

APPENDIX A

Act 460 - 2003 Regular Session - 84th Arkansas General Assembly

State of Arkansas

84th General Assembly

Regular Session, 2003

A Bill

Act 460 of 2003

SENATE BILL 305

By: Senators Bisbee, Holt, Horn, Glover, Broadway, J. Jeffress, Altes, Trusty, Madison, Wooldridge By:
Representatives Bolin, Medley, Cowling, House, Jones, Boyd, Mathis, Ferguson, Borhauer, Jackson,
Bledsoe, Hutchinson, Pritchard, R. Smith, Roebuck, Scrimshire, Moore, Gillespie, Petrus, Rosenbaum,
Walters, Anderson, Matayo, Harris, Parks

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE STATE HIGHWAY
COMMISSION TO ENTER INTO DESIGN-BUILD PROJECT
CONTRACTS FOR HIGHWAY CONSTRUCTION PROJECTS;
AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW THE STATE HIGHWAY COMMISSION
TO ENTER INTO DESIGN-BUILD PROJECT
CONTRACTS FOR HIGHWAY CONSTRUCTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-65-107, concerning the powers and duties of the State Highway Commission, is amended add an additional subsection to read as follows:

(c) Notwithstanding any other provision of law to the contrary, the commission shall have the authority to enter into contracts that combine the design, construction, and construction engineering phases of a project into a single contract that shall be referred to as a design-build project contract.

SECTION 2. Arkansas Code § 27-67-206, concerning new construction projects by the State Highway Commission, is amended to add an additional subsection to read as follows:

(j)(1) As used in this subsection (j):

(A) "Design-builder" means a company, firm, partnership, corporation,

association, joint venture, or other legal entity, including a combination of any of these entities, that makes a proposal to perform a design-build project contract; and

(B) "State highway revenues" mean highway revenues as defined under § 27-70-202.

(2) Notwithstanding any other provisions of law to the contrary, the commission may:

(A) Establish written procedures and regulations for the procuring of qualifications based design-build services and for administering design-build project contracts;

(B) Receive solicited and unsolicited proposals for design-build construction projects from a design-builder;

(C) Award a design-build project contract on a qualification basis that offers the greatest value for the state;

(D) Contract with a design-builder to acquire, construct, finance, improve, maintain, and operate an unlimited number of qualified design-build projects, including turnpike projects, when state highway revenues are not required to fund any portion of the projects costs; and

(E) Contract with design-builders to acquire, construct, finance, improve, maintain, and operate two (2) qualified design-build projects within ten (10) years of the effective date of this subsection should state highway revenues be required to fund any portion of the projects cost.

(3) However, the projects costs for each of the two (2) individual contracts involving state highway revenues under subdivision (j)(2)(E) must be in excess of fifty million dollars (\$50,000,000) to qualify as design-build projects under this subsection.

APPROVED: 3/18/2003