

28 transportation agency may~~[-(a)]~~ award a design-build [~~highway~~] transportation project contract
29 for any transportation project that has an estimated cost of at least \$50,000,000 by following the
30 requirements of this section~~[-and]~~.

31 ~~[(b)]~~ (3) The Department of Transportation may:

32 (a) award a design-build transportation project contract for any transportation project by
33 following the requirements of this section; and

34 (b) make rules, by following the procedures and requirements of Title 63, Chapter 46a,
35 Utah Administrative Rulemaking Act, establishing requirements for the procurement of its
36 design-build [~~highway~~] transportation project contracts in addition to those required by this
37 section.

38 ~~[(3)]~~ (4) (a) Before entering a design-build [~~highway~~] transportation project contract, [~~the~~
39 ~~department~~] a transportation agency may issue a request for qualifications to prequalify potential
40 contractors.

41 (b) Public notice of the request for qualifications shall be given in accordance with policy
42 board rules.

43 (c) [~~The department~~] A transportation agency shall require, as part of the qualifications
44 specified in the request for qualifications, that potential contractors at least demonstrate their:

45 (i) construction experience;

46 (ii) design experience;

47 (iii) financial, manpower, and equipment resources available for the project; and

48 (iv) experience in other design-build [~~highway~~] transportation projects with attributes
49 similar to the project being procured.

50 (d) The request for qualifications shall identify the number of eligible competing proposers
51 that the [~~department~~] transportation agency will select to submit a proposal, which must be at least
52 two.

53 ~~[(4)]~~ (5) (a) The [~~department~~] transportation agency shall:

54 (i) evaluate the responses received from the request for qualifications;

55 (ii) select from their number those qualified to submit proposals; and

56 (iii) invite those respondents to submit proposals based upon the [~~department's~~]
57 transportation agency's request for proposals.

58 (b) If the [~~department~~] transportation agency fails to receive at least two qualified eligible

59 competing proposers, the [department] transportation agency shall readvertise the project.

60 [~~5~~] (6) The [department] transportation agency shall issue a request for proposals to those
61 qualified respondents that:

62 (a) includes a scope of work statement constituting an information for proposal that may
63 include:

- 64 (i) preliminary design concepts;
- 65 (ii) design criteria, needs, and objectives;
- 66 (iii) warranty and quality control requirements;
- 67 (iv) applicable standards;
- 68 (v) environmental documents;
- 69 (vi) constraints;
- 70 (vii) time expectations or limitations;
- 71 (viii) incentives or disincentives; and
- 72 (ix) other special considerations;

73 (b) requires submitters to provide:

- 74 (i) a sealed cost proposal;
- 75 (ii) a critical path matrix schedule, including cash flow requirements;
- 76 (iii) proposal security; and
- 77 (iv) other items required by the department for the project; and

78 (c) may include award of a stipulated fee to be paid to submitters who submit unsuccessful
79 proposals.

80 [~~6~~] (7) The [department] transportation agency shall:

81 (a) evaluate the submissions received in response to the request for proposals from the
82 prequalified proposers;

83 (b) comply with rules relating to discussion of proposals, best and final offers, and
84 evaluations of the proposals submitted; and

85 (c) after considering price and other identified factors, award the contract to the
86 responsible proposer whose proposal is most advantageous to the state.

Legislative Review Note
as of 1-25-99 3:14 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel