DESIGN-BUILD PROJECTS

Michele Palicka – FHWA Real Estate Specialist

Troy Byers – GDOT Asst. State R/W Administrator
Agenda

Federal Oversight on Design-Build Projects

State of Georgia Oversight on Design-Build Projects

Georgia Design-Build Projects: Goals & Benefits/ROW Scopes of Services/Procurement

ROW Plans

Environmental Compliance

Construction & ROW Authorizations

ROW Certifications

Conventional Projects V/S Design-Build Projects (Pros & Cons)

Lessons Learned in Georgia
Federal Oversight on Design-Build Projects

Michele Palicka – FHWA Real Estate Specialist
Federal Regulations

• 23 CFR 710.313
  – Must comply with the Uniform Act
  – GDOT Right of Way Design/Build Procedures in Manual
  – Right of Way Services in Design/Build Contract
ROW in Design Build Contract

- Design-Builder prepares a Right-of-Way Acquisition and Relocation Plan
- Design-builder establishes a project tracking system/quality control system
- Agency may establish “hold off zones”
- Design-Builder to allow adequate access to properties
ROW in Design Build Contract

- Utility service must be provided to all occupied properties at all times
- Open burning should not occur within 1,000 feet of occupied dwelling
- Agency will provide a Right-of-Way Project Manager
Right of Way Authorization

• Right of Way Authorization
  – Cost Estimate
  – Listed In TIP/STIP
  – NEPA Completed
  – Two Step Process
  – Right of Way Plans
    • Federal / State Oversight Agreement
Right of Way Certification

• 23 CFR 635. 309(p)
  – STIP/TIP
  – NEPA Completed
  – Partial Certifications
  – Right of Way Plan / Partial Approvals
State Oversight on Design-Build Projects

Troy Byers – Asst. State R/W Administrator
State of Georgia Design-Build Projects are Governed by:

• 23 Code of Federal Regulations (CFR) Part 636 (Design-Build Contracting) *(when using federal $)*

• Georgia Code Section 32-2-81 (Enacted 2004) *(when using State OR Federal $)*

• Board Rules, Chapter 672-18 *(Adopted 2006)*

• *GDOT R/W Manual on Policies and Procedures*
Design-Build Project Goals in Georgia

- **Accelerate** overall Program Delivery (thereby reducing public transportation congestion ASAP)

- Directly support and be considerate of **Economic Development**

- Establish up-front contractor & engineer interaction to stimulate **value engineering analysis** in order to attempt to **reduce overall project costs and project delays**

- Better address **complex constructability issues**; or projects that require specialty or innovative design or construction methods and techniques

- Utilize for **Emergency Projects** (i.e. Bridge/Intersection (safety upgrades), etc.

- Planned Projects **Schedule Recovery**
Design-Build Project **Benefits** in Georgia (to date)

- **Accelerating** our overall Program Delivery
- **Early pricing** so we know our total costs in advance of completion of construction
- **More schedule** certainty (hold one contractor liable from beg. to completion of project)
- **Have efficiency** (i.e. upfront designer/contractor collaboration; upfront contractor coordination with utility providers)
- Enable Design-Build Contractor Team to be **more innovative by making recommended design and construction changes** that can **save the Contractor and save GDOT $**
- **Ability to add additional resources** (i.e. Env./Design/ROW/Const. Inspection, etc.) without further depleting our in-house resources (from beginning of project concept until completion of construction of project)
Georgia’s ROW Scopes of Services
(Summary for Design-Build Projects)
**Right of Way:** The Contractor shall be responsible for the acquisition of the Right of Way and Easements required for the construction of the Project and comply with all State and Federal (when using federal $) laws, guidelines, polices, and procedures.

Any land or easement required to construct the project shall be in the name of Georgia Department of Transportation.

Land or easements acquired outside those areas needed for actual construction of the project (i.e. construction office space, material storage, etc...) will be the responsibility of the Contractor. GDOT will not pay for land or easements outside the construction footprint of the project.

Land or easements as needed for the relocation of Utilities with prior rights are considered within the construction footprint of the project.

*(See Handout for more specific details of ROW Scopes of Services)*
Georgia’s ROW Scopes of Services: (18 sections)

1. General Requirements
2. Administrative requirements
3. ROW Acquisition Plan
4. Schedule and Review Procedures
5. Contractor’s ROW Scope of Services
6. Acquisition Process Summary
7. ROW Personnel Qualifications
8. Contractor Conflict of Interest
9. Meetings
ROW Scopes of Services Cont.

10. Documentation & Reporting
11. Responsibilities of Contractor
12. Responsibilities of GDOT
13. GDOT Project Monitor/Reviewer
14. Responsibilities of the Office of Attorney General
15. Pre-acquisition Activities
16. Appraisals
17. Acquisition Activities
18. Early ROW Acquisition
Design-Build Procurement in Georgia

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

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

• **Award/N.T.P.**
  o Award is based on “lowest qualified bid”
ROW Plans (Georgia) – State or Federal $

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

- can’t be parcel 1 then parcel 100. (i.e. must be 1-20, or 30-50, or 80 – 100 sequences that make sense)

- 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 began ROW Acquisition “at risk” prior to Environmental Approvals

- With State $ only in project, will not have to get NEPA doc. approval and can speed up the environmental approval processes with State environmental doc. only (GEPA)
P.E./Construction / ROW Authorization
(Georgia – State $ only)

- may authorize early

- may set up one account (Construction) in the very beginning

- may set up two accounts (Construction and ROW)

- may set up three accounts (P.E.; ROW; and Construction)

In Georgia we have set up Construction, and Construction and ROW, and omitted P.E.
ROW Certification

In Georgia, we do a Certification III (“Dirty Certification”)

- Certify ROW when project is awarded

- Submit a “Clean” certification when all ROW is acquired and prior to construction
Awarded Design-Build Projects in Georgia:

(11) projects have been awarded from 2007 to current – just under $364 M.

**Types Include:**

- 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
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
Approved Design Build Projects in Georgia (to be Awarded):

(8) projects are currently approved and scheduled to be awarded by the end of 2012 alone for a total of about $345 M.

Types include:

Variable Speed Limit Signage
Signing and Paving Marking
SR Lane Extension
SR Interchange Ramp Extension
SR / County Road Interchange Improvement Upgrade
Interstate Managed Lanes Extension
Interstate Managed Lanes Addition
## Conventional V/S Design-Build

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<tr>
<th>Conventional</th>
<th>Design-Build</th>
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<tr>
<td>ROW is acquired prior to Letting</td>
<td>ROW acquired prior to or concurrently with or after Letting (depending on project needs)</td>
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<tr>
<td>Final completed plans are advertised</td>
<td>30% plans typically advertised; allows some flexibility for innovative solutions</td>
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<tr>
<td>Unit price construction contract</td>
<td>Lump sum Design-Build contract</td>
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<td>ROW is authorized after complete ROW plan approval and after environmental approval</td>
<td>If ROW is in the contract, Design-Build team will provide ROW Acquisition services and likely will acquire ROW in segments as plans are sufficient for the specific segments or leg</td>
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### ROW in Design-Build (pros and cons)

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<th>Pros</th>
<th>Cons</th>
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<tr>
<td>Allows for accelerated delivery/reducing acquisition timeline</td>
<td>Concerns of possible rushed or coercive negotiations and increases in condemnation rates</td>
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<td>Encourages use of effective scheduling methods and software</td>
<td>Concerns of Design-Build contractor implementing plan changes to mitigate damage impacts without proper input, guidance, and feasibility studies being prepared from ROW staff and prior to an appraisal to determine impacts due to time</td>
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<td>Allows for greater risk transfer to Design-Build team; with some risk retained by Agency</td>
<td>With greater responsibilities being transferred to Design-Build contractor, lose some hands-on and oversight at lower levels</td>
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<td>Encourages design modifications to mitigate “damage” impacts and save $</td>
<td>Potential for Design-Build Contractor to hire the lesser qualified or lower-end quality of ROW Acquisition sub personnel based on price only</td>
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<td>Affords more available ROW Acquisition resources / lessen burdens on in-house available staff resources</td>
<td>Potential for precedent setting bad ROW practices</td>
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Lessons Learned

• The RFP is a controlling document. Scopes, reviews, oversight, and timelines must be clearly defined.

• Spend enough time reviewing the scopes to ensure all expectations are clear

• A commitment to oversight is required and necessary by the Agency

• Never underestimate amount of time and resources the Agency will still need to provide for oversight on Design-Build projects

• Hold the Design-Build Contractor accountable (rest assured they will hold Agency accountable)

• Assess and manage **Risk** wisely

• Make the Design-Build Contractor retain responsibility of clearing ROW after the NTP date, as stipulated in the RFP, and prior to construction to avoid many problems, concerns, and issues.

• Important to monitor and audit the Design-Build contractor’s QC/QA processes for adequacy and effectiveness
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Questions?
The End