

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1123**

**BY: Committee**

1           **AMEND** by deleting lines 135 through 143 and inserting in lieu  
2 thereof the following:

3                                 "2. Allowances will be permitted for  
4 construction projects only when the agency or governing authority  
5 and the design professional agree that a scope of work cannot be  
6 defined at the time of the bid, and only if it can be determined  
7 that this method is in the best interest of the agency or  
8 governing authority. The amount of the allowance shall be  
9 established and identified for the bidding process and the scope  
10 shall be defined at a later date. Once the scope of work is  
11 defined, the contractor shall be required to solicit competitive  
12 bids, if available, and bids shall be received, opened and awarded  
13 in a manner consistent with state law. However, contingency  
14 allowances for latent conditions or design errors shall not be  
15 permitted."

16           **AMEND FURTHER** the title by deleting lines 2 through 9 and  
17 inserting in lieu thereof the following:

18 "PROVIDE THAT ALLOWANCES WILL BE PERMITTED FOR PUBLIC CONSTRUCTION  
19 PROJECTS ONLY WHEN THE STATE AGENCY OR GOVERNING AUTHORITY AND THE  
20 DESIGN PROFESSIONAL AGREE THAT A SCOPE OF WORK CANNOT BE DEFINED  
21 AT THE TIME OF THE BID, AND ONLY IF IT CAN BE DETERMINED THAT THIS  
22 METHOD IS IN THE BEST INTEREST OF THE AGENCY OR GOVERNING  
23 AUTHORITY; TO PROVIDE THAT THE AMOUNT OF THE ALLOWANCE SHALL BE  
24 ESTABLISHED AND IDENTIFIED FOR THE BIDDING PROCESS AND THE SCOPE  
25 SHALL BE DEFINED AT A LATER DATE; TO PROVIDE THAT ONCE THE SCOPE

26 OF WORK IS DEFINED, THE CONTRACTOR SHALL BE REQUIRED TO SOLICIT  
27 COMPETITIVE BIDS, IF AVAILABLE, AND BIDS SHALL BE RECEIVED, OPENED  
28 AND AWARDED IN A MANNER CONSISTENT WITH STATE LAW; AND FOR RELATED  
29 PURPOSES. "