

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

# SENATE BILL 1292

AN ACT

AMENDING SECTIONS 34-102 AND 34-603, ARIZONA REVISED STATUTES; RELATING TO  
CONSTRUCTION SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 34-102, Arizona Revised Statutes, is amended to  
3 read:

4 34-102. Multiple contracts

5 A. For professional services that are provided by a technical  
6 registrant, an agent may procure and award multiple contracts from a single  
7 solicitation under section 34-103 or 34-603, as applicable, except that  
8 professional services that are part of design-build construction services may  
9 not be procured under this subsection. Each of the multiple contracts for  
10 professional services must have a term not exceeding five years and may  
11 continue in effect after the five year term for professional services on  
12 projects commenced within the five year term.

13 B. In a solicitation for multiple contracts for professional services  
14 by technical registrants:

15 1. Any publication shall include the fact that multiple contracts may  
16 or will be awarded, shall state the number of contracts that may or will be  
17 awarded and shall describe the services to be performed under each  
18 contract. If the solicitation is under section 34-603, subsection C, the  
19 request for qualifications shall also contain this information.

20 2. There shall be a single selection process for all of the multiple  
21 contracts, except that if the solicitation is under section 34-103,  
22 subsections E and F or under section 34-603, subsection C there shall be a  
23 separate final list for each contract and a separate contract negotiation for  
24 each contract. However, if the solicitation specifies that all of the  
25 multiple contracts will be awarded to a single contractor, there may be a  
26 single final list and a single negotiation for all of the multiple contracts.

27 3. The agent may award all of the multiple contracts to one contractor  
28 or may award the multiple contracts to multiple contractors.

29 C. Except for CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION SERVICES FOR  
30 HORIZONTAL CONSTRUCTION AND DESIGN-BUILD CONSTRUCTION SERVICES FOR horizontal  
31 construction, multiple contracts for construction-manager-at-risk  
32 construction services, design-build construction services or  
33 job-order-contracting construction services may be procured in a single  
34 solicitation as provided in section 34-603, subsection C.

35 Sec. 2. Section 34-603, Arizona Revised Statutes, is amended to read:

36 34-603. Procurement of professional services and  
37 construction-manager-at-risk, design-build and  
38 job-order-contracting construction services;  
39 definition

40 A. Except for services an agent procures pursuant to section 34-103 or  
41 34-604, an agent shall procure the following services pursuant to this  
42 section:

- 43 1. Architect services.
- 44 2. Construction-manager-at-risk construction services.
- 45 3. Design-build construction services.

- 1           4. Engineer services.
- 2           5. Job-order-contracting construction services.
- 3           6. Landscape architect services.
- 4           7. Assayer services.
- 5           8. Geologist services.
- 6           9. Land surveying services.

7           B. An agent shall provide notice of each procurement of professional  
8 services or construction services specified in this section and shall award  
9 contracts on the basis of demonstrated competence and qualifications for the  
10 type of professional services or construction services pursuant to the  
11 procedures prescribed in this section.

12           C. In the procurement of professional services or construction  
13 services pursuant to this section:

14           1. An agent shall issue a request for qualifications for each contract  
15 and publish notice of the request for qualifications. This notice shall be  
16 published by advertising in a newspaper of general circulation in the county  
17 in which the agent is located for two consecutive publications if it is a  
18 weekly newspaper or for two publications that are at least six but no more  
19 than ten days apart if it is a daily newspaper. The request for  
20 qualifications shall:

21           (a) Include the number of persons or firms to be included on the final  
22 list. In a request for qualifications for a horizontal construction project,  
23 at least three but not more than five persons or firms shall be on the final  
24 list. In all other requests for qualifications, three persons or firms shall  
25 be on the final list.

26           (b) State the criteria to be used by the selection committee to select  
27 the person or firm to perform the professional services or the construction  
28 services. The request for qualifications shall also state in a manner  
29 determined by the agent the relative weight of the selection criteria and, if  
30 required under paragraph 7, subdivision (b) of this subsection, that one of  
31 the criteria will be the person's or firm's subcontractor selection plan or  
32 procedures to implement the agent's subcontractor selection plan.

33           (c) If the agent will hold interviews as part of the selection  
34 process, state that interviews shall be held with at least three and no more  
35 than five persons or firms, except that if multiple contracts are being  
36 procured under a single request for qualifications solicitation under this  
37 subsection or a single request for qualifications and request for proposals  
38 solicitation under this subsection and subsection F of this section, the  
39 number to be interviewed shall be at least three and not more than the number  
40 of contracts plus two.

41           2. An agent shall initiate an appropriately qualified selection  
42 committee for each request for qualifications. If the agent is procuring  
43 professional services, the agent shall determine the number and  
44 qualifications of the selection committee members. A selection committee for  
45 the procurement of construction services shall not have more than seven

1 members, except that, if the contract involves the agent and additional  
2 governmental or private participants, the number of members of the selection  
3 committee shall be increased by one for each additional participant, except  
4 that the maximum number of members of the selection committee is nine. The  
5 selection committee for construction services shall include at least one  
6 person who is a senior management employee of a licensed contractor and one  
7 person who is an architect or an engineer who is registered pursuant to  
8 section 32-121. These members may be employees of the agent or outside  
9 consultants. Outside contractors, architects and engineers serving on a  
10 selection committee shall not receive compensation from the agent for  
11 performing this service, but the agent may elect to reimburse outside  
12 contractors, architects and engineers for travel, lodging and other expenses  
13 incurred in connection with service on a selection committee. A person who  
14 is a member of a selection committee shall not be a contractor under a  
15 contract awarded under the procurement or provide construction, construction  
16 services, materials or services under the contract. The selection committee  
17 shall:

18 (a) Evaluate the statements of qualifications and performance data  
19 that are submitted in response to the agent's request for qualifications.

20 (b) If determined by the agent and included by the agent in the  
21 request for qualifications, conduct interviews with the number of persons or  
22 firms to be interviewed as stated in the request for qualifications regarding  
23 the professional services or construction services and the relative methods  
24 of approach for furnishing the required professional services or construction  
25 services.

26 (c) After any interviews, in order of preference, based on the  
27 criteria and the weighting of criteria included in the request for  
28 qualifications, select a final list for each contract of persons or firms the  
29 selection committee deems to be the most qualified to provide the  
30 professional services or construction services and, in the case of a contract  
31 that will be negotiated under subsection E of this section, rank the persons  
32 or firms on the final list in order of preference. The selection committee  
33 shall base the selection of the final list and the order of preference on  
34 demonstrated competence and qualifications only. If the request for  
35 qualifications solicited multiple contracts, the selection committee shall  
36 select a separate final list for each contract, except that if multiple  
37 contracts are being procured and if the request for qualifications specified  
38 that all of the multiple contracts will be awarded to a single contractor,  
39 the selection committee may select a single final list for all of the  
40 multiple contracts. The number of persons or firms on the final list shall  
41 be the number of persons or firms specified in the request for  
42 qualifications, except that:

43 (i) If a smaller number of responsive and responsible persons or firms  
44 respond to the solicitation, the agent may elect to have the selection  
45 committee proceed with the selection process, including interviews and the

1 final list, with the remaining persons or firms if at least two persons or  
2 firms remain or the agent may readvertise pursuant to this subsection as the  
3 agent deems necessary or appropriate.

4 (ii) If only one responsive and responsible person or firm responds to  
5 a solicitation for a contract or multiple contracts to be negotiated pursuant  
6 to subsection E of this section, the agent may elect to proceed with only one  
7 person or firm in the selection process and may award the contract or  
8 contracts to a single person or firm if the agent determines in writing that  
9 the fee negotiated pursuant to subsection E of this section is fair and  
10 reasonable and that either other prospective persons or firms had reasonable  
11 opportunity to respond or there is not adequate time for a resolicitation.

12 (iii) If a person or firm on the final list withdraws or is removed  
13 from the selection process and the selection committee determines that it is  
14 in the best interest of the agent, the selection committee may replace that  
15 person or firm with another person or firm that submitted qualifications and  
16 that is selected by the selection committee as the next most qualified.

17 (d) Base the selection of the final list and order of preference on  
18 the final list on demonstrated competence and qualifications only.

19 3. Except for **CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION SERVICES FOR**  
20 **HORIZONTAL CONSTRUCTION AND DESIGN-BUILD** construction services for horizontal  
21 construction, an agent may procure multiple contracts for professional  
22 services, construction-manager-at-risk construction services, design-build  
23 construction services or job-order-contracting construction services under a  
24 single request for qualifications solicitation under this subsection or, for  
25 job-order-contracting construction services or design-build construction  
26 services, under a single request for qualifications and request for proposals  
27 solicitation under this subsection and subsection F of this section. if an  
28 agent does this:

29 (a) The advertisement and the request for qualifications shall state  
30 that multiple contracts may or will be awarded, shall state the number of  
31 contracts that may or will be awarded and shall describe the services to be  
32 performed under each contract.

33 (b) There shall be a single selection process for all of the multiple  
34 contracts, except that for each contract there shall be a separate final list  
35 and a separate negotiation under subsection E of this section or a separate  
36 request for proposals competition under subsection F of this section.  
37 However, if the request for qualifications specifies that all of the multiple  
38 contracts will be awarded to a single contractor, there may be a single final  
39 list and a single negotiation for all of the multiple contracts under  
40 subsection E of this section or a single request for proposals competition  
41 under subsection F of this section.

42 (c) The agent may award all of the multiple contracts to one  
43 contractor or may award the multiple contracts to multiple contractors.

44 4. For professional services, an agent may procure multiple contracts  
45 using a single request for qualifications solicitation under this subsection,

1 except that professional services that are part of design-build construction  
2 services may not be procured under this paragraph. Each of the multiple  
3 contracts for professional services must have a term not exceeding five years  
4 and may continue in effect after the five year term for professional services  
5 on projects commenced within the five year term.

6 5. ~~Except for horizontal construction,~~ An agent may procure multiple  
7 contracts for job-order-contracting construction services using a single  
8 request for qualifications solicitation under this subsection or using a  
9 single request for qualifications and request for proposals solicitation  
10 under this subsection and subsection F of this section.

11 6. Except for horizontal construction, an agent may procure multiple  
12 contracts for construction-manager-at-risk construction services or for  
13 design-build construction services using a single request for qualifications  
14 solicitation under this subsection or for design-build construction services  
15 using a single request for qualifications and request for proposals  
16 solicitation under this subsection and subsection F of this section but in  
17 either case only for a specific single project. Portions of the specific  
18 single project shall be allocated to separate contracts.

19 7. For construction-manager-at-risk construction services,  
20 design-build construction services and job-order-contracting construction  
21 services if the contract will be negotiated under subsection E of this  
22 section or for job-order-contracting construction services if the contract  
23 will be awarded pursuant to subsection F of this section:

24 (a) The person or firm selected to perform the construction services  
25 must select subcontractors based on qualifications alone or on a combination  
26 of qualifications and price and shall not select subcontractors based on  
27 price alone. A qualifications and price selection may be a single step  
28 selection based on a combination of qualifications and price or a two step  
29 selection. In a two step selection, the first step shall be based on  
30 qualifications alone and the second step may be based on a combination of  
31 qualifications and price or on price alone.

32 (b) The agent shall include in the request for qualifications either:

33 (i) A requirement that each person or firm submit a proposed  
34 subcontractor selection plan, a requirement that the proposed subcontractor  
35 selection plan must select subcontractors based on qualifications alone or on  
36 a combination of qualifications and price and shall not select subcontractors  
37 based on price alone and, as a selection criteria under the request for  
38 qualifications, an evaluation of each person's or firm's proposed  
39 subcontractor selection plan.

40 (ii) A subcontractor selection plan adopted by the agent that will  
41 apply to the person or firm that is selected to perform the construction  
42 services and that requires subcontractors to be selected based on  
43 qualifications alone or on a combination of qualifications and price and not  
44 based on price alone, a requirement that each person or firm must submit a  
45 description of the procedures it proposes to use to carry out the agent's

1 subcontractor selection plan and, as a selection criteria under the request  
2 for qualifications, an evaluation of each person's or firm's proposed  
3 procedures to carry out the agent's subcontractor selection plan.

4 (c) The agent shall include in its contract with the selected person  
5 or firm either:

6 (i) If the agent included its subcontractor selection plan in the  
7 request for qualifications, the agent's subcontractor selection plan and the  
8 procedures proposed by the selected person or firm in submitting its  
9 qualifications with those modifications to the procedures as the agent and  
10 the selected person or firm agree.

11 (ii) If the agent did not include its subcontractor selection plan in  
12 the request for qualifications, the subcontractor selection plan proposed by  
13 the selected person or firm in submitting its qualifications with those  
14 modifications as the agent and the selected person or firm agree.

15 (d) In making the selection of subcontractors, the person or firm  
16 selected to perform the construction services shall use the subcontractor  
17 selection plan and any procedures included in its contract.

18 8. The agent and the selection committee shall not request or consider  
19 fees, price, man-hours or any other cost information at any point in the  
20 selection process under this subsection or subsection D of this section,  
21 including the selection of the persons or firms to be interviewed, the  
22 selection of the persons or firms to be on the final list, in determining the  
23 order of preference of persons or firms on the final list or for any other  
24 purpose in the selection process.

25 9. For construction-manager-at-risk construction services and  
26 design-build construction services, the contract or contracts under a single  
27 request for qualifications solicitation or for design-build construction  
28 services a single request for qualifications and request for proposals  
29 solicitation shall be limited to a specific single project.

30 D. An agent shall award a contract for professional services or for  
31 construction services to one of the persons or firms on the final list for  
32 that contract prepared pursuant to subsection C of this section as provided  
33 in subsection E or F of this section, except that, if fewer than the number  
34 of persons or firms on the final list respond to the request for proposals  
35 pursuant to subsection F of this section but at least two persons or firms on  
36 the final list submit responsive proposals or if one or more of the persons  
37 or firms on the final list drop out of the selection process pursuant to  
38 subsection E or F of this section:

39 1. If there are three or more remaining persons or firms, the agent  
40 shall proceed with the selection process.

41 2. If there are only two remaining persons or firms, as the agent  
42 deems necessary and appropriate, the agent may elect to proceed with the  
43 selection process with the two persons or firms or may elect to terminate the  
44 selection process and may elect to readvertise pursuant to subsection C of  
45 this section.

1           3. If there is only one remaining person or firm, the agent may award  
2 the contract to a single person or firm if the agent determines in writing  
3 that the fee negotiated pursuant to subsection E of this section is fair and  
4 reasonable and that either other prospective persons or firms had reasonable  
5 opportunity to respond or there is not adequate time for a resolicitation.

6           E. For each contract included in the request for qualifications, the  
7 agent shall enter into separate negotiations for the contract with the  
8 highest qualified person or firm on the final list for that contract  
9 determined pursuant to subsection C of this section for the professional  
10 services or for the construction services. However, if the request for  
11 qualifications is for multiple contracts and specifies that all of the  
12 multiple contracts will be awarded to a single contractor, there may be a  
13 single negotiation for all of the multiple contracts. The negotiations shall  
14 include consideration of compensation and other contract terms that the agent  
15 determines to be fair and reasonable to the agent. In making this decision,  
16 the agent shall take into account the estimated value, the scope, the  
17 complexity and the nature of the professional services or construction  
18 services to be rendered. If the agent is not able to negotiate a  
19 satisfactory contract with the highest qualified person or firm on the final  
20 list, at compensation and on other contract terms the agent determines to be  
21 fair and reasonable, the agent shall formally terminate negotiations with  
22 that person or firm. The agent may undertake negotiations with the next most  
23 qualified person or firm on the final list in sequence until an agreement is  
24 reached or a determination is made to reject all persons or firms on the  
25 final list. If a contract for construction services is entered into pursuant  
26 to this subsection:

27           1. If the contract is for construction-manager-at-risk construction  
28 services and includes preconstruction services by the contractor or if the  
29 contract is for design-build construction services, the agent shall enter  
30 into a written contract with the contractor for preconstruction services  
31 under which contract the agent shall pay the contractor a fee for  
32 preconstruction services in an amount agreed by the agent and the contractor,  
33 and the agent shall not request or obtain a fixed price or a guaranteed  
34 maximum price for the construction from the contractor or enter into a  
35 construction contract with the contractor until after the agent has entered  
36 into the written contract for preconstruction services and a preconstruction  
37 services fee.

38           2. Construction shall not commence until the agent and contractor  
39 agree in writing on either a fixed price that the agent will pay for the  
40 construction to be commenced or a guaranteed maximum price for the  
41 construction to be commenced.

42           F. As an alternative to subsection E of this section, an agent may  
43 award design-build construction services or job-order-contracting  
44 construction services as follows:

1           1. The agent shall use the selection committee appointed for the  
2 request for qualifications pursuant to subsection C of this section.

3           2. The agent shall issue a request for proposals to the persons or  
4 firms on the final list developed pursuant to subsection C of this section.

5           3. For design-build construction services and job-order-contracting  
6 construction services, the request for proposals shall include:

7           (a) The agent's project schedule and project final design and  
8 construction budget or life cycle budget for a procurement that includes  
9 maintenance services or operations services.

10          (b) A statement that the contract or contracts will be awarded to the  
11 offeror whose proposal receives the highest number of points under a scoring  
12 method.

13          (c) A description of the scoring method, including a list of the  
14 factors in the scoring method and the number of points allocated to each  
15 factor. The factors in the scoring method shall include:

16           (i) For design-build construction services only, demonstrated  
17 compliance with the design requirements.

18           (ii) Offeror qualifications.

19           (iii) Offeror financial capacity.

20           (iv) Compliance with the agent's project schedule.

21           (v) For design-build construction services only, if the request for  
22 proposals specifies that the agent will spend its project budget and not more  
23 than its project budget and is seeking the best proposal for the project  
24 budget, compliance of the offeror's price or life cycle price for  
25 procurements that include maintenance services, operations services or  
26 finance services with the agent's budget as prescribed in the request for  
27 proposals.

28           (vi) For design-build construction services if the request for  
29 proposals does not contain the specifications prescribed in item (v) and for  
30 job-order-contracting construction services, the price or life cycle price  
31 for procurements that include maintenance services, operations services or  
32 finance services.

33           (vii) An offeror quality management plan.

34           (viii) Other evaluation factors as determined by the agent, if any.

35          (d) For design-build construction services only, the design  
36 requirements.

37          (e) A requirement that each offeror submit separately a technical  
38 proposal and a price proposal and that the offeror's entire proposal be  
39 responsive to the requirements in the request for proposals. For  
40 design-build construction services, the price in the price proposal shall be  
41 a fixed price or a guaranteed maximum price.

42          (f) A statement that in applying the scoring method the selection  
43 committee will separately evaluate the technical proposal and the price  
44 proposal and will evaluate and score the technical proposal before opening  
45 the price proposal.

1 (g) If the agent conducts discussions pursuant to paragraph 5 of this  
2 subsection, a statement that discussions will be held and a requirement that  
3 each offeror submit a preliminary technical proposal before the discussions  
4 are held.

5 4. If the agent determines to conduct discussions pursuant to  
6 paragraph 5 of this subsection, each offeror shall submit a preliminary  
7 technical proposal to the agent before those discussions are held.

8 5. If determined by the agent and included by the agent in the request  
9 for proposals, the selection committee shall conduct discussions with all  
10 persons or firms that submit preliminary technical proposals. Discussions  
11 shall be for the purpose of clarification to assure full understanding of,  
12 and responsiveness to, the solicitation requirements. Offerors shall be  
13 accorded fair treatment with respect to any opportunity for discussion and  
14 for clarification by the owner. Revision of preliminary technical proposals  
15 shall be permitted after submission of preliminary technical proposals and  
16 before award for the purpose of obtaining best and final proposals. In  
17 conducting any discussions, information derived from proposals submitted by  
18 competing offerors shall not be disclosed to other competing offerors.

19 6. After completion of any discussions pursuant to paragraph 5 of this  
20 subsection or if no discussions are held, each offeror shall submit  
21 separately the offeror's final technical proposal and its price proposal.

22 7. Before opening any price proposal, the selection committee shall  
23 open the final technical proposals, evaluate the final technical proposals  
24 and score the final technical proposals using the scoring method in the  
25 request for proposals. No other factors or criteria may be used in the  
26 evaluation and scoring.

27 8. After completion of the evaluation and scoring of all final  
28 technical proposals, the selection committee shall open the price proposals,  
29 evaluate the price proposals, score the price proposals and complete the  
30 scoring of the entire proposals using the scoring method in the request for  
31 proposals. No other factors or criteria may be used in the evaluation and  
32 scoring.

33 9. The agent shall award the contract or contracts to the responsive  
34 and responsible offeror whose proposal receives the highest score under the  
35 method of scoring in the request for proposals. No other factors or criteria  
36 may be used in the evaluation.

37 10. The contract or contracts file shall contain the basis on which the  
38 award is made.

39 11. For design-build construction services only, the agent shall award  
40 a stipulated fee equal to a percentage, as prescribed in the request for  
41 proposals, of the agent's project final design and construction budget, as  
42 prescribed in the request for proposals, but not less than two-tenths of one  
43 per cent of the project final design and construction budget to each final  
44 list offeror who provides a responsive, but unsuccessful, proposal. If the  
45 agent does not award a contract, all responsive final list offerors shall

1 receive the stipulated fee based on the owner's estimate of the project final  
2 design and construction budget as included in the request for proposals. The  
3 agent shall pay the stipulated fee to each offeror within ninety days after  
4 the award of the initial contract or the decision not to award a contract. In  
5 consideration for paying the stipulated fee, the agent may use any ideas or  
6 information contained in the proposals in connection with any contract  
7 awarded for the project, or in connection with a subsequent procurement,  
8 without any obligation to pay any additional compensation to the unsuccessful  
9 offerors. Notwithstanding the other provisions of this paragraph, an  
10 unsuccessful final list offeror may elect to waive the stipulated fee. If an  
11 unsuccessful final list offeror elects to waive the stipulated fee, the agent  
12 may not use ideas and information contained in the offeror's proposal, except  
13 that this restriction does not prevent the agent from using any idea or  
14 information if the idea or information is also included in a proposal of an  
15 offeror that accepts the stipulated fee.

16 G. Until an award and execution of a contract by an agent, only the  
17 name of each person or firm on the final list developed pursuant to  
18 subsection C of this section may be made available to the public. All other  
19 information received by the agent in response to the request for  
20 qualifications or contained in the proposals shall be confidential in order  
21 to avoid disclosure of the contents that may be prejudicial to competing  
22 offerors during the selection process. The proposals shall be open to public  
23 inspection after the contract is awarded and the agent has executed the  
24 contract. To the extent that the offeror designates and the agent concurs,  
25 trade secrets and other proprietary data contained in a proposal remain  
26 confidential.

27 H. An agent may cancel a request for qualifications or a request for  
28 proposals or reject in whole or in part any or all proposals as specified in  
29 the solicitation if it is in the best interest of the agent. The agent shall  
30 make the reasons for cancellation or rejection part of the contract file.

31 I. Notwithstanding any other law:

32 1. The contractor for design-build or job-order-contracting  
33 construction services is not required to be registered to perform design  
34 services pursuant to title 32, chapter 1 if the person or firm actually  
35 performing the design services on behalf of the contractor is appropriately  
36 registered.

37 2. The contractor for construction-manager-at-risk, design-build or  
38 job-order-contracting construction services shall be licensed to perform  
39 construction pursuant to title 32, chapter 10.

40 3. For each project for horizontal construction under a design-build  
41 or construction-manager-at-risk construction services contract, the licensed  
42 contractor performing the contract shall perform, with the contractor's own  
43 organization, construction work that amounts to not less than forty-five per  
44 cent of the total contract price for construction. For the purposes of this  
45 paragraph, the total contract price for construction does not include the

1 cost of preconstruction services, design services or any other related  
2 services or the cost to procure any right-of-way or other cost of  
3 condemnation.

4 4. There shall be a separate request for qualifications under  
5 subsection C of this section for each contract for horizontal construction  
6 construction-manager-at-risk construction services, ~~OR HORIZONTAL~~  
7 ~~CONSTRUCTION~~ design-build construction services ~~or job-order contracting~~  
8 ~~construction services.~~

9 J. For job-order-contracting construction services only:

10 1. The maximum dollar amount of an individual job order shall be one  
11 million dollars or such higher or lower amount prescribed by the agent in an  
12 action noticed pursuant to title 38, chapter 3, article 3.1 or a rule adopted  
13 by the agent as the maximum amount of an individual job order. Requirements  
14 shall not be artificially divided or fragmented in order to constitute a job  
15 order that satisfies this requirement.

16 2. If the contractor subcontracts or intends to subcontract part or  
17 all of the work under a job order and if the job order construction services  
18 contract includes descriptions of standard individual tasks, standard unit  
19 prices for standard individual tasks and pricing of job orders based on the  
20 number of units of standard individual tasks in the job order:

21 (a) The contractor has a duty to deliver promptly to each  
22 subcontractor invited to bid a coefficient to the contractor to do all or  
23 part of the work under one or more job orders:

24 (i) A copy of the descriptions of all standard individual tasks on  
25 which the subcontractor is invited to bid.

26 (ii) A copy of the standard unit prices for the individual tasks on  
27 which the subcontractor is invited to bid.

28 (b) If not previously delivered to the subcontractor, the contractor  
29 has a duty to deliver promptly the following to each subcontractor invited to  
30 or that has agreed to do any of the work included in any job order:

31 (i) A copy of the description of each standard individual task that is  
32 included in the job order and that the subcontractor is invited to perform.

33 (ii) The number of units of each standard individual task that is  
34 included in the job order and that the subcontractor is invited to perform.

35 (iii) The standard unit price for each standard individual task that  
36 is included in the job order and that the subcontractor is invited to  
37 perform.

38 K. Notwithstanding anything to the contrary in this chapter, an agent  
39 shall not procure any horizontal construction using the  
40 construction-manager-at-risk, design-build or job-order-contracting method of  
41 project delivery after June 30, 2010. For purposes of this paragraph, an  
42 agent procures horizontal construction when the contract for the construction  
43 services is executed by the agent and the contractor for the  
44 construction-manager-at-risk, design-build or job-order-contracting  
45 construction services. If a contract is executed for construction services

1 on or before June 30, 2010, construction services under the contract may be  
2 rendered in whole or in part after June 30, 2010.

3 L. Notwithstanding anything to the contrary in this section or this  
4 title, an agent shall not:

5 1. Enter into a contract as contractor to provide  
6 construction-manager-at-risk construction services, design-build construction  
7 services or job-order-contracting construction services.

8 2. Contract with itself, with another agent, with this state or with  
9 any other governmental unit of this state or the federal government for the  
10 agent to provide construction-manager-at-risk construction services,  
11 design-build construction services or job-order-contracting construction  
12 services.

13 M. The prohibitions prescribed in subsection L of this section do not  
14 prohibit an agent from providing construction for itself as provided by law.

15 ~~0.~~ N. The agent shall include in each contract for construction  
16 services the full street or physical address of each separate location at  
17 which the construction will be performed and a requirement that the  
18 contractor and each subcontractor at any level include in each of its  
19 subcontracts the same address information. The contractor and each  
20 subcontractor at any level shall include in each subcontract the full street  
21 or physical address of each separate location at which construction work will  
22 be performed.

23 ~~N.~~ O. For the purposes of this section, "professional services"  
24 includes architect services, engineer services, landscape architect services,  
25 assayer services, geologist services and land surveying services and any  
26 combination of those services.