START\_STATUTE34-101.  Definitions

In this title, unless the context otherwise requires:

1.  "Agent":

(a)  Means any county, city or town, or officer, board or commission of any county, city or town, and irrigation, power, electrical, drainage, flood protection and flood control districts, tax levying public improvement districts and county or city improvement districts.

(b)  Includes any county board of supervisors and any representative authorized by an agent to act as an agent for the purpose of authorizing necessary change orders to previously awarded contracts in accordance with guidelines established by rule of the agent, including the board of supervisors.

2.  "Architect services" means those professional architect services that are within the scope of architectural practice as provided in title 32, chapter 1.

3.  "Construction":

(a)  Means the process of building, altering, repairing, improving or demolishing any public structure or building or other public improvements of any kind to any public real property.

(b)  Does not include the routine operation, routine repair or routine maintenance of existing facilities, structures, buildings or real property.

4.  "Construction‑manager‑at‑risk" means a project delivery method in which:

(a)  There is a separate contract for design services and a separate contract for construction services, except that instead of a single contract for construction services, the agent may elect separate contracts for preconstruction services during the design phase, for construction during the construction phase and for any other construction services.

(b)  The contract for construction services may be entered into at the same time as the contract for design services or at a later time.

(c)  Design and construction of the project may be either:

(i)  Sequential with the entire design complete before construction commences.

(ii)  Concurrent with the design produced in two or more phases and construction of some phases commencing before the entire design is complete.

(d)  Finance services, maintenance services, operations services, preconstruction services and other related services may be included.

5.  "Construction services" means either of the following for construction‑manager‑at‑risk, design‑build and job‑order‑contracting project delivery methods:

(a)  Construction, excluding services, through the construction‑manager‑at‑risk or job‑order‑contracting project delivery methods.

(b)  A combination of construction and, as elected by the agent, one or more related services, such as finance services, maintenance services, operations services, design services and preconstruction services, as those services are authorized in the definitions of construction‑manager‑at‑risk, design‑build or job‑order‑contracting in this section.

6.  "Contract" means all types of agent agreements, regardless of what they are called, for the procurement of services pursuant to this title.

7.  "Contractor" means any person who has a contract with an agent.

8.  "Design‑bid‑build" means a project delivery method in which:

(a)  There is a sequential award of two separate contracts.

(b)  The first contract is for design services.

(c)  The second contract is for construction.

(d)  Design and construction of the project are in sequential phases.

(e)  Finance services, maintenance services and operations services are not included.

9.  "Design‑build" means a project delivery method in which:

(a)  There is a single contract for design services and construction services, except that instead of a single contract for design services and construction services, the agent may elect separate contracts for preconstruction services and design services during the design phase, for construction and design services during the construction phase and for any other construction services.

(b)  Design and construction of the project may be either:

(i)  Sequential with the entire design complete before construction commences.

(ii)  Concurrent with the design produced in two or more phases and construction of some phases commencing before the entire design is complete.

(c)  Finance services, maintenance services, operations services, preconstruction services and other related services may be included.

10.  "Design professional" means an individual or firm that is registered by the state board of technical registration pursuant to title 32, chapter 1 to practice architecture, engineering, geology, landscape architecture or land surveying or any combination of those professions and persons employed by the registered individual or firm.

11.  "Design requirements":

(a)  Means at a minimum the agent's written description of the project or service to be procured, including:

(i)  The required features, functions, characteristics, qualities and properties.

(ii)  The anticipated schedule, including start, duration and completion.

(iii)  The estimated budgets applicable to the specific procurement for design and construction and, if applicable, for operation and maintenance.

(b)  May include:

(i)  Drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project, which shall all be prepared by a design professional who is registered pursuant to section 32‑121.

(ii)  Additional design information or documents that the agent elects to include.

12.  "Design services" means architect services, engineer services or landscape architect services.

13.  "Direct selection" means the selection of a technical registrant without the requirement of advertising or the use of a current register.

14.  "Engineer services" means those professional engineer services that are within the scope of engineering practice as provided in title 32, chapter 1.

15.  "Finance services" means financing for a construction services project.

16.  "Horizontal construction" means construction of highways, roads, streets, bridges, canals, floodways, earthen dams, landfills, light rail and airport runways, taxiways and aprons.  For the purposes of this paragraph, light rail does not include any related rail stations, maintenance facilities or parking facilities.

17.  "Job‑order‑contracting" means a project delivery method in which:

(a)  The contract is a requirements contract for indefinite quantities of construction.

(b)  The construction to be performed is specified in job orders issued during the contract.

(c)  Finance services, maintenance services, operations services, preconstruction services, design services and other related services may be included.

18.  "Landscape architect services" means those professional landscape architect services that are within the scope of landscape architectural practice as provided in title 32, chapter 1.

19.  "Maintenance services" means routine maintenance, repair and replacement of existing facilities, structures, buildings or real property.

20.  "Materials":

(a)  Means all property, including equipment, supplies, printing, insurance and leases of property.

(b)  Does not include land, a permanent interest in land or real property or leasing space.

21.  "Operations services" means routine operation of existing facilities, structures, buildings or real property.

22.  "Person" means any corporation, business, individual, union, committee, club, other organization or group of individuals.

23.  "Preconstruction services" means services and other activities during the design phase.

24.  "Procurement":

(a)  Means buying, purchasing, renting, leasing or otherwise acquiring any materials, services, construction or construction services.

(b)  Includes all functions that pertain to obtaining any materials, services, construction or construction services, including description of requirements, selection and solicitation of sources, preparation and award of contract and all phases of contract administration.

25.  "Public competition" means a competitive procurement process pursuant to section 34‑103, subsection G that includes advertising in a public newspaper and a qualification‑based selection process.

26.  "Services":

(a)  Means the furnishing of labor, time or effort by a contractor or subcontractor that does not involve the delivery of a specific end product other than required reports and performance.

(b)  Does not include employment agreements or collective bargaining agreements.

27.  "Subcontractor" means a person who contracts to perform work or render service to a contractor or to another subcontractor as a part of a contract with an agent.

28.  "Technical registrant" means a person who provides any of the professional services listed in title 32, chapter 1. END\_STATUTE