

1 SB178
2 165423-1
3 By Senator Orr
4 RFD: Transportation and Energy
5 First Read: 10-MAR-15

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8 SYNOPSIS: Under existing law, the Department of
9 Transportation has no authority to enter into road
10 construction projects and financial agreements with
11 public companies, partnerships, or ventures.

12 This bill would authorize the Department of
13 Transportation to enter into various types of
14 construction agreements and financing agreements
15 with other public and private entities for
16 constructing a public improvement and repairing its
17 buildings, offices, and other facilities.

18 This bill would require the department to
19 develop a process for evaluating and selecting
20 public improvement projects under these provisions.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT
25

26 To amend Section 23-1-40, Code of Alabama 1975; to
27 authorize the Department of Transportation to enter into

1 various types of construction agreements and financing
2 agreements for constructing a public improvement and for
3 repairing its buildings, offices, and other facilities; and to
4 require the department to develop an evaluation process and
5 procedures for selecting public improvement projects under
6 these provisions.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 23-1-40 of the Code of Alabama
9 1975, is amended to read as follows:

10 "§23-1-40.

11 "(a) It shall be the duty of the State Department of
12 Transportation to designate the roads to be constructed,
13 repaired, and maintained and to construct, standardize,
14 repair, and maintain roads and bridges of this state; and it
15 shall have authority to make contracts or agreements to
16 construct or pave the roadway only of the street or streets
17 which will serve to connect the state highway constructed or
18 repaired by the State Department of Transportation within any
19 municipality in the State of Alabama.

20 "(b) In such municipalities in which the State
21 Department of Transportation has not designated the street or
22 streets which are a part of the state highways constructed or
23 repaired by the State Department of Transportation, it shall
24 be the duty of the State Department of Transportation to
25 designate such street or streets. The State Department of
26 Transportation may also cooperate or contract with any
27 municipality or county in the paving or improving of any

1 street or streets, highway or highways, or walkway or walkways
2 upon which a state educational or eleemosynary institution, or
3 the property thereof, may front or abut; provided, that where
4 ~~said~~ the state educational or eleemosynary institution or the
5 property thereof fronts or abuts on both sides of such street
6 or streets, highway or highways, or walkway or walkways, the
7 State Department of Transportation is hereby authorized to and
8 shall expend an amount of money sufficient to cover the entire
9 cost thereof; provided further, that where such institution or
10 the property thereof fronts or abuts on only one side of such
11 street or streets, highway or highways or walkway or walkways,
12 the said department shall expend an amount of money sufficient
13 to cover only one half of the cost thereof; provided, that in
14 such case, with the special approval of the Governor, ~~said~~ the
15 department shall be authorized to expend a sum of money
16 sufficient for the entire cost and, provided further, the ~~said~~
17 department may also, with the special approval of the
18 Governor, improve or pave any street or streets, driveway or
19 driveways, including curb and gutter, and walkway or walkways
20 on, by or through the grounds upon which a state educational
21 or eleemosynary institution is located and to pay the entire
22 cost thereof.

23 "(c) The State Department of Transportation shall
24 cause to be made and kept in its office a general highway map
25 of the state which shall show all state roads.

26 "(d) The State Department of Transportation shall
27 collect information and prepare statistics relative to the

1 mileage, character, and condition of the roads and bridges in
2 all counties of the state.

3 "(e) The State Department of Transportation shall
4 investigate and determine the methods of road construction
5 best adapted to the various sections of the state and shall
6 establish standards for the maintenance of roads and bridges
7 which have been constructed with state aid.

8 "(f) The State Department of Transportation ~~may~~, at
9 all reasonable times, may be consulted by county and municipal
10 officials relative to any matter relating to the construction
11 of roads and bridges or culverts, and the department may also
12 call on all county and municipal officials for any information
13 or assistance it may require and it shall be their duty to
14 supply the same.

15 "(g) The State Department of Transportation shall
16 determine the character and have the general supervision over
17 the construction and maintenance of all the public roads,
18 bridges, and culverts in the state where the funds of the
19 state are used and shall have a general supervision over the
20 expenditure of any funds apportioned to any county of the
21 state for the construction and maintenance of all public
22 roads, bridges, and culverts in each county.

23 "(h) (1) In addition to any other authority to enter
24 into contracts for a public improvement as may be provided by
25 law, the State Department of Transportation may enter into
26 contracts, agreements, or understandings with any other public
27 and private parties including, but not limited to, all of the

1 following: Individuals, corporations, partnerships, joint
2 ventures, limited liability companies, and other private
3 parties; public or private partnerships, or both, or other
4 similar joint ventures; the federal government; any
5 department, agency, governmental or quasi-governmental body,
6 public corporation, instrumentality, or subdivision of the
7 United States, the State of Alabama, or any other state of the
8 United States, or any agency, governmental or
9 quasi-governmental body, instrumentality, or subdivision
10 thereof, for the purpose of developing a public improvement
11 project, or any part thereof, including, but not limited to,
12 the following:

13 "a. Design-build, design-build-operate,
14 design-build-own-operate, design-build-own-operate-maintain,
15 design-build-finance-operate-maintain, construction management
16 at-risk, construction manager general contractor or other
17 similar arrangements or agreements pursuant to which the
18 design, right-of-way acquisition, relocation of structures or
19 utilities, construction, financing, ownership, management,
20 maintenance, and operation, or any combination thereof, of a
21 public improvement project are accomplished by the department
22 or on behalf of the department by any of the entities or
23 methods provided for in this subsection.

24 "b. Leases, licenses, franchises, concessions, or
25 other agreements for the development, operation, management,
26 or undertaking of all or any part of a public improvement
27 project.

1 "(2) The public improvement project may be awarded
2 through any existing procurement authority, request for
3 proposals, solicited or unsolicited proposals, or other means
4 of procurement used for public improvement projects delivered
5 as provided in subdivision (1).

6 "(3) The department may enter into a contract for a
7 public improvement under this section when the estimated,
8 projected, or budgeted construction cost is not less than
9 fifty million dollars (\$50,000,000).

10 "(4) The department shall develop procedures to
11 implement this section, including, but not limited to,
12 proposal content, prequalification, applicant interview,
13 proposal evaluation, proposal negotiation, selection, and
14 award.

15 "(5) Notwithstanding any provision of law to the
16 contrary, proposals under this section with respect to public
17 improvement projects that the department determines can be
18 more efficiently accomplished by any of the means enumerated
19 in subdivision (1), may be evaluated and awarded by the
20 department based on qualifications of participants or best
21 value, or both, as evaluated by procedures of the department
22 and taking into consideration the best interest of the State
23 of Alabama."

24 Section 2. This act shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law.