

Sixtieth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1105

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to create and enact section 24-02-17.1 of the North Dakota Century Code,
2 relating to design-build contracts for highway or bridge projects; to provide for a report to the
3 legislative assembly; and to provide for an expiration date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Section 24-02-17.1 of the North Dakota Century Code is created and
6 enacted as follows:

7 **24-02-17.1. Contracts - Design-build method.** Notwithstanding any other provision
8 of law, the director may use the design-build method of project delivery to expedite the
9 construction of a project by combining the design and construction elements of a highway or
10 bridge project into a single contract, provided that:

- 11 1. The design-build method of project delivery may be used for no more than five
12 projects.
- 13 2. The director makes a determination in writing that it is appropriate and in the best
14 interests of the public to use the design-build method of project delivery for the
15 project.
- 16 3. The department is responsible for the preparation of all environmental documents.
- 17 4. The department is responsible for acquisition of needed right of way and for
18 providing for the relocation of utilities that may be in conflict with the project.
- 19 5. The director, in conjunction with the appropriate and affected professionals and
20 contractors, adopts policies for procuring projects using the design-build method of
21 project delivery. These policies must be established before requesting proposals.

22 The prime design-build firm is not required to be registered to perform design or land
23 surveying services pursuant to state law if the subcontractor actually performing the respective
24 services on behalf of the firm is appropriately registered.

1 The prime design-build firm is not required to be licensed to perform construction,
2 construction engineering, and inspection pursuant to state law if the subcontractor actually
3 performing the work on behalf of the firm is appropriately licensed.

4 **SECTION 2. REPORT TO LEGISLATIVE ASSEMBLY.** The director of the department
5 of transportation shall work with the appropriate and affected professionals and contractors to
6 evaluate the design-build method project delivery system and report to the sixty-second
7 legislative assembly with recommendations whether to continue to allow the design-build
8 method project delivery system.

9 **SECTION 3. EXPIRATION DATE.** Except as otherwise provided in this Act, this Act is
10 effective through December 31, 2011, and after that date is ineffective.