

**THE SURETY & FIDELITY ASSOCIATION OF AMERICA**

**MEMORANDUM**

**TO:** Government Affairs Advisory Committee

**FROM:** Daniel Wanke

**RE:** Contract Surety Legislation

**DATE:** April 8, 2015

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There are 38 states and the District of Columbia in session. In all states except New Jersey and Virginia, the 2015 sessions are the start of a new two-year session. The following report compiles and summarizes pre-filed and introduced contract surety legislation that SFAA is tracking as of April 8, 2015. For additional information on how SFAA is addressing these bills, as necessary, with the AIA, NASBP, the local surety associations and other interested parties, please visit the Government Relations page of the SFAA website at [www.surety.org](http://www.surety.org).

<b>Jurisdiction</b>	<b>Bill(s)</b>	<b>Recent History</b>	<b>Issue</b>	<b>SFAA Summary</b>
AL	SB 50	03/03/2015 SB 50 has been introduced.	Bid Bonds	SB 50 would increase the maximum amount of the bid bond required for contracts with the Department of Transportation and for public works contracts under the Little Miller Act from \$10,000 to \$50,000. The law requires the bid bond to be not less than 5% of the bid amount, but caps it at not more than \$10,000. (03/04)
AL	SB 111	04/02/2015 SB 111 is to the third reading in the House.	Infrastructure Bank	SB 111 would establish the Alabama Transportation Infrastructure Bank for selecting and assisting in financing of transportation projects exceeding \$5 million through loans and other financial assistance, such as grants and credit enhancements, to the State and its agencies, counties, and municipalities, or other political subdivisions or public bodies. (03/20)

AL	HB 275/ SB 239	04/02/2015 HB 275 is to the third reading in the House.  03/17/2015 SB 239 has been introduced.	Construction Manager-General Contractors	<p>HB 275 would establish procedures for the state, counties, and municipalities to award construction manager/general contractor (CM/GC) contracts for public works projects, except for public road and highway projects. The bill provides that a person providing CM/GC services would be subject to all licensing, insurance, and bonding requirements for public works projects in the State. The bill provides requirements for prequalifying these entities, which would include an evaluation of their bonding capacity. The CM/GC method could be used for projects that have construction costs in excess of \$25 million. The method also could be used with written approval from the State Building Commission for contracts exceeding \$15 million. (04/06)</p> <p>SB 239 is similar, except it would apply to CM/GC projects in excess of \$15 million. (03/21)</p>
AR	SB 613	04/02/2015 SB 613 has been enacted.	Public-Private Partnerships	<p>SB 613 establishes a grant program for maintaining unpaved county roads that includes public private partnerships for funding the program. The new law provides for donations from private entities toward the project through funding or in-kind services or goods. The new law does not specify a bonding requirement for these projects. (04/07)</p>
AR	SB 726	04/04/2015 SB 726 has been enacted.	Indemnity Provisions in Construction contracts	<p>SB 726 revises the law on indemnity provisions in public and private construction contracts so provisions requiring an entity or its insurer to indemnify, insure, defend, or hold harmless an entity against liability for damage arising out of death or bodily injury to a persons or damage to property, which arises out of the negligence or fault of the indemnitee, its agents, representatives, subcontractors, or suppliers would be void and unenforceable. This will not affect provisions in a construction contract requiring an entity or its insurer to indemnify another entity against such liability. The indemnification “shall not exceed any amounts greater than that represented by the degree or percentage of negligence or fault attributable to the indemnitors, its agents, representatives, subcontractors, or suppliers.” The new law provides an exemption for indemnity provisions in construction contracts for oil and gas operations. The new law becomes effective on July 3, 2015. (04/08)</p>

AR	HB 1008	04/02/2015 HB 1008 has been enacted.	Retainage	HB 1008 sets retainage in public construction projects at 5%. A public contracting entity may stop withholding retainage if the construction project is 50% completed, the contractor's work has been done in a satisfactory manner and the design professional and public contracting entity agree and approve. The new law provides that the contractor may withhold 5% of the progress payments from a subcontractor who is required to provide performance and payment bonds. The contractor may stop withholding retainage when the subcontractor's work is 50% complete. The new law becomes effective on July 3, 2015. (04/07)
AR	HB 1111	04/01/2015 HB 1111 has been withdrawn and recommended for study in the interim by Joint Interim Committee on Agriculture, Forestry & Economic Development.	Public-Private Partnerships	HB 1111 would authorize the state and its political subdivisions to use public-private partnerships (P3s) for public infrastructure and public facilities projects. The bill, as amended, provides that the comprehensive agreement would have to include provisions for maintenance, payment, and performance bonds in the amounts that the public entity specifies in the agreement for the construction components of the facility. The amended bill would require the payment bond to be based on the construction costs for the project and to comply with the Little Miller Act. The agreement would have to include provisions for providing all other bonds, letters of credit, or other security acceptable to the public entity for the development of the facility. The amended bill provides that any procedures for termination in the event of default would be specified in the agreement. (03/20)
AR	HB 1634	03/26/2015 HB 1634 has been enacted.	Public-Private Partnerships	HB 1634 revises the existing law that authorizes the Department of Transportation to adopt regulations for design-build contracts to permit the DOT to establish regulations to enter into design-build finance contracts and concession agreements with private partners. The new law becomes effective on July 3, 2015. (03/27)
AR	HB 1900	03/20/2015 HB 1900 has been withdrawn and recommended for study in the interim by Joint Interim.	Public-Private Partnerships	HB 1900, as amended, would authorize the State, its agencies, and the State's political subdivisions to enter into public private partnerships for transportation facility projects. The bill provides that the comprehensive agreement would have to include provisions for maintenance, payment, and performance bonds in the amounts that the public entity may specify in the agreement for the components of the transportation facility that involve

		Committee on Public Transportation.		construction; and provisions for the posting and delivery of all other bonds, letters of credit, or other forms of security acceptable to the public entity for the development of the transportation facility. (03/18)
AZ	HB 2095	04/01/2015 HB 2095 has been enacted.	Bond Waivers  Job Order Contracts	HB 2095 permits the waiver of the current performance bond requirement for job-order construction services contracts in counties with a population of more than 800,000 if the amount of construction under the contract does not exceed \$500,000, including change orders. The bill had provided for the waiver of bonds on state job-order construction contracts for \$200,000 or less. The new law sunsets this provision on December 31, 2020. The new law will become effective on July 2, 2015. (04/08)
CA	SB 762	03/27/2015 SB 762 is scheduled for a hearing in committee in the Senate on 04/15/15.	Best Value Contracting	SB 762 would establish a pilot program for counties to award contracts through a “best value” award system in which the county would have to prequalify the contractor, including a review of the contractor’s financial condition. The bill provides that the bidder’s capacity to obtain all required payment bonds, performance bonds, and liability insurance would be a mandatory part of reviewing his or her financial condition. (03/09)
CA	AB 1431	04/06/2015 AB 1431 was amended in the Assembly Committee on Education with amendments and was re-referred to the committee.	Job Order Contracts	AB 1431, as amended, would authorize job order contracting for school districts for public works and maintenance contracts until January 1, 2022. The contractor would have to provide evidence that it has the capacity to obtain all required payment and performance bonding and liability insurance. The bill defines a job order contractor and subcontractors as being “licensed and bonded.” (03/30)
CO	HB 1197	04/02/2015 HB 1197 has been sent to the Governor.	Indemnity Provisions in Construction contracts	HB 1197 would revise the law for indemnity provisions for negligence in construction contracts to provide that a contractor's obligation to defend, indemnify, or hold harmless a public entity would be limited to the amount of negligence attributable to the contractor, its agents, representatives, subcontractors, and suppliers. The bill would repeal an exemption for contract clauses for the costs of defense. The bill would delete a provision exempting a contracting party from being required indemnify or hold harmless from any liability or damages from the negligent acts of the indemnified party. The extent of any liability or obligation for an

				indemnity obligor would be determined through adjudication, alternative dispute resolution, or other mutual agreement for persons or entities providing architectural, engineering, surveying, or other design services. The bill would exempt insurance policies providing for the defense, indemnification, or holding harmless of public entities. (04/03)
CO	HB 1306	03/31/2015 HB 1306 was amended in the House Committee on Business Affairs and Labor referred to the House Appropriations Committee.	Contracting Disparity Study	HB 1306 would authorize a state disparity study on the participation of historically underutilized businesses in state contracts. Entities that are exempt from the State's existing procurement code would not be included in it. The study would have to determine if there is a disparity between the number of such businesses able to perform state contracts, including construction contracts, if, out of the total amount spent in a fiscal year, there is a disparity between the percentage of spending for contracts awarded to qualified businesses and the percentage of state contracts that were awarded to all such businesses in that fiscal year, and what changes should be made to state policies affecting historically underutilized businesses. The bill would require the tracking of contract data for contract awards. The report would be due to the Executive Director of the Department of Personnel and the legislature by January 1, 2017. (04/02)
CT	SB 830	03/26/2015 SB 830 has been reported from the Legislative Commissioner's Office.	Surety Bond Guarantee Program  Bond Waivers	SB 830 would exempt emerging contractors from the requirements of the Little Miller Act if they participate in a surety bond guarantee program that the bill would authorize to be created. A contractor would be able to obtain a bond guarantee on contracts that exceed \$500,000. The bill would direct the Commissioner of Administrative Services to establish the program by October 1, 2015. Emerging contractors would be eligible for the program for a period of up to five years. The bill would define emerging contractors as minority-owned businesses who are not pre-qualified under the State's requirements and are unable to obtain the bonding required under the Little Miller Act to bid on state or municipal public works contracts (excluding DOT contracts) or is unable to perform work under such a contract as a substantial subcontractor. (03/26)
CT	SB 1032	04/06/2015	Nullum Tempus	SB 1032 would limit the application of the common law doctrine of nullum tempus (no time limit runs against the king). As introduced, the bill would have created a statute of repose only for architects, professional engineers

		<p>SB 1032 passed the Senate Judiciary Committee.</p>		<p>and land surveyors and not for contractors and their sureties. As amended the bill would defines a “tolling agreement” in a construction related project to include any person performing construction related work and their sureties or insurers.</p> <p>For any improvement to real property substantially completed on or after October 1, 2017, the bill provides that State and political subdivisions cannot make a claim, in contract or tort, for damages for deficiencies in the construction related work or for bodily injury or wrongful death arising out of a deficiency in the construction-related more than ten years after the date of substantial completion. For improvements to real property completed before October 1, 2017, the state have until October 1, 2027 to bring such claims.</p> <p>For any improvement to real property substantially completed on or after October 1, 2017, the State and its political subdivisions must bring an action or claim for indemnity for contribution arising out of construction-related work within ten years of substantial completion or within three years after the date that an action or claim is brought against the State for which the State is seeking indemnification, whichever is later. For improvements substantially completed before October 1, 2017, the State and its political subdivisions shall not bring a claim for contribution or indemnity after October 1, 2027, or three years from the date of the determination of the action or claim against the State has been made for which the State is seeking indemnification, whichever is the later date.</p> <p>The limits on nullum tempus do not apply to claims: 1) under a written warranty or guarantee with a tolling agreement for a longer amount of time; 2) based on willful misconduct in the performance of construction-related work; 3) under environmental remediation laws; or 4) under contracts for asbestos removal.</p>
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CT	HB 6638	03/27/2015 HB 6638 was drafted in and reported from the Joint Committee on Government Administration and Elections	Contracting Goals  Bond Waivers	HB 6638 would expand a contract set-aside and contracting goal program for minority-owned businesses for state contracts to include women-owned businesses and would establish a statewide 25% contracting goal for state procurement contracts, which includes construction. Under existing law, for contracts awarded for these set-asides, the contractor may provide a letter of credit equal to 10% of the contract if it is less than \$100,000 in lieu of any required bonds. If the contract is more than \$100,000, the letter of credit must be for 25% of the contract under current law. (03/30)
CT	HB 6705	04/01/2015 HB 6705 has been reported from the Legislative Commissioners' Office.	Prevailing Wages	HB 6705 would subject businesses receiving financial assistance from the State or its agencies for a construction project on its property to the law's prevailing wage requirements. If the business finds that a contractor or subcontractor knowingly or willfully is paying less than the prevailing wage, it could either terminate the contractor's right to proceed on the work or withhold payment from the contractor or subcontractor. If the contract is terminated, the contractor and its sureties would be liable to the business for any excess costs resulting from it. For violations, the bill also provides for civil penalties and requires restitution of the wages owed. The contractor or subcontractor would be subject to a two year debarment period for repeated violations on these projects. (04/02)
CT	HB 6906	04/07/2015 HB 6906 has been reported from the Legislative Commissioners' Office.	Bid Security Threshold	HB 6906 would increase the threshold at which bid security is required for competitive sealed bidding for construction contracts in a design-bid-build procurement from \$500,000 to \$1 million. The law requires the State Contracting Standards Board to adopt regulations for the bid security requirements for contracts that exceed this threshold. (02/25)
FL	HB 63/ SB 824	03/25/2015 HB 63 has been reported from the House Local Government Affairs Subcommittee and sent to the House	Public-Private Partnerships	HB 63/SB 824 would expand the existing law authorizing the use of public-private partnerships (P3s) for qualifying projects so that special districts, Florida College System institutions, and state universities also would be allowed to enter into P3s for these projects. Existing law permits P3s for public facilities, buildings, and water and wastewater projects. The bill would require the comprehensive agreement to address termination in the event of a material default. The bill, as amended, would delete the law that established the Public-Private Partnership Guidelines Task Force,

		<p>Appropriations Committee.</p> <p>04/01/2015 SB 824 passed the Senate Governmental Oversight and Accountability Committee.</p>		<p>whose authorization expired at the end of 2014 following its report to the legislature. (04/02)</p>
FL	HB 87	<p>04/06/2015 HB 87 is on the agenda for the House Judiciary Committee for 04/08/15</p>	Contract Claims	<p>HB 87 would revise an existing alternative dispute resolution process for claims for construction defects in private work. The bill would revise the notice procedures to require additional details about the defect, such as the location of the project and the specific violations that occurred. The bill would revise the existing notice provisions for a contractor's insurer to provide that the notice would not count as a claim for insurance purposes unless it is provided in the insurance policy. The bill also would revise the legislative findings in the bill to provide that the contractor's insurer should be included in the notice requirements for an effective alternative system. The bill also would impose penalties for frivolous claims. (03/14)</p>
FL	HB 253/ SB 508	<p>03/03/2015 HB 253 has been introduced.</p> <p>03/04/2015 SB 508 passed the Senate Governmental Oversight and Accountability Committee.</p>	Bond Waivers	<p>HB 253/SB 508 would prohibit an agency, general contractor, or prime contractor from requiring a vendor of goods and services to post a bid bond, performance bond, or other surety for a contract that does not exceed \$500,000 for goods and services. The bill provides that this would not apply to any requirement for posting a bond pending the protest of a solicitation, the protest of a rejected bid, proposal, or reply, or the protest of a contract award.</p> <p>The bill also would address contract bundling, requiring agencies to structure contracts to facilitate competition by small businesses, avoiding unnecessary contract bundling that may preclude small businesses' participation as prime contractors. The agency would have to conduct market research to determine whether contract bundling is necessary. Written justification would be required for bundled contracts. (03/05)</p>

GA	SB 59	04/09/2015 SB 59 has been sent to the Governor.	Public-Private Partnerships	SB 59 would authorize the use of public-private partnerships (P3s) for the State and for local governments for any project, except for generation of electric energy for sale, communications services, cable and video services, or water reservoir projects. SFAA and AIA successfully had the bill amended to clarify that the comprehensive agreement would have to provide for performance and payment bonds in the amounts required under the Little Miller Act for the construction portion of the P3. Surety bonds or other security acceptable to the public entity would be required for the other phases and components of the project. For a material default on the project, the public entity could terminate the comprehensive agreement for cause and exercise the rights and remedies available under the law, including claims on the bonds or other security. (04/10)
GA	HB 625	03/23/2015 Sb 625 passed the House.	Performance Bonds	HB 625 provides for the merger of the existing City of Athens independent school system and the existing Clarke County school district. The bill would require performance bonds on all construction and equipment installation contracts for the district exceeding \$10,000. (03/19)
HI	HB 508	04/02/2015 HB 508 is scheduled for a vote in the Senate Judiciary and Labor/Senate Ways and Means Committees on 04/08/15.	Performance and Payment Bonds	HB 508 would establish a grant program for qualifying feed developer through the Department of Agriculture for building feed mills. The bill would require a grant applicant to provide a completion bond and payment bond adequate to cover the completion of the planned feed mill as the Department determines. (03/27)
HI	HB 840/ SB 1268	04/02/2015 HB 840 is pending in the Senate Ways and Means Committee.	Public-Private Partnerships	HB 840/SB 1268 would authorize the Department of Public Safety may enter into a public-private partnership to plan, design, and construct a multistory correctional facility at the Halawa correctional facility. The bill does not specify a bonding requirement. (03/30)
HI	SB 1228/ HB 1180	04/02/2015 SB 1228 is pending a vote in the House Finance Committee on 04/07/15	Public-Private Partnerships	SB 1228/HB 1180 would direct the State Procurement Office to draft rules for "special innovative procurements," including public-private partnership (P3) contracts for infrastructure projects. The bill would set forth the general requirements for the rules. The State Procurement Office would be required to report the draft rules for P3s and any proposed legislation to the

		04/06/2015 HB 1180 passed the Senate Ways and Means Committee.		legislature no later than twenty days prior to the start of the regular 2017 session. (03/27)
IA	SB 307/ SB 411	03/26/2015 SB 307 and SB 411 passed from subcommittee in the Senate.	Performance Bonds	SB 307/SB 411 would establish a disaster case management fund and provides for the adoption of rules to implement a statewide system of disaster case management. The rules would have to allow the Department of Human Services to accept a surety bond or other form of financial responsibility that a local administrative entity previously provided in connection with another contract with the State to provide services or implementing a state or federal program, so long as the bond requirement in the contract is sufficient. (03/27)
IA	HB 529	04/02/2015 HB 529 has been reported from committee in the Senate.	Retainage  Bid Bonds  Performance and Payment Bonds	HB 529 would revise the existing bidding procedures for levee and drainage districts. The bill would require bid security in an amount equal to 5% of the bid. Bid bonds would have to comply with the bid bond requirements in the public contracting law. The bill provides that if the maximum limit on a bid security would cause a denial of funds or services from the federal government which would otherwise be available, or is otherwise inconsistent with the requirements of federal law, the maximum limit could be suspended. The bill would require successful bidder to furnish a performance and payment bond in an amount not less than 75% of the contract price. (04/03)
KY	HB 408	04/01/2015 HB 408 has been enacted.	Construction Manager-General Contractors	HB 408 authorizes the use of the construction manager-general contractor procurement method for state construction projects. The procurement process must include information on the applicable bond, insurance, and security requirements. The new law becomes effective on July 24, 2015. (04/02)
MD	HB 119 and SB 708	03/30/2015 HB 119 passed the second reading in the House with amendments.	Change Orders	HB 119, as amended, would prohibit procurement units from requiring a prime contractor and prime contractors requiring subcontractors to begin work on a change order unless the procurement officer issues a written change order that specifies if the work will proceed on an agreed-to price, force account, construction change directive or time and materials basis in

		SB 708 has not moved since last reported.		<p>compliance with the contract. Procurement units would have to adopt regulations for an expedited change order process for those exceeding \$50,000. For change orders less than \$50,000, the procurement officer would have to make payments for work under an accepted change order within 30 days of receiving an invoice. Procurement units would be required to develop guidelines for their change order process. The bill would not apply to state contracts for public school construction or capital improvements. The bill would provide for establishing a working group of stakeholders to address state construction contracting and procurement. (04/03)</p> <p>SB 708 would require state procurement contracts to contain a change order clause prohibiting the State, a prime contractor, or a private entity for a P3 to start work under a change order or to start any additional work beyond the scope of the original contract unless the State, the prime contractor, the private entity and the subcontractor agree to the price for it and there is a written commitment from the responsible fiscal authority to pay for within 30 days of receiving an invoice. For a failure to pay, the clause would have to permit the contractor or subcontractor to stop work without a penalty. The State, a prime contractor, a subcontractor, and the private entity would be prohibited from declaring a contract in default or seeking damages for delays if the parties are unable to agree on the price as required. The bill also would set forth mandatory prompt pay provisions for contractors to include in their subcontracts relating to payment for change orders. This bill is identical to HB 119 as it was introduced. (02/12)</p>
MD	SB 453/ HB 936	03/24/2015 SB 453 was scheduled for a heading in the House Environment and Transportation Committee on 03/31/15	Public-Private Partnerships	SB 453/HB 936 is legislation that SFAA and AIA sought to correct a technical problem with the bonding language in the P3 law that Maryland enacted in 2013. The existing law requires that the amount of the payment bond must be based on the value of the construction elements of the P3 and not on the total value of the P3. The existing law also requires a performance security, but does not limit it in a similar manner as the payment bond. SFAA and AIA's technical correction would amend the

		03/25/2015 HB 936 was scheduled for a hearing in the House on 4/01/15.		law so that the payment bond and performance bond both are based on the value of the construction portion of the P3. (03/21)
MD	SB 579	03/29/2015 SB 579 has been sent to the Governor.	Bond Guarantee Program	SB 579 would revise the maximum amount of the bond that the Maryland Small Business Development Financing Authority (Authority) may guarantee for its Small Business Surety Bond Program, which currently is an amount equal to 90% or \$1.35 million of a surety's loss on a bid, payment, or performance bond for federal, state, private, utility, and local government financed contracts, whichever is less. The bill would revise this to the lesser of 90% or \$2.25 million of the surety's losses on these bonds. The bill also would increase the amount of the bond for which the Authority may execute and perform as a surety under its surety program from \$1 million to \$2.5 million for federal, state, private, utility, and local government financed contracts. (03/31)
ME	SB 203	03/03/2015 SB 203 has been introduced.	Indemnity Provisions in Construction Contracts	SB 203 provides that provisions in construction contracts are void and unenforceable if they require a contractor or subcontractor, their surety, or the surety's insurer to indemnify the promisee against liability for damages for loss, damage or expense due to the negligence or willful misconduct of the promisee or his or her employee, agent, servant, or independent contractor. (03/06)
ME	HB 510	03/11/2015 HB 510 has been introduced.	Retainage	HB 510 would cap the amount retainage that can be withheld for private construction projects at not more than 5% of the contract price. (03/06)
MN	SB 87/ HB 1680/ SB 228/ HB 600/ HB 4/ SB 1648/ HB 1924	03/25/2015 SB 87 was amended in the Senate Committee on Finance.  04/08/2016 HB 4 has been amended in the House	Public-Private Partnerships	HB 4 would authorize the Commissioner of Transportation and Metropolitan Council to establish a public-private partnership (P3) pilot program for up to three pilot transportation projects. SFAA and AIA had the bill amended to provide that the comprehensive agreement must provide for financial protection for the state in the event of default, which would have to include payment and performance bonds, for any construction, that complies with the Little Miller Act. As introduced, the bill was silent on the bonding requirements for a P3. The bill provides for

		<p>Transportation and Finance Committee.</p> <p>03/10/2015 HB 1680/HB 1924/HB 1680/SB 1648 have been introduced.</p> <p>HB 600/SB 228 have not moved since last reported.</p>		<p>the establishment of the Joint Program Office for Economic Development and Alternative Finance to review and approve projects, reviewing any contractual or financial agreements, and ensuring that any proposed or executed agreement serves the public interest. The bill would restrict the use of P3s to new projects and would prohibit their use on existing infrastructure except for the expansion of capacity. SB 228/HB 600/HB 1680/SB 1648/HB 1924/SB 1648/SB 87 are similar to HB 4, but they are silent on bonding for the P3.</p> <p>SB 87/SB 228/HB 600/HB 1680/HB 4 are transportation appropriations bills, while HB 1648/HB 1924/SB 1648 are standalone measures. (04/07)</p>
MN	HB 1106/ SB 1115	<p>03/04/2015 HB 1106 has been reported from the House Veteran Affairs Division and was re-referred to the House State Government Committee.</p> <p>SB 1115 has not moved since last reported.</p>	<p>Veteran-Owned Businesses</p> <p>Bond Guarantees</p>	<p>HB 1106/SB 1115 provides that surety bonds that the U.S. Small Business Administration has guaranteed and “second party bonds” would be acceptable for state construction contracts that are awarded pursuant to a contract set-aside program for service-disabled, veteran-owned businesses that the bill would create for state contracts. The bill would define a "second party bond" as a bond that designates as principal or guarantor, or both, a person or persons in addition to the person to whom the contract is proposed for award. (03/10)</p>
MN	HB 1723/ SB 1629	<p>03/11/2015 HB 1723/SB 1629 have been introduced.</p>	<p>Public-Private Partnerships</p>	<p>HB 1723/SB 1629 would authorize the State and its political subdivisions, school districts, and any authority established by a political subdivision, or a public corporation established by the state or its political subdivisions to enter into public-private partnerships for public building and public infrastructure projects. The public partner for the project may require the private partner or one or more of its prime contractors to provide performance and payment security for the project, for which bonds would be accepted, among other forms of security. The amount of the security could be less than the contract price based on the public partner’s determination on a project-by-project basis of what is required to protect</p>

				the public interest and to secure the payment of persons and the amounts required under the bill's provisions. (03/16)
MN	HB 1686	03/10/2015 HB 1686 has been introduced.	Performance and Payment Bonds	HB 1686 provides that for bonds that are less than \$100,000, a public body could require the contractor to provide to the public body a performance bond and a payment bond as described in the Little Miller Act. The bill provides that if a public body does not require a payment bond, the public body would be liable for all unpaid costs and charges that may accrue for completing the specified work, and for all claims by persons furnishing the labor and materials. (03/16)
MN	SB 1898	03/19/2015 SB 1898 has been introduced.	Retainage	SB 1898 would revise the retainage requirements for private construction contracts to specify that the prime contractor, other persons making payments under a building and construction contract, or a subcontract of any tier could withhold retainage. The bill also would specify that prime contractors and subcontractors are subject to the existing law's requirements to make progress payments. The bill would require owners or their agents to release retainage to the prime contractors within 60 days after the project reaches substantial completion. The prime contractor and any subcontractors would have 10 days to pay retainage to their subcontractors following the receipt of any retainage withheld from them by the owner, the prime contractors or subcontractors. (03/31)
MN	SB 2006/ HB 2123	03/26/2015 SB 2006/HB 2123 have been introduced.	Public-Private Partnerships	SB 2006/HB 2123 would provide funding for a wire-line broadband infrastructure demonstration project. The bill provides that the project would be part of a public-private partnership. (03/31)
MO	HB 145	03/16/2015 HB 145 has been heard in committee in the House.	Indemnity Provisions in Construction Contracts	HB 145 would revise the law concerning indemnity provisions in construction contracts to require all parties entering into a contract for private or public construction work to be responsible for any liability or damages arising from the party's own negligence, wrongdoing, or recklessness, and shall not transfer, delegate, or assign responsibility for liability or damages to another person. The existing law makes such provisions in construction contracts void and unenforceable as against public policy. The bill also would eliminate an exemption from the law that is given to indemnity agreements in which a party promises to indemnify, defend or hold harmless another person in connection with

				obtaining insurance. Existing law also exempts construction bonds and insurance contracts or agreements. The bill also would expand the definition of construction work to include additional types of work. (03/18)
MO	HB 206/ SB 512	03/11/2015 HB 206 has been reported from the House Government Efficiency Committee and referred to the House Select Committee on General Laws.  03/10/2016 SB 512 has been read twice in the Senate.	Public-Private Partnerships	<p>HB 206 would authorize state and local governmental entities to use public-private partnerships (P3s) for the development or operation of all non-transportation buildings, facilities and infrastructure and improvements. SFAA and AIA had the bill amended to clarify the bonding requirements. The comprehensive agreement between the public entity and the private partner would have to provide for the delivery of performance and payment bonds for the design and construction portion of the project, and bonds or letters of credit could be provided for the operation of the project in the forms and amounts that are satisfactory to the responsible public entity. The bill would authorize the public entity to make claims under the maintenance, performance, or payment bonds, or lines of credit in the event of a material default of the private partner. (03/18)</p> <p>SB 512 is substantially similar, except that the comprehensive agreement between the public entity and the private partner would have to provide for the delivery of maintenance, performance and payment bonds, and letters of credit in connection with the development or operation of the qualifying project in the forms and amounts that are satisfactory to the responsible public entity. (03/01)</p>
MO	HB 844	03/31/2015 HB 844 has been reported from the House Select Committee on General Laws.	Design-Build Contracts  Construction Management Services	HB 844 would authorize political subdivisions to enter into design-build contracts for construction projects exceeding \$1 million. Payment bonds would be required in accordance with the State's Little Miller Act. The bill provides that all persons furnishing design services would be deemed to be covered the same way that any person furnishing labor or materials is covered by the payment bond. The performance bond would not need to cover the design services if the design-builder or its subcontractors providing design services have professional liability insurance. If there is no professional liability insurance, the performance bond would be required to cover the design services.

				For state construction management services contracts, the bill clarifies that only bidders contracting directly with the public owner would be required to provide performance and payment bonds. All bidders are required to enter into contracts directly with the public owner under the law. (04/01)
MO	HB 1042/ SB 388/ HB 992	04/01/2015 HB 1042 is pending in the House Select Committee on General Laws.  HB 992 has been withdrawn.  SB 388 has not moved since last reported.	Design-Build Contracts  Construction Managers at-risk	<p>HB 1042/SB 388 would authorize political subdivisions to enter into design-build contracts for construction projects exceeding \$25 million. Payment bonds would be required according to the State's Little Miller Act. Design services providers would be covered under the payment bond, but performance bonds would not need to cover design services if the contractor or subcontractor providing design services has professional liability insurance.</p> <p>Political subdivisions could use construction managers at-risk (CM at-risk) for public facilities. The CM at-risk would have to furnish performance and payment bonds equal to the contract amount or the guaranteed maximum price (GMP), unless these have not been established in which case the bonds must be equal to the project budget. Bonds would have to be furnished within 10 business days of executing the contract unless the CM at-risk provides a bid bond or other security that secures their provision when a GMP is established. (04/03)</p> <p>HB 992 was substantially similar, except it would have authorized design-build contracts for projects exceeding \$1 million.</p>
MT	SB 251	03/20/2015 SB 251 was scheduled to be heard in the House Business and Labor Committee and has not moved since then.	Bond Threshold	SB 251, as amended, would increase the threshold for requiring performance and payment security for public construction and building contracts with the state or a governmental entity from \$50,000 to \$80,000 and it would increase the threshold for requiring bid security on these contracts from \$25,000 to \$80,000. The bill also would increase the threshold for requiring performance and payment security for school districts from \$7,500 to \$80,000. (02/21)

NC	HB 208/ SB 268	03/12/2015 HB 208/SB 268 have been introduced.	Public-Private Partnerships	HB 208/SB 268 would authorize the Secretary of the Department of Information Technology to require vendors to provide performance bonds in connection with information technology projects. (03/14)
NC	SB 500	03/30/2015 SB 500 has been introduced.	Public-Private Partnerships	SB 500 would create the North Carolina Infrastructure Development Authority to conduct, encourage, and enable public-private partnerships (P3s) for public infrastructure projects, including transportation, public works and information technology projects. The Authority would serve as the public partner in the P3. (03/25)
ND	HB 1128	03/26/2015 HB 1128 has been enacted.	Construction Managers at-risk  Performance and Payment Bonds	HB 1128 eliminates the bonds that were required from each mechanical contractor and electrical contractor providing work on a public improvement project under the construction manager at-risk delivery method. The new law will become effective on August 1, 2015. (04/01)
NM	SB 158	03/03/2015 SB 158 passed the House.	Payment Bond Claims	SB 158 would clarify the existing payment bond claims law by revising the amount for which a person who has furnished labor or materials may sue, which currently is for amount of the balance unpaid at the beginning of the suit for the sum or sums "justly due him." The bill provides instead that the suit could only be for the amount justly due for the "labor performed on, or materials actually delivered to and actually incorporated into, the project." The bill was amended to specify that the sums justly due would be determined by the subcontract or other contractual relationship directly with the contractor furnishing the payment bond. The amended bill also would authorize the court to allow the State to include interest and reasonable attorney fees as costs in an action against a non-resident contractor's bond for the taxes due from a construction contract. (02/11)

NV	SB 254	03/12/2015 SB 254 has been introduced.	Retainage	SB 254 would revise the retainage requirements for public and private construction projects. The law requires a minimum of 5% retainage to be withheld from the progress payments on public projects until the project reaches 50% completion. The bill would require retainage to be exactly 5% of the progress payment until the project reaches 50% completion. The bill would reduce the maximum amount of retainage that may be withheld on private projects from not more than 10% to not more than 5% of the progress payments. The bill also would eliminate the public owner's discretion to release retainage that has been withheld from the progress payment if the contractor and subcontractors have met the existing law's conditions. The bill provides that the contractor's determination of the satisfactory completion of the work also would be a condition for the release of retainage from the public owner. (03/13)
NV	AB 300	03/13/2015 AB 300 has been introduced.	Contract Termination Penalties	AB 300 would authorize the Inspector General for the Department of Administration to order the termination of a contract or use of public money in cases involving fraud, waste, abuse or corruption. The bill provides the Inspector General the authority to seek repayment of the public money through a court action. The bill would prohibit a person who has been ordered to repay public money or has entered into a contract that was terminated for fraud, waste, abuse or corruption from bidding on or being awarded a state or local purchasing or public works contract for seven years after the date of the order or termination. (03/19)
NV	AB 345	04/08/2015 AB 345 was scheduled for a hearing in committee in the Assembly, but it was not heard.	Individual Sureties	AB 345 would revise the existing law to permit individual sureties to provide bid, payment, performance, and protest bonds for state and local public works projects (including highway, construction manager, and design-build contracts) and for state and local public purchasing contracts. The bill would require the individual surety to transact business through a state-licensed insurance company. The bill provides that an individual surety is defined as a natural person, who is not a licensed insurer that pledges his or her own personal property or assets to guarantee the payment and performance under a state or local government contract. The individual surety would have to provide an affidavit that it complies with the applicable law. The bill would set forth the forms of security that the

				individual surety could provide as security for the bond. The security could only be pledged for the purposes set forth in the bill and could not be pledged for any other bond or security inside or outside the State until it is released by the governing body. The public entity letting the contract would have to determine the value of any security furnished. (03/18)
NV	AB 450	03/25/2015 AB 450 has been introduced.	Public-Private Partnerships	AB 450 would authorize the Department of Transportation to use public-private partnerships for toll road projects along the proposed route of the future Interstate 11, which will pass through Nevada. The bill would require the private partner to obtain a performance bond, payment bond, letter of credit, parent guarantee, or other security acceptable to the DOT that it determines to be adequate to protect the interests of the State and its political subdivisions and to ensure completion of the toll road project without this State or its political subdivisions being liable for any of the direct costs of the project. (03/25)
NY	SB 4309	03/12/2015 SB 4309 has been introduced.	Performance and Payment Bonds	SB 4309 would establish procedures for the Nassau County School District to enter into contracts for capital construction projects. The bill would require the contractor to obtain performance and payment bonds in compliance with the requirements of the General Municipal Law for the project. (03/13)
NY	AB 4610	04/01/2015 AB 4610 has been sent to the Governor.	Design-Build Contracts  Performance and Payment Bonds	<p>AB 4610 would authorize the New York State Thruway Authority, the Department of Transportation, the Office of Parks, Recreation and Historic Preservation, the Department of Environmental Conservation, and the New York State Bridge Authority to use the design-build method of contracting for capital projects for infrastructure that cost more than \$1.2 million. The bill would permit the authorized contracting authority to determine the payment and performance bond requirements it deems necessary.</p> <p>The bill would establish new corporate taxes for New York City. The bill would permit persons subject to the tax to obtain a six month extension to pay any taxes owed for which a bond or other security could be required in an amount not exceeding twice the amount of the payments for which an extension is granted. (04/01)</p>

NY	AB 5883	03/05/2015 AB 5883 has been introduced.	Public-Private Partnerships  Infrastructure Bank	AB 5883 would establish the New York State Infrastructure Development Bank to provide financial assistance to energy, environmental, telecommunications, or transportation infrastructure projects. The bill would establish procedures to apply for such assistance. Eligible entities for receiving assistance would include individuals, corporations, partnerships (including public-private partnerships), joint ventures, trusts, the State or other governmental entity, including a political subdivision or any other instrumentality of the State or a revolving fund. (03/09)
NY	AB 6447	03/25/2015 AB 6447 has been introduced.	Bond Threshold	AB 6447 would establish a \$250,000 threshold at which performance and payment bonds would be required for contracts for the State University of New York at Stony Brook. The bill provides that the letting agency shall require deposits, bonds and security with the submission of bids or request for proposals, the award of contracts and the performance of work as it determines to be in the public interest and for the protection of the State, the State University, the State University Construction Fund and the letting agency. (03/26)
OK	HB 2231	03/11/2015 HB 2231 passed the House.	Bond Claims	HB 2231 would create the Oklahoma Construction Registry. An owner or project general contractor may register a project under the Construction Registry within ten days of signing a contract. If the owner or general contractor has elected not to register or fails to do so within the time allowed, the project would default to the current state lien and bond law. Registering would preserve the lien rights of a project provider for activity up to 60 days prior to the date of registration through the completion date of the project. All project providers would have to register if the project is registered, otherwise the provider would forfeit his or her lien and bond rights for the protected time period under the lien and bonding laws of the State on a private construction project or to proceed against a contractor's bond on a public or private construction project. Providers who have registered would be exempt from the pre-lien notice requirements in current law. (03/13)
OR	HB 2716	03/24/2015 HB 2716 has passed the House.	Disadvantaged Business Enterprises	HB 2716 would require an agency that awards any public contract (including public works and public improvement contracts) to comply with an affirmative action goal would have to make it a material condition of

			Contract Termination Penalties	the public contract that contractors and subcontractors remain certified as a disadvantaged, minority, women or emerging small business enterprise for the entire term of the public contract. For violating this requirement, the agency could terminate the contract or exercise the agency's rights under the contract for a breach of its terms. The bill also would provide for a three-year debarment period for persons that fraudulently obtain or retain certification as a disadvantaged, minority, women or emerging small business enterprise. (03/24)
OR	HB 3303	04/03/2015 HB 3303 passed the House Veterans and Emergency Preparedness and has been referred to the House Consumer Protection And Government Effectiveness Committee.	Disadvantaged Business Enterprises  Public Works Bond	HB 3303 would authorize the Oregon Business Development Department to certify that service-disabled veteran-owned businesses as disadvantaged business enterprise. Service-disabled veteran-owned businesses would qualify for a four year exemption available to disadvantaged business enterprises under existing law from the requirement to provide a \$30,000 public works bond to secure the payment of claims made by laborers on the project. Service-disabled veteran-owned businesses also would be eligible for existing programs that provide assistance in obtaining bonding and training programs on bonding. (04/08)
OR	HB 3306	03/25/2015 HB 3306 has been scheduled for a public hearing in committee in the House.	Retainage	HB 3306 would require contractors to hire apprentices to perform at least 10% of the work hours on a public improvement contract that exceeds \$500,000 and is part of a contract that exceeds \$5 million with the State Board of Higher Education, the Oregon University System, and community colleges, as well as specified public universities and their not-for-profit organizations. Retainage would be capped at not more than 3% of the contract amount for these contracts. A penalty on the retainage could be imposed in an amount equal to \$20 for each hour the contractor or a subcontractor did not employ an apprentice as required. The contract would have to specify that the contractor or subcontractor is subject to the requirements, or their surety would have to provide the statements required by law certifying the payment of prevailing wages. The DOT would have to have substantially similar requirements in its public improvement contracts. (03/02)

PA	HB 726	03/06/2015 HB 726 has been introduced.	Retainage	HB 726 would permit a contractor or subcontractor to obtain the release of retainage when its work reaches substantial completion by posting a bond in amount equal to 120% of the retainage being withheld for private construction work. The bill provides that if an owner withholds retainage for a deficiency list item and fails to submit a written explanation for it or fails to release retainage within 30 days of final completion, the owner would forfeit the right to withhold the funds and would have to pay the contractor for that invoice. (03/07)
RI	SB 612	03/05/2015 SB 612 has been introduced.	Retainage  Prompt Pay	SB 612 would establish prompt pay requirements for public owners, contractors, and subcontractors for public works projects. The bill also would cap retainage at not more than 5% of a progress payment. The bill would permit subcontractors to make a demand for a direct payment from the public owner if the contractor failed to pay him or her within the bill's required timeframe. If the subcontractor assigned the rights granted in the bill for payment to a surety company furnishing a bond, the assignment would be declared invalid. The assignment and subrogation rights of the surety to amounts included in a demand for direct payment that the public owner holds or any direct payments that the public owner has deposited for the subcontractor would be subordinate to the rights of all subcontractors entitled to be paid under the bill's provisions and who have not been paid in full. (03/09)
RI	SB 785	04/01/2015 SB 785 has been introduced.	Retainage	SB 785 would revise the retainage requirements for sewers and water mains, or any public works projects for municipalities and political subdivisions of the State to provide that retainage could not exceed 5%. When the project reaches substantial completion or when a permanent certificate of occupancy is issued (whichever occurs first), the amount of retainage would have to be equal 200% of the value of any punch list as determined by the owner for each project. The bill also provides that the State would be subject to the proposed retainage requirements. General contractors and construction managers could not hold more than 5% retainage from their subcontractors. Under current law, retainage for municipalities and political subdivisions cannot exceed 5% of the contract

				price. For such contracts less than \$500,000, the law permits the contracting parties to otherwise agree on the amount of retainage. (04/03)
SD	HB 1139	03/12/2015 HB 1139 has been enacted.	Bid Bonds	HB 1139 provides that the law providing that bid bonds are not required to be left for more than 30 days does apply if the bid award specifies that the requirement to award the contract within 30 days has been waived for contracts for federally-funded airport improvements. The new law permits a bidder to withdraw a bid on these contracts without jeopardizing the bid bond if the bid award time exceeds 30 days. The new law becomes effective on July 1, 2015. (03/14)
TN	SB 877	04/02/2015 SB 877 has been sent to the Governor.	No documents to display	SB 877 would revise the mechanic's lien law. For prime contractors on private work who have furnished a payment bond, the bill would repeal a requirement that the bond provide for payment for extras, as defined in the law, not exceeding 15% of the prime contractor's contract price, if and to the extent the lien claimant is claiming extras. The bill also provides that claims on bonds provided for the project would have to be filed in the county where any portion of the real property is located. (04/01)
TX	SB 219	04/02/2015 SB 219 has been enacted.	Performance Bonds  Court Bonds	<p>SB 219 revises the current law for the Texas Department of Health's (Department) building improvement program for state facilities to eliminate a requirement for the contractor to furnish a performance bond in an amount equal to the bid. SFAA worked with its members to address this change and discovered that the Department currently operates under the existing government procurement law for all state agencies, which includes bonding, so that the new law eliminates an obsolete law.</p> <p>The new law permits a person appealing a civil penalty for a violation of the laws for youth camps, rendering businesses and establishments, radioactive materials, food, drugs, and cosmetics, meat and poultry inspections, aquatic life, asbestos, or for mold assessors and remediators to file a sworn affidavit that they are financially unable to pay the penalty and post a supersedeas bond. The option to provide an affidavit already is available for other entities appealing civil penalties. The new law became effective immediately. (04/03)</p>

TX	SB 598/ HB 1991	03/17/2015 SB 598 has been heard in the Senate Business and Commerce Committee and has been left pending in committee.  03/11/2015 HB 1991 has been introduced.	Public-Private Partnerships	SB 598/HB 1991 would expand the definition of a qualifying project under the existing law authorizing public-private partnerships for public facilities and infrastructure so that it would include improvements to real property that is owned by another person that is made available for public use. (02/20)
TX	SB 1894	03/13/2015 SB 1894 has been introduced.	Performance and Payment Bonds  Bid Security	SB 1894 would allow navigation districts to set the required amount for performance and payment bonds for its construction contracts instead of complying with the requirements of the state law for public works performance and payment bonds. The bill would repeal the district's authority to require the bond to be from a surety listed on the U.S. Treasury Department's Circular 570.  The bill also would revise the bid security requirement for bids on a lease or a sale of land that a navigation district owns so it would have to be in an amount equal to 5% of the bid or equal to the amount of the first rental payment under the lease. Current law requires the security to be equal to the bid price or the first rental payment. The bill also would increase the lease term for which bid security is required from 30 years to 50 years. (03/19)
TX	SB 1907/ HB 3298	03/25/2015 SB 1907 has been introduced.  04/08/2015 HB 3298 has been scheduled for a public	Public-Private Partnerships	SB 1907/HB 3298 would direct the Texas Water Development Board to conduct a study to evaluate improvements to the transfer of water entitlements in this state and the establishment of a water grid, including an integrated network of pipelines, pumping stations, reservoirs, and other works for the conveyance of water between river basins, water sources, and areas of water use in the state. The study would have to include an evaluation of alternative methods for ownership, construction, operation, maintenance, control, and financing of the water grid, including public-

		hearing in committee in the House.		private partnerships. A report on the study would be due to the legislature by September 1, 2016. (03/17)
TX	HB 1966	04/07/2015 HB 1966 has been scheduled for a public hearing in committee in the House.	Construction Trust Fund  Payment Bonds	HB 1966 would establish a construction trust fund account for depositing retainage for improvements to real property. The property owner could obtain a surety bond in lieu of the trust fund. The owner would have two options. He or she could obtain a bond that the contractor furnishes in compliance with the payment bond requirements under the State's lien law. The owner also could obtain a bond that is at least equal to 10% of the value of the total of the contract amount and the "normal and usual extras not exceeding [15%] of the original contract amount." The bond would be conditioned on prompt payment of retainage owed. The bonds would not be subject to any notice or perfection obligation other than as may be required by the State's lien law. There would be a one year limitation on claims for the bond starting from either the date of completion of the contract or the date on which retainage is due to the contractor, whichever is later. (02/27)
TX	HB 2475	04/08/2015 HB 2475 has been scheduled for a public hearing in committee in the House.	Public-Private Partnerships	HB 2475 would direct the Texas Facilities Commission to establish the Center for Alternative Finance and Procurement to consult with governmental entities on the best practices for procurement and the financing of P3 projects and to assist governmental entities in the receipt of proposals, negotiation of interim and comprehensive agreements, and management of such public works projects. (03/17)
TX	HB 3939	03/24/2015 HB 3939 has been introduced.	Retainage	HB 3939 would prohibit governmental entities from withholding more than 5% of the contract price without the express written consent of all parties to the contract. The law provides that retainage for such contracts must be for at least 5%. The bill would prohibit the governmental entity from withholding more than 1% retainage if the public works project is capable of being used for its intended purpose. The bill would revise the performance and payment bond requirements and retainage requirements for water projects. (03/14)
VA	SB 847	03/17/2015 SB 847 has been enacted.	Public-Private Partnerships	SB 847 adopts the Interstate 73 Transportation Compact (Compact), which allows Virginia to enter into an agreement with one or more signatory states for developing and conducting the Interstate 73. As part of the

				Compact, the new law permits states participating in the Compact to coordinate for establishing a common legal framework in all those states to authorize and facilitate the design, construction, financing, and operation of the Interstate 73 corridor project or through public-private partnerships similar to those authorized under Virginia's P3 law for transportation projects. The new law establishes the Interstate Transportation Compact Commission in each participating state for the Interstate 73 corridor project. The new law will become effective upon enactment in Virginia and in the other signatory states and upon the consent of Congress. (03/20)
VA	SB 891	03/27/2015 The Governor returned the bill to the Senate with a substitution.	Payment Bond Claims	SB 891, as substituted, would revise the current mechanics' lien law to prohibit a subcontractor, lower-tier subcontractor, or material supplier from waiving or diminishing his or her lien rights, right to assert payment bond claims, or right to assert claims for demonstrated additional costs in a contract in advance of furnishing any labor, services, or material. The substituted bill provides that provisions waiving or diminishing these rights for such costs prior to providing any labor, services, or materials would be null and void. The Governor's substitution from the bill removed a provision prohibiting the waiver of these rights for general contractors. (03/31)
VA	SB 1099/ HB 2267	03/10/2015 SB 1099/HB 2267 have been enacted.	Public-Private Partnerships	SB 1099/HB 2267 establishes the Virginia Solar Energy Development Authority. The new law authorizes this new agency to use public-private partnerships (P3) under the existing law for P3s for public facilities and infrastructure to provide for solar energy generation systems at or adjacent to public and private facilities in the Commonwealth. The new law becomes effective on July 1, 2015. (03/12)
WA	HB 1575	03/26/2015 HB 1575 passed the Senate Financial Institutions and Insurance Committee.	Retainage	HB 1575 would repeal a provision in the procurement code that some public entities have used to impose eligibility requirements for the sureties issuing the retainage bonds on public works projects. Under existing law, a contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body from a bonding company meeting the standards established by the public body. The public body must accept a bond meeting its requirements unless the public body can demonstrate good cause for refusing to accept it. These provisions would

				be repealed and replaced with a provision that the public entity may require an authorized surety with a financial strength rating of rating of A- or higher. (04/01)
WA	HB 1851	04/07/2015 HB 1851 passed the Senate Transportation Committee.	Performance Bonds	HB 1851 would permit any a city, town, or county may use the contracting process that the DOT uses under existing law for the repair or replacement of structurally deficient bridges. The law provides that bid and performance bonds may be required for such projects. (04/08)
WA	SB 5987/ HB 1300/ SB 5242/ HB 1221/ SB 5830	03/26/2015 SB 5987 was scheduled for a hearing in the House Committee on Transportation and has not moved since then.  HB 1221/HB 1300/SB 5242/SB 5358 have not moved since last reported.	Public-Private Partnerships	SB 5987/HB 1300/SB 5242/HB 1221/SB 5830 would establish passenger-only ferry service districts. The bill would authorize the districts to use public-private partnerships, and design-build, general contractor-construction management, or other alternative procurement processes that comply with the existing law on alternative procurement methods. (03/02)
WI	AB 21/ SB 21	03/26/2015 AB 21/SB 21 has been heard in the Joint Committee on Finance.	Construction Manager-General Contractor	AB 21/SB 21 would authorize the Wisconsin DOT to use the construction manager-general contractor procurement method for no more than three highway improvement projects. The bill does not specify a bonding requirement for this procurement method. (02/05)
WV	SB 455	03/18/2015 SB 455 has been enacted.	Bond Threshold	SB 455 establishes a \$100,000 threshold for requiring bid bonds or “other surety” for construction contracts for state institutions of higher education. There is no bond threshold under the Little Miller Act. The bill was amended and passed at the 11th hour of the session with this provision. The new law becomes effective July 14, 2015. (03/24)