

**Title 7—DEPARTMENT OF TRANSPORTATION**  
**Division 10—Missouri Highways and Transportation Commission**  
**Chapter 24—Design-Build Project Contracts**

**7 CSR 10-24.020 General**

*PURPOSE: This rule sets forth the scope of the chapter.*

(1) This chapter describes the commission's policies and procedures for approving design-build projects financed under Title 23, *United States Code* (U.S.C.) by use of state funds, by use of funds of local public agencies or counties, or any combination of fund sources. This chapter satisfies the requirement of 227.107, ~~RSMo Supp. 2004~~. The contracting procedures of this chapter apply to all design-build projects undertaken by the commission. All acquisitions under these rules ~~shall be~~ are competitive acquisitions.

(2) The provisions of this chapter apply to all design-build projects within the state highway system, interstate or National Highway System (NHS) highway or linked to a federal-aid highway project (i.e., the project would not exist without another federal-aid highway project).

(3) The commission is neither requiring nor promoting the use of the design-build contracting method. The design-build contracting technique is optional and its use limited by law.

(4) Relations of the National Environmental Protection Act (NEPA) review process to the design-build procurement process.

(A) A commission Request for Qualification (RFQ) solicitation may be released prior to the conclusion of the NEPA review process as long as the RFQ solicitation informs proposers of the general status of the NEPA process.

(B) A commission Request for Proposal (RFP) may be issued prior to the conclusion of the NEPA process as long as the RFP informs proposers of the general status of the NEPA process and that no commitment will be made as to any alternative under evaluation in the NEPA process, including the no-build alternative as defined in 23 CFR 636.109. Title 23 CFR section 636.109 is incorporated by reference into and made a part of this rule as published by the United States Superintendent of Documents, 732 N Capitol Street NW, Washington, D.C. 20402-0001, website: <http://bookstore.gpo.gov> on January 1, 2012. This rule does not incorporate any subsequent amendments or additions to the Code of Federal Regulations in 23 CFR 636.109. ~~will not be released prior to the conclusion of the NEPA process. The NEPA review process is concluded with either a Categorical Exclusion (CE) classification, an approved Finding of No Significant Impact (FONSI), or an approved Record of Decision (ROD) as defined in 23 CFR 771.113(a).~~

(C) A commission RFP must address how environmental commitments and mitigation measures identified during the NEPA process will be implemented.

*AUTHORITY: sections 226.020, RSMo 2000 and 226.030 and 227.107, RSMo Supp. 2004.\* Original rule filed Aug. 15, 2005, effective Feb. 28, 2006.*

*\*Original authority: 226.020, RSMo 1939; 226.030, RSMo 1939, amended 1965, 2003, 2004; and 227.107, RSMo 2002.*