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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2009	.	
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The Committee on Transportation (Baker) recommended the following:

Senate Amendment (with title amendment)

Delete lines 8 - 9
and insert:

Section 1. Subsection (7) is amended, and subsections (8), (9), (10), (11), (12), (13), (14), and (15) of section 337.11, Florida Statutes, are renumbered as subsections (9), (10), (11), (12), (13), (14), (15), and (16), respectively, and subsection (8) is added to that section, to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined



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12 design and construction contracts; progress payments; records;
13 requirements of vehicle registration.—

14 (7) (a) If ~~the head of~~ the department determines that it is
15 in the best interests of the public, the department may combine
16 the design and construction phases of a building, a major
17 bridge, a limited access facility, or a rail corridor project
18 into a single contract. Such contract is referred to as a
19 design-build contract. Design-build contracts may be advertised
20 and awarded notwithstanding the requirements of paragraph
21 (3) (c). However, construction activities may not begin on any
22 portion of such projects for which the department has not yet
23 obtained title to the necessary rights-of-way and easements for
24 the construction of that portion of the project has vested in
25 the state or a local governmental entity and all railroad
26 crossing and utility agreements have been executed. Title to
27 rights-of-way shall be deemed to have vested in the state when
28 the title has been dedicated to the public or acquired by
29 prescription.

30 (b) The department shall adopt by rule procedures for
31 administering design-build contracts. Such procedures shall
32 include, but not be limited to:

- 33 1. Prequalification requirements.
- 34 2. Public announcement procedures.
- 35 3. Scope of service requirements.
- 36 4. Letters of interest requirements.
- 37 5. Short-listing criteria and procedures.
- 38 6. Bid proposal requirements.
- 39 7. Technical review committee.
- 40 8. Selection and award processes.



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41 9. Stipend requirements.

42 (c) The department must receive at least three letters of
43 interest in order to proceed with a request for proposals. The
44 department shall request proposals from no fewer than three of
45 the design-build firms submitting letters of interest. If a
46 design-build firm withdraws from consideration after the
47 department requests proposals, the department may continue if at
48 least two proposals are received.

49 (8) If the department determines that it is in the best
50 interest of the public, the department may pay a stipend to non-
51 selected design-build firms who have submitted responsive
52 proposals for construction contracts. The decision and amount of
53 a stipend will be based upon department analysis of the
54 estimated proposal development costs and the anticipated degree
55 of engineering design during the procurement process. The
56 department will retain the right to use those designs from
57 responsive non-selected design-build firms that accept a
58 stipend.

59
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete lines 2 - 4

63 and insert:

64 An act relating to transportation; ; amending s. 337.11, F.S.;

65 providing for the department to pay a portion of certain

66 proposal development costs; requiring the department to

67 advertise certain contracts as design-build contracts; providing

68 an effective date.