

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1634

5 By: Representative Pitsch
6

For An Act To Be Entitled

8 AN ACT CONCERNING PROCUREMENT PROCEDURES FOR A
9 DESIGN-BUILD NEW CONSTRUCTION CONTRACT WITH THE STATE
10 HIGHWAY COMMISSION; AND FOR OTHER PURPOSES.
11

Subtitle

12 CONCERNING PROCUREMENT PROCEDURES FOR A
13 DESIGN-BUILD NEW CONSTRUCTION CONTRACT
14 WITH THE STATE HIGHWAY COMMISSION
15 DEPARTMENT.
16
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 27-67-2069(j), concerning the definitions
23 used in this subsection, is amended to read as follows:

24 (1) As used in this subsection:

25 (A) ~~"Design-builder"~~ "Authorized entity" means a company,
26 firm, partnership, corporation, association, joint venture, or other legal
27 entity, including a combination of any of these entities, that makes a
28 proposal ~~to perform a design-build project contract~~ under this subsection;
29 ~~and~~

30 (B) "Concession" means a lease, franchise, easement,
31 permit, or other binding agreement transferring rights for the use or control
32 of a transportation facility by the commission to a private partner under
33 this subsection; and

34 (C) "State highway revenues" means highway revenues as
35 defined under § 27-70-202.
36



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

3 (A) Establish written procedures and regulations for the
 4 ~~procuring~~ procurement of:

5 (i) ~~qualifications-based~~ Qualification-based,
 6 design-build services and for administering design-build project contracts;

7 (ii) Qualification-based, design-build finance
 8 services and for administering a design-build finance project contract; and

9 (iii) An agreement for a concession;

10 (B) Receive solicited and unsolicited proposals for
 11 ~~design-build construction projects from a design-builder~~ a project proposed
 12 under this subsection by an authorized entity;

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

15 (D) Contract with a ~~design-builder~~ an authorized entity to
 16 design, construct, improve, and maintain ~~an unlimited number of~~ qualified
 17 ~~design-build projects, including turnpike projects, when state highway~~
 18 ~~revenues are not required to fund any portion of the projects' costs; and~~

19 ~~(E) Contract with design-builders to design, construct,~~
 20 ~~improve, and maintain qualified design-build projects within ten (10) years~~
 21 ~~of July 1, 2013, pursuant to Arkansas Constitution, Amendment 91, should~~
 22 ~~state highway revenues be required to fund any portion of the projects'~~
 23 ~~costs.~~

24
 25
 26 **APPROVED: 03/25/2015**
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36