

Below is a Copy of an email from a legislative attorney just for clarity on the issue:

From: Sally Swaney

Subject: Look what I just found under 49-2-203

'This section is dealing with construction of school buildings which utilize a construction manager:

49-2-203(a)(3)(C0

(C) Construction work that is under the coordination and oversight of a construction manager shall be procured through competitive bids.

So first what you are asking for is already the law (just in a different section of the code) - if this wasn't happening then someone is violating the law (seems to me) so if we put the same or similar language under the Public Building Authority seems like there's no big deal - just saying the same thing in another portion of the code.

So in other words the PBA has allowed a CM to break this state law under their watch, the attachment is an original copy of just one contract awarded which constituted over 27% of a project and over \$9.4MM; **the reason this was allowed is the continued misperception that the PBA statute allows this to be legal when it doesn't according to this legislative attorney. This needs to be clarified.**