

HB 2378 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

Provides that, if a single prequalified proposer, or subsequently a single best qualified proposer, emerges from phase one of the competitive, design-build procurement process, the department may negotiate a contract with the proposer. The contract price must be established between the department and the contractor through negotiation based on detailed cost and price information provided by the proposer. To achieve efficiencies the department may negotiate incentives and economic cost sharing between the state and the proposer. In addition to the cost incentives, other incentives may be considered, as determined by the department to be in the best interests of the state. Such incentives may include, but are not limited to, key schedule milestones, technological innovations, performance efficiencies, constructability, and operational value or life-cycle cost.

Directs the department to submit a copy of the contract, the final negotiated price, and supporting information to the office of financial management at least ten days prior to execution of the contract. If the final negotiated price is greater than the legislature's adopted expenditure plan for vessel construction, the department may not execute the contract until the legislature reviews the final proposals and adjusts the expenditure plan accordingly.

Provides that, if the department and the proposer are not able to reach an agreement, the department may republish, revise, or cancel the request for proposals process to serve the best interests of the state.