

**75-1263. Fees of project architects, engineers and land surveyors; determination and payment; publication of fee guidelines by secretary of administration.** (a) Fees paid to firms employed as project architect, engineer or land surveyor to provide professional design services shall be negotiated at a fair and reasonable rate of compensation by the secretary of administration for preliminary design services, construction documents, bidding services and the construction administration services specified in K.S.A. 75-1260, and amendments thereto.

(b) The secretary of administration shall maintain and publish guidelines for fees based on the projected cost of a project, the complexity of a project, the type of construction for the project and the level of services to be provided, as factors in establishing the rate or amount of such fees.

(c) When a prior project architect, the secretary of administration or any agency architect as provided in K.S.A. 75-1254, and amendments thereto, provides preliminary design services and the project architect provides construction documents, bidding services and construction administration services, compensation shall be reduced by the negotiating committee which shall determine the value of the services to be performed and shall adjust the fee accordingly.

(d) When a prior project architect, engineer or land surveyor, as the case may be, the secretary of administration or an agency architect, engineer or land surveyor, as provided in K.S.A. 75-1254, and amendments thereto, provides preliminary design services, bidding services and construction administration services, compensation shall be reduced by the negotiating committee which shall determine the value of the services to be performed and shall adjust the fee accordingly.

(e) For purposes of computing the project architect's, engineer's or land surveyor's maximum fees, the estimated cost of construction shall be that provided in the original program cost estimate for the project. The estimated cost of the project shall not be reduced or increased without the prior approval of the negotiating committee which approved the project description under K.S.A. 75-1255, and amendments thereto. The project architect's, engineer's or land surveyor's maximum fee shall not be reduced or increased except that the project architect, engineer or land surveyor may be paid additional fees as a result of change orders initiated by the state or for additional services which are the result of changes in the scope or program of the project or construction circumstances beyond the control of the project architect, engineer or land surveyor or the state. Any increase in the fees paid to a project architect, engineer or land surveyor above the fees previously established for the project shall receive the prior approval of the negotiating committee which approved the project description under K.S.A. 75-1255, and amendments thereto, and, upon such approval, shall constitute a revised fee under this section.

(f) Fees of project architects, engineers or land surveyors shall be paid from appropriations for the particular project for which the project architect, engineer or land surveyor is employed and in no case shall the amount appropriated for a project be exceeded for any increase in a project architect's, engineer's or land surveyor's fees. The secretary of administration shall report to the joint committee on state building construction all actions relating to any changes to the published guidelines for fees under subsection (a)(1) paid to a project architect, engineer or land surveyor above the previously established maximum for the project.

**History:** L. 1974, ch. 376, § 10; L. 1978, ch. 337, § 27; L. 1979, ch. 280, § 18; L. 1986, ch. 317, § 3; L. 1990, ch. 303, § 1; L. 2008, ch. 130, § 12; July 1.