

Design-Build and Construction Manager At-Risk Statutory Matrix

State / Jurisdiction	Express Design-Build Authority for Vertical Constr'n?	Design-Build Authorized by Whom or for What Projects	Design-Build Definitions	Arch. on Design-Build Team?	Method of Selecting Design-Builder	Required Stipend to Non-Selected Design-Build Offerors?	Indep. Design-Build Arch. or Consultant?	CM at Risk Authority for Vertical Constr'n?	CM at Risk Authorized by Whom or for What Projects	Sequence of Contracts for Arch. & CM	Combined Preconstr'n & Constr'n Services Contract for CMAR?	Architect's Role in CMAR Method	Competitive Bidding for Construction Projects in State?
Alabama	No	-	-	-	-	-	-	No	-	-	-	-	Yes. Ala. Code § 39-5-6 (2013).
Alaska	No	Not expressly authorized, however, because "any type of contract that will promote the State's best interests may be used," the State's authority to contract using the design-build project delivery method may be inferred. Alaska Stat. Ann. § 36.30.370 (West 2013).	"Design-build construction contract' means a contract to provide construction in accordance with a design provided by the contractor." Alaska Stat. Ann. § 36.30.990.	Not specified	Design-build contracts awarded based on competitive sealed proposals. Agency may use multi-step sealed proposals in which unpriced technical offers are considered first and an RFP is issued to shortlisted qualified offerors. The contract is awarded to the offeror determined "to be the most advantageous to the state." Alaska Stat. Ann. §§ 36.30.210, .250, .265; <i>see generally</i> , §§ 36.30.200-.270.	Not specified	Not specified	Yes	Not expressly authorized or discussed, however, because "any type of contract that will promote the State's best interests may be used," the State's authority to contract using the construction manager at-risk project delivery method may be inferred. Alaska Stat. Ann. § 36.30.370 (West 2013).	Unknown	Unknown	Unknown	Generally, yes. Alaska Stat. Ann. §§ 36.30.100, .200(a) (West 2013).



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Arizona	Yes	State agencies and dep'ts, counties, municipalities, local boards and commissions, the school facility board, and school districts are authorized to use design-build to construct public buildings or structures, or for certain special purposes. Ariz. Rev. Stat. §§ 41-2582(A)(3) (state agencies, dep'ts, bureaus, etc. for public bldgs.), 34-602(A)(3) (counties, municipalities, local boards or comm'ns for public bldgs.), 15-2002(I) (school facility board for correcting existing deficiencies in school dist. facilities), 15-213(H)-(I) (school dists. for school facilities), 5-807(C) (multipurpose tourism and sports facilities), 48-4204(E) (stadiums), 48-6231(C) (theme parks) (2013); see generally , Ariz. Rev. Admin. Code § R7-2-1116 (2013) (use of design-build by school districts).	"Design-build" is "a project delivery method in which: (a) There is a single contract for design services and construction services, except that instead of a single contract for design services and construction services, the purchasing agency may elect separate contracts for preconstruction services during the design phase, [and] for construction and design services during the construction phase (b) Design and construction of the project either: (i) [S]equential [or] (ii) Concurrent [and] (c) Finance services, maintenance services, operations services, preconstruction services and other related services may be included." Ariz. Rev. Stat. §§ 34-101(4), 41-2503(13); see , § 48-4204(E)(1) .	Not required. See , Ariz. Rev. Stat. §§ 34-605(E)(1), 41-2580(E)(1).	Design-build contracts may be awarded using qualifications-based selection or a two-step (qualifications first, proposals second) best value process. Ariz. Rev. Stat. §§ 34-602(C), -603, 41-2578 , -2582(C), 48-4204(E).	Yes, a stipulated fee is awarded to unsuccessful short-listed offerors in consideration for the right to use ideas or information contained in the offerors' proposals. Offeror may elect to waive fee and retain exclusive ownership of ideas and information provided in proposal. Ariz. Rev. Stat. §§ 34-603(F)(11), 41-2578(F)(11).	No	Yes	State agencies, dep'ts, or bureaus, counties, municipalities, local boards or commissions, the school facilities board, and school districts are authorized to use construction-manager-at-risk to construct public buildings and structures. Ariz. Rev. Stat. §§ 41-2582(A)(2), 34-602(A)(2), 15-2002(I) (school facilities board for correcting existing deficiencies in school dist. facilities), 15-213(H)-(I) (school dists. for school facilities); see generally , 41-2503(5)-(6), (33), (35), 34-101(1), (4)-(5) (2012); Ariz. Admin. Code § R7-2-1116 (2013).	"The contract for construction services may be entered into at the same time as the contract for design services or at a later time." Ariz. Rev. Stat. § 41-2503(5)(b); accord , § 34-101(4)(c)(i)-(ii).	"[S]eparate contracts for preconstruction services during the design phase, [and] for construction during the construction phase" may be required or used at the governmental body's election depending on whether certain provisions are triggered. Ariz. Rev. Stat. §§ 34-101(4)(a), -603(C)(1)(c)(i), -605(B), 41-2503(5)(a), -2578(C)(1)(c)(i), -2580(B).	Not specified	Yes. Ariz. Rev. Stat. § 41-2532 (2012).

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Arkansas	Yes	Any school district may use design-build to construct, alter, or improve structures or real property owned by the school district. Ark. Code Ann. § 19-11-807(b)(1) (2013).	"'Design-build' means a project delivery method in which the school district acquires both design and construction services in the same contract from a single legal entity, referred to as the 'design-builder,' without competitive bidding . . . 'Design-builder' means any individual, partnership, joint venture, corporation, or other legal entity that . . . furnishes the necessary design services, in addition to the construction of the work, whether by itself or through subcontracts, including, but not limited to, subcontracts for architectural services . . ." Ark. Code Ann. § 19-11-807(a).	Not required. <i>See</i> , Ark. Code Ann. § 19-11-807(a)(2)(A) (design-builder may subcontract architectural services).	School districts use a two-step process to select design-builders. Step one: a request for qualifications is issued, and responses are evaluated and scored. Step two: a request for proposals is issued to short-listed design-builders, and responses are evaluated and scored. The contract is awarded to the highest overall-scoring design-builder. Ark. Admin. Code § 203.00.6-6.00; <i>see generally</i> , Ark. Code Ann. § 19-11-807(a)(1) ("'Design-build' means a project delivery method . . . without competitive bidding . . .").	Not specified. <i>See generally</i> , Ark. Code Ann. § 19-11-807(c) ("The Division of Public School Academic Facilities and Transportation of the Department of Education shall develop and promulgate rules . . . concerning the use of design-build construction by school districts.")	Not specified. <i>See generally</i> , Ark. Code Ann. § 19-11-807(c) ("The Division of Public School Academic Facilities . . . of the Department of Education shall develop and promulgate rules . . . concerning the use of design-build construction by school districts.")	Yes	The State, and the agencies and political subdivisions thereof are authorized to use construction management at-risk for projects with a cost exceeding \$5,000,000, subject to certain restrictions. Ark. Code Ann. §§ 19-4-1415, 19-11-801 (2013).	Unknown	Yes. <i>See generally</i> , Ark. Code Ann. § 19-11-801(d)(2)(B).	Unknown	Yes. Ark. Code Ann. § 19-11-228 (West 2013); <i>but see</i> , § 19-11-801(b), (d) (competitive bidding requirements do not apply to construction manager at-risk contracts).

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California	Yes	Design-build is authorized for certain projects by certain governmental entities. Cal. Gov. Code §§ 14661-14661.1 (legislature may authorize design-build for a particular project to construct state office and prison facilities, buildings or structures); Educ. §§ 81702(a), 17250.10, .20 (community college districts and school districts may enter into design-build contracts for construction of school facilities for project with cost exceeding \$2,500,000 when it's in the best interest to use DB after evaluating traditional DBB process and finding DB will reduce comparable project costs, expedite project's completion, or provide features not achievable through traditional DBB method); Pub. Con. § 20175.2(a)(1) (cities "may utilize an alternative procedure for bidding on building construction projects in the city in excess of . . . \$1,000,000"); Gov. § 8169.5(a)-(b) (City of Sacramento permitted to use DB for construction of office and parking facilities acquired and developed in furtherance of the Capitol Area Plan).	"Design-build' means a procurement process in which both the design and construction of a project are procured from a single entity." "'Design-build entity' means a partnership, corporation, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed." "'Design-build team' means the design-build entity itself and the individuals and other entities identified by the design-build entity as members of its team." Cal. Gov. Code § 13332.19(a)(1)-(5); Educ. § 17250.15(b)-(c), 81701(b)-(c); Pub. Con. § 6801(c)-(e) (West 2013).	Not specified	The method used to select design-build entity varies upon the governmental entity, cost, or other factors. Generally, however, contracts are awarded according to the proposer offering the best value as determined by a combination of qualifications and proposals. Cal. Gov. Code § 14661; Educ. § 17250.25; Pub. Con. § 20175.2.	Not specified	An architect may be retained throughout the course of a project to oversee, inspect, and ensure compliance. Cal. Educ. Code §§ 17250.35(a)-(b), 81705(a)-(c); Pub. Con. § 20175.2(i).	Unclear	Construction manager/general contractor is authorized for public transit projects, though it is unclear whether that includes the construction or buildings. <i>See generally</i> , Cal. Pub. Con. Code §§ 6700-6701, 6951(b) (West 2013).	Unclear	Separate contracts for preconstruction services and construction services are used. Cal. Pub. Con. Code §§ 6703, 6954 (West 2013).	Unclear	Generally, yes.

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Colorado	Yes	State, county, and municipal gov'ts, and the agencies thereof, may use integrated project delivery methods to design and construct public projects, including educ. facilities, so long as their use "represents a timely or cost-effective alternative." Though design-build is not expressly authorized, it may reasonably be concluded that it is conceptually encompassed within the definition of "integrated project delivery." Colo. Rev. Stat. Ann. §§ 24-93-102 to -104 (state gov't), 30-20-1102 to -1104, 31-25-1302 to -1304 (municipal gov't) (West 2013); <i>see generally</i> , Integrated Delivery Method for Public Projects Act, Colo. Rev. Stat. Ann. §§ 24-93-101 to -108; Integrated Delivery Method for County Public Improvements Act, Colo. Rev. Stat. Ann. §§ 30-20-1101 to -1108; Integrated Delivery Method for Municipal Public Improvements Act, §§ 31-25-1301 to -1307.	"'Integrated project delivery' or 'IPD' means a project delivery method in which there is a contractual agreement between an agency and a single participating entity for the design, construction, alteration, operation, repair, improvement, demolition, maintenance, or financing, or any combination of these services, for a public project. 'IPD contract' means a contract using an integrated project delivery method." A "'contract' means any agreement for designing, building, altering, repairing, improving, demolishing, maintaining, or financing a public project." 'Participating entity' means a legal entity that provides appropriately licensed planning, architectural, engineering, development, construction, operating, or maintenance services as needed in connection with an IPD contract." A "public project" is defined as the construction, alteration, or improvement of any land, building, or structure "intended for use in the promotion of the public health, welfare, or safety," or for "public purposes." Colo. Rev. Stat. Ann. §§ 24-93-103(2), (4)-(7), 30-20-1103(2), (4)-(8), 31-25-1303(2), (4)-(8).	Not required	A two-step (step 1: request for qualifications, step 2: request for proposals) "best value" method is used to solicit and award IPD contracts. Colo. Rev. Stat. Ann. §§ 24-93-105 to -106, 30-20-1105 to -1106, 31-25-1305 to -1306.	Notice of a stipend, if any, to be paid to non-selected, short-listed offerors will be published in the request for proposals. Colo. Rev. Stat. Ann. §§ 24-93-106(3)(h), 30-20-1106(1)(h), 31-25-1306(1)(h).	Not required	Yes	Not expressly permitted or prohibited; however, because "any type of contract which will promote the best interests of the state may be used," the authority to use construction manager at-risk may be inferred. Colo. Rev. Stat. Ann. § 24-103-501; <i>accord</i> , §§ 24-92-108, 24-103-501; <i>see also</i> , § 24-103-208.	-	-	-	Yes. Colo. Rev. Stat. Ann. § 24-103-201

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Conn.	Yes	State agencies are authorized to use design-build. The Commissioner of Construction Services may designate projects as "total cost basis" projects, and "enter into a single contract with a private developer," "for such project elements as site acquisition, architectural design and construction." Conn. Gen. Stat. § 4b-24b(b) (West 2012); Conn. Agencies Regs. §§ 4b-24-1 to -8; <i>see also</i> , Conn. Gen. Stat. § 4b-55(a); <i>see generally</i> , §§ 4b-24(4), -91(g).	In the state agency context, "'design-build team' means design and construction professionals that join together to submit a proposal for the department's consideration" Conn. Agencies Regs. § 4b-24-2(1).	Yes. Conn. Agencies Regs. § 4b-24-2(1) ("design-build team" definition).	Design-build contracts are awarded using a two-step process. In the first step, responses to the request for proposals are evaluated and ranked. In the second step, the top four ranked offerors are interviewed and ranked again. The highest ranked team is awarded the contract. Conn. Agencies Regs. §§ 4b-24-4 to -8.	No	Not required	Yes	The Commissioner of Construction Services is authorized to use construction manager at-risk for capital improvement projects. Conn. Gen. Stat. §§ 4b-103(a), 4b-1 (West 2013); <i>see also</i> , § 10a-109n(c)(9).	Not specified	Not specified	Unclear	Yes. Conn. Gen. Stat. Ann. § 4b-91(a) (West 2013).
Delaware	No	Design-build is neither expressly authorized nor prohibited, but may only be used as an exemption to state procurement laws on a case-by-case basis. Del. Code Ann. Ann. tit. 29 § 6907 (West 2013).	-	-	-	-	-	Limited	Construction management at-risk is neither expressly authorized nor prohibited, but may only be used as an exemption to state procurement laws on a case-by-case basis. Del. Code Ann. Ann. tit. 29 § 6907 (West 2013).	-	-	-	Yes. Del. Code Ann. tit. 29 § 6923 (West 2013).

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Dist. of Columbia	Yes	The design-build project delivery method is authorized for gov't construction projects and related services. D.C. Code § 2-356.01(a)-(b)(5) (2012).	"Design-build" is "a project delivery method in which the purchasing agency enters into a single contract for design and construction of an infrastructure facility." D.C. Code § 2-351.04(24).	Not specified	Design-build contracts are solicited and awarded using competitive sealed proposals; the design-build team with the highest-ranked proposal is awarded the contract. D.C. Code § 2-256.02(d); <i>see</i> , § 2-354.03.	Not specified	Not specified	Yes	The construction management at-risk project delivery method is authorized for gov't construction projects and related services. D.C. Code § 2-356.01(a)-(b)(3) (2012).	Not specified	Yes. <i>See generally</i> , D.C. Code § 2-351-04(14) (2012).	Not specified	Source selection methods vary according to the project delivery method used. D.C. Code § 2-256-02 (2012).
Florida	Yes	The State, state agencies, counties, municipalities, school bds. and dists., and other political subdivisions are authorized to use "design/build contracts" to construct or improve public buildings, structures, or other public construction works as "permitted by any applicable . . . law." Fla. Stat. Ann. § 255.20(1) (West 2012); <i>accord</i> , § 287.055.	A "design-build firm" is a legal entity certified "to engage in contracting," or "to practice engineering[,] . . . architecture[,] or . . . landscape architecture." "A 'design-build contract' means a single contract with a design-build firm for the design and construction of a public construction project." Fla. Stat. Ann. § 287.055(2)(h)-(i) (West 2012).	Not necessarily. A design-build firm consists of a licensed contractor, <i>or</i> an architect, engineer, or landscape architect. Fla. Stat. Ann. § 287.055(2)(h).	The State, state agencies, "municipalities, political subdivisions, school districts, and school boards . . . award design-build contracts" using "qualifications-based selection" or a competitive proposal best value process. Fla. Stat. Ann. § 287.055(3)-(5), (9)(c); <i>see</i> , § 255.20(1).	No	When applicable, the design-criteria professional, a licensed or registered architect, landscape architect, or engineer, prepares the design criteria package and evaluates the project construction's compliance with the design criteria package. Fla. Stat. Ann. § 287.055(2)(j)-(k), (9)(c)(5).	Yes	"Construction management," a project delivery method conceptually similar to construction management at-risk, may be used by counties, municipalities, school dists., special dists., or political subdivisions to construct public buildings or structures. Fla. Stat. Ann. §§ 255.20, .103(1)-(2) (West 2012).	Not specified	Yes. <i>See generally</i> , Fla. Stat. Ann. § 255.103(2).	Unclear	Yes. <i>See generally</i> , Fla. Stat. Ann. §§ 255.051 to .0525; <i>but see</i> , §§ 255.103(2), 287.055 (construction management entity may be selected using "qualifications-based selection" or a competitive proposal - best value process).

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Georgia	No	Not expressly authorized; however, since counties, towns, and municipalities may use any construction delivery method to build public buildings or structures, subject to certain requirements, the authority to use design-build may be inferred. Ga. Code Ann. § 36-91-20(c) (West 2013); <i>see also</i> , § 36-91-102.	None provided	Not specified	County, town, and municipal contracts are awarded using competitive bidding or competitive proposals. Ga. Code Ann. § 36-91-21.	Not specified	Not specified	Yes	Not expressly authorized; however, because counties, towns, and municipalities may use any construction delivery method to build public buildings or structures, subject to certain requirements, the authority to use construction manager at-risk may be inferred. Ga. Code Ann. § 36-91-20(c) (West 2013); <i>see also</i> , § 36-91-102.	Not specified	Not specified	Not specified	Yes. Ga. Code Ann. §§ 50-5-67(a), 36-91-20 to -21 (West 2013).
Guam	No	Not expressly authorized or discussed, however, because "any type of contract that will promote the State's best interests may be used," the State's authority to contract using the design-build project delivery method may be inferred. 5 Guam Code Ann. § 5235 (2012).	None provided	-	Unless exempted, contracts are awarded through competitive bidding. 5 Guam Code Ann. § 5211(a) (2012).	-	-	Yes	Not expressly authorized or discussed, however, because "any type of contract that will promote the State's best interests may be used," the State's authority to contract using the construction manager at-risk project delivery method may be inferred. 5 Guam Code Ann. § 5235 (2012).	-	-	-	Yes. 5 Guam Code Ann. § 5211(a) (2012).

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Hawaii	Yes	The State, state agencies, dep'ts, and commissions, counties, and the state educ. facilities improvement fund are authorized to use design-build to construct buildings and structures. Haw. Rev. Stat. §§ 103D-313(a), 103D-102(a), 104 ("governmental body," "design-build," and "procurement officer" definitions), 36-32 (state educational facilities improvement fund may use design-build to construct new schools) (West 2013).	"'Design-build' means a project delivery method in which the procurement officer enters into a single contract for design and construction." Haw. Rev. Stat. § 103D-104.	Not specified: design-build team not defined or explained.	Design-build contracts are solicited and awarded using a competitive sealed proposals process to the design-build team providing the best value as determined by evaluating price and the factors set forth in the request for proposals. Haw. Rev. Stat. § 103D-303; <i>see generally</i> , Haw. Rev. Stat. §§ 103D-302 to -303.5.	No. A conceptual design fee may be paid to non-selected offerors for projects with a total cost exceeding \$1,000,000. Haw. Rev. Stat. § 103D-303(i)(2)-(3).	Not specified	Yes	Not expressly authorized or discussed, however, because "any type of contract that will promote the State's best interests may be used," the State, state agencies, and counties' authority to use the construction manager at-risk project delivery method may be inferred. Haw. Rev. Stat. § 103D-313(a); <i>see</i> , §§103D-102(a), -104 ("governmental body" definition) (West 2013).	-	-	-	Yes. Haw. Rev. Stat. § 103D-301.
Idaho	Yes	The State, counties, cities, and school districts are authorized to use design-build to construct, repair, or improve public works, buildings, and places. Idaho Code Ann. §§ 67-2309, -5711A; <i>see also</i> , §§ 20-209(3), -241A(2), -805(1) (state bd. of correction, county comm'n's bd., and city governing bodies authorized to use "design/building" for private prison facilities) (West 2013).	"A design-build contract is a contract between a public entity and a nongovernmental party in which the nongovernmental party contracting with the public entity agrees to both design and build a structure . . . or other item specified in the contract." Idaho Code Ann. § 67-2309; <i>accord</i> , § 67-5711C.	Not specified	Competitive sealed bidding is used to award public works contracts; this process may include a prequalification stage if deemed to be in the best interest of the using agency. Idaho Code Ann. § 67-5711C.	Not specified	Not specified	No	Not expressly permitted, prohibited, or otherwise discussed.	-	-	-	Yes. Idaho Code Ann. § 67-5711C (West 2013).

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Illinois	Yes	Subject to specific conditions and limitations, design-build may be used by: the Capital Development Board, State agencies, Public Building Commissions, public universities, special park districts, and sports facilities. 30 Ill. Comp. Stat. 537/5 (Cap. Dev. Bd. for public projects); ch. 30 § 535/75 (state agencies); ch. 50, § 20/2.5 (Pub. Bldg. Comm'n for public local level projects); ch. 110, § 62/5-10(10) (East. Ill. Univ. pilot program for energy conservation measures); ch. 70, §§ 1205/8-51(a), 1505/15d, 1505/26/10-5 (park districts); ch.70, § 3205/9 (West 2013); <i>see also</i> , 30 Ill. Comp. Stat. 500/20-55 (Design-build may be authorized in other contexts since "any type of contract that will promote the best interests of the State may be used.").	"Design-Build" is a delivery system in which architecture, engineering, land surveying, and related services, as well labor, materials, equipment, and other construction services for a project are furnished within a single contract. A "design-build contract" is a contract between governmental a entity and a design-build entity to furnish: architecture, engineering, and related services, and "labor, materials, equipment, and other construction services for the project." A "design-build entity" is any individual, partnership, joint venture, corporation, or other entity proposing to design and construct any public project. 30 Ill. Comp. Stat. 537/10; ch. 50, § 20/3(l)-(n); ch. 70, §§ 1205/8-50, 1505/26.10-4 (West 2013).	Not required. <i>See</i> , 30 Ill. Comp. Stat. 537/10 para. 6; ch. 50, § 20/3(n); ch. 70, §§ 1205/8-50 para. 5, 1505/26.10-4 para. 5 (West 2013) ("design-build entity" definition).	A two-phase process is used to award design-build contracts. In phase one, qualifications are evaluated and top-the scoring DB entities are short-listed. In phase two, proposals are evaluated and scored. The contract is awarded to the highest overall ranked entity. 30 Ill. Comp. Stat. 537/30, /45; ch. 50, §§ 20/20.5, 20/20.20; ch. 70, §§ 1205/8-54, /8-57, 1505/26.10-8, /26.10-11 (West 2013); <i>see</i> , 70 ILCS 3615/4.06.	No	No	Yes	Not expressly authorized or discussed, however, because "any type of contract that will promote the State's best interests may be used," the State's authority to use construction management at-risk may be inferred. 30 Ill. Comp. Stat. Ann. 500/20-55 (West 2012).	-	-	-	Yes. 30 Ill. Comp. Stat. 500/20-5, /30-15 (West 2013).

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State / Jurisdiction	Express Design-Build Authority for Vertical Constr'n?	Design-Build Authorized by Whom or for What Projects	Design-Build Definitions	Arch. on Design-Build Team?	Method of Selecting Design-Builder	Required Stipend to Non-Selected Design-Build Offerors?	Indep. Design-Build Arch. or Consultant?	CM at Risk Authority for Vertical Constr'n?	CM at Risk Authorized by Whom or for What Projects	Sequence of Contracts for Arch. & CM	Combined Preconstr'n & Constr'n Services Contract for CMAR?	Architect's Role in CMAR Method	Competitive Bidding for Construction Projects in State?
Indiana	Yes	The State, state agencies, state educational institutions, counties, municipalities, townships, and school districts are authorized to the design-build project delivery method to design, construct, improve, or alter public buildings, airport facilities, and other structures paid for by public funds. Ind. Code §§ 5-30-2-1, 5-30-1-11 to -12 (West 2013).	"'Design-build contract' means a contract between a public agency and a design-builder to furnish: 1) architectural, engineering, and related design services as required for a public project; and 2) labor, materials, and other construction services for the same public project." A "design-builder" is "a person that furnishes the necessary design and construction services under a design-build contract, whether by itself or through contractual arrangements." Ind. Code Ann. §§ 5-30-1-3 to -4 (West 2013).	Not required. Ind. Code Ann. §§ 5-30-1-4, 5-30-3-1 to -2 (West 2013).	Design-builders selected according to two-phase process. In phase one, qualifications are evaluated and the most-qualified design-builders are short-listed. In phase two, qualitative and price proposals submitted by shortlisted firms are evaluated. The contract is awarded to the design-builder providing the best value to taxpayers. Ind. Code Ann. §§ 5-30-5-6 to 5-30-7-6 (West 2013).	No. A stipend may be provided to non-successful bidders. "Unless and until a proposal is accepted, the drawings, specifications, and other information in the proposal are the property of the offeror." Ind. Code Ann. §§ 5-30-6-6, -9 (West 2013).	A design criteria developer prepares the design criteria package included in the request for proposals. The design criteria developer may be an architect or an engineer. Ind. Code §§ 5-30-6-2 to -3, 5-30-1-5 to -6 (West 2013).	No	-	-	-	-	Yes. Ind. Code Ann. § 5-16-1-1.2 (West 2013).
Iowa	Yes	Design-build may be used for the construction, alteration, or improvement of Iowa air & army national guard facilities. Iowa Code § 29A.57(3)(e) (West 2013).	"A 'design-build contract' means a single contract providing for both design services and construction services that may include maintenance, operations, preconstruction, and other related services." Iowa Code § 29A.57(3)(e) (West 2013).	Not specified	Since no alternative selection method is provided, it may be inferred that competitive bidding is used to award design-build contracts. <i>See</i> , Iowa Code § 26.9 (West 2013); <i>see generally</i> , §§ 26.1-.15 (West 2013).	Not specified	Not specified	No	The construction manager at-risk project delivery method is not mentioned in any form within the Code, nor do any statutes implicitly permit its use.	-	-	-	Yes. Iowa Code § 26.9 (West 2013); <i>see generally</i> , §§ 26.1-.15 (West 2013).

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Kansas	Yes	State agencies and counties are authorized to use alternative project delivery programs, including design-build procurement processes, for public projects involving the planning, design, building, or altering of any structure. Kan. Stat. Ann. §§ 75-37,143; 19-216d (West 2013); <i>see generally</i> , Kansas Alternative Delivery Act, Kan. Stat. Ann. § 75-37,141 to ,147; Alternative Project Delivery Building Construction Procurement Act, Kan. Stat. Ann. § 19-216c to -216g.	"'Building design-build' means a project for which the design and construction services are furnished under one contract." A "[b]uilding design-build contract" is a contract between a governmental entity and a design-builder "to furnish the architecture or engineering and related design services required for a given public facilities construction project and to furnish the labor, materials and other construction services for such public project." A "design-builder" is the legal entity furnishing the architectural or engineering services and construction services, whether by itself or through subcontracts. Kan. Stat. Ann. §§ 75-37,142(g)-(h), (n); 19-216c(g)-(h), (n) (West 2013).	Not required	A three-phase best-value process is used to award design-build contracts. Phase one: request for qualifications. Phase two: request for technical proposals, including conceptual design. Phase three: request for price proposals. The design-builder providing the best value is awarded the contract. Kan. Stat. Ann. §§ 75-37,145; 19-216f (West 2013).	Yes. A stipend is required to be paid to pre-qualified, non-selected offerors that submit responsive proposals. Kan. Stat. Ann. §§ 75-37,145(e)(12); 19-216f(l) (West 2013).	No	Yes	State agencies and counties are authorized to use alternative project delivery programs, including construction management-at-risk procurement processes, for public projects involving the planning, design, building, or altering of any structure. Kan. Stat. Ann. §§ 75-37,143; 19-216d; <i>see generally</i> , Kansas Alternative Delivery Act, Kan. Stat. Ann. §§ 75-37,141 to ,147; Alternative Project Delivery Building Construction Procurement Act, Kan. Stat. Ann. § 19-216c to -216g.	The architect is selected first; the construction manager is selected "[p]rior to completion of the construction documents, but as early as during the schematic design phase." Kan. Stat. Ann. § 73-37,144 (West 2013); <i>accord</i> , § 19-216e(b).	One contract, for both preconstruction and construction services, is used with the construction management-at-risk method. <i>See</i> , Kan. Stat. Ann. §§ 75-37,144; 19-216e (West 2013).	Unknown	Yes. Kan. Stat. Ann. §§ 75-3739(a), 19-214(a) (West 2013).

Design-Build and Construction Manager At-Risk Statutory Matrix

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Kentucky	Yes	Design-build is authorized for capital construction projects when its use is determined to provide taxpayers with the "best value," as compared to using traditional, design-bid-build. Ky. Rev. Stat. Ann. § 45A.045(11)(a); <i>see</i> , 200 Ky. Admin. Regs. 5:365 (2013); <i>see generally</i> , Ky. Rev. Stat. Ann. §§ 45A.180-.182.	"Design-build" is defined as "a project delivery method in which the purchasing officer enters into a single contract for design and construction of a capital project." A "purchasing officer" is "any person authorized by a governmental body in accordance with procedures prescribed by administrative regulations to enter into and administer contracts and make written determinations and findings with respect thereto. The term includes an authorized representative acting within the limits of authority." Ky. Rev. Stat. Ann. § 45A.030(12), (23).	Not required	Design-build contracts are awarded through competitive negotiation. A single or multiple-phased proposal may be used. Responses to a request for proposal are evaluated and scored based on the published criteria (which may include a guaranteed maximum price) and their relative weight. Whether a single or multiple-phase proposal process is used, "[t]he offeror with the highest point total in the final phase shall receive the contract award." Ky. Rev. Stat. Ann. §§ 45A.180-.182; <i>see generally</i> , § 45A.085; 200 Ky. Admin. Regs. 5:365 (2013).	No. A stipend may be awarded to non-selected offerors provided the amount and its terms are stated in the request for proposal. Ky. Rev. Stat. Ann. § 45A.181; <i>see</i> , § 45A.180(1)(b), 200 Ky. Admin. Regs. 5:365 § 3(3)(l) (2013).	No	Yes	Construction management-at-risk may be used for capital projects when its use is determined to provide a better value to taxpayers than design-bid-build. Ky. Rev. Stat. Ann. §§ 45A.030(6), .045(11); <i>see</i> , 200 Ky. Admin. Regs. 5:365 (2013); <i>see generally</i> , Ky. Rev. Stat. Ann. §§ 45A.180, .183.	Not specified	One contract, for both preconstruction and construction services, is used with the construction management at-risk method. Ky. Rev. Stat. Ann. § 45A.030(6).	Not specified	Yes. Ky. Rev. Stat. Ann. § 45A.080(1).

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Louisiana	Yes	Design-build is expressly authorized for certain construction projects and by certain governmental entities. La. Rev. Stat. Ann. §§ 33:2740.27(j)(2) (use in Algiers Dev. Dist.), 38:2225.2.1(A)(1) (use by the Div. of Admin., Recovery Sch. Dist., City of New Orleans, sheriffs, housing authorities, & certain parish gov'ts to meet homeland security or criminal justice needs pursuant to a hurricane recovery plan, or to construct or repair pub. bldgs. destroyed or damaged by Hurricane Katrina and/or Hurricane Rita), 38:2225.2.2(A)(1) (use by City of Slidell for constructing or repairing pub. bldgs. destroyed or damaged by Hurricane Katrina and/or Hurricane Rita), 49:214.6.2(A) (use by Coastal Protection & Restoration Auth. Bd. for protection, enhancement, & restoration projects in coastal areas) (West 2012); <i>see generally</i> , § 38:2225.2 (gov't must have title to property in order to develop the property using design-build).	In the context of hurricane-related restoration or recovery plan projects, "'design-builder' means the entity contractually responsible for delivering the project design and construction." La. Rev. Stat. Ann. §§ 38:2225.2.1(A)(3), 2225.2.2(A)(3).	In hurricane-related restoration or recovery plan projects, an architect is not required to be part of design-build team. The design-build team's composition in other contexts is not discussed. La. Rev. Stat. Ann. §§ 38:2225.2.1(B)(1), 2225.2.2(B)(1) (design-builder must be architect, engineer, or general contractor; may sublet professional design services); <i>see generally</i> , §§ 33:2740(j)(2), 49:214.62.	The method for selecting a design-builder varies according to the project or entity using design-build. La. Rev. Stat. Ann. §§ 33:2740.27(j)(2) (Algiers Dev. Dist. projects use competitive request for proposals process), 38:2225.2.1 to :2225.2.2 (hurricane restoration projects or hurricane recovery plan projects use a two-stage (quals. first, proposals second) best value process), 49:214.6.2 (use of competitive sealed bidding by Coastal Protection & Auth. Bd. since no alternative method was provided); <i>see generally</i> , § 39:1593(A) (competitive sealed bidding).	No. For hurricane-related restoration or recovery plan projects that are "complex projects . . . with scopes which permit flexibility and innovation in the design approach," unsuccessful, responsive short-listed offerors may be compensated. La. Rev. Stat. Ann. §§ 38:2225.2.1(D)(5)(b), :2225.2.2(D)(5)(b).	No	Yes	Construction management at-risk may be used by the Coastal Protection and Restoration Authority Board for protection, enhancement, and restoration projects in the state's coastal area. La. Rev. Stat. Ann. § 49:214.6.2(A) (2012).	Not specified	Not specified	Not specified	Yes. La. Rev. Stat. Ann. § 39:1593(A) (2012).

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Maine	Yes	The State and its agencies are authorized to use the design-build method to "for any public improvement that the State or any of its agencies hold in fee involving a total cost in excess of \$100,000." Me. Rev. Stat. tit. 5, § 1743 (2013).	"'Design-build method' means a method of project delivery in which a single firm is contractually responsible to perform design, construction and related services. 'Design-build team' means representatives of an individual, firm, corporation, . . . joint venture, . . . or other entity that submits a prequalification package in response to a request for qualifications" Me. Rev. Stat. tit. 5, § 1743(1)(D)-(E) (2013) (subsections omitted).	Not specified. <i>But see</i> , Me. Rev. Stat. tit. 5, § 1743(3)(A) (2013) (extent to which provisions "do not address specific alternative project delivery procurement, award, or administration issues, the provisions may be supplemented at the direction of the director").	A two-phase, best-value process is used to award design-build contracts. In phase one, qualifications are evaluated and the top 3-5 firms are short-listed. In phase two, sealed technical proposals and sealed price proposals are evaluated independently. The contract is awarded to the proposer providing the lowest price for the highest quality. Me. Rev. Stat. tit. 5, § 1743(5)(A)(5) 2013).	No. A reasonable stipend may be paid to all unsuccessful, responsive proposers. Me. Rev. Stat. tit. 5, § 1743(5)(A)(2) (2013).	An owner's representative may be employed to represent the owner on any public improvement project. Me. Rev. Stat. tit. 5, § 1743(8) (2013).	Yes	The State and its agencies are authorized to use the construction-manager-at-risk method "for any public improvement that the State or any of its agencies hold in fee involving a total cost in excess of \$100,000." Me. Rev. Stat. tit. 5, § 1743 (2013).	The construction manager may be selected before or after the designer. <i>See</i> , Me. Rev. Stat. tit. 5, § 1743(1)(C), (6)(C) (2013).	The use of a single contract is implied. <i>See</i> , Me. Rev. Stat. tit. 5, § 1743(1)(C) (2013).	Role of designer unclear. An owner's representative may be employed to represent the owner on the public improvement. Me. Rev. Stat. tit. 5, § 1743(8) (2013).	Yes. Me. Rev. Stat. tit. 5, § 1743(2) (2013); <i>but see</i> , tit. 5 § 1743(3), (6) (construction-management-at-risk method contracts not awarded using competitive bidding).

Design-Build and Construction Manager At-Risk Statutory Matrix

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Maryland	Yes	The State may use design/build contracts for the construction of public works and capital improvement projects. County educ. boards may use "design-build arrangements," an alternative financing method, to design and construct "qualified education facilities," subject to the approval of the county governing body. Md. Code Ann. State Fin. & Proc. §§ 3-602(g)(1), (j), -603 to -604; Educ. § 4-126 (West 2012).	"Design/build" contracts used by the State are loosely defined as a construction method "involv[ing] a single solicitation to design and build . . . [a] facility." "Design-build arrangements . . . permit a county board to contract with a design-build business entity for the combined design and construction of a qualified education facilities, including financing mechanisms where the business entity assists the local governing body in obtaining project financing." Md. Code Ann. State Fin. & Proc. § 3-602(g); Educ. § 4-126(a)(6).	Not specified: design build entity not defined or explained.	Since method of awarding State design/build contracts is not specified, use of competitive bidding may be implied. County educ. board "design-build arrangements" are awarded using competitive bidding, competitive negotiation, or a best value process. Md. Code Ann. State Fin. & Proc. § 13-102; Educ. § 4-126(b).	Not specified	Not specified	Yes	County education boards may use construction management at-risk arrangements for public school construction. Md. Code Ann. Educ. § 4-126(b)(2) (West 2012).	Not specified	Not specified	Not specified	Yes. Md. Code Ann. State Fin. & Proc. § 13-102(a); <i>but see</i> , Educ. § 4-126(b)(2) (competitive negotiation may be used to award construction management at-risk contracts) .

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Mass.	Yes	The Commonwealth, and the agencies and political subdivisions subdivisions thereof, counties, cities, towns, and districts are authorized to use design build for public works projects costing greater than or equal to \$5,000,000. Mass. Gen. Laws Ann. ch. 149A, § 14 (West 2013).	"'Design build' [is] a construction delivery system that provides responsibility for the delivery of design services and construction services within a single contract. 'Design build contract' [means] a contract for a public works project between an awarding authority and a design build entity to furnish design build services. 'Design build entity' [means] an individual, . . . firm, . . . joint venture, corporation, or other entity that provides design build services." Mass. Gen. Laws Ann. ch. 149A, § 15 (West 2013).	Not specified	Design build contracts are awarded using a two-phase process. In phase one, qualifications are evaluated. In phase two, proposals are evaluated and the contract is awarded on a low-bid or best-value basis. Mass. Gen. Laws Ann. ch. 149A, §§ 17, 19-20 (West 2013).	Not specified	No, the "owner's representative" that "provide[s] professional[, independent] project oversight with regard to any major contract" must be an engineer. Mass. Gen. Laws Ann. ch. 149A, § 15 1/2(b) (West 2013); <i>compare</i> , §§ 2-3 ("owner's project manager," the construction management at risk equivalent of "owner's representative," must be an architect or an engineer).	Yes	The Commonwealth, and the agencies and political subdivisions subdivisions thereof, counties, cities, towns, and districts are authorized to use construction management at risk for public works projects costing greater than or equal to \$5,000,000. Mass. Gen. Laws Ann. ch. 149A, § 1 (West 2013).	Architect is procured before construction management at risk firm. Mass. Gen. Laws Ann. ch. 149A § 3(b) (2013).	One contract is used for preconstruction and construction services provided by the construction management at risk firm. Mass. Gen. Laws Ann. ch. 149A § 2 (2013).	The owner's project manager, which may be an architect or engineer, but independent of the designer, provides project management services for the building project. Mass. Gen. Laws Ann. ch. 149A §§ 2-3 (2013).	Yes. Mass. Gen. Laws Ann. ch. 149, § 44A(2)(b) (West 2013).

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Michigan	No	Design-build is not expressly authorized; however, since public entities are permitted to select the project delivery method used for a project, the authority to use design-build to construct public buildings or structures may be inferred. Contract selection methods are restricted, not project delivery methods. Mich. Comp. Laws Ann. § 18.1241 (West 2013).	None provided	-	Competitive bidding is used to solicit and award contracts. Mich. Comp. Laws Ann. § 18.1241(1).	-	-	Yes	Public entities may use construction manager at-risk to build public buildings or structures. Public entities are authorized to choose the project delivery method used; contract selection methods are restricted, not project delivery methods. Mich. Comp. Laws Ann. § 18.1241 (West 2013).	-	-	-	Yes. Mich. Comp. Laws Ann. § 18.1241(1).
Minnesota	Yes	Subject to certain use and other limitations and requirements, design-build is permitted for construction and improvement projects for: the Capitol bldg., NFL stadiums, state bldgs. and structures, bldgs. and structures under the Univ. of Minn. authority, and by eligible local gov'ts, and certain counties. Minn. Stat. Ann. §§ 16B.04(2)(1), (6), 16B.2405, .31 (Capitol bldg.); § 473J.11(1)(c) (NFL stadiums); 16B.04, 30, .31(1)(d)(1), 16C.32(2) (state bldgs. and structures); 16C.33(3)(a) (Univ. of Minn. for "construction or major remodeling . . . with an estimated cost greater than \$2,000,000"); 116J.433(1)-(3) (eligible local gov'ts); 383B.158(2) (Hennepin County) (West 2012); <i>see generally</i> , §§ 16C.32(2), 383B.158(3) (use limitations and requirements).	The definition of "design-build" varies according to the context in which it is used, but generally means a contract between a governmental entity and a design-builder for the design and construction of a project. Minn. Stat. Ann. §§ 16B.33(1)(d); 16C.32(1)(9); 383B.158 (1)(d)-(h) (West 2013).	Yes. Minn. Stat. Ann. § 16C.33(3)(b)(4), (7)(e) ("The primary designer shall be a named member of the design-build team.").	Design-build contracts generally may be "solicit[ed] and award[ed] . . . on the basis of either a qualifications based [selection process that includes proposals,] or a design and price based selection process" that includes qualifications, provided the project delivery method is not utilized for more than "ten percent of its total projects, let, by number, in each fiscal year[,] . . . that are funded in whole or in part with proceeds from the sale of state general obligation bonds."	When used for state bldgs. and structures, the Capitol bldg., and by the Univ. of Minn., a stipend must be paid to non-selected offerors. When used by Hennepin County, a fee may be paid. Minn. Stat. Ann. §§ 16C.33(3)(b)(9), (7)(g), 383B.1585.	Not specified	Yes	Subject to certain use and other limitations and requirements, construction manager at risk is permitted for construction and/or improvement projects of the Capitol building, NFL stadiums, state bldgs. and structures, and by eligible local gov'ts. Minn. Stat. Ann. §§ 16B.2405, .31 (Capitol bldg.); 473J.11(1)(c) (NFL stadiums); 16B.04, .30, .31(1)(d)(2), 16C.32(2) (state bldgs. and structures); 116J.433(1)-(3) (eligible local gov'ts) (West 2012); <i>see generally</i> , § 16C.32(2) (use limitations and requirements).	Not specified. <i>See</i> , Minn. Stat. Ann. § 16C.34(2)-(3).	Yes. Minn. Stat. Ann. §§ 16C.32(1)(7); <i>see</i> , § 16C.34.	The primary designer and construction manager at risk may be required, "by contract, to cooperate in the design, planning and scheduling, and construction process." Minn. Stat. Ann. § 16B.31(1)(e) (West 2013) (applicable to state bldgs. and structures, the Capitol bldg.).	Yes. Minn. Stat. Ann. § 16C.26(1) (West 2012); <i>but see</i> , §§ 16C.32(2)(1), .34 (process used to select construction manager at risk).

Design-Build and Construction Manager At-Risk Statutory Matrix

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Mississippi	Yes	Two forms of design-build exist in the state: one structured around private financing for univ. campus facilities, the other, known as "dual-phase design-build," is used for construction projects when legislatively authorized. Design-build contracts "may [be] awarded . . . to a single entity for privately financed design and construction or renovation on university campuses." The "dual-phase design-build method" may only be used when legislatively "specifically required or authorized;" including for the construction and improvement of "airports and navigation facilities," and "facilities at the State Port at Gulfport." Both methods require the public's interests and needs to be best served by their use. Miss. Code Ann. §§ 37-7-13.1, 37-101-44, 59-5-37(3)(a), 61-3-15(e) (West 2012).	None provided	Not required. Design-build team must "include[], at a minimum, an architectural or engineering firm . . . and a [licensed] contractor." Miss. Code Ann. § 31-7-13.1(4) (emphasis added).	A two phase, "best value" selection method evaluating both qualifications and proposals is used to award contracts. In phase one, initial proposals are solicited, but only those from experienced and qualified design-build teams are accepted. In phase two, short-listed firms are invited to submit proposals. The contract is awarded to the design-builder offering the best value. Miss. Code Ann. § 31-7-13.1 (West 2012); see § 37-101-44(2).	Discretionary. A stipulated fee may be awarded to "short-listed offeror[s] who provide . . . responsive, but unsuccessful, proposal[s]." However, in consideration of the fee, "the governing authority may use any ideas of information contained in the proposals." Miss. Code Ann. § 31-7-13.1(8) (West 2012).	No	Yes	School boards, counties, municipalities, and political subdivisions are authorized to use construction manager at risk so long as the project delivery "satisfies the public need better than . . . [the] traditional design-bid-build method." Miss. Code Ann. §§ 31-7-13.2(1), 31-7-1(b) ("governing authority" definition) (West 2012).	Implied the design professional is hired first: "Before the substantial completion of the design documents, the agency or governing authority may elect to hire a construction manager." Miss. Code Ann. § 31-7-13.2(4) (West 2012).	Unclear. Separate contracts for design services and construction services may be used; however, since "design services" are not defined, it is unclear whether they refer to services provided by the construction manager or a design professional. See, Miss. Code Ann. § 31-7-13.2(2)(a)-(b).	The architect or engineer and the construction manager may be required by contract "to cooperate in the design, planning and scheduling, and construction process. . . ." An independent architectural or engineering firm may be retained to provide guidance and administration throughout the development of the scope, design, and construction of the project." Miss. Code Ann. § 31-7-13.2(6), (8).	Generally, yes. Miss. Code Ann. § 31-7-13 (West 2012); <i>but see</i> , § 31-7-13.2(5) (construction management services are procured using qualifications-based or competitive sealed proposal procedures).

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Missouri	Yes	"The commissioner of administration is authorized to . . . contract with a developer for the design and construction of a minimum security correctional facility in any city located within at least four counties." Mo. Ann. Stat. § 221.500(1).	None provided	Not specified	"Design and construction" contracts are awarded using a two-step, best value process in which both qualifications and proposals are evaluated. In step one, a request for qualifications is advertised and "the five most qualified design and construction teams" are selected. In step two, the selected teams submit a design proposals and construction bid. The contract is awarded to the team providing "the lowest and best proposal." Mo. Ann. Stat. § 221.500(2).	Not specified	Not specified	No	-	-	-	-	Yes. <i>See</i> , Mo. Ann. Stat. § 34.040(1) (West 2012).

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Montana	Yes	Design-build contracts may be used by state agencies and "governing bodies" for the construction or improvement of land or buildings when the project delivery method's use (i) "is necessary to meet critical deadlines" due to "significant schedule ramifications" (ii) "will contribute to significant cost savings" in "the design process," or (iii) is required due to the project's "significant technical complexities;" two of the three criteria must be satisfied. Mont. Code Ann. §§ 18-2-501 to -502 (West 2012); <i>see also</i> , §§ 18-4-124, -302(2).	A "design-build contract" is a "a contract in which the designer-builder assumes the responsibility and the risk for architectural or engineering design and construction delivery under a single contract with the owner;" and is a type of "alternative project delivery contract." "'Governing body' means: the legislative authority of (i) a municipality, county, or consolidated city-county . . . ; (ii) a school district . . . ; [or] (iii) an airport authority . . ." A "project" is "any construction or any improvement of the land, a building, or another improvement that is suitable for use as a state or local governmental facility." Mont. Code Ann. § 18-2-501(1), (4), (6)-(7).	Not required	A two-step process is used to solicit and award design-build contracts; the first is a request for qualifications, the second is request for proposals. Mont. Code Ann. § 18-2-503(1)-(2), (4).	No. Unsuccessful applicants may be compensated for the "costs incurred in developing and submitting a proposal." Mont. Code Ann. § 18-2-503(5).	A "project representative" that "supervise[s] architects' and consulting engineers' inspection[s] of construction of buildings [in order] to ensure that all construction is in accordance with the contracts, plans, and specifications" may be appointed. Mont. Code Ann. § 18-2-105(7).	Yes	"General contractor construction management contracts," as a type of "alternative project delivery contract," may be used by state agencies and "governing bodies," i.e., municipalities, counties, school districts, and airport authorities, for the construction or improvement of land or buildings when the project delivery method's use (i) "is necessary to meet critical deadlines" due to "significant schedule ramifications" (ii) "will contribute to significant cost savings" in "the design process," or (iii) is required due to the project's "significant technical complexities;" two of the three criteria must be satisfied. Mont. Code Ann. §§ 18-2-501 to -502.	Unclear	One contract is used for both preconstruction and construction services. Mont. Code Ann. § 18-2-501(5).	Unclear	Generally, yes. Mont. Code Ann. §§ 18-4-302 to -304; <i>but see</i> , §§ 18-2-501, -503 (method of awarding alternative project delivery contracts).

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Nebraska	Yes	Design-build may be used by "political subdivisions, <i>i.e.</i> , a "city, village, county, school district, community college, or state college," for public projects. Neb. Rev. Stat. Ann. §§ 13-2902 to -2903(3), (7), -2904, -2914 (West 2012); <i>see</i> , Political Subdivisions Construction Alternatives Act, §§ 13-2901 to -2914.	"Design-build contract means a contract which is subject to [a two-step form of] qualification-based selection between a political subdivision and a design-builder to furnish (a) architectural, engineering, and related design services for a project to the act and (b) labor, materials, supplies, equipment, and construction services for a project pursuant to the act[.] Design-builder means the legal entity which proposes to enter into a design-build contract which is subject to qualification-based selection pursuant to the act" Neb. Rev. Stat. Ann § 13-2903(3)-(4), (7), (10) (West 2012) (citations omitted).	No. An architect is not required to be part of the design-builder entity, though the architect must be identified by the design-builder at the time of the offering. Neb. Rev. Stat. Ann. §§ 13-2903(4), -2907(10) (West 2012).	Design-builders are selected using a "qualification-based selection process," a two-step process in which only interested, prequalified design-builders are "considered . . . eligible to receive requests for proposals." Design-builders are ranked according to criteria in the request for proposals; the highest ranked is selected. Neb. Rev. Stat. Ann. §§ 13-2903(10), (12), -2906 to -2907 (West 2012).	No	The "performance-criteria developer," an architect or engineer, aids "in the development of project performance criteria, requests for proposals, evaluation of proposals, evaluation of the construction . . . and any additional services requested by the political subdivision to represent its interests in the project " Neb. Rev. Stat. Ann. §§ 13-2903(6), -2905(1) (West 2012).	Yes	Construction manager at-risk may be used by "political subdivisions," <i>i.e.</i> , a "city, village, county, school district, community college, or state college," for public works projects. Neb. Rev. Stat. Ann. §§ 13-2902 to 2903(1), (7), -2904, -2914; <i>see</i> , Political Subdivisions Construction Alternatives Act, §§ 13-2901 to -2914 (West 2012).	Unclear; however, it appears the political body contracts with the architect first, and construction manager second. Neb. Rev. Stat. Ann. § 13-2911(1)	One contract is used for both preconstruction and construction services. <i>See</i> , Neb. Rev. Stat. Ann. § 13-2903(1) ("a contract by which a construction manager . . . acts as a construction consultant . . . during the design development phase . . . and is the builder during the construction phase of the project" (citation omitted).	The political subdivision's architect is a member of the committee responsible for selecting the CM, and designs the project for which the CM is solicited. Neb. Rev. Stat. Ann. §§ 13-2903(1), -2911(1).	Yes. Neb. Rev. Stat. Ann. § 73-504(1) (West 2012).

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Nevada	Yes	Public bodies, <i>i.e.</i> , "the State, county, city, town, school district or any public agency of . . . [the] State or its political subdivisions sponsoring or financing a public work," may use "design-build . . . for the design and construction of a public work that is a discrete project if the public body . . . [so] approve[s] . . . and the public work has an estimated cost which exceeds \$5,000,000." "A performing arts center to be acquired, improved, equipped, operated and maintained . . . may, regardless of the estimated cost of the center, be designed and constructed pursuant to a . . . design-build [contract]" Nev. Rev. Stat. Ann. §§ 338.010(15), .1711(2), 244A.860(6) (West 2012).	A "design-build contract" is " a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work." A "[d]esign-build team" is "an entity consisting of: (a) At least one person who is licensed as a general engineering contractor or a general building contractor . . . ; and (b) For a public work that consists of: (1) A building and its site, at least one person who holds a certificate of registration to practice architecture (2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture or landscape architecture or who is licensed as a professional engineer" A "public work" is "any project for the new construction, repair, or reconstruction of: (a) A project financed in whole or in part from public money for: (1) [p]ublic buildings; (2) Jails and prisons; . . . (9) Public convention facilities which are financed at least in part with public money; and (10) All other public owned works and property. (b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money." Nev. Rev. Stat. Ann. § 338.010(5)-(6), (16).	An architect is required to be a part of the "design-build team" for "public work[s] that consist[] of . . . [a] building and its site." For "[a]nything other than a building and its site, at least one person who holds a certificate of registration to practice architecture . . . or landscape architecture . . . or who is licensed as a professional engineer" is required to be a part of the "design-build team." Nev. Rev. Stat. Ann. § 338.010(6).	Design-build contracts are solicited and awarded by a public body using a best value process. The the public body first solicits "preliminary proposals for the design and construction of a public work by a design-build team," first verifying each responding team is qualified to participate in such a project, then evaluating and scoring team qualifications. The top-scoring teams receive "a request for final proposals." A contract is negotiated with the "most qualified applicant," and subsequently awarded provided the terms are found "fair and reasonable" to both parties. Nev. Rev. Stat. Ann. §§ 338.1721 to. 1727; <i>see generally</i> , § 338.1715.	The unsuccessful design-build team finalists may be partially reimbursed "if partial reimbursement was provided for in the request for preliminary proposals." Nev. Rev. Stat. Ann. § 338.1727(7)(a).	"A public body may employ a registered architect . . . as a consultant to assist the public body in overseeing the construction of a public work." Nev. Rev. Stat. § 338.1717.	Yes	Public bodies may construct public works using the construction manager at risk project delivery method. Nev. Rev. Stat. Ann. § 338.169 (West 2012) ("Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work. 'Public work' means any project for the new construction, repair, or reconstruction of: (a) A project financed in whole or in part from public money for: (1) [p]ublic buildings; (2) Jails and prisons; . . . (9) Public convention facilities which are financed at least in part with public money; and (10) All other public owned works and property. (b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money." Nev. Rev. Stat. Ann. § 338.010 (15)-(16)).	Unclear	No, a public body must enter into separate contracts with a construction manager at risk for preconstruction services and construction services. Nev. Rev. Stat. Ann. § 338.169.	Unclear	Yes. See, Nev. Rev. Stat. Ann. § 338.1389(1).

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New Hampshire	Yes	The commissioner of the department of administrative services "is authorized to use the design build . . . method[] of contracting for" the "construction, reconstruction, alteration, or maintenance [of] . . . any building . . . or facility." The capital budget committee must approve preliminary plans prior to using the design-build method for capital projects estimated to cost more than \$500,000. N.H. Rev. Stat. Ann. §§ 21-I:1(I), :78(IX), :80(I)(d) (West 2012).	"Design build" is defined as "a method of contracting where the state engages the professional services of a single entity designer/builder who is responsible for the provision of the design and construction of a project. The designer/builder can be either a single firm or a team of architect, engineer, and builder. The designer/builder contracts directly with all the subcontractors and is responsible for the delivery of the completed project." "Project" is defined as the construction, alteration, etc. of a building or facility. N.H. Rev. Stat. Ann. § 21-I:78(VI), (IX) (West 2012).	Not necessarily. "The designer/builder can be either a single firm or a team of architect, engineer, and builder." If the designer/builder is not an architecture firm, or a team which includes an architect, the designer/builder will subcontract for necessary professional design services. (West 2012).	Unclear. Design-build projects excluded from competitive bidding requirements; however, alternative selection method not specified. N.H. Rev. Stat. Ann. § 21-I:80(I).	No	No. N.H. Rev. Stat. Ann. § 21-I:80(II) (requirement that architect design and provide on-site observation and inspection for state projects exceeding \$500,000 does not appear to apply to design-build projects since design services are provided by design-builder, not gov't entity).	Yes	The commissioner of the department of administrative services "is authorized to use the . . . construction management method[] of contracting for any [construction, alteration, or maintenance] project [of any building or structure]." Preliminary plans must be approved by the capital budget overview committee prior to using the construction management method of contracting for capital projects. The "construction management" method of contracting is conceptually equivalent to CMAR. N.H. Rev. Stat. Ann. §§ 21-I:1(I), :78(II), (IX), :80(I)(d).	Unknown	Unclear	Architect prepares design plans and specifications, and provides on-site observation and inspection services. N.H. Rev. Stat. Ann. § 21-I:80(II).	Yes. N.H. Rev. Stat. Ann. § 21-I:80(I) (West 2012); cf., § 21-I:79; <i>but see</i> , § 21-I:80(I)(d) (design build and construction management excluded from competitive bidding requirement).

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New Jersey	Yes	Design-build is generally not permitted. However, the New Jersey Schools Development Authority, a quasi-governmental agency, has adopted a pilot program for the use "of design-build contracts for up to six school facilities projects." N.J. Admin. Code § 19:36-1.1(a) (2013).	A "design-build contract" is "an agreement between the Authority and the design-builder . . . [for] the construction of the school facilities project." "Design-build project delivery" is "a project delivery method . . . combin[ing] all or some portions of the design and construction phases of a school facilities project . . . into a single contract. 'Design-builder' means the entity contractually responsible for delivering the design and construction and, if applicable, other services for the school facilities project in accordance with the design-build contract." N.J. Admin. Code § 19:36-1.2.	Not required. N.J. Admin. Code § 1936:36-8.1; see also § 1936-1.2 ("design-builder" definition).	The Schools Development Authority uses a two-phase process to award contracts to the design-builders providing the best value. N.J. Admin. Code § 19:36-1.1(c) (2013).	A stipend may be paid to unsuccessful offerors who submit responsive proposals. N.J. Admin. Code § 19:36-5.1; see also, 19:36-1.2 (definition of "stipend").	The Authority's bridging architect is retained for the project's duration and reviews the design-builder's work. N.J. Admin. Code §§ 19:36-1.1(b), 19:36-3.2.	No	Unable to locate any provisions expressly permitting, prohibiting, or otherwise discussing construction manager at-risk.	-	-	-	N.J. Stat. Ann. § 40A:11-4(a) (West 2013).

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New Mexico	Yes	State and local public bodies may use a "design and build project delivery system" for the construction of public works when determined "appropriate and in the best interest of the . . . public body to use the system on a specific project with a maximum allowable construction cost of more than ten million dollars." N.M. Stat. Ann. § 13-1-119.1(A) (West 2012). CAPITAL OUTLAY PROJECTS	A "[l]ocal public works project" is "a project of a local public body that uses architectural or engineering services requiring professional services costing fifty thousand dollars . . . or more." "'Local public body' means every political subdivision of the state and the agencies, instrumentalities and institutions thereof, including two-year post-secondary educational institutions, school districts and local school boards and municipalities . . ." A "[s]tate public works project" is "a project of a state agency, not including projects of the state educational institutions, the supreme court building commission, the legislature or local public bodies, that uses architectural or engineering services requiring professional services costing fifty thousand dollars . . . or more." "'State agency' means any department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of [the] . . . state [of New Mexico]." N.M. Stat. Ann. §§ 13-1-31, -66.1, -67, -90 to -91.	Not specified: design build entity not defined or explained.	Subject to certain exceptions, design and build contracts are awarded using a two-phase procedure. The first phase consists of a request for qualifications. Responding firms are evaluated according to technical and qualifications-based criteria, and a maximum of five firms are short-listed. In the second phase, "short-listed firms" are "invited to submit detailed specific technical concepts or solutions, costs, and scheduling." The submissions are evaluated and "the contract [is] awarded to the highest ranked firm." N.M. Stat. Ann. § 13-1-119.1(C)(2).	"Unsuccessful firms may be paid a stipend to cover proposal expenses." N.M. Stat. Ann. § 12-1-119.1(C)(2).	If a local public body does not have a licensed professional engineer or architect on its staff, "a professional technical advisor . . . with experience appropriate to the type of local public works project proposed" shall be appointed to "serve as an agent" and technical advisor to the public body. N.M. Stat. Ann. § 13-1-117.2(A)-(C).	Yes	"A construction manager at risk delivery method may be used when a governing body determines that it is in its interest to use that method on a specific educational facility construction project . . ." N.M. Stat. Ann. § 13-1-124.4(A); see § 6-17-1.1 ("state educational facility" defined); see generally, the Educational Facility Construction Manager At Risk Act, N.M. Stat. Ann. §§ 13-1-124.1 to -124.5.	Not specified	Yes, one contract is awarded for both the construction manager at risk's preconstruction services and construction management services. See, N.M. Stat. Ann. §§ 13-1-124.3(A)-(B), -124.5.	Unclear	Yes; however, competitive sealed proposals may be used for construction manager at risk contracts. N.M. Stat. Ann. § 13-1-102, -111(A), (C).

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New York	Yes	Design-build may be used by the State University Construction Fund for constructing educational facilities. N.Y. Educ. Law § 373(17) (McKinney 2012).	None provided	Unspecified	Unspecified	Unspecified	Unspecified	No	-	-	-	-	Yes. N.Y. Pub. Bldgs. Law § 8(6).
North Carolina	Yes, but not expressly	The State Building Commission may "authorize a State agency, a local governmental unit, or any other entity subject to the provisions of G[en]. S[tat]. [§] 143-129 to use" an alternative method of contracting, i.e., a contracting method that is not separate-prime bidding, single-prime bidding, dual bidding, or construction management at risk, for "a single project" when necessary. N.C. Gen. Stat. Ann. § 143-135.26(9); see § 143-128(a1).	Not specified	Not specified	Alternative contract methods are awarded "to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract." N.C. Gen. Stat. Ann. § 143-129; see generally, 143-135.26.	Not specified	Not specified	Yes	The State, counties, municipalities, or other public bodies may use construction management at risk contracts to "construct, alter, or repair buildings." N.C. Gen. Stat. Ann. § 143-128(a1) (West 2013).	Not specified	Yes. See generally, N.C. Gen. Stat. Ann. §§ 143-64.31, -128.1.	Not specified	No, construction contracts are "awarded to the lowest responsible, responsive bidder." N.C. Gen. Stat. Ann. §§ 143-129, -131; but see §§ 143-128.1(b), -64.31(a) (Construction manager at risk contracts are awarded "to the best qualified firm . . . for a fair and reasonable fee.").

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North Dakota	No	Design-build is not expressly or implicitly authorized.	-	-	-	-	-	Yes	Construction manager at-risk may be used by state entities or political subdivisions for "public improvements" where determined the public's best interests are served by the delivery method's use, and other enumerated prerequisites. ND §§ 48-01.2-01(6), (16), (20) (A "public improvement" is an improvement assumed by a state entity or political subdivision for the public good and funded by public money), , 48-01.2-18.	Unclear, although appears architect is selected before CMAR since RFQ for CM's planning and design phase services includes "[a] description of the proposed public improvement ," and the delivery method may not be used if "services normally provided by an architect" are duplicated. ND §§ 48-01.2-18(2), 48-01.2-20(3)(b),	No, the CM has separate contracts for their planning and design phase services, and their construction services. ND §§ 48-01.2-20 to 48-01.2-21.	The architect hired to prepare a public improvement's plans and specifications also provides "construction administration and construction observation services" for the project. ND §§ 48-01.2-16, 48-01.2-01(7)-(8) (Definitions of "construction administration" and "construction observation."), 48-01.2-02 to -02.1.	



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Ohio	Yes	Design-build contracts may be used by the state, state institutions of higher education, state agencies, counties, townships, municipalities, school districts, or other political subdivisions for the construction of public improvements. Ohio Rev. Code Ann. §§ 153.65, .72 (West 2012).	A "design-build contract" is "a contract between a public authority and another person that obligates the person to provide design-build services. [] 'Design-build firm' means a person capable of providing design-build services. [] 'Design-build services' means services that form an integrated delivery system for which a person is responsible to a public authority for both the design and construction, demolition, alteration, repair, or reconstruction of a public improvement." Ohio Rev. Code Ann. § 153.65(E)-(G).	Not required	Design-build contracts are awarded to the design-build firm providing the "best value" to the procuring public authority based on an evaluation of the firm's "qualifications" and "pricing proposal." Ohio Rev. Code Ann. §§ 153.66, .693.	"The public authority may provide a stipend for pricing proposals received from design-build firms." Ohio Rev. Code Ann. § 153.693(E).	Not required, but criteria architect may serve as the public authority's representative during the design-build project if requested. Ohio Rev. Code Ann. § 153.65(I).	Yes	Public authorities may use the construction manager at risk project delivery method for public improvements.	Not specified	Yes, one contract is used for preconstruction services and construction services provided by the construction manager. See Ohio Rev. Code Ann. § 9.334.	Unclear	Yes. Ohio Rev. Code Ann. §§ 153.08; 9.312.

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Okla.	Yes	State agencies, political subdivisions, counties, municipalities, and political subdivisions are authorized to use design-build for public works projects when: (1) the public's health and safety require compressed construction time, or (2) the project benefits the public, cost control is necessary, and the project's unique nature require specialized or complex construction methods; and (3) for state agency projects, the Director of the Office of Management and Enterprise Services approves. Okla. State. Ann. tit. 61, § 202.1(A)-(C) (West 2013); <i>see also</i> , Okla. Admin. Code § 580:20-19-5(b) (2013).	"'Design-build' means a project delivery method whereby the state acquires both design and construction services in the same contract from a single legal entity, referred to as the design-builder, without the bid component of the traditional design-bid-build process" A "Design-Builder" is the entity proposing to design and construct any public project. Okla. Stat. Ann. tit., 61 § 202(6) (West 2013); Okla. Admin. Code § 580:20-19-2 para. 7 (2013).	Yes. "Each design-build team must include licensed architects and engineers independent from the state agency's design professional. The design-build team's licensed architects and engineers must be named in the proposal submitted to the state agency." Okla. Admin. Code § 580:20-19-12(g) (2013); <i>but see</i> , §§ 580:20-19-3(a), (c), 580:20-19-2 para. 7.	Design-builders are selected using a two-step process. Firms are first evaluated on their qualifications. Second, the four most highly qualified firms are evaluated on their competitive request for proposals submission. Okla. Admin. Code §§ 580:20-19-8 to -14, 580:20-21-1 to -9 (2013).	"A stipend is required to be paid to each design-build firm . . . [if] the state agency elects to have the proposing design-builders develop design drawings as part of the [proposal] submission." Okla. Admin. Code § 580:20-19-10(b)(6) (2013).	Duties of architect-designer, known as a "consultant," beyond planning and designing a project are unclear; construction administration services are separate and need not be provided by an architect. Okla. Stat. Ann. tit. 61, §§ 61(4), 202(5), (7), 202.1(A), 203 (West 2013).	Yes	State agencies, political subdivisions, counties, municipalities, school districts, and political subdivisions are authorized to use at-risk construction management for public works projects when: "(1) The project benefits the public. . . (2) There is a need for cost control. . . (3) The need exists for specialized or complex construction methods due to the unique nature of the project. . . (4) [And] [o]ther consideration factors . . . [such as]:" time constraints, state agency capabilities, state agency funding, and project components. Okla. State. Ann. tit. 61, §§ 202.1(A)-(C), 220 (West 2013); Okla. Admin. Code § 580:20-17-5(a)-(b) (2013); <i>see</i> , tit. 61, § 202(4)(b) (the construction management project delivery method includes at-risk construction management).	Not specified.	One two-phase contract is used. Phase one includes pre-construction services in consideration for a negotiated fee; a guaranteed maximum price is established as soon as once design is "far enough along." Phase two includes construction services and begins when the GMP is approved. Okla. Admin. Code § 580:20-17-9(b)(5) (2013).	Construction manager at/risk and design consultant work together "to perform value engineering and construction coordination reviews and to develop individual bid packages for issuance to subcontractor trades." Design-consultant beyond planning and designing a project are unclear; construction administration services are separate and need not be provided by an architect. Okla. Stat. Ann. tit. 61, §§ 61(4), 202(5), (7), 202.1(A), 203 (West 2013); Okla. Admin. Code § 580:20-17-9(b)(5)(B) (2013).	Yes. Okla. Stat. Ann. tit. 61, § 103(A) (West 2013); <i>but see</i> , tit. 61, § 220(E) (at-risk construction management contracts not subject to competitive bidding requirements); Okla. Admin. Code §§ 580:20-17-8 to -10, 580:20-21-1 to -9 (2013).

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Oregon	Yes	Design-build may be used when the method is "unlikely" to "encourage favoritism in the awarding of," or "substantially diminish competition for", public improvement contracts and "will likely result in substantial cost savings to the contracting agency." Or. Rev. Stat. Ann. § 279C.335(2) (West 2012); see Or. Admin. R. 137-049-0610 (2012).	"Design-Build" is a procurement method for public improvement projects where "the [c]onstruction [c]ontractor also provides . . . design services, participates on the project team with the [c]ontracting [a]gency, and manages the design and construction." Alternative Contracting Methods are public improvement procuring techniques that utilize processes other than the traditional . . . Design-Bid-Build" method, such as design-build contracting. Or. Admin. R. 137-049-0610(1), (3) (2012).	No. Design-build entity is a construction contractor. Or. Admin. R. 137-049-0610 (2012).	Design-build contracts are awarded to the contractor providing the best value using competitive proposals. Or. Rev. Stat. Ann. § 279C.400(1); Or. Admin. R. 137-049-0640, -0670 (2012); see Or. Rev. Stat. Ann. § 279C.335(2); Or. Admin. R. 137-049-0645 to -0670.	Not specified	Not specified	Yes	Construction Manager/General Contractor may be used when the method is "unlikely" to "encourage favoritism in the awarding of," or "substantially diminish competition for", public improvement contracts and "will likely result in substantial cost savings to the contracting agency." Or. Rev. Stat. Ann. § 279C.335(2) (West 2012); see Or. Admin. R. 137-049-0610(1), (2) (2012) (Construction Manager/General Contractor known as "Construction Manager At Risk").	Unclear	Yes. <i>See generally</i> , Or. Admin. R. 137-049-0610(2), -0690(3)-(5) (2012).	Unclear	Yes. Or. Rev. Stat. Ann. §279C.335(1) (West 2012).

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Penn.	Yes	State agencies and counties are authorized to use design/build for public structures or buildings; counties for select public purpose facilities 62 Pa. Cons. Stat. Ann. § 322(2); tit. 16, § 5517(b)(1), (4)(i)-(ii) (West 2013) (counties are authorized to use design/build for "projects" or "projects involving a selected public purpose facility," meaning: "The demolition, modification, and construction of a build or group of buildings with related facilities formerly owned by a county and previously used as a jail or office facility); see , tit. 62, §§ 102(a), 103 para. 3.	A design/build contract is "[a] construction contract in which the contractor is responsible for both the design and construction of any public structure or building or other public improvements of any kind to any public real property." 62 Pa. Cons. Stat. Ann. § 103 para. 10; tit. 16, § 5517(b)(4)(ii) (West 2013).	Not required. If the design-build entity is not authorized to practice architecture under the Architects Licensure Law, it may still offer design-build services if the architectural services provided that: "(i) An architectural firm . . . shall independently contract with a design-build entity and is responsible for all material aspects of the practice of architecture" (ii) The design-build entity includes in their proposal offer to the client written disclosure that the "architect will be engaged by and will be contractually responsible to the design-build entity offering design-build services and will not be responsible to the client. (iii) The design-build entity agrees the architect will have direct supervision of the architectural work. (iv) The contract between the design-build entity and the client shall set forth the name of the architectural firm which will be contractually responsible to the design-build entity for providing architectural services." 61 Pa. Cons. Stat. 34.15(9)(i)-(iii) (2013).	In the absence of a exemption, state agency design/build contracts will be awarded by competitive sealed bidding; counties use a request for proposals process. 62 Pa. Cons. Stat. Ann. § 511 (West 2013); 16 Pa. Stat. Ann. § 5517(b)(1)-(2) (2013).	Not specified	Not specified	No	No provisions expressly or implicitly authorizing the project delivery method's use.	-	-	-	Yes. 62 Pa. Cons. Stat. Ann. § 511 (West 2013).

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Puerto Rico	Yes	Any department, agency, board, commission, body, bureau, office, municipal entity, public corporation, or instrumentality of the Executive, Judicial, or Legislative Branches is authorized to execute "partnership contracts," which include design-build, "in connection with any function, service or facility for which they are responsible." P.R. Laws Ann. tit. 27, §§ 2601(g), (i), 2603 (2013).	A "partnership contract" is a "contract executed by the selected proponent and the partnering government entity to establish a partnership, which may include, but shall not be limited to, a contract to delegate a function, administer or render one or more services, or conduct the design, building, financing, maintenance, or operation of one or more facilities A partnership contract may be . . . any modality of the following kind[] of contract: design/build"	Not specified	Proponent qualifications and proposal evaluation procedures are used to award design/build contracts. P.R. Laws Ann. tit. 27, § 2608(b) (2013) (section contains subsection labeling error).	No, "[a]ny proponents who submit proposals for partnership contracts shall assume the risk of paying for all expenses relative to the proponent pre-qualification procedure and the preparation and presentation of their proposals . . . and the Authority shall not be responsible for any such expenses." P.R. Laws Ann. tit. 27, § 2608 (2013) (section contains subsection labeling error).	Unclear	Yes	Not authorized by name, however, partnership contracts, which include "any . . . kind of contract that separates or combines the design, building, financing, operation or maintenance phases of the priority projects," may be executed by "[a]ny department, agency, board, commission, body, bureau, office, municipal entity, public corporation, or instrumentality of the Executive, Judicial, or Legislative Branches" "in connection with any function, service or facility for which they are responsible." P.R. Laws Ann. tit. 27, §§ 2601(g), (i), 2603 (2013).	Unclear	Unclear	Unclear	Yes. See, P.R. Laws Ann. tit. 3, § 933a; <i>but see</i> , tit. 27, § 2608 (2013) (partnership contracts awarded using qualifications and proposal evaluation procedures).

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Rhode Island	Yes	Not expressly authorized or discussed, however, because "any type of contract that will promote the State's best interests may be used," the State's authority to use design-build contracts may be inferred. R.I. Gen. Laws Ann. § 37-2-31 (West 2013).	-	-	-	-	An "owner's program manager" is an independent agent of the governmental entity, but is not required to be an architect. R.I. Gen. Laws. Ann. § 37-2-7(32) (West 2013).	Yes	State governmental entities, i.e., "any entity created as a legislative body or state agency by the goveral assembly or constitution of this state, except for municipal, regional, or county governmental entities," are authorized to use construction manager at-risk contracts for building projects, subject to certain requirements, including: the use of a general contractor is selected as the lowest responsible bidder is not practicable and will not result in the best value for the state, the project delivery method's use is appropriate, and the estimated construction value is greater than or equal to \$5,000,000. Construction manager at-risk is listed as a type of contract, and "any type of contract that will promote the State's best interests may be used." R.I. Gen. Laws Ann. §§ 37-2-4, -7(5), (11), (30)-(31), 37-2-27.1, -31 (West 2013).	Unclear	Yes. See, R.I. Gen. Laws Ann. §	An "owner's program manager," "an entity engaged to provide project management services on behalf of a state agency for the construction and supervision of the construction of a building project. . . . [that] acts as the owner's agent in all aspects of the construction project" is required for every construction manager at-risk project. However, there is no requirement that the owner's program manager be an architect. R.I. Gen. Laws Ann. §§ 37-2-7(32), -27.2(a) (West 2013).	Yes. R.I. Gen. Laws. Ann. §§ 37-2--17, 18(a) (West 2013).

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South Carolina	Yes	Design-build is authorized "for procurements relating to infrastructure facilities" when the project delivery method is the "most advantageous to the State and results in the most timely, economical, and successful completion of the construction project." S.C. Code Ann. §§ 11-35-3005(1)(d), -3010(1) (2012).	"'Design-build' means a project delivery method in which the governmental body enters into a single contract for design and construction of an infrastructure facility. . . . 'Infrastructure facility' means a building; structure; or networks of buildings, structures . . . that provide transportation, utilities, public education, or public safety services. Included are government office buildings; public schools; courthouses; jails; prisons; . . . rail, air, and water port structures, terminals, and equipment." S.C. Code Ann. § 11-35-2910(7), (12) (2012).	Not specified	Contracts for design-build must be procured by competitive sealed proposals and awarded "to the responsible offeror whose proposal is determined in writing to be the most advantageous to the State." This process includes evaluating qualifications of prospective offerors first, and evaluating proposals solicited from the top qualified offerors second. S.C. Code Ann. §§ 11-35-3015(5), -1530, 11-35-3024(2)(b) (2012) .	The governmental body may "pay stipends to unsuccessful offerors, if the amount of the stipends and the terms under which stipends are paid are stated in the Request for Proposals." S.C. Code Ann. § 11-35-3024(2)(c)(iii) (2012).	Yes. "Independent peer reviewer services," "additional architectural and engineering services that a governmental body shall acquire . . . [t]he function of [which] . . . is to confirm that the key elements of the professional engineering and architectural design provided by the contractor are in conformance with the applicable standard of care." S.C. Code Ann. § 11-35-2910(11) (2012).	Yes	Construction management at-risk is an authorized "for procurements relating to infrastructure facilities" when the project delivery method is the "most advantageous to the State and results in the most timely, economical, and successful completion of the construction project." S.C. Code Ann. §§ 11-35-3005(1)(b), -3010(1) (2012).	"A contract with the construction manager at-risk may be executed before completion of design." S.C. Code Ann. § 11-35-2910(3) (2012).	Yes. One contract is awarded to the construction manager at-risk for both construction of the infrastructure facility . . . and construction management services. S.C. Code Ann. § 11-35-2910(3), (5) (2012).	A separate contract for architectural and engineering services is awarded under this project delivery method, these services include: "studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans, and specifications, cost estimates, inspections, shop drawing reviews, sample recommendations, preparation of operating and maintenance manuals, and other related services." S.C. Code Ann. § 11-35-2910(1), (3), (5) (2012).	Yes. S.C. Code Ann. § 11-35-3015(2)(b) (2012); <i>but see</i> , § 11-35-3015(3)-(8) (source selection methods assigned to project delivery methods, including construction management at-risk).

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South Dakota	Yes	Purchasing agencies may enter into design-build contracts for public improvements when the public's best interest is served by their use. S.D. Codified Laws § 5-18B-20 (2012); see generally, §§ 5-18A-1 to -2, 5-18B-20 to 38.	A "design-build contract" is "any contract between a purchasing agency and a design-builder to furnish the architecture, engineering, and related services as required, and the labor, materials, and other construction services for a public improvement." A "design-builder" is "any person that proposes to design and construct a public improvement covered by the procedures of this chapter [Public Agency Procurement] and chapters 5-18B [Procurement of Public Improvements], 5-18C [Procurement by Local Government Units], and 5-18D [Procurement by State Agencies]." "Purchasing agency" is defined as "any governmental body or officer authorized by law, administrative rule, or delegated authority, to enter into contracts." A "public improvement" is "the process of building, altering, repairing, improving, or demolishing any public infrastructure facility." S.D. Codified Laws § 5-18A-1(9), (12), (21)-(22).	Not required. A "design-builder" must be authorized in the state "as either an architect, engineer, or general contractor." "A design-builder may contract with the purchasing agency to provide professional services or construction services for which the design-builder is not licensed, registered, or qualified to perform, as long as the design-builder sublets all such services required under the design-build contract to a licensed, registered, or otherwise qualified person." S.D. Codified Laws §§ 5-18A-1(12), 5-18B-24.	Design-build contracts are awarded using a two-step best value process. In the first step, a purchasing agency prequalifies design-builders by advertising its request for qualifications. In step two, a request for proposals is mailed to design-builders who have been prequalified. "After obtaining and evaluating proposals according to the criteria and procedures set forth in the design-build request for proposals, a purchasing agency may accept the proposal it considers most advantageous to the purchasing agency." S.D. Codified Laws §§ 5-18B-29, -31, -36; see, § 5-18A-1(9)-(12), (20)-(22), (24)-(25); see generally, §§ 5-18B-25 to -38.	"The compensation, if any, to be given to design-builders submitting proposals who are not awarded the project" will be included in the purchasing agency's request for proposals. S.D. Codified Laws § 5-18B-29(10).	The performance criteria developer hired to design the plans and specifications allowing the design-builder to make a proposal "may be retained at the purchasing agency's option through to the completion of the design-build contract." S.D. Codified Laws § 5-18B-27; accord, § 5-18B-26 (the performance criteria developer and the design-builder perform separate and distinct roles), 5-18B-28; see generally, § 5-18A-1(17)-(18) ("performance criteria" and "performance criteria developer" definitions), § 5-18B-25.	Yes	Construction management at-risk may be used by "[a]ny purchasing agency" for the "planning, designing, . . . constructing, . . . improving, altering, or repairing [of] a public improvement," when using the project delivery method serves the public's interests. S.D. Codified Laws § 5-18B-39; see, § 5-18B-43; see generally, §§ 5-18A-1(5)-(6), (8), (21)-(22), 5-18A-2.	Unclear	The purchasing agency awards one contract for both preconstruction and construction services provided by the construction manager. See generally, §§ 5-18A-1(5)-(6), (8), 5-18B-39 to -40, -42, -45.	"Each contract for a public improvement shall have a licensed design professional actively involved in the project from the start of design through final completion as required by [the laws regulating "technical professions," which includes the practice of architecture, in] chapter 36-18A." S.D. Codified Laws § 5-18B-45.	Yes. S.D. Codified Laws § 5-18A-4.

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Tennessee	Yes	The Building Commission is authorized to approve the use of design-build for projects involving "[a]ny improvement to real property . . . in which the state of Tennessee or any of its departments, institutions or agencies has an interest," and certain projects by public higher education institutions when a request for its use: "a) Provides salient factors to justify the method and identify[its] advantages; (b) Is accompanied by a recommendation from the Procurement Agency assuring the Commission of its ability to manage the processes; and, (c) Has been reviewed and is recommended by the State Architect." Tenn. Code Ann. § 4-15-102(a); State Bldg. Comm'n of Tenn., By-Laws, Policy And Procedure, § 5.02 http://www.tn.gov/finance/OSA/documents/SBCPolicyMASTER.pdf (last revised Feb. 2013); Office of the State Architect of Tenn., Construction Delivery Method, pt. 1, (B)(1)(c)-(B)(2), at 1, http://www.tn.gov/finance/OSA/documents/ADMforOSApolicy.pdf (last updated Mar. 15, 2012); see , Tenn. Code Ann. §§ 4-15-101(a)(1), -102, -104 (West 2013) (establishing the Bldg. Comm'n's authority to promulgate rules regarding the procurement of construction services).	Design-build is an alternative delivery method "typically requiring approval at the inception of the project, and characterized by an evaluation of potential design and construction teams, joint ventures, or firms on factors of qualifications and experience, technical approach, price and design. . . wherein the D/B team provides the design, construction documents and the construction of the project based on program and other criteria by the owner." Office of the State Architect of Tenn., Construction Delivery Method, pt. 1, (B)(1)(c)-(B)(2), at 1, pt. 6, (A), at 14, http://www.tn.gov/finance/OSA/documents/ADMforOSApolicy.pdf (last updated Mar. 15, 2012).	Unclear	Design-build contracts are awarded using two-part process. In part one, DB teams' qualifications and technical approaches are evaluated and the best teams are short-listed. In part two, short-listed teams respond to a request for proposals, requiring the submission of both a design proposal and sealed cost proposal. Design proposals are evaluated and scored first; sealed cost proposals second. The DB team with the highest combined cost and evaluation score will be awarded the contract. Office of the State Architect of Tenn., Construction Delivery Method, pt. 6, (C), at 15, http://www.tn.gov/finance/OSA/documents/ADMforOSApolicy.pdf (last updated Mar. 15, 2012).	Not specified	"The procurement agency may engage a licensed professional designer (bridging agent) to assist in the preparation of the program and related criteria documents as well as to assist the owner as appropriate throughout the project." Office of the State Architect of Tenn., Construction Delivery Method, pt. 6, (A), at 14-15, http://www.tn.gov/finance/OSA/documents/ADMforOSApolicy.pdf (last updated Mar. 15, 2012).	Yes	The Building Commission is authorized to approve the use of construction management, the conceptual equivalent of construction manager at-risk, for projects involving "[a]ny improvement to real property . . . in which the state of Tennessee or any of its departments, institutions or agencies has an interest," and certain projects by public higher education institutions when a request for its use: "a) Provides salient factors to justify the method and identify[its] advantages; (b) Is accompanied by a recommendation from the Procurement Agency assuring the Commission of its ability to manage the processes; and, (c) Has been reviewed and is recommended by the State Architect." Tenn. Code Ann. § 4-15-102(a); State Bldg. Comm'n of Tenn., By-Laws, Policy And Procedure, § 5.02 http://www.tn.gov/finance/OSA/documents/SBCPolicyMASTER.pdf (last revised Feb. 2013); Office of the State Architect of Tenn., Construction Delivery Method, pt. 1, (B)(1)(b)-(B)(2), at 1, http://www.tn.gov/finance/OSA/documents/ADMforOSApolicy.pdf (last updated Mar. 15, 2012); see, Tenn. Code Ann. §§ 4-15-101(a)(1), -102, -104 (West 2013) (establishing the Bldg. Comm'n's authority to promulgate rules regarding the procurement of construction services).	Unclear	Not specified	Unclear	Generally, yes; however, other processes may be used depending on the contract type, price, and other factors. Tenn. Code Ann. § 12-10-124(c)(1)-(2), (4), (d) (West 2013); see, Office of the State Architect of Tenn., Construction Delivery Method, http://www.tn.gov/finance/OSA/documents/ADMforOSApolicy.pdf (last updated Mar. 15 2012).

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Texas	Yes	State agencies, public junior colleges, higher education facilities, and local governments, including: counties, municipalities, school districts, and other special districts or authorities, and political subdivisions of the state, are authorized to use design-build to construct, alter, or repair public buildings or structures. Tex. Gov't Code Ann. §§ 2267.002, .301-.303; Educ. § 51.780(b) (2013); <i>see generally</i> , Gov't § 2267.001(6) ("public work contract" definition).	""[D]esign-build' is a project delivery method by which a governmental entity contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility." Tex. Gov't Code Ann. § 2267.301 (West 2013); <i>accord</i> , Educ. § 51.780(a)(1); <i>see</i> , Gov't §§ 2267.301, .303.	Not required if engineer on team. "A design-build firm . . . must be a sole proprietorship, partnership, corporation, or other legal entity or team that includes an architect or engineer and a construction contractor." Tex. Gov't Code Ann. § 2267.304 (West 2013) (emphasis added); <i>accord</i> , Educ. § 51.780(a)(2).	Design-build contracts are awarded to the firm offering the best value as determined through a two-part process evaluating qualifications first and proposals second. Tex. Gov't Code Ann. §§ 2267.306 to .308 (West 2013); <i>accord</i> , Educ. § 51.780(d)-(f).	Not specified	Independent representative may be architect or engineer. "The governmental entity shall select or designate an architect or engineer independent of the design-build firm to act as the governmental entity's representative for the duration of the project." Tex. Gov't Code Ann. § 2267.305 (West 2013); <i>accord</i> , Educ. § 51.780(c).	Yes	State agencies, public junior colleges, higher education facilities, and local governments, including: counties, municipalities, school districts, and other special districts or authorities, and political subdivisions of the state, are authorized to use design-build to construct, alter, or repair public buildings or structures. Tex. Gov't Code Ann. §§ 2267.002, .251; Educ. § 51.782(a) (2013); <i>see generally</i> , Gov't § 2267.001(6) ("public work contract" definition).	"On or before the selection of a construction manager-at-risk, the governmental entity shall select or designate an architect or engineer to prepare the construction documents for the project." Tex. Gov't Code Ann. § 2267.252(a) (West 2013); <i>accord</i> , Educ. § 51.782(c).	The use of a single contract is implied. Tex. Gov't Code Ann. §§ 2267.251-.258; Educ. § 51.782(a) (West 2013).	Unclear. <i>See generally</i> , Tex. Gov't Code Ann. §§ 2267.251-.258; Educ. § 51.782 (West 2013).	Yes. Tex. Gov't Code Ann. § 2267.101 (West 2013); <i>but see</i> , Gov't §§ 2267.253 -.254, Educ. § 51.782(e)-(h) (construction manager-at-risk selection process).



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Utah	Yes	State agencies, public airport authorities, counties, cities, towns, local and special service districts are authorized to use design-build to construct and repair certain buildings and structures, subject to certain restrictions. Utah Code Ann. §§ 63G-6-501(3) (State Building Board may authorize use of DB) (effective until May 1, 2013); 63G-6-502(1)-(2) (public airport authority authorized to use DB for transportation projects with cost estimated at \$ 50,000,000 or more); 11-39-101(2), (4), (7), (12) (for projects with estimated cost exceeding \$ 250,000, counties, cities, towns, & local special service districts authorized to use DB to construct parks and recreational facilities, or construct or repair public buildings or structures); <i>see generally</i> , Utah Code Ann. §§ 63G-6-101 to -106, -201 to -209, -501; Utah Admin. Code r. 23-1-1 to -2, -45 (2013).	At the state level, "[d]esign-build' means the procurement of architect-engineer services and construction by the use of a single contract with the design-build provider." At the local level, a "[d]esign-build-project' (a) means a building improvement or public works project costing over \$250,000 with respect to which both the design and construction are provided for in a single contract with a contractor or combination of contractors capable or providing design-build services; and (b) does not include a building improvement or public works project: (i) that is undertaken by a local entity under contract with a construction manager that guarantees the contract price and is at risk for any amount over the contract price; and (ii) each component of which is competitively bid. 'Design-Build services' means the engineering, architectural, and other services necessary to formulate and implement a design-build project, including its actual construction." Utah Code Ann. §§ 63G-6-103(9)(a) (West 2013) (effective until May 1, 2013); 11-39-101(4)-(5) (West 2013).	Not specified	Design-build contracts are awarded to the proposer that is most advantageous to the governmental entity as determined by competitive methods that evaluate proposers on qualifications, proposals, both, or other factors. Utah Admin. R. 23-1-15(1)(b), (2)-(17) (two-step competitive sealed proposal process evaluating qualifications and proposals used by state agencies); Utah Code Ann. §§ 63G-6-502(4)-(7) (two-step process evaluating qualifications and proposals for public airport authority transportation project); 11-39-103(b)(ii) (counties, towns, cities, competitive process that awards contract to responsible bidder based on "factors that the local entity uses to assess the ability of a bidder to fully perform and in good faith the contract requirements.").	For public airport authority projects, a stipulated fee may be paid to unsuccessful offerors. Utah Code Ann. § 63G-6-502(6)(c).	Not specified	Yes	Not expressly authorized, however, because the Construction Manager/General Contractor method of construction has a broad and flexible definition that includes the elements that traditionally comprise construction manager at-risk, it may be inferred that CM at risk is permitted for use by state agencies. <i>See</i> , Utah Code Ann. §§ 63G-4-416(1) ("any type of contract which will promote the best interests of the state may be used"); 63G-6-104(1)-(2) (application of law to state agencies); 63G-6-201 to -209 (procurement organization and authority); Utah Admin. Code r. 23-1-1 to -2, -45(5)(d) (2013) (rule authority and definition of Construction Manager/General Contractor).	Precise time frame unclear. Utah Admin. Code r. 23-1-45(5)(d) (Construction Manager/General Contractor may be contracted with "early in a project to assist the development of a cost effective design.")	Not specified	Unclear	Yes. Utah Code Ann. § 63G-6-401(1) (effective until May 1, 2013) (West, Westlaw through 2012 Fourth Special Sess.); § 11-39-103(1)(b)(i).

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Vermont	Yes	The commissioner of buildings and general services is authorized to use design-build to construct and repair state buildings. Vt. Stat. Ann. tit.29 §§ 152(a)(3), 161(a)(2) (West 2013).	None provided	Unknown	Competitive bidding is used to solicit and award contracts. Vt. Stat. Ann. 29 § 161.	Unknown	Unknown	No	Unable to locate any provisions expressly permitting, prohibiting, or otherwise discussing construction manager at-risk.	Unknown	Unknown	Unknown	Yes. Vt. Stat. Ann. tit. 29 § 161(a)(1) (West 2013).
Virginia	Yes	Design-build is an authorized project delivery method for the Commonwealth, and the construction of higher education facilities, jail facilities, and juvenile correction facilities. Va. Code Ann. §§ 2.2-4306, 23-38.88(A)(13), 53.1-95.18, 2.2-4307 (West 2013).	A "[d]esign-build contract' means a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, roadway or other item specified in the contract." Va. Code Ann. § 2.2-4301	Not required	Contracts are awarded using "a two step competitive negotiation process." In the first step, offerors are evaluated on qualifications and ranked. In the second step, the top-ranked offerors are evaluated on proposals. Va. Code Ann. §§ 2.2-4306(B); see , § 2.2-4301 (elements of competitive negotiation).	No	No	Yes	Construction management is an authorized project delivery method for the Commonwealth, and the construction of higher education facilities, jail facilities, and juvenile correction facilities. Va. Code Ann. §§ 2.2-4306, 23-38.88(A)(13), 53.1-95.18, 2.2-4307 (West 2013).	Unknown	Unknown	Unclear	Yes. Va. Code Ann. §

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Virgin Islands	Unclear	Not expressly authorized; it is unclear whether the Commissioner of Property and Procurement's duty to "purchase or contract for all supplies, materials, equipment and contractual services" includes the authority to use design/build contracts. V.I. Stat Ann. tit. 31, § 232(1) (2013); <i>see generally</i> , tit.29, § 1197(a)(3) (discussing an exception to competitive bidding requirements involving design/build contracts).	None provided	Unknown	Competitive bidding is used to award all contracts; however, all advertising for bids is not required when determined that it is in "the best interest of good administration that contracts . . . be made without such advertisement" V.I. Code Ann. tit. 29, § 1107(a)(3); tit. 31, § 236(a) (2013).	Unknown	Unknown	Unclear	Not expressly permitted, prohibited, or otherwise discussed. It is unclear whether the Commissioner of Property and Procurement's duty to "purchase or contract for all supplies, materials, equipment and contractual services" includes the authority to use construction manager at-risk contracts. V.I. Stat Ann. tit. 31, § 232(1) (2013).	Unknown	Unknown	Unknown	Yes. V.I. Code Ann. tit. 31, § 236(a) (2013).

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Wash.	Yes - until July 1, 2013	"[A]ny general or special purpose government, including but not limited to state agencies, institutions of higher education, counties, cities, towns, ports, school districts, and special purpose districts," may use design-build to construct that are estimated to cost in excess of \$ 10,000,000 "and where: (a) The design and construction activities, technologies, or schedule to be used are highly specialized and a design-build approach is critical in developing the construction methodology or implementing the proposed technology; or (b) The project design is repetitive in nature and is an incidental part of the installation or construction; or (c) Regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design." The authority to use design-build contracts sunsets July 1, 2013. Wash. Rev. Code Ann. §§ 39.10.300(1), 39.10.210(1), (12)-(13), 39.10.490 (West 2013).	"Design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract." Wash. Rev. Code Ann. § 39.10.210(5) (West 2013).	Not specified	"Contracts for design-build services shall be awarded through a competitive process using public solicitation of [qualifications and] proposals for design-build services." Wash. Rev. Code Ann. § 39.10.330 (West 2013).	Required. "The public body shall provide appropriate honorarium payments to finalists submitting responsive proposals that are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects." The amount to be paid will be stated in the request for qualifications. Wash. Rev. Code Ann. § 39.10.330(1)(f), (5) (West 2013).	The "[e]mployment of staff or consultants with expertise and prior experience in the management of comparable projects" is required for design-build projects; however, it is unclear whether those staff or consultants may, or must, be architects. Wash. Rev. Code Ann. § 39.10.320(1)(b) (West 2013).	Yes - until July 1, 2013	"[A]ny general or special purpose government, including but not limited to state agencies, institutions of higher education, counties, cities, towns, ports, school districts, and special purpose districts," may use the general contractor/construction manager procedure (the substantive equivalent to construction manager at-risk) for public works, where: (1) Implementation of the project involves complex scheduling, phasing, or coordination; (2) The project involves construction at an occupied facility which must continue to operate during construction; (3) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project; (4) The project encompasses a complex or technical work environment; or (5) The project requires specialized work on a building that has historic significance. The authority to use GC/CM contracts sunsets July 1, 2013. Wash. Rev. Code Ann. §§ 39.10.340, 39.10.210(1), (6), (12)-(13), 39.0.490 (West 2013); <i>see generally</i> , §§ 39.10.340 to .410.	"Public bodies should select general contractor/co nstruction managers early in the life of public works projects, and in most situations no later than the completion of schematic design." Wash. Rev. Code Ann. § 39.10.360(1).	The use of a single contract is implied. Wash. Rev. Code Ann. § 39.10.210(6) (West 2013); <i>see also</i> , § 39.10.370.		By definition, construction contracts are "awarded" through competitive bidding. Wash. Rev. Code Ann. § 39.04.010(1); <i>see generally</i> , §§ 39.04.010 to -901; <i>but see</i> , § 39.10.360 (GC/CMs solicited and selected through competitive process evaluating qualifications and proposals).

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West Virginia	Yes	"[S]tate departments, agencies, authorities, quasi-public corporations and all political subdivisions, including cities, counties, boards of education and public service districts" are authorized to use design-build for public projects subject to certain requirements, including: the use of the project delivery method is in the public's best interest. W. Va. Code Ann. § 5-22A-3 West 2013); <i>see generally</i> , § 5-22A-2(1) ("agency" definition), West Virginia Design-Build Procurement Act §§ 5-22A-1 to -16.	"'Design-build' is defined as providing responsibility within a single contract for design, construction or alteration of a building or buildings . . . in which services within the scope of practice of professional engineering or architecture . . . are performed by an engineer or architect . . . and in which services within the scope of construction contracting . . . are performed by a contractor . . . 'Design-build contract' means the contract between an agency and a design-builder to furnish the architecture, engineering, and related services as required, for a given public project, and to furnish the labor, materials and other construction of services for the same public project. . . . 'Design-builder' means the entity . . . that proposes to design and construct any public project" W. Va. Code Ann. § 5-22A-2(4)-(6) (West 2013).	Not required. "Each design-builder shall be licensed to do business in this state and be a licensed architect or engineer or a general contractor. Each design-build may: [a]ssign or sublet the responsibility for professional design services to an architect or engineer licensed in this state." W. Va. Code Ann. § 5-22A-7(a)-(b)(1) (West 2013).	Design-builders are selected through a two-phase process evaluating qualifications (step 1) and separate technical and cost proposals (step 2). W. Va. Code Ann. §§ 5-22A-9 to -12 (West 2013).	Discretionary. "At the discretion of the agency, a stipend may be paid to the design-builders not ultimately selected." W. Va. Code Ann. § 5-22A-11(h) (West 2013).	The agency's "performance criteria developer," either an architect or an engineer, is retained "through final completion of the project to monitor adherence to the performance criteria." W. Va. Code Ann. § 5-22A-8(a) (West 2013).	No	No provisions expressly or implicitly permitting, prohibiting, or otherwise discussing the project delivery method's use. May construction manager at risk be used so long as contract is awarded according to competitive bidding requirements?	-	-	-	Yes. W. Va. Code Ann. § 5-22-1(c) (West 2013).

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Wisconsin	Yes	Design-build contracts may be used "for the construction of a sheriff's department training academy" located within a county with a population of 500,000 or more. The state building commission may authorize "innovative types of design and construction processes" for building projects when such processes "will make better use of the resources and technology available in the building industry," which could include design-build. Wis. Stat. Ann. §§ 59.79(13), 13.48(19) (West 2013).	None provided	Unclear	Unclear	Not specified	Not specified	Unclear	No provisions expressly permitting, prohibiting, or otherwise discussing the project delivery method's use. However, the state building commission may authorize "innovative types of design and construction processes" for building projects when such processes "will make better use of the resources and technology available in the building industry," which could include construction manager at-risk. Wis. Stat. Ann. § 13.48(19) (West 2013).	Unknown	Unknown	Unknown	Yes. Wis. State. Ann. §§ 16.75(a), .855(a) West 2013).

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Wyoming	Yes	The state, counties, cities, towns, and the political subdivisions thereof are authorized to use design-build to "design, construct, alter, repair or maintain public works projects." Wyo. Stat. Ann. § 16-6-702(b) (West 2013); <i>accord</i> , § 16-6-701(a)(iii), (v), (ix); <i>see also</i> , § 21-15-123(f)(v)(H) (use by school facilities department).	"'Design-build' means a type of construction delivery method in which there is a single contract between the public entity and a design-builder who furnishes architectural, engineering and other related design services as required for the public project, as well as labor materials and other construction services necessary to construct the project. . . . 'Design-builder' means an entity that provides design-build services as described [in the design-build definition] . . . whether by itself or through subcontractual arrangements with other entities" Wyo. Stat. Ann. § 16-6-701(a)(ix)-(x).	Not required. <i>See</i> , Wyo. Stat. Ann. § 16-6-701(a)(x).	Projects with estimated cost less than or equal to \$500,000 are awarded using qualifications-based selection. Projects with estimated cost exceeding \$500,000 are awarded to the design-builder providing the best overall value, as determined through a two-step process in which qualifications are evaluated first, and fixed scope or fixed price proposals are evaluated second. Wyo. Stat. Ann. § 16-6-701(a)(ix)(A)-(D).	Discretionary. Unsuccessful respondents may be compensated for their proposal at the public entity's discretion. Wyo. Stat. Ann. § 16-6-701(a)(ix)(E).	No	Yes	The state, counties, cities, towns, and the political subdivisions thereof are authorized to use construction manager at-risk to "design, construct, alter, repair or maintain public works projects." Wyo. Stat. Ann. § 16-6-702(b) (West 2013); <i>accord</i> , § 16-6-701(a)(v), (vii); <i>see also</i> , § 21-15-123(f)(v)(H) (use by school facilities department).	Unknown	Yes. <i>See generally</i> , Wyo. Stat. Ann. § 16-6-701(a)(vii).	Unclear	Generally, yes. Wyo. Stat. Ann. § 16-6-102(a) (West 2013).