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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2015	.	
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The Committee on Community Affairs (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 270 - 300

and insert:

(c) If the responsible public entity solicits proposals under this section, the solicitation must include a design criteria package prepared by an architect or engineer licensed in this state which is sufficient to allow private entities to prepare a bid or a response. The design criteria package must specify performance-based criteria for the project, including

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the legal description of the site, with survey information; interior space requirements; material quality standards; schematic layouts and conceptual design criteria for the project, with budget estimates; design and construction schedules; and site and utility requirements ~~A responsible public entity that is a school board may enter into a comprehensive agreement only with the approval of the local governing body~~.

(d) Before approving a comprehensive agreement ~~approval~~, the responsible public entity must determine that the proposed project:

1. Is in the public's best interest.

2. Is for a facility that is owned by the responsible public entity or for a facility for which ownership will be conveyed to the responsible public entity.

3. Has adequate safeguards in place to ensure that additional costs or service disruptions are not imposed on the public in the event of material default or cancellation of the comprehensive agreement by the responsible public entity.

4. Has adequate safeguards in place to ensure that the responsible public entity or private entity has the opportunity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.

5. Will be owned by the responsible public entity upon completion, expiration, or termination of the comprehensive agreement and upon payment of the amounts financed.

(e) Before signing a comprehensive agreement, the responsible public entity must consider a reasonable finance plan that is consistent with subsection (9) ~~(11)~~; the qualifying

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project cost; revenues by source; available financing; major assumptions; internal rate of return on private investments, if governmental funds are assumed in order to deliver a cost-feasible project; and a total cash-flow analysis beginning with the implementation of the project and extending for the term of the comprehensive agreement.

(f) In considering an unsolicited proposal, the

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 15

and insert:

comprehensive agreement; requiring a responsible public entity to include a design criteria package in a solicitation; specifying requirements for the design criteria package; revising the conditions