



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Memorandum

Subject: **ACTION:** Kentucky Progressive Design-Build  
(PDB) Project Delivery under Special  
Experimental Project No. 14 (SEP-14)

Date: August 10, 2023

From: Brian R. Hogge  
Acting Director, Office of Preconstruction,  
Construction, and Pavements

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In Reply Refer To:  
HICP-20

To: Todd A. Jeter  
Division Administrator  
Frankfort, KY

This memorandum is in response to an August 10 email sent by Justin Matumueni of your office, which transmitted the following attached documents:

1. A Kentucky Transportation Cabinet (KYTC) workplan under Special Experimental Project No. 14 (SEP-14), dated June 29, 2023, for the use of progressive design-build (PDB) project delivery. The KYTC proposes to use this delivery method for the implementation of Wrong Way Driving prevention technology on selected corridors in Kentucky; and
2. A cover letter from the KYTC, dated July 20, 2023, transmitting the SEP-14 workplan.

The Kentucky Division Office has reviewed and endorsed the SEP-14 workplan.

The KYTC received an Advanced Traffic Congestion and Mitigation Technology Deployment (ATCMTD) grant for the implementation of Wrong Way Driving prevention technology. The purpose of the project is to install the wrong way driving countermeasures at various locations in Lexington and Louisville. The Wrong-Way Driving and Integrated Safety Technology System will use edge computing / video processing to detect and deter wrong-way incidents and will alert other drivers and emergency responders. Also, the new computing power also creates an opportunity to better leverage existing ITS equipment for freeway mainline monitoring, detecting other safety concerns including pedestrians, debris, and stopped vehicles.

Under 23 CFR 636.302(a)(1), "You must evaluate price in every source selection where construction is a significant component of the scope of work". Since the total contract price will not be known upon the selection of the Design-Build Team (DBT) and the NEPA decision has been completed prior to executing the PDB procurement, SEP-14 approval by FHWA is required. KYTC, the contracting agency, is requesting SEP-14 approval for deviating from the 23 CFR 636.302(a)(1) requirement.

Other details are contained within the SEP-14 Workplan.

This SEP-14 workplan is approved.

The FHWA's approval of the SEP-14 workplan for the Project is limited to the deviations from FHWA's procurement rules at 23 CFR Part 636 as set forth in the Workplan. FHWA's approval is not intended to be and should not be interpreted as an approval, either expressly or implied, of deviations from any other title 23 USC, title 23 CFR, or other Federal requirement (including provisions contained in the recently enacted Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021) applicable to any other aspect of the project advanced under the SEP-14 Workplan.

Thank you for the opportunity to review and comment on this SEP-14 request. Should you have any questions, please contact Brian Hogge at (202) 366-1562, or John Huyer at (720) 437-0515.