

HOUSE BILL 2748

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 12, Chapter 10; Title 12, Chapter 4 and Title 49, Chapter 2, Part 2, relative to certain public contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 10, Part 1, is amended by adding the following as a new section thereto:

12-10-125.

(a) All meetings of any public building authority established under this chapter are subject to the open meetings laws codified in title 8, chapter 44.

(b) Any public building authority established under this chapter is subject to the open records laws codified in title 10, chapter 7.

SECTION 2. Tennessee Code Annotated, Section 12-10-124(d), is amended by deleting the last sentence of the subsection.

SECTION 3. Tennessee Code Annotated, Section 12-10-124(d), is further amended by designating the existing language as subdivision (1) and adding the following language:

(2) Notwithstanding subdivision (1), contracts for professional services are not required to be awarded through a competitive bid process or a request for proposals process. Contracts for professional services shall be governed by the provisions of § 12-4-106.

(3)

(A) Any construction manager, construction manager at risk or design-builder, hereafter referred in this subdivision as "CM", whose services are deemed to be professional services that are procured through a written request

for proposals process through advertisement pursuant to § 12-4-106(a)(2)(D) to serve a public building authority (PBA), an LEA for construction of school buildings or additions to existing buildings as provided in § 49-2-203, or any state or local government entity, must subsequently award the following contracts or subcontracts for the project for which the CM was selected only through the public advertisement and public bid process with the contracts or subcontracts being awarded to the lowest responsible and qualified bidder:

(1) Subcontracts for materials and construction work provided on a subcontract or vendor basis for the CM; or

(2) Contracts awarded by the CM as an agent for a PBA, LEA or state or local government entity.

(B) A CM whose services are deemed to be professional services to serve a public building authority, LEA or any state or local government entity that are procured in accordance with § 12-4-106(a)(2)(D) may not circumvent the public bid process and select subcontractors, vendors, or other contractors under the auspices of these services being deemed by the CM to be a professional service when the CM is selected under the professional service procurement method.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.