
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2063 Session of
2020

INTRODUCED BY FRITZ, PICKETT, HENNESSEY, SCHMITT, ECKER,
SCHLEGEL CULVER, MIZGORSKI, ROTHMAN, STRUZZI, SAYLOR, OWLETT,
TOOHIL, KAUFER, RADER, PEIFER, EVERETT AND KEEFER,
FEBRUARY 24, 2020

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 24, 2020

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, in transportation infrastructure,
3 establishing the Highway Design-Build Program.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Part V of Title 74 of the Pennsylvania
7 Consolidated Statutes is amended by adding a chapter to read:

8 CHAPTER 97

9 DEPARTMENTAL PROGRAMS

10 Subchapter

11 A. Highway Design-Build Program

12 B. (Reserved)

13 SUBCHAPTER A

14 HIGHWAY DESIGN-BUILD PROGRAM

15 Sec.

16 9701. Definitions.

17 9702. Highway Design-Build Program.

1 9703. Regulations.

2 § 9701. Definitions.

3 The following words and phrases when used in this subchapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Department." The Department of Transportation of the
7 Commonwealth.

8 "Design-build contract." A contract in which the contractor
9 is responsible for both the design and the construction,
10 reconstruction, widening, repair or improvement of a highway
11 project.

12 "Highway project." The construction, reconstruction,
13 widening, repair or improvement of a State highway or a part of
14 a State highway.

15 "Program." The Highway Design-Build Program established by
16 this subchapter.

17 § 9702. Highway Design-Build Program.

18 (a) Establishment.--The Highway Design-Build Program is
19 established within the department.

20 (b) Purpose.--The purpose of the program is to save costs
21 and time by allowing the department to enter into design-build
22 contracts.

23 (c) Implementation.--The department shall implement the
24 program as follows:

25 (1) The department shall annually develop a list of all
26 highway projects that, in the department's discretion, are
27 suitable for a design-build contract. When determining
28 eligibility for a highway project for inclusion on the list,
29 the department shall analyze all highway projects which have
30 a total projected cost of at least \$100,000,000.

1 (2) The department shall develop a process for the
2 solicitation of bids, requests for proposals and awarding of
3 design-build contracts for highway projects contained in the
4 list required under paragraph (1).

5 (3) The department shall have the sole discretion to
6 accept and award design-build contracts under the program.

7 (4) No more than 25% of the aggregate dollar amount of
8 the department's highway projects in any fiscal year may be
9 completed through a design-build contract under the program.

10 (d) Applicability.--The provisions of 62 Pa.C.S. § 511
11 (relating to methods of source selection) shall not apply to the
12 program.

13 § 9703. Regulations.

14 (a) General rule.--In order to facilitate the implementation
15 of this subchapter, the department may promulgate regulations or
16 publish guidelines to implement any provision which is required
17 under this subchapter or which the department determines are
18 appropriate for implementation of this subchapter.

19 (b) Temporary regulations.--Notwithstanding any other
20 provision of law, any regulation promulgated by the department
21 under this subchapter during the two years following the
22 effective date of this section shall be deemed temporary
23 regulations which shall expire no later than three years
24 following the effective date of this section or upon
25 promulgation of final regulations. The temporary regulations
26 shall not be subject to any of the following:

27 (1) Sections 201, 202, 203 and 204 of the act of July
28 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
29 Documents Law.

30 (2) The act of June 25, 1982 (P.L.633, No.181), known as

1 the Regulatory Review Act.

2 SUBCHAPTER B

3 (Reserved)

4 Section 2. This act shall take effect in 60 days.