

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1634

By: Representative Pitsch

## For An Act To Be Entitled

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

## Subtitle

CONCERNING PROCUREMENT PROCEDURES FOR A  
DESIGN-BUILD NEW CONSTRUCTION CONTRACT  
WITH THE STATE HIGHWAY COMMISSION  
DEPARTMENT.

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

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

(1) As used in this subsection:

(A) ~~"Design-builder"~~ "Authorized entity" 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~~ under this subsection;  
~~and~~

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

(C) "State highway revenues" means 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~~ procurement of:

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

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

(iii) An agreement for a concession;

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

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

(D) Contract with a ~~design-builder~~ an authorized entity to design, construct, improve, and maintain ~~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 design, construct, improve, and maintain qualified design-build projects within ten (10) years of July 1, 2013, pursuant to Arkansas Constitution, Amendment 91, should state highway revenues be required to fund any portion of the projects' costs.~~

**APPROVED: 03/25/2015**