

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2147
(Transportation Committee)
(At the request of the Department of Transportation)

AN ACT to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to authorization for two design-build contracts for highway or bridge projects; to provide for a report to the legislative assembly; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-02 of the North Dakota Century Code is created and enacted as follows:

Contracts - Design-build method. Notwithstanding any other provision of law, the director may use the design-build method of project delivery to expedite the construction of a project by combining the design and construction elements of a highway or bridge project into a single contract, provided that:

1. The design-build method of project delivery may only be used on one signal light project and one box culvert structure project.
2. The director makes a determination in writing that it is appropriate and in the best interests of the public to use the design-build method of project delivery for only these two projects.
3. The department is responsible for the preparation of all environmental documents.
4. The department is responsible for acquisition of needed right of way and for providing for the relocation of utilities that may be in conflict with the project.
5. The director, in conjunction with the appropriate and affected professionals and contractors, adopts policies for procuring the projects using the design-build method of project delivery. These policies must be established before requesting proposals.

The prime design-build firm is not required to be registered to perform design or land surveying services pursuant to state law if the subcontractor actually performing the respective services on behalf of the firm is appropriately registered.

The prime design-build firm is not required to be licensed to perform construction, construction engineering, and inspection pursuant to state law if the subcontractor actually performing the work on behalf of the firm is appropriately licensed.

SECTION 2. REPORT TO LEGISLATIVE ASSEMBLY. The director of the department of transportation shall work with the appropriate and affected professionals and contractors to evaluate the design-build method project delivery system and report to the legislative assembly with findings and recommendations as a result of analyzing the design-build projects delivered in these two projects.

SECTION 3. EXPIRATION DATE. Except as otherwise provided in this Act, this Act is effective through December 31, 2013, and after that date is ineffective.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2147.

Senate Vote: Yeas 42 Nays 0 Absent 5

House Vote: Yeas 88 Nays 6 Absent 0

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

Secretary of State