

HB 2474 -- DESIGN-BUILD CONTRACTS

SPONSOR: Voss

This bill adds "progressive design-build contracts", as defined in the bill, to numerous provisions of law related to design-build contracts.

Currently, a design criteria consultant must be employed by a political subdivision to perform certain tasks related to design-build projects. This bill allows a design criteria consultant to be employed by a political subdivision, but does not require it.

The bill outlines the necessary elements of a request for proposal for a progressive design-build contract.

Political subdivisions are required to solicit proposals in a two-stage process. Phase I is the solicitation and evaluation of the qualifications of design-builders. Phase II is the solicitation and evaluation of proposals describing the design-builder's approach to design development, preconstruction services, and construction of the project.

Various criteria that the political subdivision must consider during each phase are described in the bill.

The political subdivision has the discretion to disqualify any design-builder that the political subdivision finds lacks the minimum qualifications required to perform the work.

The political subdivision will use criteria described in the bill to select no more than five qualified design-builders, who will be given a specified amount of time to assemble phase II proposals.

Evaluation of phase II proposals must be qualifications-based. Price considerations are for the preconstruction phase services only.

The political subdivision will rank the phase II proposals according to criteria described in the bill. Following the evaluation, the political subdivision can enter into negotiations with the highest-ranked design-builder to establish a preconstruction agreement. If the parties are unable to reach an agreement, the political subdivision can begin negotiations with the next highest-ranked design-builder.

During the preconstruction phase, the design-builder and the political subdivision will collaborate to establish a fixed contract amount or a guaranteed maximum price. Upon acceptance of the price and contract terms, the parties may amend the contract to authorize construction.