



SPONSOR: Rep. Wagner & Sen. Cook

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 533

AS AMENDED BY

HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29, CHAPTER 69 OF THE DELAWARE CODE RELATING TO THE PROVISIONS OF CAPITAL PROJECT COORDINATOR SERVICES TO SCHOOL DISTRICTS.

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

1 Section 1. Amend Title 29 of the Delaware Code by adding a new Section 6967 as follows:

2 "§ 6967. State Project Coordinator Services Provided on Behalf of School Districts.

3 (a) A school district may request the Department of Administrative Services to provide
4 project coordinator services to manage a capital project on behalf of a school district.

5 (b) Project coordinator services shall be defined as work performed by the Department on
6 behalf of a school district to coordinate the activities of the architect, engineer, project
7 manager, general contractor or multiple prime contractors and other entities as required by
8 a specific capital project to ensure that the project is completed in the best interests of the
9 school district in a timely and fiscally prudent manner. Project coordinator services may
10 include assistance during the pre-bid and bidding process, but in all cases the school
11 district shall have full and final responsibility for approving contract and bid documents
12 and entering into contracts with General Contractors, Multiple Prime Contractors, Project
13 Managers and others to facilitate the completion of a capital or MCI project. The school
14 district shall be responsible for providing all legal counsel and representation, unless
15 otherwise agreed to by the school district and the Secretary. With the agreement of the
16 Secretary, the provision of service may commence at any time during a project.

- 17 (c) Should a school district request that the Department provide project coordinator services,
18 the school district shall submit its request to the Secretary with sufficient time for the
19 Department to determine if the Department can provide such services. The time interval
20 necessary for the Department to designate or contract for the required project
21 coordinator(s) may vary depending on factors related to, but not limited to, the then
22 current labor supply, prior requests for project coordinator services and the number of
23 projects being coordinated by the Department.
- 24 (d) Project coordinator(s) assigned to a school district project shall be employed by or
25 contracted for by the Department and shall report directly to the Department.
- 26 (e) If the Secretary approves the request of a school district for the Department to provide
27 project coordinator services, the Department and the school district shall enter into a
28 contract that defines the terms and conditions of the Department's provision of these
29 services. The contract shall include, but not be limited to, the description and scope of the
30 project, the role and scope of the project coordinator(s), the number of FTEs assigned to
31 the project, the beginning date and end date of the project, project and financial reporting
32 requirements of the school district, a single point of contact for the school district,
33 procedures for obtaining information and decisions from the school district and dispute
34 resolution procedures. The contract shall also include language that specifies the cost to
35 the school district for the Department's provision of project coordinator services based on
36 the scope of the project and the scope of involvement of the project coordinator(s). The
37 contract shall also provide for a means to adjust the cost to the school district if the term of
38 the project is longer or shorter than the term specified in the agreement. The contract shall
39 be signed by the school district and Secretary of the Department prior to the Department's
40 provision of project coordinator services.
- 41 (f) The contract between the Department and a school district may be executed contingent on
42 the passage of a school district referendum that will be used to fund capital projects. In the
43 event the referendum does not pass, the contract shall not be binding on either the
44 Department or the school district. If the referendum passes, the school district shall

45 transfer the full amount specified in the contract for project coordinator services to the
46 Department prior to the provision of any service by the Department to the school district.
47 If the contract is executed after the passage of a referendum, funds for the full amount
48 specified in the contract for project coordinator services shall be transferred to the
49 Department by the school district within thirty days of the execution of the contract by the
50 Department and school district. If such fund transfer does not take place within the
51 specified thirty days, the Department is under no obligation to provide project coordinator
52 services to the school district.

53 (g) Project coordinator services provided to a school district by the Department shall not be
54 funded from the State's share of a capital project but may be funded by any source of funds
55 allowed by the State's Accounting Manual and/or a portion of the school district's capital
56 project referendum proceeds. Under no circumstance shall the Department be a party to
57 the contract(s) between a school district and a general contractor, multiple prime
58 contractors, project manager or others required to facilitate the completion of a capital or
59 MCI project."