

## APPENDIX H

**50-STATE SURVEY OF TRANSPORTATION AGENCY DESIGN-BUILD  
AUTHORITY AS OF JULY 1, 2013\***

	State <sup>1</sup>	Transportation Agencies with Authority	Citation <sup>2</sup>	DOT Procurement Process
1.	AL	Authorization for the Alabama Toll Road, Bridge and Tunnel Authority to use design-build.	ALA. CODE §§ 23-2-144, 145	Proposals to be evaluated based on qualifications of participants or best value or both taking interest of the state into consideration. (ALA. CODE § 23-2-145)
2.	AK	Authorization for all agencies to use design-build for projects using state funds.	ALASKA STAT. § 36.30.200	Competitive sealed proposals if appropriate findings are made; otherwise, competitive sealed bids. (ALASKA STAT. § 36.30.200)
3.	AR	Authorization for DOT to use design-build (through July 16, 2023) on two projects that require state highway revenues; each project must cost more than \$50 million.  The State Highway Commission has the authority to enter into design-build contracts.	ARK. CODE § 27-67-206  ARK. CODE § 27-65-107(c)	To be established by the Commission; contract awarded "on a qualification basis that offers the greatest value for the state". (ARK. CONF § 27-67-206(j)(2)(A), (C))
4.	AZ	Authorization for DOT to use design-build (through December 31, 2025) if it makes a determination in writing that it is appropriate and in the department's best interests.	ARIZ. REV. STAT. §§ 28-7361, 28-7363, 28-7364, 28-7365	Two-phase solicitation procedure to be established by DOT.  Phase One: the department shall prepare documents for RFQ; the selection team shall evaluate the design-build qualifications of responding firms and shall compile a short list of firms in accordance with technical and qualifications-based criteria.  Phase Two: the department shall issue a RFP to the design-builders on the short list.  Award is to lowest score when price is divided by technical score; time valued adjustments may be made to score. (ARIZ. REV. STAT. § 28-7365)

<sup>1</sup> This survey includes states with existing transportation agency design-build authority. It does not include states with sunsetted statutes authorizing design-build.

<sup>2</sup> This survey identifies legislation specifically permitting agencies to enter into design-build contracts and exclusive development agreements, and also identifies legislation permitting agencies to use a best value procurement process for construction contracts (thus allowing design-build procurements to proceed without concern about differences between procurement requirements applicable to design and construction contracts). This survey does not necessarily address authorizing legislation for franchise agreements or similar public-private partnerships.

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	State <sup>1</sup>	Transportation Agencies with Authority <sup>2</sup>	Citation <sup>3</sup>	DOT Procurement Process
5.	CA	<p>Authorization for the California Transportation Commission to authorize 15 design-build projects (10 for Caltrans and 5 for local transportation agencies).</p> <p>The Riverside County Transportation Commission, if authorized by the commission, may utilize design-build procurement for the State Route 91 Corridor Improvements Project on the state highway system.</p> <p>Authorization for transit agencies to use design-build until January 1, 2015, unless extended.</p>	<p>CAL. PUB. CONT. CODE §§ 6800 to 6809, 6811-6813; CAL. STS. &amp; HIGH. CODE § 143</p> <p>CAL. PUB. CONT. CODE § 6802 (c)(1)</p> <p>CAL. PUB. CONT. CODE §§ 20209.5 – 20209.14</p>	<p>Three-Step Procurement Process: RFP (including competitive sealed proposals), prequalification requirements, selection. (CAL. PUB. CONT. CODE § 6805)</p> <p>For non-rail transit projects that exceed \$2.5 million, the transit operator may award the project to the lowest bidder or by using best value method; in no case may the transit operator award a contract to a design-build entity pursuant to the authority granted under the Public Contract Code for a capital maintenance or capacity-enhancing rail project unless that project exceeds \$25 million in cost; no cost threshold for acquisition and installation of technology applications or surveillance equipment. (CAL. PUB. CONT. CODE § 20209.7)</p>
6.	CO	<p>Authorization for DOT to use design-build.</p> <p>Specific authorization for new High Performance Transportation Enterprise to use design-build for surface transportation projects, such as reversible highways.</p>	<p>COLO. REV. STAT. §§ 43-1-1401 <i>et seq.</i></p> <p>COLO. REV. STAT. § 43-4-806</p>	<p>Two-Phase "Adjusted Score" Process; shortlist followed by proposals; preference allowed to Colorado residents (suspended if it would cause denial of federal funds); contract awarded to proposal providing best value to department. (COLO. REV. STAT. § 43-1-1401)</p>
7.	CT	<p>Authorization for the Commissioner of Transportation to designate specific projects to be completed using a (1) construction-manager-at-risk contract with a guaranteed maximum price, or (2) design-build contract.</p>	<p>CONN. GEN. STAT. § 13a-95b</p>	<p>Selection process based on competitive proposals and contract awarded based on predetermined metrics provided in advance to proposers. This metric may be unique to each project, but shall consist of a combined score of qualifications and past performance of the proposer, technical merit of the proposal and cost. (CONN. GEN. STAT. § 13a-95b(c))</p>
8.	DC	<p>Authorization for Chief Procurement Officer to use various project delivery methods for construction projects including design-build.</p>	<p>D.C. CODE § 2-356.01 <i>et seq.</i></p>	<p>Competitive sealed bidding shall be used to procure construction in design-build procurements or by competitive sealed proposal (i.e. submission of written technical and price proposals and evaluation of in accordance with evaluation criteria) when competitive sealed bidding is not practicable or advantageous to District. (D.C. CODE § 2-354.03)</p>
9.	DE	<p>Authorization for the Secretary of Transportation to solicit proposals from and enter into agreements with private entities, or consortia involving, inter alia, design, construction, leasing, financing, operation, and maintenance of transportation systems, which proposals may provide for the design-build mode of infrastructure development.</p>	<p>2 DEL. C. § 2003</p>	<p>Each proposal to be weighed on its own merits and ranked according to selection criteria stipulated in the request for proposals. (2 DEL. C. § 2003 (e)(1))</p>

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10.	FL	<p>Authorization for DOT to use design-build for buildings, major bridges, limited access facilities, and rail corridor projects.</p> <p>DOT also authorized to use design-build for projects that are a part of the "innovative" practices package; before using design-build for these projects, DOT must document in writing the need for design-build and identify what benefits the traveling public and the affected community are anticipated to receive; the annual contracting monetary cap for these "innovative" projects is \$120 million.</p>	<p>FLA. STAT. ANN. § 337.11(7)</p> <p>FLA. STAT. ANN. § 337.025</p>	<p>Governed by rules adopted by DOT (which must include prequalification requirements, public announcement procedures, scope of service requirements, letters of interest requirements, short-listing criteria and procedures, bid proposal requirements, technical review committee, selection and award processes, and stipend requirements). (FLA. STAT. ANN. § 337.11(7)(b))</p>
11.	GA	<p>Authorization for DOT to use design-build for buildings, bridges and approaches, rail corridor, limited or controlled access projects, projects within existing right of way with a clear scope of work or when it can obtain significant savings in project delivery time.</p>	GA. CODE ANN. § 32-2-81	<p>Governed by rules adopted by DOT (which must include shortlisting and price proposal phases); DOT to select the lowest qualified bidder; in contracting for design-build projects, DOT limited to no more than 50% of total amount of construction projects awarded the previous fiscal year. (GA. CODE ANN. § 32-2-81(d))</p>
12.	HI	<p>Authorization for all governmental bodies to solicit construction projects through a RFP to use the design-build method.</p>	HAW. REV. STAT. § 103D-303(i)	<p>Proposals shall be solicited through an RFP to select a short list of no more than three offerors; proposal evaluation criteria, terms of payment of conceptual design fee etc to be stated in the RFP. (HAW. REV. STAT. § 103D-303(i))</p>
13.	ID	<p>Authorization for Idaho Transportation Department to use design-build firms for appropriately sized design build projects. No more than 20% of annual highway construction budget can be used for design-build and construction manager/general contractor contracts combined.</p>	IDAHO CODE § 40-904	<p>Two step selection process for all projects using RFQ and RFP. DB selection may be best value, fixed price-best design or, in limited circumstances, lowest price-technically acceptable. (IDAHO CODE §§ 40-904(11))</p>
14.	IL	<p>Authorization for DOT to use design-build.</p> <p>Authorization for state agencies to use design-build.</p> <p>Authorization for Regional Transportation Authorities to use design-build.</p> <p>Authorization for Capital Development Board to use design-build.</p> <p>Authorization for Public Building Commission to use design-build for public buildings and any roads incident to the buildings.</p>	<p>630 ILL. COMP. STAT. § 5/20</p> <p>30 ILL. COMP. STAT. § 535/75</p> <p>70 ILL. COMP. STAT. §§ 3615/1.01 <i>et seq.</i></p> <p>30 ILL. COMP. STAT. §§ 537/5 <i>et seq.</i></p> <p>50 ILL. COMP. STAT. §§ 20/2.5 <i>et seq.</i></p>	<p>The DOT has determined that the referenced statutes do not provide sufficient authority to undertake a procurement for a design-build project. (630 ILL. COMP. STAT. § 5/20)</p> <p>Procurements for Public Building Commission and Capital Development Board must use a 2-phase evaluation: shortlist based on qualifications then proposals and award based on technical criteria and cost. (30 ILL. COMP. STAT. 537/30; 50 ILL. COMP. STAT. 20/20.5)</p>

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15.	IN	Authorization for DOT to use low bid design-build for road construction, improvement or maintenance contracts.  Authorization for public agencies to use design-build for designing, constructing, reconstructing, altering, or renovating airport facilities, but not highways.	IND. CODE §§ 8-23-9-3 to 4.5  IND. CODE § 5-30-1-1 <i>et seq.</i>	The DOT may let contracts to the lowest and best bidder, and the best bid may not be for a greater sum than the estimated cost of the project. (IND. CODE § 8-23-9-3)
16.	KS	Authorization for one highway demonstration project in Johnson or Wyandotte county for the purpose of evaluating the design-build concept.	KAN. STAT. § 68-2314b(b)	Multi-phase evaluation process premised on Kan. Stat. Ann. §75-5001 <i>et seq.</i> including the evaluation of statement of qualifications and selection of at least three of the most qualified firms; selection of a single firm and the negotiation of a contract with such firm. (KAN. STAT. § 68-2314b(4))
17.	KY	Authorization for all state agencies to use design-build. To use this authority, state agencies must receive approval from the Secretary of the Finance and Administration Cabinet. The Secretary must compare the design-bid-build and design-build delivery methods and find that design-build offers the best value to taxpayers.	KY. REV. STAT. § 45A.045; KY. REV. STAT. §§ 45A.180 <i>et seq.</i> ; KY. REV. STAT. § 45A.494	Multi-phase selection process based on qualifications, experience, technical requirements, guaranteed maximum price and other criteria set forth in the request for proposals. (KY. REV. STAT. § 45A.182(1)(a))  Prior to award, a resident bidder shall be given a preference against a nonresident bidder registered in a state that gives preference to bidders from that state. (KY. REV. STAT. § 45A.494)
18.	LA	Department of Transportation and Development may formulate, develop, and implement design-build for transportation facility or facilities, including but not limited to highways, interchanges, or bridges into a single contract. Secretary must determine that use of design-build is in the best interest of taxpayers, and the House and Senate transportation, highways, and public works committees approve its use.  Design-build authorized for construction of the new Mississippi River Bridge at St. Francisville (connection to U.S. Hwy. 61) including approach structures and connecting roadways.	LA. REV. STAT §§ 48:250.2 <i>et seq.</i> ; LA. REV. STAT § 48:442.1  LA. REV. STAT § 48:250.2(B)	Two-phase selection process; DOT will identify the specific requirements for the second phase depending on the complexity of the project; the selection method uses an adjusted score determined by three components: (1) technical score; (2) time value; and (3) the price proposal; DOT must submit any project selected for design-build to the House and Senate Transportation, Highways and Public Works Committees for approval. (LA. REV. STAT § 48:250.3)
19.	MA	Authorization for Department of Highways to use design-build for projects approved by the inspector general.	MASS. GEN. LAWS. ANN. ch. 149A, §§ 14 <i>et seq.</i>	Two-phase selection process: RFP shall identify the cost basis, low-bid or best value, by which the awarding authority will evaluate proposals submitted in response to said RFP. For projects to be awarded on a best-value basis, the scoring process, quality criteria and relative weight thereof must be contained in the RFP.
20.	MD	Authorization for governmental bodies to use design-build on capital projects.	MD. CODE ANN., STATE FIN. & PROC. § 3-602(g)(1); COMAR 21.05.03.03	Competitive sealed proposal process allows best value selection; award must be advantageous to the state considering price and other evaluation factors set forth in the request for proposals. (COMAR 21.05.03.03)

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21.	ME	Authorization for DOT to use design-build contracting to deliver projects on either a best-value or low-bid basis.	ME. REV. STAT. ANN. TIT. 23, § 4244	Low-bid award or best-value award; If the scope of work requires substantial engineering judgment, the quality of which may vary significantly, then the basis of award must be the best value. If best value is used, award should be submitted to the department in two components – technical and sealed price proposal. Proposer must be prequalified to be eligible to submit a proposal. (ME. REV. STAT. TIT. 23 § 4244 (3) – (7))
22.	MI	Authorization for state transportation department to use alternative procurement process for highway, street, road and bridge projects that exceed \$100,000.	MICH. COMP. LAWS § 247.661c	Award by means other than competitive bidding is allowed if Department affirmatively finds that it is in the public interest; Department must report these findings to the State Transportation Commission and Appropriations Committees. Statutes do not include many details and give agencies discretion in choosing procurement processes.
23.	MN	Authorization for streets, highways, bicycle paths, bicycle trails and pedestrian facilities, trunk highways, and DOT projects. The number of design-build contracts awarded by DOT in any fiscal year may not exceed ten percent of the total number of transportation construction contracts awarded by the commissioner in the previous fiscal year.  Hennepin County Board of Commissioners authorized to use design-build for a county road, bridge, or other infrastructure relating to a county roadway.  Either the Metropolitan Council or the state of Minnesota may use a design-build method of project development and construction for light rail transit.	MINN. STAT. §§ 13.72 subd.11-12; 160.262 subd. 4-5; 161.32 subd. 1b; 161.3410, -12, -14, -16, -18, -20; 161.3422 -161.3428; 473.3993  MINN. STAT. §§ 383B.158, 1581–85  MINN. STAT. § 473.3993	Trunk highway construction design-build contracts must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the call for bids. (MINN. STAT. § 161.32 subd. 1b)  DOT authorized to procure design-build contracts using either a two-step best value selection process or a low bid process. (MINN. STAT. § 161.3420)  Light rail contracts may be awarded on the basis of the RFQ or RFP without bids. (MINN. STAT. § 161.3426)  Commissioner shall submit a list of executed design-build contracts to the Governor each year. (MINN. STAT. § 161.3428)
24.	MO	Authorization for the State Highways and Transportation Commission to enter into highway design-build contracts through July 1, 2018; the number of design-build contracts entered into each fiscal year shall not exceed 2% of the total number of highway system projects listed in the approved Statewide Transportation Improvement Project for that fiscal year.	MO. REV. STAT. § 227.107; 7 CSR §§ 10-24 <i>et seq.</i>	The Commission is required to use a two-phase procurement process. The first phase results in the Commission shortlisting firms and the second phase includes the evaluation of proposals based on price, technical solutions and other factors. Oral presentations are allowed. A minimum of two and a maximum of five proposers to be shortlisted. (7 CSR §§ 10-24.030, 100, 110 & 200)
25.	MS	Authorization for DOT and the Mississippi Development Authority to jointly use design-build for two projects per fiscal year costing no more than \$10 million, and one project per fiscal year costing more than \$50 million.	MISS. CODE ANN. § 65-1-85	DOT shall establish detailed criteria for the selection of the design-build contractor; for each project, DOT must file a report with the Legislature evaluating the design-build method of contracting by comparing it to the low-bid method. (MISS. CODE § 65-1-85 (11)(c) – (d))

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26.	MT	Authorization for DOT to use design-build for projects that department has determined are part of the design-build contracting program.	MT. CODE ANN. §§ 60-2-111, -112, -137	Two-phase proposal process; first phase involves evaluation of qualifications and second phase involves evaluation of technical and price proposals. (MT. CODE ANN. §§ 60-2-111(2) – (3))
27.	NC	Authorization for DOT to award contracts each fiscal year for construction of transportation projects on a design-build basis. For projects with a construction cost in excess of \$50 million, DOT shall present to the Joint Legislative Transportation Oversight Committee the reasons the development of the project on a design-build basis will best serve the public interest.  Authorization for Turnpike Authority to use alternative procurement process.  Specific authorization for DOT to use design-build on Accelerated Pilot Toll Bridge Project and the Herbert C. Bonner Bridge Replacement Project.	N.C. GEN. STAT. § 136-28.11  N.C. GEN. STAT. § 136-89.180 <i>et seq.</i>  N.C. GEN. STAT. § 136-89.183A–B	Design-build contracts may be awarded after a determination by the DOT 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. (N.C. GEN. STAT. § 136-28.11(d))
28.	ND	Authorization for DOT to authorize one signal light project and one box culvert structure project before Dec. 31, 2013.	N.D. CENT. CODE § 24-02-47	DOT, in conjunction with the appropriate and affected professionals and contractors, shall adopt policies for procuring the projects. (N.D. CENT. CODE § 24-02-47(5))
29.	NH	Authorization for DOT to use design-build for statewide transportation improvement program projects not exceeding \$25 million. Design-build is permitted for projects in excess of \$25 million if the department demonstrates that it benefits the state more than conventional methods.	N.H. REV. STAT. ANN. § 228:4(l)(c) – (d)	Selection to be based on objective standard and measurable criteria for evaluation of proposals. (N.H. REV. STAT. ANN. § 228:4(l)(c))
30.	NJ	Authorization for New Jersey Transit Corporation to use design-build.	N.J. STAT. § 27:25-11	Design-build projects shall be bid and contracts awarded in accordance with applicable regulations promulgated by the New Jersey Transit Corporation. (N.J. STAT. § 27:25-11(c)(2))
31.	NM	Authorization for DOT to use design-build project delivery for projects with a maximum allowable cost of more than \$50 million if funded in whole or in part by grants from the American Reinvestment and Recovery Act of 2009.	N.M. STAT. ANN. § 13-1-119.2	Two-phase RFP process using best value; stipend to unsuccessful bidders. (N.M. STAT. ANN. § 13-1-119.2(C))

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32.	NV	<p>Authorization for any public agency to contract with a design-build team for the construction of a public work project (including a road, highway, street or alley) whose cost exceeds \$5 million.</p> <p>Authorization for DOT to contract with design-build team to construct a project if DOT determines that (i) cost is in excess of \$10 million (ii) construction can be accomplished for a significantly lower cost than using a different method and (iii) method will result in shorter construction time. DOT may use design-build twice a year for projects costing between \$5 million and \$10 million if Department satisfies the three factors listed above.</p> <p>Authorization for regional transportation commission to use a turnkey procurement process (which includes having one entity both design and build) for a fixed guideway project after first evaluating whether such a procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives.</p>	<p>NEV. REV. STAT. §§ 338.1711, -15, -17, -19, -21, -23, -24, -25, -27</p> <p>NEV. REV. STAT. §§ 408.3875 – 408.3887</p> <p>NEV. REV. STAT. § 277A.280</p>	<p>Request for preliminary proposals followed by issuance of request for final proposals to "finalists"; award based on most cost effective and responsive proposal using criteria and weight assigned to each factor; preference for local contractors if not federally funded. (NEV. REV. STAT. § 408.3882)</p>
33.	NY	<p>Authorization for New York State Thruway Authority, Department of Transportation, Office of Parks, Recreation and Historic Preservation, Department of Environmental Conservation and the New York State Bridge Authority to use the design-build delivery method for capital projects costing at least \$1.2 million.</p>	<p>2011 SESS. LAWS OF N.Y. Ch. 56, Part E, Section 4 – 5 (S.50002)</p>	<p>Two-step best value evaluation method that optimizes quality, cost and efficiency, price and other performance criteria. (2011 SESS. LAWS OF N.Y. Ch. 56, Part E, Section 5)</p>
34.	OH	<p>Authorization for DOT to establish a program to expedite the sale and construction of special projects that combines the design and construction elements of a bridge or highway into a single project; the total value of the contracts shall not exceed \$1 billion per fiscal year.</p> <p>A county engineer may combine the design and construction elements of a bridge, highway, or safety project into a single contract but only if the cost of the project as bid does not exceed \$1.5 million dollars.</p>	<p>OHIO REV. CODE ANN. § 5517.011</p> <p>OHIO REV. CODE ANN. § 5543.22.</p>	<p>A value-based selection process may be used combining technical qualifications and competitive bidding elements, including consideration for minority or disadvantaged businesses that may include joint ventures. (OHIO REV. CODE ANN. §§ 5517.011)</p>



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35.	OK	Authorization to use design-build with approval of the Director of the Office of Management and Enterprise Services for projects constructed for a state agency. These projects include highways, bridges, airports, railroads and tunnels that are related or appurtenant to a structure.	OKLA. STAT. TIT. 61, § 202.1	
36.	OR	Authorization for DOT to enter into design-build contracts with private entities for the construction of tollway projects	OR. REV. STAT. §§ 383.005 – 383.017	Award of toll contracts either by competitive process or by "private negotiation with one or more entities" or by a combination of competition and negotiation. (OR. REV. STAT. § 383.017)
37.	PA	Authorization for DOT to use design-build for projects to be financed with bond proceeds and all other DOT construction projects.	74 PA. CONS. STAT. § 9109; 75 PA. CONS. STAT. § 9511.5	The responsible offeror whose proposal is determined in writing to be the best value for and in the best interests of the public entity, taking into consideration all evaluation factors, shall be selected for contract negotiation. (74 PA. CONS. STAT. § 9109)
38.	RI	The state of Rhode Island and any of its departments or agencies and public agencies is authorized to use any type of contract which will promote the best interests of the state.	R.I. GEN. LAWS § 37-2-31	
39.	SC	Authorization for DOT to award highway construction projects using design-build procedure.  Authorization for state to use design-build for procurements relating to public roads and streets, highways, public parking facilities, public transportation systems, terminals, rolling stock, rail, air, and water port structures.	S.C. CODE ANN. § 57-5-1625  S.C. CODE ANN. § 11-35-3005	Selection criteria shall include project cost and may include contractor qualifications, time of completion, innovation, design and construction quality or other related criteria. (S.C. CODE ANN. § 57-5-1625(B))
40.	SD	Authorization for all public agencies (including DOT) to award construction projects using design-build procedure.	S.D. CODIFIED LAWS § 5-18b-20	The particular agency must establish the procurement procedures prior to issuing any design-build requests for proposals. According to the Bureau of Administration Procedures for Design-Build Procurement, selection criteria include experience, financial and bonding capacity, managerial resources, past performance, capacity to meet time and budget requirements, workload, ability to complete work in timely manner and submitted pre-qualification form.
41.	TN	Authorization for DOT to use design-build for up to 15 projects in a fiscal year if the contract is less than \$1 million and not more than five projects if the contract is in excess of \$1 million; certain limitations apply to contracts estimated to be in excess of \$70 million.	TENN. CODE ANN. § 54-1-119	Selection criteria shall include cost, qualifications, time of completion, innovation, design and construction quality, design innovation, or other technical or quality related criteria, as determined by the Department; Department must file report with the Legislature on the effectiveness of design-build once three projects have been completed with a total contract cost in excess of \$1 million. (TENN. CODE ANN. § 54-1-119(b), (e))

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42.	TX	Authorization for DOT to use design-build for highway projects with a construction cost of \$50 million or more but limited to three contracts in any fiscal year (Expires August 1, 2015); comprehensive development agreement authorization for TxDOT, Texas Turnpike Authority (a division of TxDOT) and regional mobility authorities.	TEX. TRANSP. CODE ANN. §§ 223.001 <i>et seq.</i> (Subchapter A); §§ 223.201 <i>et seq.</i> (Subchapter E); §§ 223.241 <i>et seq.</i> (Subchapter F); §§ 370.001 <i>et seq.</i>	May solicit proposals or accept unsolicited proposals; if an unsolicited proposal is received, DOT must request competing proposals and qualifications; selection is based on "best value". Subchapter F procurement is a two-step evaluation process including shortlisting of at least two firms and evaluation of technical and cost proposals with 70% weighted to cost.
43.	UT	Authorization for transportation agencies, including the DOT, to award a design-build transportation project contract for any transportation project that has an estimated cost of at least \$50,000,000.	UTAH CODE ANN. §§ 63G-6a-1402, 1403; UTAH ADMIN. CODE (U.A.C.) R916-3 <i>et seq.</i>	Two phase process: pre-qualification then proposals; after considering price and other identified factors, award is to the proposal that is most advantageous to the state. (UTAH CODE ANN. §§ 63G-6a-1402(4)-(9))  Utah Administrative Code contains additional procurement requirements (i.e. RFQ must identify maximum number that could be shortlisted); (UTAH ADMIN. CODE (U.A.C.) R916-3 <i>et seq.</i> )
44.	VA	Authorization for the Commonwealth Transportation Board to award contracts on a design-build basis.  General design-build authorization for state agencies.  Counties, cities, and towns may award contracts for the construction of transportation projects on a design-build basis.	VA. CODE ANN. § 33.1-12(2)(b)  VA. CODE ANN. §§ 2.2-4303, -4306, -4308  VA. CODE ANN. § 33.1-223.2:16	Award to be based on competitive sealed bidding or a two-step competitive negotiation process; award determined by objective criteria adopted by Commonwealth Transportation Board; objective criteria to include requirements for pre-qualification and competitive bidding; additional proposal requirements for contracts in excess of \$100 million. (VA. CODE ANN. §§ 33.1-12(2)(b))
45.	VT	Authorization for Agency of Transportation to use design-build contracting to deliver projects.	19 VT. ST. ANN. §2601 <i>et seq.</i>	May evaluate proposals on either a best-value or a low-bid basis. For best-value awards, Proposer must submit sealed technical and price proposal. After evaluation and scoring of technical proposal, price proposal will be opened and separately evaluated and scored to determine the proposal that represents the best value to the agency.
46.	WA	Authorization for DOT for projects over \$10 million and for five pilot projects costing between \$2 and \$10 million dollars.  Authorization for Regional Transportation Investment District (a corporation created by county legislative authority to implement a regional transportation investment plan) to use the design-build procedure for transportation projects developed by it.	WASH. REV. CODE §§ 47.20.780, 47.20.785  WASH. REV. CODE § 36.120.110	Requires DOT to develop a process for awarding design-build contracts for projects over \$10 million; this process must, at a minimum, include the scope of services, contractor prequalification requirements, criteria for evaluating technical information and project costs, contractor selection criteria and issue resolution procedures. (WASH. REV. CODE §§ 47.20.780)  If DOT uses design-build for the Olympic region project, it must follow the design-build process for public works projects under chapter 39.10 RCW.

	State <sup>1</sup>	Transportation Agencies with Authority <sup>2</sup>	Citation <sup>3</sup>	DOT Procurement Process
47.	WI	Authorization for DOT to use design-build for specific bridge projects.	Wis. STAT. ANN. §§ 84.11(5n) <i>et seq.</i>	The design-build contract is awarded through a competitive selection process that utilizes, at a minimum, contractor qualifications, quality, completion time and cost as award criteria. In order to be eligible to participate in the selection process, the contractor must be prequalified by the department as a design consultant and as a contractor. (Wis. STAT. ANN. §§ 84.11(5n)(b)(1))
48.	WV	All state departments, agencies, authorities, quasi-public corporations and all political subdivisions, including cities, counties, boards of education and public service districts are authorized to use design-build.  Authorization for the Division of Highways to use design-build on no more than thirteen projects by June 30, 2013; may spend up to \$75 million per year. If any of the \$75M is unused, it may be applied to the next year, for an aggregate maximum amount of \$150 million.	W. VA. CODE §§ 5-22A-1 <i>et seq.</i>  W. VA. CODE §§ 17-2D-1 <i>et seq.</i>	Award shall be based on low-bid or value-based selection process combining technical qualifications and competitive bidding elements.
49.	WY	Design-build broadly permitted for all agencies.	WYO. STAT. ANN. §§ 15-1-113, 16-6-701, -707, -708	RFQ process then shortlist selected to respond to fixed scope RFP or fixed price RFP depending on size of project; contract awarded based on best overall value.