



## Ohio Revised Code

### Section 5517.011 Design/build contracts for highways and bridges.

Effective: June 30, 2023

Legislation: House Bill 23

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(A) Notwithstanding section 5517.01 of the Revised Code, the director of transportation may establish a program to expedite the sale and construction of special projects by combining the design and construction elements of projects for transportation facilities as defined in section 5501.01 of the Revised Code into a single contract. The director shall prepare and distribute a scope of work document upon which the bidders shall base their bids. Except in regard to those requirements relating to providing plans, the director shall award contracts under this section in accordance with Chapter 5525. of the Revised Code.

(B) Notwithstanding any provision of Chapter 5525. of the Revised Code, the director may use a value-based selection process, combining technical qualifications and competitive bidding elements, including consideration for minority or disadvantaged businesses that may include joint ventures, when letting special projects that contain both design and construction elements of a transportation project into a single contract. If award of a contract to the best-value bidder is not in the best interest of the state, the director may do either of the following after requesting and obtaining the approval of the controlling board:

- (1) Accept another bid;
- (2) Reject all bids and then advertise for other bids.

(C) The total dollar value of contracts made under this section shall not exceed one billion dollars per fiscal year. The director may provide compensation for preparation of a responsive preliminary design concept to not more than two bidders who, after the successful bidder, submitted the next best bids. The director may establish policies or procedures necessary to determine the amount of compensation to be provided for each project and the method of evaluating the value of the preliminary design concept submitted, but in no instance may the compensation exceed the value of such concept.



(D)(1) Notwithstanding division (C) of this section, the director may award contracts under this section for a bridge project that spans the Ohio river for an amount not to exceed one billion five hundred million dollars. The project may include both of the following:

(a) The replacement, addition, improvement, or rehabilitation of a bridge or a system of bridges over the Ohio river;

(b) The replacement, addition, improvement, or rehabilitation of roadways providing for ingress to and egress from the bridge or system of bridges over the Ohio river within this state and any adjoining state.

(2) If the amount of the contracts entered into under division (D)(1) of this section exceeds one billion five hundred million dollars, the director shall appear before the controlling board to request additional contracting authority beyond the one billion five hundred million dollar threshold. The controlling board may approve the request at its discretion.

(3) The director may provide compensation for preparation of a responsive preliminary design concept under division (D) of this section to not more than three bidders. The director may establish policies or procedures necessary to determine the amount of compensation to be provided for the project and the method of evaluating the value of the preliminary design concept submitted, but in no instance may the compensation exceed the cost to develop such concept.

(4) The authority granted under division (D) of this section is granted for the purposes of any application for available federal funding. Any such federal funding awarded shall be expended only pursuant to appropriations made by the general assembly after August 31, 2022.