

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 3301

**DATE:** March 26, 2008

**Version:** Second Committee Engrossment

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**Subject:** Transportation Construction Projects

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### Overview

This bill modifies certain procedures and evaluation requirements related to design-build transportation construction projects.

#### Section

- 1 Technical review committee.** Requires the commissioner of transportation to pay reasonable compensation to technical review committee members who are not state employees. This section also requires that at least two of the technical review committee members who are state employees must also have attained senior administration engineer status or higher.
- 2 Contents of request for qualifications.** Requires that a request for qualifications issued by MnDOT specify that past assertion of a person's legal rights is not considered part of the "past performance" criteria used for evaluating qualifications.
- 3 Evaluation of firms.** Replaces the term "selection team" with "technical review committee" when specifying the entity required to evaluate and select a short list of the most qualified firms for a design-build project.
- 4 RFP for design-build.** Specifies that a request for proposals issued by MnDOT include the weight of each criterion and subcriterion used when selecting a firm, and a statement that past assertion of a person's legal rights is not considered part of the "past performance" when evaluating proposals.

**Section**

- 5**      **Award of design-build project.** Modifies the method of awarding a design-build contract. Adds a requirement that the design-builder selected must be within 120 percent of the lowest submitted price, which applies to projects with a value over \$20 million.
- Also requires that the commissioner of transportation provide an opportunity for protest of a contemplated or actual award by the commissioner. Unless agreed to by all of the bidders, the commissioner must wait at least seven days after both the award of the project and release of the scoring data and successful proposal before executing a project contract.
- 6**      **Stipulated fee.** Provides that an increase to a stipulated fee may only be made by the commissioner of transportation, and the reason for the increase must be announced by the commissioner at the time of an increase.
- 7**      **Low-bid design-build process.** Requires the technical review committee to reject any non-responsive proposal. This section also requires that a contract award under the low-bid design-build process be awarded to the proposer who is responsive to the technical requirements and provides the lowest bid. Discretion for the technical review committee to determine responsiveness is eliminated.
- 8**      **Repealer.** Repeals section 161.3426, subdivision 2. This section allows the commissioner of transportation to use the design-build contract awarding process for a project with an estimated cost of less than \$5 million.