

CHAPTER 107
FORMERLY
HOUSE BILL NO. 169

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTING.

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

Section 1. Amend Subchapter IV of Chapter 69, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6971 Design-build contracting for Transportation Trust Fund projects.

(a) As used herein, "design-build contracting" is a project delivery method under which the procurement of both the design and construction of a project is done in a single contract with a company or combination of companies capable of providing the necessary engineering services and construction.

(b) Notwithstanding any portion of Chapter 69 of this title to the contrary, the Department of Transportation is hereby authorized to use design-build contracting method, under the following terms and conditions:

(1) The contract terms shall include provisions to pay the prevailing wage rates as provided in § 6960 of this title, in conjunction with federal prevailing wage rates for such work;

(2) The contracts shall adhere to § 6962(d)(4)(a) of this title; § 6962(d)(7) of this title; and § 6962(d)(8) of this title;

(3) Any such contracts shall conform to all applicable federal laws and regulations concerning design-build contracting, including but not limited to 23 C.F.R. Part 636, without regard to the source of funds; and

(4) Any design-build contract for the construction of any transportation facility shall also be subject to the provisions of Chapter 8, Title 17 of the Delaware Code.

(c) The use of design-build contracting shall be used at the discretion of the Secretary of the Department of Transportation for specialized projects that have time constraints, unique site conditions, specialized construction methods or similar complexities and is expected to be used on a limited basis.

Approved July 15, 2015