

FINAL BILL REPORT

HB 2555

C 19 L 14
Synopsis as Enacted

Brief Description: Concerning finalists for design-build contracts.

Sponsors: Representatives Dunshee and Tarleton.

House Committee on Capital Budget
Senate Committee on Governmental Operations

Background:

Capital Projects Advisory Review Board.

In 2005 the Capital Projects Advisory Review Board (CPARB) was established to monitor and evaluate the use of traditional and alternative public works contracting procedures and to evaluate potential future use of other alternative contracting procedures. The CPARB also provides a forum in which best practices and concerns about alternative public works contracting can be discussed.

The CPARB consists of 23 members, including four Legislative members: two from the House of Representatives, appointed by the Speaker of the House, and two from the Senate, appointed by the President of the Senate.

Alternative Contracting Procedures.

Alternative forms of public works were first used on a very limited basis and then adopted in statute in 1994 for certain pilot projects. These alternative procedures included a Design Build process.

With some restrictions, the use of alternative public works contracting procedures are authorized to a limited number of public entities.

Public works contracts of a large dollar amount that meet certain criteria and have been approved by the CPARB may be awarded through alternative contracting procedures in which the selection of a contractor is based on factors other than low bid. Design-build is an alternative contracting method that melds design and construction activities into a single contract. General Contractor/Construction Manager (GCCM) is an alternative contracting method that utilizes the services of a project management firm that bears significant responsibility and risk in the contracting process. Under a job order contract, a contractor

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agrees to perform an indefinite quantity of public works jobs, defined by individual work orders, over a fixed period of time.

Design Build.

The Design Build procedure is a multi-step competitive process to award a contract to a single firm that agrees to both design and build a public facility that meets specific criteria. It may be used on projects valued over \$10 million and projects between \$2 million and \$10 million under certain conditions. Contracts for Design Build services are awarded through a competitive process using public solicitations of proposals. Finalists' proposals are evaluated solely on factors identified in the request for proposals.

Public Records Act.

Generally, all proceedings, records, contracts, and other public records relating to alternative public works transactions are public records and available for public inspection and copying. However, trade secrets or other proprietary information submitted by a bidder, offeror, or contractor are not subject to public inspection and copying under the Public Records Act if the bidder, offeror, or contractor specifically state in writing the reasons why protection is necessary and identifies the data or materials to be protected.

Summary:

Building performance goals and validation requirements are required in the requests for proposals that the public body issues for Design Build services.

Design Build proposals are exempt from disclosure until the highest scoring finalist has been selected, rather than when a contract agreement has been executed.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

Effective: June 12, 2014