

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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DESCRIPTION

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2001 HOUSE TRANSPORTATION

HB 1166

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1166

House Transportation Committee

Conference Committee

Hearing Date January 12, 2001

Tape Number	Side A	Side B	Meter #
1	X		56
Committee Clerk Signature <i>Louise B. Fink</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1166; A Bill for an act to amend and reenact section 48-01.1-04 of the North Dakota Century Code, relating to the department of transportation procuring plans and specifications for buildings to be used for the storage and housing of road materials, machinery, equipment, and tools.

Tom D. Freier (56) Deputy Director of the Department of Transportation spoke for the Department at whose request HB 1166 was introduced. See a copy of his written testimony attached.

Rep. Thoreson: I am not really clear as to what type of pole buildings you are talking about.

Tom Freier: The buildings are usually steel frame construction. Metal type buildings like you would see out on the farms. They are insulated. They are not in the shape of a quonset but they are similar to that. In the newer buildings we are now trying to get the vehicles in from two sides. They are now of such a size that we no longer have to drop the plows off to get the vehicle in.

Rep. Carlson: (641) I am in agreement with what you are trying to do here. It is my understanding that most of these buildings are pre-engineered and designed and stamped as you buy them. It appears to me to be real redundant to hire someone to hire an engineer or an architect to stamp it when the building is already the responsibility of the company selling them --

for snow and wind. Am I missing something there, are you doing odd designs that would not be covered by the companies that normally package these things by sizes and pre-engineered.

Tom Freier: No, you stated the case better than I did. They usually have the designs we need.

However, if you hire an architect, their drawings may be slightly different and then the companies, then vendors may have to have extra dollars to put together a design for that building. If the span is off a little bit then they may have to add additional spans or something like that and that costs us extra.

Rep. Thereson: (782) These are used primarily for storage aren't they? Or, are some of them finished out inside and for warm weather shop use?

Tom Freier: They are insulated. We do keep a temperature in there at about 45 degrees so that our equipment is sure to start in the winter time. We do a certain amount of work in these buildings. We do a little bit of welding, the kind of welding we wouldn't take to a welder or something that has to be done on the spur of the moment. In the old buildings it was one big building that had corner in that was an office. That was not quite so good as it should be because of fumes and different things like that. In the newer buildings we are boxing off the office little better but basically they are for storage. There are other buildings we build which don't come under this dollar amount.

Rep. Thorpe: (910) Heavy duty wiring, plumbing and things like that do you have people in the Department capable of handling that, or licensed or how is that handled?

Tom Freier:(940) We wouldn't be doing that that would be a part of the contract--- although I will say that in certain cases the section crew members themselves do just a few things if we can save a couple of dollars like sheet rock work and put partitions in place and anything we can do will do -- but we wouldn't be involved in wiring and the like.

Rep. Ruby: (980) I am assuming that when an architect designs the building he takes on the responsibility for design flaws. With these predesigned buildings does the company that sell these building take on that responsibility?

Tom Freier: (1016) That is exactly what happens and beyond that our specifications would have a lot to do with that.

Rep. Mahoney: Your bill has a two part thing here, one where you can have the in-house engineer and the other part where you can have the vendor. These are some fairly substantial buildings when there is \$100, 000 involved --- wouldn't you want your engineers involved either way?

Tom Freier:Our engineers or people like Mr. Horner(the Department Maintenance Engineer) here are definitely involved in the preliminary looking at the specs and coming up with the specs and then working with the vendor to approve that building to meet our specs--- so our engineers would be involved. What we are saying is that in different locations we wouldn't necessarily need a different building at each location. So when we go to a vendor, he will tell us

whether that building fits our need in that location. If that is the case the hopefully we have saved ourselves the architects cost of 6% at that location.

Rep. Mahoney: If I may continue, you said this building has been pre-approved. Then the question is pre-approved by who?

Tom Freier: If we go to a vendor and he has 10 different types of buildings and does he have one of those building which meet our specs. If that is the case that one does, then we have accomplished our purpose.

Rep. Mahoney: (1283) To meet your specs, then you are talking about your people -- your engineers, I but I was wondering about the wording at the last there. Does the vendor make the selection, wouldn't you want your engineers involved?

Jerry Horner: We would put the specs together-- this is the size building we need -- these are the specs, these are the things we need, etc. and we give that to the vendor or any number of vendors who would be bidding of it will give a dollar amount. Then our people would then review their price to us. They have already done all the design and architectural work on one of those ten types of buildings. We wouldn't have to duplicate that work.

Rep. Pollert - Vice Chairman: (1393) So basically someone at the DOT is going to write off on the as far as the approval is concerned. That is before anything goes ahead. Right?

Jerry Horner: Right. One thing I like to add here is that we make a list of the things like sizes and dimensions and we give that to the people in this business and I have compiled a list like of about 10 vendors in the state. This is for pre-designed design build concepts and when we do this we ask that vendor to tell us what design elements are critical to this building -- such as the footings.

the concrete, etc. -- we asked that those be furnished us with a registered professional engineers stamp on it. We feel this adequate and this the general way this business is done.

Rep. Schmidt: Am I right that if this bill was in effect this last biennium the state would have saved \$35,000?

Tom Freier: That is correct. I might add that as we went out to the vendors in the last biennium or in the last go around they did come back to us, a number of vendors did tell us, that if the architectural drawings hadn't been so specific, we would have had buildings that would have worked for you. But given that we have to conform to the architects design and since we don't so we are going to have to go out and design a specific building for you. That sort of takes them out of the competitive bid.

Rep. Carlson: Just a comment this makes so much sense that we shouldn't have to belabor this and having had some experience pre-engineered steel buildings I can tell you that you that the last thing you need is some architect. They are providing all the engineering facts, the footings, specs and all the design features you need and I am telling you that this will save the state some money.

Rep. Thoreson: (1714) On line 10 could you tell me what that means - the specifications of a licensed architect or registered professional engineer ?

Tom Freier: Presently, as it would be our plans have to come from one of those.

Rep. Thoreson: Then on line 17 it says, the first part of that says a registered professional engineer. Now are the people that you employee registered professional engineers?

Tom Freier: Yes they are.

Rep. Thoreson: So isn't line 17 the same as line 10?

Tom Freier: (1718) What we are intending here is the registered engineer would be internal to the DOT.

Rep. Thoreson: But line 10 doesn't exclude people employed by the DOT.

Tom Freier: I guess I don't have a good answer for you.

Jerry Horner: To respond to you on that. Yes we have the engineers in the department that can do that internally. But don't want to set aside a special function for this or an activity in that area. We want to be up front with the architect world and we want to be up front with the public and that this is what we intend to pursue for these types of buildings.

Rep. Jensen: (2073) I understand what you are asking for in this bill but am wondering about, doesn't this give carte blanche to your department to avoid using an architect on larger projects unless there is some provision somewhere that I am not aware of --how do we make sure that what we are giving you permission to do is limited to metal buildings?

Tom Freier: I think it delineates that in the bill. If we were going to build a district office building or anything like that this would not apply.

Rep. Jensen: Could you show me where it says that in the bill?

Tom Freier: In the title. For housing road machinery and materials.

Rep. Jensen: That makes sense.

Rep. Mahoney: I guess I don't disagree that these contractors have good products but I would assume that if you are going over \$100,000 you are going to have an engineer involved. With the second part the added language says " or procured by the building supplier". Do you really

feel that that is needed because any building procure that is over \$100,000 I assume you are going to have your engineering department somewhat involved aren't you as far as what you need for specs and plans? I guess that is my only real concern with this bill.

Jerr Hoerner: (2269) That is not just the way we operate, whether this would be at the section level, or district or department we would always have engineers involved whether it is for salt storage or equipment.

Rep. Mahoney: I would assume that you always would have staff engineers involved but as a lawyer we are supposed to be pessimistic and look at the worst case scenario--- it is possible under this new language you wouldn't have to use your engineering staff at all.

Rep. Hawken: Would not your engineers write the specs initially so that your engineers are involved from the get-go so they would be involved..

Jerry Horner: Yes, as we stated before.

Rep. Thoreson: (2460) On that same issue , line 10 and line 17 say basically the same thing but line 17 has the added language " or procured by the building supplier" yet they appear to be doing the same thing --- one is for the department of transportation and one for that agriculture experiment station. Is there something different between those two sentences?

Tom Freier: Probably not. If there is a difference it may be that we have the engineers.

Bonnie Larson Stalger (2609), Executive Director of the American Institute of Architects North Dakota Chapter (AIA North Dakota) - Lobbyist No. 215 - appeared in opposition to HB 1166.
See her written testimony copy attached.

Rep. Mahoney: Mr. Chairman I was just going to mention that 24-03- 14 is a real short sentence in case any body is interested. It states basically the DOT Director has the authority to buy land and materials for the storage of road equipment and materials.

Rep. Weisz - Chairman Ms. Staiger, your main concern is public occupancy buildings, isn't that right?

Ms. Staiger: I am not a lawyer, but I share with Mr. Mahoney his concern with the wording of this bill.

Rep. Jensen: If I understand you correctly you are concerned about the erosion of the \$100,000 amount. If there was a dollar amount written into this bill to \$175,000 Or \$150,000 dollars would that satisfy some of your concerns.

Ms. Staiger: I think that would go a long ways.

Rep. Weisz - Chairman (3162) There being further testimony, the hearing for testimony was closed.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1166 B

House Transportation Committee

Conference Committee

Hearing Date January 19, 2001

Tape Number	Side A	Side B	Meter #
1		X	488
Committee Clerk Signature <i>Louise L. Zink</i>			

Minutes: Rep. Weisz - Chairman opened the discussion on HB 1166.

Rep. Mahoney: I move we 'red line' line 17 the words 'if the engineer is' and on line 18 place a 'period' after transportation and red line 'or procured by the building supplier'.

Rep. Hawken: Moved to approve the amendments as stated by Rep. Mahoney changing lines 17 and 18.

Rep. Carlson: Seconded the motion.

Motion carried on voice vote.

Rep. Carlson: Moved a 'Do Pass as amended' for HB 1166.

Rep. Hawken: Moved to second the motion.

Roll call vote: 12 ayes 0 nays 2 absent

Rep. Schmidt was assigned to carry HB1166 on the floor.

