

SENATE BILL No. 375

By Committee on Ways and Means

Proposed Amendments
2020 Senate Bill No. 375
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FORWARD program with 3/9/20 and 3/10/20
amendments

1 AN ACT concerning transportation; providing for the FORWARD
2 transportation program; amending K.S.A. 68-416, 68-2315, 68-2316,
3 75-5035, 75-5048, 75-5061, 79-3603 and 79-3703 and repealing the
4 existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) In order to plan, develop and operate or
8 coordinate the development and operation of the various modes and
9 systems of transportation within the state, the secretary of transportation is
10 hereby authorized and directed to initiate a FORWARD transportation
11 program.

12 (b) (1) The FORWARD transportation program shall provide for the
13 construction, improvement, reconstruction and maintenance of the state
14 highway system. The program shall provide for the selection of projects
15 that will allow for the flexibility to meet emerging and economic needs.
16 Program expenditures may include, but may not be limited to, the
17 following:

18 (A) Preservation projects to efficiently maintain a state highway
19 system in its original or improved condition and in a state of good repair.
20 ~~The secretary shall determine the average annual preservation investment~~
21 ~~needed to maintain the state highway system in a state of good repair by~~
22 ~~determining the annual preservation investment needed using Kansas~~
23 ~~department of transportation performance measures.~~ It is the intent of the
24 legislature that the secretary, prior to completion of the FORWARD
25 transportation program, shall spend or encumber from the state highway
26 fund preservation projects in an amount equal to or exceeding 10 times the
27 determined average annual preservation investment;

28 (B) preservation plus projects to efficiently maintain a state highway
29 system and include additional safety or technology elements, or both, in
30 the preservation project. Such additional elements may include, but may
31 not be limited to, adding paved shoulders, adding passing lanes, adding
32 traffic signals, adding intelligent transportation system elements or laying
33 broadband fiber or the conduit for broadband fiber. It is the intent of the
34 legislature that the secretary has the authority to enhance preservation plus
35 projects with the addition of safety or technology improvements, or both;

36 (C) expansion and economic opportunity projects, that include

ADOPTED 3/9/20
The secretary shall establish targets for the state highway system condition that reflect the reasonable realistic expectations that have historically existed in providing a safe and efficient state highway system. The secretary shall utilize reasonable, sound and accepted methods to determine the annual preservation investment needed to achieve the state targets and provide optimum cost effectiveness in keeping the long-term system condition meeting targets.

ADOPTED 3/9/20
The secretary shall manage cash-flow and project lettings such that there is reasonable assurance that preservation will be fully funded each year.

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Pursuant to this paragraph, preservation projects refers to existing infrastructure.

1 notify the director of accounts and reports to transfer all remaining and
2 unencumbered funds from the broadband infrastructure construction grant
3 fund to the state highway fund.

4 New Sec. 4. (a) The FORWARD transportation program shall allow
5 the secretary of transportation to award certain state highway system
6 projects using alternative delivery procurement methods other than award
7 of a design-bid-build contract to the lowest bidder as provided in K.S.A.
8 68-410, and amendments thereto, subject to the following:

9 (1) Projects selected for alternative delivery shall not include
10 preservation projects as defined in section I, and amendments thereto;

11 (2) alternative delivery may be used on ~~all projects utilizing toll~~
12 ~~revenues for construction and maintenance of the project; and~~

13 (3) not more than 5% of dollars spent in the FORWARD
14 transportation program shall be used on alternative delivery. The dollar
15 value of ~~projects utilizing toll revenues and~~ projects obtained through
16 federal grants shall not be considered in determining this 5% limit.

17 (b) In addition to the requirements in subsection (a), alternative
18 delivery projects in the FORWARD transportation program shall be
19 subject to the following requirements and restrictions:

20 (1) Procurement methods for transportation alternative delivery
21 projects may provide for a single contract or multiple contracts that
22 include, but are not limited to, services for preconstruction, design,
23 construction, construction management, maintenance, operation, financing
24 or a combination thereof;

25 (2) the Kansas department of transportation shall develop and utilize
26 criteria for selecting whether alternative delivery or design-bid-build
27 procurement process is in the best interest of the state. No project will be
28 selected for alternative delivery without having been evaluated under the
29 selection criteria established by the department. The selection criteria shall
30 include, but not be limited to, the need for accelerated schedule, safety
31 needs, project complexity, opportunity for innovation and economic
32 development;

33 (3) the Kansas department of transportation shall develop and utilize
34 procedures for advertising proposals, receiving proposals, evaluating
35 proposals, awarding contracts and administering contracts in its alternative
36 delivery procurement program, and the procurement procedures in K.S.A.
37 68-408 through 68-410, 75-430a and 75-5804 through 75-5807, and
38 amendments thereto, shall not apply to transportation alternative delivery
39 projects.

40 (c) Notwithstanding any requirements set forth in subsections (b) or
41 (c), the alternative delivery procedures shall include:

42 (1) A two-phase best value competitive selection or contracting
43 process in which the first phase consists of short listing no more than four

ADOPTED 3/10/20
three

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. One project utilizing toll revenues may be let to
construction once every three years

the three projects utilizing toll revenues referenced
in paragraph (2) and

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(4) Any project utilizing alternative delivery shall
equal or exceed \$100,000,000 in costs.