

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2378

02/20/2012 Authored by Vogel, Hortman and Swedzinski

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act
1.2 relating to transportation; contracts; authorizing completion of design-build
1.3 projects approved under pilot program; amending Laws 2009, chapter 36, article
1.4 3, sections 28, subdivision 2, by adding a subdivision; 29, subdivisions 2, 4, 7;
1.5 repealing Laws 2009, chapter 36, article 3, section 28, subdivisions 1, 3, 4.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Laws 2009, chapter 36, article 3, section 28, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 1a. Selection authority. The commissioner of transportation or the
1.10 commissioner's designee from the Department of Transportation State Aid for Local
1.11 Transportation Division shall select, evaluate, and support county and municipal
1.12 transportation projects on the state-aid system that are conducive to use of the design-build
1.13 method of contracting.

1.14 EFFECTIVE DATE. This section is effective the day following final enactment
1.15 and expires upon completion of nine design-build projects.

1.16 Sec. 2. Laws 2009, chapter 36, article 3, section 28, subdivision 2, is amended to read:

1.17 Subd. 2. **Duties of ~~council~~ commissioner.** In order to accomplish these purposes,
1.18 the ~~council~~ commissioner shall:

1.19 (1) review applications for participation received by the commissioner from counties
1.20 and cities;

1.21 (2) select projects for participation in ~~the pilot program a maximum of 15 projects~~
1.22 ~~on the state-aid system, no more than ten of which may be on the county state-aid highway~~

2.1 ~~system, and no more than ten of which may be on the municipal state-aid street system~~
 2.2 each calendar year;

2.3 (3) determine that the use of design-build in the selected projects would serve the
 2.4 public interest, after considering, at a minimum:

2.5 (i) the extent to which the municipality can adequately define the project
 2.6 requirements in a proposed scope of the design and construction desired;

2.7 (ii) the time constraints for delivery of the project;

2.8 (iii) the capability of potential contractors with the design-build method of project
 2.9 delivery;

2.10 (iv) the suitability of the project for use of the design-build method of project
 2.11 delivery with respect to time, schedule, costs, and quality factors;

2.12 (v) the capability of the municipality to manage the project, including the
 2.13 employment of experienced personnel or outside consultants; and

2.14 (vi) the original character of the product or the services; and

2.15 (4) periodically review and evaluate the use of design-build in the selected projects;

2.16 and.

2.17 ~~(5) assist the commissioner in preparing a report to the legislature at the conclusion~~
 2.18 ~~of the pilot program.~~

2.19 **EFFECTIVE DATE.** This section is effective the day following final enactment
 2.20 and expires upon completion of nine design-build projects.

2.21 Sec. 3. Laws 2009, chapter 36, article 3, section 29, subdivision 2, is amended to read:

2.22 Subd. 2. **Establishment of pilot the program.** (a) The commissioner of
 2.23 transportation shall conduct a design-build contracting ~~pilot~~ program to select local
 2.24 transportation projects for participation in the program, to conduct information sessions
 2.25 for engineers and contractors, to support and evaluate the use of the design-build method
 2.26 of contracting by counties and statutory and home rule charter cities in constructing,
 2.27 improving, and maintaining streets and highways on the state-aid system, ~~and to report to~~
 2.28 ~~the legislature.~~

2.29 (b) The commissioner must concur in the RFQ and RFP prior to solicitation.

2.30 (c) The selection of design-build projects under the ~~pilot~~ program must be as made
 2.31 by the ~~Design-Build Project Selection Council established~~ commissioner as provided
 2.32 in section 28.

2.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.1 Sec. 4. Laws 2009, chapter 36, article 3, section 29, subdivision 4, is amended to read:

3.2 Subd. 4. **Information session for municipal engineer.** After a project is selected
3.3 for participation in the design-build contracting ~~pilot~~ program, the commissioner or the
3.4 commissioner's designee with design-build experience shall conduct an information
3.5 session for the municipality's engineer for each selected project, in which issues unique
3.6 to design-build must be discussed, including, but not limited to, writing an RFP, project
3.7 oversight requirements, assessing risk, and communication with the design-build firm.
3.8 After participation in the information session, the municipality's engineer is qualified to
3.9 post the selected project, along with any future design-build project RFP in the ~~pilot~~
3.10 program.

3.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.12 Sec. 5. Laws 2009, chapter 36, article 3, section 29, subdivision 7, is amended to read:

3.13 Subd. 7. **Information session for prospective design-build firms.** After a
3.14 design-build project is advertised, any prospective design-build firm shall attend a
3.15 design-build information session conducted by the commissioner or the commissioner's
3.16 designee with design-build experience. The information must include information about
3.17 design-build contracts, including, but not limited to, communication with partner firms,
3.18 project oversight requirements, assessing risk, and communication with the municipality's
3.19 engineer. After participation in the information session, the design-build firm is eligible to
3.20 bid on the design-build project and any future design-build ~~pilot~~ program projects.

3.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.22 Sec. 6. **REPEALER.**

3.23 Laws 2009, chapter 36, article 3, section 28, subdivisions 1, 3, and 4, are repealed.