



Sen. Martin A. Sandoval

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10000SB3002sam001

LRB100 17205 LNS 38527 a

1 AMENDMENT TO SENATE BILL 3002

2 AMENDMENT NO. _____. Amend Senate Bill 3002 on page 8 by
3 deleting lines 13 through 15; and

4 on page 17, by replacing lines 8 through 20 with the following:

5 "Section 35. Procedures for selection.

6 (a) The Transportation Agency shall review, evaluate,
7 score, and rank proposals and determine which proposal offers
8 the best value to the public based on the evaluation criteria
9 set forth in the request for proposals. The Transportation
10 Agency shall award the contract based on this determination.
11 Notwithstanding other provisions of this Section, if for any
12 reason the proposer awarded the contract is unable or unwilling
13 to execute the contract, including the failure of the proposer
14 and the Transportation Agency to successfully complete
15 negotiations, if any, of the contract, the Transportation
16 Agency may award the contract to the proposer whose proposal

1 the Transportation Agency determines offers the public the next
2 best value.

3 (b) After a proposal has been submitted as provided in
4 Section 25, a design-builder shall not replace, remove, or
5 otherwise modify any firm identified as a member of the
6 proposer team unless:

7 (1) the firm is no longer in business;

8 (2) the firm is unable to fulfill its legal, financial,
9 or business obligations;

10 (3) the firm no longer meets the terms of its agreement
11 with the design-builder;

12 (4) the firm voluntarily removes itself from the
13 proposer team;

14 (5) the firm fails to provide a sufficient number of
15 qualified personnel to fulfill the duties identified in the
16 proposal; or

17 (6) the firm fails to negotiate in good faith, in a
18 timely manner, and in accordance with the provisions
19 established in the agreement with the design-builder.

20 (c) If the design-builder modifies the proposer team, any
21 cost savings attributable to the modification shall accrue to
22 the Department and not to the design-builder.".