

Chapter 14 *Design Build*

Design-build is a method of project delivery in which the Washington State Department of Transportation (WSDOT) executes a single contract with one entity (the Design-Builder) for design and construction services to provide a finished product.

14-1 Rules

14-1.1 *Federal Regulations*

[23 CFR 635.309\(p\)](#).

23 CFR 710.313. Following are the relevant portions of this federal regulation which addresses the Real Estate requirements pertaining to Design-build projects:

- A. In the case of a design-build project, right of way must be acquired and cleared in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the WSDOT's right of way procedures. The WSDOT shall submit a right of way certification in accordance with [23 CFR 635.309\(p\)](#) when requesting FHWA's authorization. If the right of way services are included in the Request for Proposal document, the WSDOT shall ensure that right of way is available prior to the start of physical construction on individual properties.
- B. The decision to advance a right of way segment to the construction stage shall not impair the safety or in any way be coercive in the context of 49 CFR 24.102(h) with respect to unacquired or occupied properties on the same or adjacent segments of project right of way.
- C. Certain right of way acquisition and clearance services may be incorporated into the design-build contract if allowed under State law.

Note: If WSDOT elects to have the right of way acquisition and related services performed under a design-build contract the additional requirements of 23 CFR 710.313(c) and (d) will apply.

14-1.2 *State Procedures*

Secretary's Executive Order Number [E 1059](#) *Organization Conflicts of Interests*, dated July 10, 2009

[Design Build Manual](#)

[Design Manual](#) Chapter 110

14-1.3 *References*

[RCW 39.10.300](#) *Design-build procedure – Uses*

[RCW 39.10.320](#) *Design-build procedure – Project management and contracting requirements*

[RCW 39.10.330](#) *Design-build contract award process*

14-2 Acquisition of Right of Way

- A. If the WSDOT elects to perform all right of way services relating to the design-build contract, the provisions in [23 CFR 710.309](#) will apply. The appraisal, acquisition, property management, and relocation processes outlined in this manual shall be followed. WSDOT will notify potential bidders of the status of all right of way issues in the request for proposal document. [Chapter 16](#) further describes the requirements for using consultants to perform these activities on design-build projects.
- B. If right of way services are performed under the design-build contract, the requirements of [Chapter 16](#) apply.