

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2147

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

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

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

5 **SECTION 1.** A new section to chapter 24-02 of the North Dakota Century Code is
6 created and enacted as follows:

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

- 11 1. The design-build method of project delivery may only be used on one signal light
12 project and one box culvert structure project.
- 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 only
15 these two projects.
- 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 the projects using the design-build
21 method of project delivery. These policies must be established before requesting
22 proposals.

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

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

7 **SECTION 2. REPORT TO LEGISLATIVE ASSEMBLY.** The director of the department
8 of transportation shall work with the appropriate and affected professionals and contractors to
9 evaluate the design-build method project delivery system and report to the legislative assembly
10 with findings and recommendations as a result of analyzing the design-build projects delivered
11 in these two projects.

12 **SECTION 3. EXPIRATION DATE.** Except as otherwise provided in this Act, this Act is
13 effective through December 31, 2013, and after that date is ineffective.