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House Bill 4603 (Substitute H-3 as passed by the House)
Sponsor: Representative Tullio Liberati
House Committee: Regulatory Reform
Senate Committee: Regulatory Affairs

Date Completed: 5-14-24

CONTENT

The bill would amend Public Act 306 of 1937, which governs the construction, reconstruction, and remodeling of school buildings, to allow an architect or professional engineer who was licensed in the State and working in conjunction with a design-builder to prepare plans and specifications for the construction or remodeling of school buildings.

Preparation of Building Plans and Specs

Currently, the Act requires all plans and specifications for the construction or remodeling of, or addition to, any school building in the State to be prepared by an architect or professional engineer licensed in the State. Under the bill, a State-licensed architect or professional engineer working in conjunction with a design-builder also could prepare plans and specifications for the construction, remodeling, or addition. The bill specifies that an architect or professional engineer and the design-builder could form a design-build team for this purpose.

"Construction" would mean the construction, erection, reconstruction, alteration, conversion, demolition, repair, moving, or equipping of buildings or structures.

"Design-builder" would mean an individual, a partnership, a joint venture, a corporation, or other legal entity that meets the following conditions:

- Furnishes design and general contracting services for a project.
- Completes design services in accordance with Article 20 of the Occupational Code or through a subcontract with a design firm that complied with Article 20 of the Code.¹

"Design-build team" would mean a team that consists of a design builder and an architectural or engineering firm providing professional services in accordance with Section 2010 of the Code, which generally allows a firm to provide applicable professional services if at least two-thirds of the principals of the firm are licensed under Article 20 of the Code.

"Design-build construction services" would mean a project delivery method that meets all the following requirements:

- A school district engages the services of a design-criteria developer, an architect, or a professional engineer who is licensed in the State and is not employed by the design-builder to assist the school district in the selection and compensation of a design-build

¹ Article 20 of the Occupational Code generally prescribes requirements to be licensed as an architect, professional surveyor, or a professional engineer.

- team or design-builder and provide for the scope of the services of a design-build team or design-builder.
- A school district contracts with a single entity for design services and construction services.
- Design and construction of the project is either sequential, with the entire design complete before construction commences, or concurrent, with the design produced in two or more phases and construction of some phases commencing before the entire design is complete.
- Selection is a single-phase selection using price and qualification to determine best value.

"Design-criteria developer" would mean an individual or firm that is a licensed architect or a licensed professional engineer in the State and is responsible for preparing a design-criteria package and may provide construction inspection services. "Design-criteria package" would mean a set of documents that provides sufficient information to permit a design-builder to prepare a proposal in response to a school district's request for proposals.

Violations

Under Public Act 306, the architect or engineer preparing the plans and specifications of a school building is responsible for assuring that the design documents provide for a structure with sufficient structural strength and fire resistance and that the building will meet all applicable codes, standards, and regulations. The person supervising the construction of the school building is responsible for the construction of the school building in conformance with the approved plans and specifications prepared by the architect and professional engineer. The Act prescribes a civil infraction for violating these provisions and a misdemeanor for knowingly violating these provisions.

The bill would apply the provisions above to a design-build team and a design-builder.

Additional Provisions

The Act prescribes specific requirements for the materials used in the construction or remodeling of school buildings in the State. Generally, these provisions require materials to be fire-resisting. The Act also requires that the architect or engineer provide adequate exits from all parts of a school building and that those exits be within certain proximity to stairways. The bill would delete all these provisions.

Instead, the bill would require a school building, or any addition to the school building, constructed or remodeled under the Act to comply with the Single State Construction Code Act and the rules promulgated under that Act.

MCL 388.851 et al.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is similar to House Bill 5538 of the 2021-2022 Legislative Session. House Bill 5538 passed the House and was reported by the Senate Committee of the Whole but received no further action.

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Analyst: Nathan Leaman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.