

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-357
HOUSE BILL 610**

AN ACT TO SET THE NUMBER OF DESIGN-BUILD CONSTRUCTION CONTRACTS THAT MAY BE AWARDED BY THE DEPARTMENT OF TRANSPORTATION AT TWENTY-FIVE CONTRACTS EACH FISCAL YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.11 reads as rewritten:

"§ 136-28.11. Design-build construction of transportation projects.

(a) Design-Build Contracts Authorized. – Notwithstanding any other provision of law, the Board of Transportation may award contracts for ~~10 projects in fiscal year 2002-2003, and 25 projects in fiscal years 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, and 2008-2009~~ up to 25 projects each fiscal year for construction of transportation projects on a design-build basis.

(b) Design-Build Contract Amounts; Basis of Award. – The Department may award contracts for the construction of transportation projects on a design-build basis of any amount. The Department shall endeavor to ensure design-build projects are awarded on a basis to maximize participation, competition, and cost benefit. On any project for which the Department proposes to use the design-build contracting method, the Department shall attempt to structure and size the contracts for the project in order that contracting firms and engineering firms based in North Carolina have a fair and equal opportunity to compete for the contracts.

(c) Disadvantaged Business Participation Goals. – The provisions of G.S. 136-28.4 and 49 C.F.R. Part 26 shall apply to the award of contracts under this section.

(d) Findings Required. – These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures.

(e) Reporting Requirements. – The Department, for any proposed design-build project projected to have a construction cost in excess of ~~one hundred fifty million dollars (\$100,000,000),—(\$50,000,000),~~ shall present to the Joint Legislative Transportation Oversight Committee information on the scope and nature of the project and the reasons the development of the project on a design-build basis will best serve the public interest. ~~Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest."~~

SECTION 2. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 23rd day of
July, 2007.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:37 p.m. this 17th day of August, 2007