

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Hortman and others  
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**Analyst:** Matt Burress, 651-296-5045

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### Overview

This bill creates a pilot program for counties, cities, and towns to use the design-build contracting method, establishes a council to select pilot projects, and specifies various aspects of the process to be used in selecting a contractor as well as in the design-build process.

#### Section

- 1 Design-build project selection council.** Creates a council for selection of local design-build highway projects under the pilot program created in section 2.
  - Subd. 1. Establishment of council.** Establishes the council.
  - Subd. 2. Duties of council.** Identifies duties for the council, including reviewing applications for project inclusion in the design-build pilot program. Specifies elements to evaluate when selecting projects. Mandates that the program have no more than 15 projects, with no more than ten on the county state-aid system and ten on the municipal state-aid system.
  - Subd. 3. Membership.** Specifies membership on the council, and provides for appointments and convening of the first meeting.
  - Subd. 4. Report to legislature.** Mandates an annual report to the legislature, by October 1, on the pilot program. The report must include information on the selected design-build projects, an evaluation of the performance-based measurement process, and any recommendations for future legislation.
- 2 Design-build contracting pilot program.** Creates and specifies various aspects of the pilot program, including the process for design-build firm selection.
  - Subd. 1. Definitions.** Defines terms.
  - Subd. 2. Establishment of pilot program.** Establishes a pilot program to select,

support, and evaluate design-build street and highway projects undertaken by counties and cities.

**Subd. 3. Licensing requirements.** Establishes minimum qualifications for design-build contractors, including having a licensed designer associated with the firm.

**Subd. 4. Information session for municipal engineer.** Requires that the engineer for a municipality that has a design-build project selected under the pilot program must attend an information session with MnDOT on the design-build process.

**Subd. 5. Technical Review Committee.** Requires that the municipality establish a technical review committee to evaluate proposals for a design-build contract, and provides for committee membership, data practices, and conflicts of interest.

**Subd. 6. Phase one; design-build RFQ.** Outlines the required elements a request for qualifications from potential design-build contractors.

**Subd. 7. Information session for prospective design-build firms.** Requires that firms seeking a design-build contract under the pilot program must, after an RFQ is solicited, attend an information session with MnDOT on the design-build process.

**Subd. 8. Evaluation; short list.** Requires evaluation of responses to the RFQ and creation of a short-list of up to five responders.

**Subd. 9. Phase two; design-build RFP.** Outlines the required elements for a request for proposals from potential design-build contractors.

**Subd. 10. Design-build award; computation; announcement.** Establishes procedures for scoring of proposals, announcement of scores, and award of a design-build contract. Outlines the method of calculation of scores using price and technical score, with an optional time value factor. Provides for a stipulated fee of at least 0.02 percent of estimated project costs to be provided to each short-listed proposer that submits an unsuccessful proposal.

**Subd. 11. Low-bid design-build process.** Authorizes use of design-build contracting based on the lowest bidder if the scope of the project is clearly defined, and establishes the contractor selection process.

**3 Expiration.** Makes the design-build project selection council and the pilot program expire on the earlier of October 1, 2012, or on completion of nine design-build projects.

**4 Effective date.** Makes the act effective the day after enactment.