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SENATE BILL 5054

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State of Washington

64th Legislature

2015 Regular Session

By Senators O'Ban and King

Prefiled 01/08/15.

1 AN ACT Relating to design-build construction for transportation  
2 projects; and amending RCW 47.20.780 and 47.20.785.

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

4 **Sec. 1.** RCW 47.20.780 and 2007 c 152 s 1 are each amended to  
5 read as follows:

6 The department of transportation shall develop a process for  
7 awarding competitively bid highway construction contracts for  
8 projects over ten million dollars (~~that may~~). All highway  
9 construction projects over ten million dollars must be constructed  
10 using a design-build procedure to ensure that all risk is properly  
11 allocated to the contractor. As used in this section and RCW  
12 47.20.785, "design-build procedure" means a method of contracting  
13 under which the department of transportation contracts with another  
14 party for the party to both design and build the structures,  
15 facilities, and other items specified in the contract.

16 The process developed by the department must, at a minimum,  
17 include the scope of services required under the design-build  
18 procedure, contractor prequalification requirements, criteria for  
19 evaluating technical information and project costs, contractor  
20 selection criteria, and issue resolution procedures.

1       **Sec. 2.** RCW 47.20.785 and 2006 c 37 s 1 are each amended to read  
2 as follows:

3       ~~((1))~~ The department of transportation ~~((may))~~ must use the  
4 design-build procedure for all public works projects over ten million  
5 dollars ~~((where:~~

6       ~~(a) The construction activities are highly specialized and a  
7 design-build approach is critical in developing the construction  
8 methodology; or~~

9       ~~(b) The projects selected provide opportunity for greater  
10 innovation and efficiencies between the designer and the builder; or~~

11       ~~(c) Significant savings in project delivery time would be  
12 realized.~~

13       ~~(2) To test the applicability of the design-build procedure on  
14 smaller projects and specialty projects, the department may conduct  
15 up to five pilot projects on projects that cost between two and ten  
16 million dollars. The department shall evaluate these pilot projects  
17 with respect to cost, time to complete, efficiencies gained, if any,  
18 and other pertinent information to facilitate analysis regarding the  
19 further use of the design-build process on projects of this size)).~~

20 All risk must be allocated to the contractor.

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