

# SENATE BILL REPORT

## SSB 5250

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As Passed Senate, March 3, 2011

**Title:** An act relating to the design-build procedure for certain projects.

**Brief Description:** Concerning the design-build procedure for certain projects.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Haugen, King, White and Swecker).

**Brief History:**

**Committee Activity:** Transportation: 1/31/11, 2/02/11 [DPS].

Passed Senate: 3/03/11, 46-0.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5250 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; White, Vice Chair; King, Ranking Minority Member; Fain, Assistant Ranking Minority Member; Delvin, Ericksen, Hill, Hobbs, Litzow, Nelson, Ranker and Swecker.

**Staff:** Hayley Gamble (786-7452)

**Background:** Design-build construction is a contracting technique that allows the owner of a project to contract with a single entity for the design and construction of a project. Some construction work can often begin before final design is complete, providing opportunity for cost savings and expedited project delivery. Traditional design-bid-build contracts require design to be completed before the construction portion of a project is awarded.

Current law allows the Department of Transportation (DOT) to use design-build construction if construction activities are highly specialized, efficiency opportunities are significant, or significant savings in project delivery time would be realized. A design-build project must also be over \$10 million, except that up to five pilot projects may be conducted that are between \$2 and \$10 million.

**Summary of Substitute Bill:** DOT may use the design-build process on any project over \$1 million. For projects over \$10 million, DOT must consider using the design build process. At the request of the transportation committees of the Legislature or the Office of Financial

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Management, DOT must provide a written explanation as to why the design-build process was not used.

DOT must periodically evaluate the design-build process.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: There have been several successful design-build projects completed. We appreciate the changes made to the original bill and support it. The lowering of the threshold will allow more opportunities for design-build.

OTHER: The focus on design-build should not be on the size of the project. DOT has been successful using design build, but DOT needs to maintain a strong owner role. Design-build is a good tool for DOT and we look forward to working with industry on developing the process. We have some concern as it affects current practices at DOT; this is one tool in the tool box and in the past experts at DOT have been left to determine the best tool to use. This bill seems to establish design-build as the preferred tool.

**Persons Testifying:** PRO: Duke Schaub, Assn. of General Contractors.

OTHER: Jeff Carpenter, WSDOT; Vince Oliveri, Professional and Technical Employees Local 17.