

**Advisory Commission on Intergovernmental Relations  
27 October 2009**

**Testimony Relating to Public Improvements:  
Various Delivery Methods**

**Provided by Bonnie Staiger, Hon. AIA  
Chairman, Construction Leaders Coalition**

Chairman Potter and Members of the Committee

My name is Bonnie Staiger. I'm here today in my role as Chairman of the Construction Leaders Coalition (CLC). The CLC is a private sector organization comprised of the following member organizations in the design and construction industry:

- ACEC/ND (American Council of Engineering Companies)
- AIA North Dakota (American Institute of Architects)
- Associated General Contractors of ND
- National Electrical Contractors Association
- ND Builders Association
- ND Plumbing, Heating, and Mechanical Contractors Association

I'm here to introduce 3 speakers who will each briefly outline 3 project delivery/procurement methods – 2 of which (Design/Bid/Build and Construction Management) are used to build state projects under Chapter 48. The 3<sup>rd</sup>, Design Build, has not been used for public procurement under Chapter 48 but we are currently discussing and drafting language for the next legislative session.

Before the introductions, a quick review is in order: The CLC formed at the end of 2005 legislative session with the passage of HB 1260--a mandatory interim study -- initiated by one of our member organizations -- to look at procurement and delivery options outlined in Chapter 48 of the NDCC. That study encompassed 3 project delivery methods: 1) design/bid/build, 2) construction management, 3) and design build. In an effort to address and solve problems caused by industry fragmentation, lack of clear communication and a few questionable practices --all of these organizations listed here (and are represented in the room today) agreed to discuss these issues which had plagued project delivery for a decade.

We came to the 2005 Interim IBL Committee and offered to be a resource, partner with them, and help them craft a bill draft that collectively we could support and would be in the best interest of all of North Dakota.

That interim committee, chaired at the time by Sen. Karen Krebsbach, was most relieved by our offer and we did come up with a bill. With the help of John Bjornson from Legislative Council who staffed that interim group, the committee accepted our draft in what was to become the committee's bill -- HB 1033 in the 2007 session.

We are proud of our recent history and collaborative efforts which resulted in a bill that was overwhelmingly passed by the 2007 session. It better defined and updated 2 of the 3 procurement methods outlined in the study. The third, Design Build, is a new method, not used in ND public procurement and is taking us longer to complete because this is uncharted territory and we want to do it right. Currently we have an active design build sub-committee with a timeline to involve additional industry, state/political subdivisions, and legislative input.

In addition, we are also being proactive to address the study elements outlined in SB 2401 (from the 2009 session) and assigned to the ACIR. We have initiated our own sub-committees to offer you innovative concepts for the various thresholds, project bidding, architecture and engineering services.

Once more, we are eager to continue our collaboration with the legislature and continue to provide you the benefit of our work product and outcomes with bill drafts which collectively we could all support.

Our charter has been—and will be going forward—to

- Bring together diverse industries and opinions
- Find common ground
- Create a culture of collaboration and
- Report frequently to the appropriate interim legislative committees

Bringing us back to our assignment for today: to present a brief overview on each of the 3 project delivery methods are:

- James Devine, AIA: (Design / Bid / Build) James is an architect from Bismarck, owner of J2 Studio Architecture + Design.
- Tracy Tooz, (Construction Management) Tracy is owner of Tooz Construction, Inc. in Dickinson.

- Jeffrey Volk, PE & RLS (Design Build) Jeffrey is President and CEO of Moore Engineering in West Fargo.

In an effort to stay within our time frame, I might suggest that you hold your questions until all 3 have presented and I'm guessing that you may find your question answered by another presenter.