

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 19-20, 2011

Reference No.: 4.16  
Action

From: BIMLA G. RHINEHART  
Executive Director

Subject: **Design-Build Demonstration Program – Request for project authorization as a named additional project to the 15 project demonstration program authorized under AB 2098 – RCTC SR-91 Corridor Improvement Project**

**ISSUE:** Should the California Transportation Commission (Commission) authorize the Riverside County Transportation Commission (RCTC) SR-91 Corridor Improvement Project (CIP) for the design-build method of procurement as a named additional project to the 15 project design-build method of procurement demonstration program as authorized under AB 2098 (Statutes of 2010)?

**RECOMMENDATION:** Staff recommends that the Commission authorize the RCTC SR-91 CIP for the design-build method of procurement as a named additional project to the 15 project design-build method of procurement demonstration program as authorized under AB 2098.

**BACKGROUND:** The Design-Build Demonstration Program was established in Chapter 6.5 (commencing with Section 6800) of Part 1 of Division 2 of the Public Contract Code, as added by Chapter 2 of the Statutes of 2009 (Senate Bill 4, Second Extraordinary Session). The Design-Build Demonstration Program provides for the use of the design-build method of procurement by local transportation entities for up to five projects that may be for local street or road, bridge, tunnel, or public transit projects within the jurisdiction of the entity and by Caltrans for up to ten state highway, bridge, or tunnel projects, subject to authorization by the Commission. The Commission also determines whether a transportation entity may award a design-build method of procurement contract based on lowest responsible bid or best value.

Eligibility for the design-build method of procurement is limited to projects the Commission programmed for funding under the State Transportation Improvement Program (STIP), the State Highway Operation and Protection Program (SHOPP), the Traffic Congestion Relief Program (TCRP), or one of the programs designated under Proposition 1B of 2006.

At its April 2010 meeting, the Commission received and approved a RCTC request for design-build procurement authorization for the SR-91 CIP. The SR-91 CIP is a local transportation entity project slated for implementation by the local entity on the state highway system. Questions arose as to whether a local transportation entity may implement a design-build method of procurement project on the state highway system under the provisions of SB 4-2X. Clarifying legislation AB 2098 was passed by the Legislature and approved by the Governor allowing RCTC, if authorized by the Commission, to utilize the design-build procurement process for the SR-91 CIP on the state highway system in addition to the 15 projects authorized under SB 4-2X. AB 2098 makes the Department of

Transportation (Caltrans) responsible for the performance of construction inspection services for the SR-91 CIP. To ensure consistency with AB 2098, RCTC requests that the Commission take appropriate action to conform its previous authorization in the context of AB 2098.

Attachment

- Resolution G-11-02

## **Project Authorizations as a Named Addition to the Design-Build Demonstration Program**

### **Resolution G-11-02**

- 1.1. WHEREAS, the Design-Build Demonstration Program was established in Chapter 6.5 (commencing with Section 6800) of Part 1 of Division 2 of the Public Contract Code, as added by Chapter 2 of the Statutes of 2009 (Senate Bill 4, Second Extraordinary Session), and
- 1.2. WHEREAS, subject to the limitations of Chapter 6.5, a local transportation entity, if authorized by the California Transportation Commission (Commission), may utilize the design-build method of procurement for up to five projects that may be for local street or road, bridge, tunnel, or public transit projects within the jurisdiction of the entity, and
- 1.3. WHEREAS, subject to the limitations of Chapter 6.5, the Department of Transportation (Department), if authorized by the Commission, may utilize the design-build method of procurement for up to 10 state highway, bridge, or tunnel projects, and
- 1.4. WHEREAS, projects authorized by the Commission shall vary in size, type, and geographical location, and
- 1.5. WHEREAS, the commission determines whether a transportation entity may award a design-build contract based on lowest responsible bid or best value, and
- 1.6. WHEREAS, the Commission has adopted policy guidance for project authorizations under the demonstration program on September 9, 2009, and
- 1.7. WHEREAS, the Commission has stated its intent to authorize projects with reference to a project authorization request submitted by a local transportation entity or the Department, and such authorization will include the project scope, whether a contract can be awarded based on lowest responsible bid or best value, and an expiration date by when a design-build contract must be executed, and
- 1.8. WHEREAS, AB 2098 (Statutes of 2010) authorized the Riverside County Transportation Commission, if authorized by the Commission, to utilize the design-build procurement process for the State Route 91 Corridor Improvement Project on the state highway system, and
- 1.9. WHEREAS, AB 2098 makes the Department responsible for the performance of construction inspection services for the project.
- 2.1. NOW, THEREFORE, BE IT RESOLVED that the Commission hereby authorizes the State Route 91 Corridor Improvement Project as a named additional project for design-build procurement by a local transportation entity on the state highway system, and
- 2.2. BE IT FURTHER RESOLVED that the project scope, the contract award method, and planned schedule for contract award is included in the attached list, and

- 2.3. BE IT FURTHER RESOLVED that authorized projects must have an executed design-build contract within 18 months of the date of this resolution, and
- 2.4. BE IT FURTHER RESOLVED that pursuant to Chapter 6.5 and not later than June 30 of each year after the design-build contract is awarded, the awarding transportation entity shall submit a progress report to the Commission.