be funded in a separate regular
25 session of the Legislature. Phase 1 shall be a preplanned capital
26 improvements project budget projection for the project and shall
27 be funded first. Phase 2 shall be the actual repair, renovation,
28 construction, remodeling, addition to or improvement of the
29 state-owned public building and shall be funded second. Phase 3,
30 if necessary, shall be the acquisition of furniture and equipment
31 for the capital improvements project and shall be funded last.

32 SECTION 2. (1) For the purposes of Sections 1 and 2 of this
33 act, the term "preplanned" or "preplanning" means the preliminary
34 planning that establishes the program, scope, design and budget
35 for a capital improvements project.

36 (2) Every state agency that plans to repair, renovate,
37 construct, remodel, add to or improve a state-owned public
38 building shall submit a preplanned capital improvements project
39 budget projection to the Bureau of Building, Grounds and Real
40 Property Management for evaluation. The bureau shall assess the
41 need for all preplanned projects submitted and shall compile a
42 report on its findings. Any capital improvements project costing
43 under One Million Dollars (\$1,000,000.00) shall not be required to
44 be preplanned.

45 (3) Upon the completion of any preplanning for a capital
46 improvements project, if such preplanning is funded with
47 self-generated funds by a state agency, the plan shall be
48 submitted to the bureau for evaluation.

49 SECTION 3. Section 31-3-1, Mississippi Code of 1972, is
50 amended as follows:[LR1]

51 31-3-1. The following words, as used in this chapter, shall
52 have the meanings specified below:

53 "Board": The State Board of Contractors created under this
54 chapter.

55 "Contractor": Any person contracting or undertaking as prime
56 contractor, subcontractor or sub-subcontractor of any tier to do
57 any erection, building, construction, reconstruction, repair,
58 maintenance or related work on any public or private project;
59 however, "contractor" shall not include any owner of a dwelling or
60 other structure to be constructed, altered, repaired or improved
61 and not for sale, lease, public use or assembly. It is further
62 provided that nothing herein shall apply to:

63 (a) Any contract or undertaking on a public project by
64 a prime contractor, subcontractor or sub-subcontractor of any tier

65 involving erection, building, construction, reconstruction,
66 repair, maintenance or related work where such contract,
67 subcontract or undertaking is less than Fifty Thousand Dollars
68 (\$50,000.00);

69 (b) Any contract or undertaking on a private project by
70 a prime contractor, subcontractor or sub-subcontractor of any tier
71 involving erection, building, construction, reconstruction,
72 repair, maintenance or related work where such contract,
73 subcontract or undertaking is less than One Hundred Thousand
74 Dollars (\$100,000.00);

75 (c) Highway construction, highway bridges, overpasses
76 and any other project incidental to the construction of highways
77 which are designated as federal aid projects and in which federal
78 funds are involved;

79 (d) A residential project to be occupied by fifty (50)
80 or fewer families and not more than three (3) stories in height;

81 (e) A residential subdivision where the contractor is
82 developing either single-family or multi-family lots;

83 (f) A new commercial construction project not exceeding
84 seventy-five hundred (7500) square feet and not more than two (2)
85 stories in height; or

86 (g) Erection of a microwave tower built for the purpose
87 of telecommunication transmissions.

88 "Certificate of responsibility": A certificate numbered and
89 held by a contractor issued by the board under the provisions of
90 this chapter after payment of the special privilege license tax
91 therefor levied under this chapter.

92 "Person": Any person, firm, corporation, joint venture or
93 partnership, association or other type of business entity.

94 "Private project": Any project for erection, building,
95 construction, reconstruction, repair, maintenance or related work
96 which is not funded in whole or in part with public funds.

97 "Program management service" or "program manager": A

98 professional service performed by a private firm that supplements
99 a state agency's staff for the performance of capital building
100 projects. A program management service is procured through a
101 professional services qualification process in the same manner as
102 architectural selection. A program manager may not perform as the
103 architect or the contractor on a project for which it is the
104 program manager. The Bureau of Building, Grounds and Real
105 Property Management may set the criteria to qualify as a certified
106 program manager in the State of Mississippi. However, a program
107 manager chosen by a state agency shall be a general contractor,
108 architect or engineer licensed in the State of Mississippi, or a
109 firm that: (i) has at least one (1) member of the firm who holds
110 a baccalaureate or higher degree in architecture from a National
111 Architectural Accrediting Board accredited institution or a
112 baccalaureate or higher degree in engineering from an Accrediting
113 Board of Engineering and Technology accredited institution, and
114 (ii) has been performing program management services in the State
115 of Mississippi for at least three (3) years before July 1, 2000.

116 "Public agency": Any board, commission, council or agency of
117 the State of Mississippi or any district, county or municipality
118 thereof, including school, hospital, airport and all other types
119 of governing agencies created by or operating under the laws of
120 this state.

121 "Public funds": Monies of public agencies, whether obtained
122 from taxation, donation or otherwise; or monies being expended by
123 public agencies for the purposes for which such public agencies
124 exist.

125 "Public project": Any project for erection, building,
126 construction, reconstruction, repair, maintenance or related work
127 which is funded in whole or in part with public funds.

128 SECTION 4. Section 31-11-1, Mississippi Code of 1972, is
129 amended as follows:[LR2]

130 31-11-1. (1) For purposes of this chapter, the following

131 terms shall have the meanings specified below:

132 (a) "State Building Commission" shall mean the
133 Governor's Office of General Services acting through the Bureau of
134 Building, Grounds and Real Property Management.

135 (b) "Program management service" or "program manager"
136 means a professional service performed by a private firm that
137 supplements a state agency's staff for the performance of capital
138 building projects. A program management service is procured
139 through a professional services qualification process in the same
140 manner as architectural selection. A program manager may not
141 perform as the architect or the contractor on a project for which
142 it is the program manager. The Bureau of Building, Grounds and
143 Real Property Management may set the criteria to qualify as a
144 certified program manager in the State of Mississippi. However, a
145 program manager chosen by a state agency shall be a general
146 contractor, architect or engineer licensed in the State of
147 Mississippi, or a firm that: (i) has at least one (1) member of
148 the firm who holds a baccalaureate or higher degree in
149 architecture from a National Architectural Accrediting Board
150 accredited institution or a baccalaureate or higher degree in
151 engineering from an Accrediting Board of Engineering and
152 Technology accredited institution, and (ii) has been performing
153 program management services in the State of Mississippi for at
154 least three (3) years before July 1, 2000.

155 (2) Wherever the term "State Building Commission" or
156 "building commission" appears in the laws of the State of
157 Mississippi, it shall be construed to mean the Governor's Office
158 of General Services.

159 SECTION 5. This act shall take effect and be in force from
160 and after July 1, 2000.