

1 H.370

2 Introduced by Representatives Sweaney of Windsor, Botzow of Pownal,

3 Hubert of Milton, Krebs of South Hero and Marcotte of

4 Coventry

5 Referred to Committee on

6 Date:

7 Subject: Executive; contracts; engineering and architectural design services;

8 standards

9 Statement of purpose: This bill proposes to establish specific standards for  
10 contracts entered into by the state for engineering and architectural design  
11 services.

12 An act relating to state contracts for engineering and architectural design  
13 services

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 3 V.S.A. § 341(4) and (5) are added to read:

16 (4) “Architectural design services” means those services described in the  
17 definition of “practice of architecture” set forth in 26 V.S.A. § 121(5).

18 (5) “Engineering design services” means those services described in the  
19 definition of “professional engineering services” set forth in 26 V.S.A.  
20 § 1161(2).

1       Sec. 2. 3 V.S.A. § 345 is added to read:

2       § 345. CONTRACTING STANDARDS; ENGINEERING AND

3               ARCHITECTURAL DESIGN SERVICES

4       A personal services contract for engineering design services or architectural  
5       design services shall contain the following provisions in substantially the  
6       following form:

7               (1) The contractor shall act in an independent capacity and not as an  
8       officer or employee of the state.

9               (2) The contractor shall indemnify and hold harmless the state and its  
10       officers, agents, and employees from liability for damages to third parties,  
11       together with costs, including reasonable attorney's fees, incurred in defending  
12       claims by third parties, to the extent that such liability is caused by the  
13       negligent or intentional acts, errors, or omissions of the contractor or any  
14       agency or employee of the contractor, committed in the performance of  
15       professional services by the contractor for the state.

16               (3) The state is responsible for its own actions. A contractor shall not be  
17       obligated to indemnify the state or its officers, agents, or employees for any  
18       liability of the state or its officers, agents, or employees attributable to its or  
19       their own negligent acts, errors, or omissions.

20               (4) The contractor shall provide engineering design services or  
21       architectural design services under the contract. The contractor shall not

1 provide any construction services under the contract. Before commencing  
2 work on the contract and throughout the term of the contract, the contractor  
3 shall procure and maintain professional liability insurance for all services  
4 performed under the contract, with minimum coverage as required by the  
5 agency of administration.

6 Sec. 3. SECRETARY OF ADMINISTRATION; BULLETIN 3.5

7 Immediately upon passage of this act, the secretary of administration shall  
8 amend the State of Vermont Bulletin 3.5 to conform with the provisions  
9 of this act.