

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6439

Chapter 195, Laws of 1998

55th Legislature
1998 Regular Session

DESIGN-BUILD PROCEDURES FOR CERTAIN HIGHWAY PROJECTS

EFFECTIVE DATE: 6/11/98

Passed by the Senate March 9, 1998
YEAS 29 NAYS 14

BRAD OWEN

President of the Senate

Passed by the House March 3, 1998
YEAS 88 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 27, 1998

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6439** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

March 27, 1998 - 3:37 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6439

AS AMENDED BY THE HOUSE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Wood, Haugen, Prince and Horn; by request of Department of Transportation)

Read first time 02/05/98.

1 AN ACT Relating to construction of certain highway projects under
2 a design-build procedure; creating new sections; and providing a
3 contingent expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that a
6 contracting procedure that facilitates construction of transportation
7 facilities in a more timely manner may occasionally be needed to ensure
8 that construction can proceed simultaneously with the design of the
9 facility.

10 NEW SECTION. **Sec. 2.** The department of transportation shall
11 develop, by January 1, 1999, a process for awarding competitively bid
12 highway construction contracts for projects over ten million dollars
13 that may be constructed using a design-build procedure. As used in
14 this section, "design-build procedure" means a method of contracting
15 under which the department of transportation contracts with another
16 party for such party to both design and build the structures,
17 facilities, and other items specified in the contract.

1 The process developed by the department shall, at a minimum,
2 include the scope of services required under the design-build
3 procedure, contractor prequalification requirements, criteria for
4 evaluating technical information and project costs, contractor
5 selection criteria, and an issue resolution procedure. If a request
6 for proposal will be used, the requirements of RCW 39.10.050 (4), (5),
7 and (6) apply.

8 NEW SECTION. **Sec. 3.** RCW 39.10.080, 39.10.090, and 39.10.100 and
9 the notice requirements of RCW 39.10.030 (2), (3), and (4) apply to
10 this act.

11 NEW SECTION. **Sec. 4.** The department may use the design-build
12 procedure for public works projects over ten million dollars where:

13 (1) The construction activities are highly specialized and a
14 design-build approach, as defined in section 2 of this act, is critical
15 in developing the construction methodology; or

16 (2) The projects selected provide opportunity for greater
17 innovation and efficiencies between the designer and the builder; or

18 (3) Significant savings in project delivery time would be realized.

19 NEW SECTION. **Sec. 5.** Sureties are not responsible for damages,
20 including corrective work, attributable to the design aspect of a
21 design-build project.

22 NEW SECTION. **Sec. 6.** A demonstration program consisting of two
23 projects must be implemented using the design-build method of
24 contracting, as prescribed under a process developed by the department
25 of transportation under section 2 of this act. The department shall
26 select projects valued over ten million dollars for the demonstration
27 program.

28 The department shall present progress reports on the demonstration
29 projects to the legislative transportation committee and the
30 alternative public works oversight committee during the course of the
31 performance of the demonstration projects. The department shall
32 present a final detailed report to the legislative transportation
33 committee within one year of completion of the demonstration projects.
34 The report must detail the advantages and disadvantages of the design-
35 build construction process and make recommendations for possible

1 changes in law, and in how the process may be used for future
2 department projects.

3 NEW SECTION. **Sec. 7.** This act expires April 30, 2001, unless
4 extended by the legislature.

Passed the Senate March 9, 1998.

Passed the House March 3, 1998.

Approved by the Governor March 27, 1998.

Filed in Office of Secretary of State March 27, 1998.