



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

Memorandum

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

Date: July 11, 2023

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

BRIAN R. HOGGE
2023.07.11 16:04:49
-04'00'

In Reply Refer To:
HICP-20

To: Ralph J. Rizzo
Division Administrator
Olympia, WA

This memorandum is in response to a July 11 email from Shay Witucki of your office, which transmitted, through the Washington State Department of Transportation (WSDOT), a City of Wenatchee (the City) workplan, also July 11, for the use of progressive design-build (PDB) project delivery under Special Experimental Project No. 14 (SEP-14). The City proposes to use PDB project delivery for the project titled: Confluence Parkway Component No 3; Segment 1B and Segment 2A, McKittrick RR Underpass and Confluence Parkway Phase 1 (Hawley St.- South) (The Project). The project was selected for an Infrastructure for Rebuilding America (INFRA) Grant in FY 2021 under Federal Aid #: INFRA-9904(017).

The City anticipates issuance of the RFP for July 12, 2023.

An environmental assessment (EA) has been submitted pursuant to Section 42 U.S.C. Section 4332(2)(c) and Section 23 CFR Part 771 by the City, the FHWA Washington Division, and WSDOT. Subject to the completion of FHWA and WSDOT's approval, a Finding of No Significant Impact (FONSI) is anticipated. The City anticipates these approvals will be completed by July 2023.

Under 23 CFR 636.302(a)(1), after the conclusion of the NEPA process, the City must evaluate price in the source selection where construction is a significant component of the scope of work. The City is requesting FHWA approval under SEP-14 to deviate from 23 CFR 636.302(a)(1) and allow the selection of a design-build team (DBT) to be based on qualifications and proposal score where price is evaluated solely on the DBT fee percentage.

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.