

By: Representative Dedeaux

To: Judiciary B

## HOUSE BILL NO. 1258

1 AN ACT TO PROHIBIT FIRMS THAT ENGAGE IN CONSTRUCTION PROGRAM  
2 MANAGEMENT, FROM PARTICIPATING IN THE CONSTRUCTION, CONTRACTING,  
3 OR SUBCONTRACTING ON ANY PROJECT FOR WHICH THEY HAVE BEEN HIRED TO  
4 PROVIDE CONSTRUCTION PROGRAM MANAGEMENT SERVICES; TO MAKE PUBLIC  
5 CONSTRUCTION CONTRACTS IN VIOLATION OF THIS PROHIBITION VOID; AND  
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) No person, or any agent, subsidiary or  
9 parent corporation or firm owned in whole or in part by the  
10 person, shall be eligible to bid or otherwise participate in the  
11 construction, contracting, or subcontracting on any project or  
12 part thereof for which the person has been hired to perform  
13 construction program management services. Any contract for public  
14 construction that violates this provision shall be void and  
15 against the public policy of the state.

16 (2) For purposes of this section, the term "construction  
17 program management services" means a set of management and  
18 technical services rendered by a person or firm to a public sector  
19 building owner during the predesign, design, construction, or  
20 post-construction phases of new construction, demolition,  
21 alteration, repair, or renovation projects. These services  
22 include any one or more of the following: project planning,  
23 budgeting, scheduling, coordination, design management,  
24 construction administration, or facility occupancy actions, but  
25 shall not include any component of the actual construction work.  
26 The term does not include the services performed by the general  
27 contractor who is engaged to perform the construction work, or  
28 services customarily performed by licensed architects or  
29 registered engineers.

30           **SECTION 2.** This act shall take effect and be in force from  
31 and after July 1, 2005.