DESIGN-BUILD PROJECTS

Eric K. Murray, State Right of Way Acquisition Manager
Georgia Department of Transportation
“Design-Build Combines design engineering and other preconstruction related services (such as right of way) with construction services into a single contract.”
STATE OF GEORGIA DESIGN-BUILD PROJECTS GOVERNED BY:

23 Code of Federal Regulations (CFR) Part 636 (Design-Build Contracting)

23 Code of Federal Regulations (CFR) Part 710 (Right of Way Acquisition)

Georgia Code Section 32-2-81

GDOT Board Rules, Chapter 672-18 (Adopted 2006)

GDOT Right of Way Manual on Policies and Procedures
<table>
<thead>
<tr>
<th>CONVENTIONAL</th>
<th>vs.</th>
<th>DESIGN-BUILD</th>
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</thead>
<tbody>
<tr>
<td>ROW acquired prior to Letting</td>
<td></td>
<td>ROW acquired prior, during or after Letting</td>
</tr>
<tr>
<td>Plans are complete before advertising</td>
<td></td>
<td>30% of completed plans are typically advertised</td>
</tr>
<tr>
<td>Unit price construction contract</td>
<td></td>
<td>Lump Sum Design-Build Contract</td>
</tr>
<tr>
<td>ROW is authorized after complete ROW plan approval and environmental approval</td>
<td></td>
<td>If ROW is in contract, Design-Build team will provide ROW services and will likely acquire ROW in segments</td>
</tr>
</tbody>
</table>
DESIGN-BUILD PROJECT SELECTION CRITERIA:

- Accelerate Program Delivery
- Support Economic Development
- Reduce project costs and delays
- Address complex constructability issues
- Emergency Projects
- Schedule Recovery
ROW in DESIGN-BUILD

- Accelerated delivery/reducing acquisition time
- Encourages use of effective scheduling methods & software
- Risk transfers to Design-Build Team
- Encourages design modifications to mitigate “damage” impacts and save money
- Affords more available ROW Acquisition resources/lessen burden on in-house staff resources
CON'S

- Rush negotiations & increase in condemnation rates
- Design changes without proper input from ROW staff
- Acquiring ROW at risk, prior to state or federal environmental clearance can possibly cause a financial burden on the local or state authority acquiring the ROW
- Schedule delays or project not being delivered at all should environmental not clear for parcel(s) acquired
- Potential for lower quality sub-contractors for ROW Acquisition
- Potential for bad ROW practices
## GEORGIA’S ROW SCOPE OF SERVICES (Design Build Special Provisions):

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Requirements</td>
</tr>
<tr>
<td>2</td>
<td>Administrative requirements</td>
</tr>
<tr>
<td>3</td>
<td>ROW Acquisition Plan</td>
</tr>
<tr>
<td>4</td>
<td>Schedule and Review Procedures</td>
</tr>
<tr>
<td>5</td>
<td>Contractor’s ROW Scope of Services</td>
</tr>
<tr>
<td>6</td>
<td>Acquisition Process Summary</td>
</tr>
<tr>
<td>7</td>
<td>ROW Personnel Qualifications</td>
</tr>
<tr>
<td>8</td>
<td>Contractor Conflict of Interest</td>
</tr>
<tr>
<td>9</td>
<td>Meetings</td>
</tr>
<tr>
<td>10</td>
<td>Documentation &amp; Reporting</td>
</tr>
<tr>
<td>11</td>
<td>Responsibilities of Contractor</td>
</tr>
<tr>
<td>12</td>
<td>Responsibilities of GDOT</td>
</tr>
<tr>
<td>13</td>
<td>GDOT Project/Monitor/Reviewer</td>
</tr>
<tr>
<td>14</td>
<td>Responsibilities of the Office of the Attorney General</td>
</tr>
<tr>
<td>15</td>
<td>Pre-Acquisition Activities</td>
</tr>
<tr>
<td>16</td>
<td>Appraisals</td>
</tr>
<tr>
<td>17</td>
<td>Acquisition Activities</td>
</tr>
<tr>
<td>18</td>
<td>Early ROW Acquisition</td>
</tr>
</tbody>
</table>
ROW Scope of Services

- Contractor responsible for acquisition of the ROW and Easement

- Land or Easement required to construct the project shall be acquired in the name of GDOT
ROW Scope of Services (continued)

- Land or Easement acquired outside area needed for actual construction of project (i.e. construction office space, material storage, etc.) is the responsibility of Contractor. GDOT will not pay for land or easement outside construction footprint of project.

- Land or easements needed for the relocation of Utilities (with prior rights) are considered within the construction footprint of the project.
NOTICE TO PROCEED....

Notice to Proceed (NTP) #1 – the Department’s issuance of NTP for preliminary design activities

Notice to Proceed (NTP) #2 – the Department’s issuance of NTP for final design activities

Notice to Proceed (NTP) #3 – the Department’s issuance of NTP for land disturbing activities
DESIGN-BUILD PROCUREMENT IN GEORGIA:

**Request for Qualifications (RFQ)**
- Includes area class, as well as ROW acquisition personnel requirements
- Letter of Interest/Statement of Qualifications (LOI/SOQ)
- Agency evaluates
- Design-Build teams are prequalified by the Agency

**Request for Proposal (RFP)**
- Includes the Right-of-Way Acquisition Scope of Services

**Award/N.T.P.**
- Award is based on “lowest qualified bid”
ROW PLANS – **State or Federal Funds**

Project ROW Plans may be submitted for review and approval in segments or phases.

Numbering system must be sequential & must have logical reasoning.

(Example: Parcels 1-20, or 30-50, or 80–100).
ROW PLANS – State or Federal Funds

- Plans must be complete enough for appraiser to properly value the property.

- Must be complete enough to show property owner necessary impacts.

- Must have sufficient details such as cuts/fill slopes, required ROW boundaries, required easement boundaries, existing ROW boundaries, existing property line boundaries, site improvements (enough to reveal possible impacts) properly spotted on plans, data tables with required areas and remainders defined, etc.
ENVIRONMENTAL COMPLIANCE:

May begin ROW Acquisition “at risk” prior to Environmental Approvals (must follow federal guidelines; can’t condemn until Environmental is approved).

With **State Funded** only projects do not have to get NEPA document approval and can speed up the environmental approval processes with State environmental documents only (GEPA)
ROW CERTIFICATION

In Georgia, we prepare **multiple ROW Certifications** (for Design Build projects):

- **Initial** ROW Certification Letter when project is awarded *(in order to obtain authorization from FHWA to advertise for construction bids)*

- **Additional** ROW Certification Letters when ROW is acquired; may be certified in stages *(prior to construction beginning on any parcels)*
(22) Projects have been awarded from 1997 to present – totaling over $516 M.

- Interchange Lighting
- Interstate Auxiliary Lane
- State Route Bridge Replacement
- State Route/Interstate Connector Ramps
- State Route/County Road Interchange
- Interstate Diamond Interchange
- Interstate/State Route/County Road Connector
- Interstate Collector Distributor
- Interstate/County Road Connector and Interchange
- Safe Routes to School
I-85 KIA Interchange

- Expedited delivery to support economic development
- April 20, 2007 letting date
- $80,857,486.98 - Federal Funds with full oversight
- December 31, 2008 completion date
- Completed 30 days early, included incentive
- 18 months to complete Design-Build contract
- “Highways for Life” grant
- In-house coordinated ROW services (Used Advanced Acq. Protective Buy)
SR 400 at I-85 Connector Ramps

- Expedited delivery
- May 20, 2011 letting date
- $21,423,500.00
- December 31, 2013 scheduled completion date
- 100% State Funded
- In-house coordinated ROW
Jimmy Deloach Connector

- Expedited delivery
- November 18, 2011 letting date, and December 31, 2015 completion date
- 100% State Funded - $72,772,000
- DB contract includes Design, Construction, Mitigation credit purchase, Preparation of Individual Permit (IP), and R/W acquisition services
Jimmy Deloach Connector

Current Status:

Total Parcel Count: 38
#Parcels Acquired (Deed): 4
#Parcels Acquired (Condemnation): 2
Number of ROW Certifications to date: None
Segments Under Construction: None
LESSONS LEARNED:

- Make sure scope is clearly defined in the RFP
- A commitment to oversight is required and necessary by the Agency
- Agency will need to provide a considerable amount of resources
- Make sure the Design-Build Contractor understands it is his responsibility to clear ROW after the NTP date
- Important to monitor and audit the Design-Build contractor’s QC/QA processes for adequacy and effectiveness
### DESIGN-BUILD/ROW COORDINATION CONTACT:

<table>
<thead>
<tr>
<th><strong>FHWA</strong></th>
<th><strong>GDOT</strong></th>
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<tbody>
<tr>
<td>(Vacant)</td>
<td>Troy D. Byers</td>
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<tr>
<td>Georgia Realty Officer</td>
<td>Assistant Right of Way Administrator</td>
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<tr>
<td>Federal Highway Administration</td>
<td>Georgia Department of Transportation</td>
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<tr>
<td>(404) 562-3634</td>
<td><a href="mailto:tbyers@dot.ga.gov">tbyers@dot.ga.gov</a></td>
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<td>(404) 347-0179</td>
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<tr>
<td></td>
<td>Eric K. Murray</td>
</tr>
<tr>
<td></td>
<td>State ROW Acquisition Manager</td>
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<td>Georgia Department of Transportation</td>
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<td><a href="mailto:emurray@dot.ga.gov">emurray@dot.ga.gov</a></td>
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<td>(404) 895-4976</td>
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QUESTIONS
Design Build and Consultants

John E. Terry, South Carolina State Manager, Terrell, Hundley and Carroll Right of Way Services, Inc.
Who is Terrell, Hundley and Carroll Right of Way Services, Inc.?

- Offices located in Georgia, South Carolina, and Florida
Who is Terrell, Hundley and Carroll Right of Way Services, Inc.?

We provide the following services:

- Pre-Acquisition Services
- Appraisals
- Acquisition Services
- Closing Services
- Right of Way Certifications
- Turn Key Right of Way Management
Current and Recent Design Build Projects

I-75 Reversible Lanes
Cobb And Cherokee Counties, Georgia

- Project will add 2 managed (toll) lanes along the western side of I-75 approximately 33 miles in length.
I-75 Reversible Lanes (continued)
Cobb And Cherokee Counties, Georgia

- These lanes will run south bound in the morning and north bound in the afternoon.
Current and Recent Design Build Projects

I-75 Reversible Lanes (continued)
Cobb And Cherokee Counties, Georgia

- 82 Parcels/Tracts (22 Relocations)
- Project Certification: May 2014
- Estimated to be the most expensive project in GDOT history
Current and Recent Design Build Projects

Johnnie Dodds Boulevard
Charleston County,
South Carolina

- 2.877 Miles long with 198 parcels through mainly commercial retail property
- Construction is nearly complete
Current and Recent Design Build Projects

Johnnie Dodds Boulevard
Charleston County, South Carolina

- To allocate manpower and meet construction needs the parcels were split into 4 priorities
- 1 Parcel is still outstanding
Current and Recent Design Build Projects

Johnnie Dodds Boulevard (continued)
Charleston County, South Carolina

- Widened the roadway from 2 lanes to 3 lanes in both directions
- Widening of the frontage roads to include a 4 foot bicycle lane and sidewalks
- Curb and gutter the entire length
- Storm Sewer Improvements
Current and Recent Design Build Projects

Johnnie Dodds Boulevard (continued)
Charleston County, South Carolina

- Bowman Road Overpass and Diamond Shaped Interchange
Right of Way Consultants view of Design Build

PRO’s

- Design Firms have tended to take our (right of way professionals) input into account when designing the project.
- When revisions are needed the requests are handled quickly because of the shortened timeframe to construction.
- Use of Premium Right of Way Payments
Right of Way Consultants view of Design Build

CON’s

- Accurately creating a Cost Estimate because of the preliminary nature of the plans
- Ensuring that property owners understand that the actual impact to their property may change during construction
Right of Way Consultants view of Design Build

CON’s (continued)

- Conflicting Negotiation Strategies
  - State – Cost, Time, Citizen Satisfaction, Good Will
  - D/B Firm – Cost, Time
  - SC DOT Solution: Premium Right of Way Value Payments

- Multiple Right of Way Certifications

- Use of “Permission Documents” in lieu of easements on Johnnie Dodds Boulevard
Questions
FHWA Federal Oversight and Design Build

Michele Palicka
FHWA – Resource Center
Federal Regulations

- Must comply with the Uniform Act

23 CFR 710.313

- Must comply with State DOT ROW Manual

- Must submit a ROW certificate 23 CFR 635.309
Federal Regulations

23 CFR 710.313

- Construction will not commence until all property is acquired or phase/segment is completed

- Will not impair safety / no coercion to unacquired properties
Design Build Contract

If ROW is included in the Design Build Procedures.....

- Submit written procedures
- Certification it will comply with Federally approved ROW Manual
- Written relocation plan/reasonable times
Design Build Contract

If ROW is included in the Design Build Contract....

- Establish tracking system/quality control
- Hold off zones
- Adequate Access
Design Build Contract

If ROW is included in the Design Build Contract....

- Utility Service
- No burning
- ROW Project Manager
Right of Way Authorization

- Cost Estimate
- Listed in TIP/STIP
- NEPA Completed
- Two Step Process (if applicable)
- Right of Way plans

What you need to have to authorize....
What is happening around the US?

- How many design build projects are states working on?
- How many are using federal funds in ROW?
- Who is using buildable segments?
What is happening around the US?

- How is Notice to Proceed(s) handled?
- Do you have procedures in your ROW Manual?
- What is your biggest concern?
Contact

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Resources

http://www.fhwa.dot.gov/resourcecenter/
http://www.fhwa.dot.gov/real_estate/