

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 610  
Senate Judiciary I (Civil) Committee Substitute Adopted 7/17/07

Short Title: Design-Build Construction/Transportation.-AB

(Public)

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Sponsors:

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Referred to:

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March 14, 2007

A BILL TO BE ENTITLED

1 AN ACT TO SET THE NUMBER OF DESIGN-BUILD CONSTRUCTION  
2 CONTRACTS THAT MAY BE AWARDED BY THE DEPARTMENT OF  
3 TRANSPORTATION AT TWENTY-FIVE CONTRACTS EACH FISCAL YEAR.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 136-28.11 reads as rewritten:

6 **"§ 136-28.11. Design-build construction of transportation projects.**

7 (a) Design-Build Contracts Authorized. – Notwithstanding any other provision of  
8 law, the Board of Transportation may award contracts for ~~10 projects in fiscal year~~  
9 ~~2002-2003, and 25 projects in fiscal years 2003-2004, 2004-2005, 2005-2006,~~  
10 ~~2006-2007, 2007-2008, and 2008-2009~~up to 25 projects each fiscal year for  
11 construction of transportation projects on a design-build basis.

12 (b) Design-Build Contract Amounts; Basis of Award. – The Department may  
13 award contracts for the construction of transportation projects on a design-build basis of  
14 any amount. The Department shall endeavor to ensure design-build projects are awarded  
15 on a basis to maximize participation, competition, and cost benefit. On any project for  
16 which the Department proposes to use the design-build contracting method, the  
17 Department shall attempt to structure and size the contracts for the project in order that  
18 contracting firms and engineering firms based in North Carolina have a fair and equal  
19 opportunity to compete for the contracts.

20 (c) Disadvantaged Business Participation Goals. – The provisions of  
21 G.S. 136-28.4 and 49 C.F.R. Part 26 shall apply to the award of contracts under this  
22 section.

23 (d) Findings Required. – These contracts may be awarded after a determination  
24 by the Department of Transportation that delivery of the projects must be expedited and  
25 that it is not in the public interest to comply with normal design and construction  
26 contracting procedures.

27 (e) Reporting Requirements. – The Department, for any proposed design-build  
28 project projected to have a construction cost in excess of ~~one hundred~~fifty million  
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1 dollars ~~(\$100,000,000),—(\$50,000,000),~~ shall present to the Joint Legislative  
2 Transportation Oversight Committee information on the scope and nature of the project  
3 and the reasons the development of the project on a design-build basis will best serve  
4 the public interest. ~~Prior to the award of a design-build contract, the Secretary of~~  
5 ~~Transportation shall report to the Joint Legislative Transportation Oversight Committee~~  
6 ~~and to the Joint Legislative Commission on Governmental Operations on the nature and~~  
7 ~~scope of the project and the reasons an award on a design-build basis will best serve the~~  
8 ~~public interest."~~

9           **SECTION 2.** This act is effective when it becomes law.