**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5312**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Brewer, Murphy, Mitchell, Yow, Sessions, Guffey, Leber, Bustos, Brittain, Guest, Bradley, Haddon, Herbkersman and G.M. Smith

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Introduced in the House on March 21, 2024

Currently residing in the House Committee on **Ways and Means**

Summary: Department of Transportation

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/21/2024 House Introduced and read first time (House Journal‑page 17)

 3/21/2024 House Referred to Committee on **Ways and Means** (House Journal‑page 17)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5312&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/21/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5312_20240321.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-5-1710 SO AS TO PROVIDE THE DEPARTMENT OF TRANSPORTATION MAY ESTABLISH AND IMPLEMENT A PILOT PROJECT TO AWARD CONTRACTs USING THE “PROGRESSIVE DESIGN-BUILD” PROJECT DELIVERY METHOD.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 11, Chapter 5, Title 57 of the S.C. Code is amended by adding:

 Section 57-5-1710. (A) As contained in this section, “Progressive Design-Build” means a project delivery method that uses a stepped, or progressive qualifications-based selection process, followed by a progression to a contract price. The Department of Transportation must select the Progressive Design-Build team exclusively on qualifications, without consideration of schedule or costs, which must deliver the project in two distinct phases with two separate contracts. The Progressive Design-Build team is initially under contract for preconstruction activities, including but not limited to, developing preliminary designs, performing constructability reviews, and developing construction schedules and pricing. If the department and the Progressive Design-Build team reach agreement on a guaranteed maximum construction cost, the department and the Progressive Design-Build team will execute a second contract for completion of the preliminary designs and construction of the project.

 (B) Notwithstanding any other provisions contained in this article to the contrary, the department may establish and implement a pilot project to award contracts for up to ten transportation projects using the Progressive Design-Build project delivery method. The department may only award a contract under this section if the department:

 (1) determines the project cost is less than five hundred million dollars ($500,000,000);

 (2) determines that it is in the public’s interest to use the Progressive Design-Build project delivery method;

 (3) prequalifies the prime contractor and lead designer firm that will be awarded the contract;

 (4) complies with the preaward reporting requirement set forth in subsection (C); and

 (5) establishes and implements Progressive Design-Build guidelines, as required under subsection (D).

 (C) Prior to the award of a contract under this section, the department shall submit a preaward report to the State Fiscal Accountability Authority on the nature and scope of the project and the reasons the Progressive Design-Build procurement project delivery method will best serve the public interest. Upon completion of a project awarded under subsection (B), the department shall submit a postcompletion report to the General Assembly detailing the project results, including any cost and time efficiencies achieved using the Progressive Design-Build project delivery method. This report must include a cost analysis comparing the use of Progressive Design-Build for awarding contracts with the award of contracts under the existing procedure.

 (D) The department shall develop and implement Progressive Design-Build guidelines for awarding contracts under subsection (B).

 (E) This section expires upon submission of the postcompletion report required under subsection (C) for the final project completed under the authority contained in subsection (B).

SECTION 2. This act takes effect upon approval by the Governor.

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