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FLOOR DEBATE

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LB 391

quick reminder, this bill, LB 391 would provide some construction...or the intent is to provide construction alternatives for school districts. And, in particular, rather than the traditional competitive bidding process, there would be allowed under this bill a procedure whereby a design-build framework could be used or a construction manager at risk framework could be used. My concern with this has mainly been in three areas: competitive bidding, accountability, and conflict of interest. To background that just a little bit, my feeling is that the best safeguard for public money in a construction process or perhaps any other process is an open, competitive process that is all-inclusive. So these procedures, design-build, and construction manager at risk, do involve some phrases with which I have a little discomfort, namely, ones like "prequalify" and also...or, prequalify to become a participant in a construction contract, and then also a selection process by a committee. So the amendment that you have before you, AM2837, includes a number of paragraphs, I think about 11. My contribution to that involves, first, competitive bidding, and this is simply that a school district may require competitive bidding on subcontracts. And this applies to both design-build and the construction manager at risk proposal. The final determination on the subcontractor selection process is part of the final negotiations. It does not require competitive bidding, but at least it makes it...it makes it possible that the school district could require it. Second area is...and by the way, that is dealt with, or this is included in paragraphs six, eight, nine, and ten in the amendment in case you're following. The second general area is accountability. In particular, what our intent here was to make the records of the Selection Committee, which is a very important part of this whole process, to make those records of the Selection Committee subject to the open records law. And this is simply to...an intention to safeguard accountability to the public. A final area...this is, by the way, a part of the provision in paragraph 11. A final area of concern was conflict of interest, and we have added a requirement that the performance criteria developer, which is a defined term in this bill, is not employed by, or has any interest in an entity that will submit a proposal. This is simply intended to assume independence and absence of conflict of interest, and this provision is in