



U.S. Department
of Transportation

Federal Highway
Administration

Memorandum

Subject: **ACTION:** California Progressive Design-Build
(San Diego-Coronado Bay Bridge (SDCBB)
Suicide Deterrent Project) under Special
Experimental Project No. 14 (SEP-14)

Date: January 17, 2024

From: Moises Marrero
Acting Director
Office of Preconstruction, Construction, and
Pavements

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In Reply Refer To:
HICP-20

To: Elissa Konove
Acting Division Administrator
Sacramento, CA

This memorandum is in reference to the December 13, 2023 email from Lismary Gavillán of your staff, which transmitted, endorsed, and recommended approval of a California Department of Transportation (Caltrans) Workplan to use the Progressive Design-Build (PDB) delivery method under Special Experimental Project No. 14 (SEP-14). This project delivery method would be used for the planning, preconstruction, and construction phase services for the San Diego-Coronado Bay Bridge (SDCBB) Suicide Deterrent Project.

Since the SDCBB was completed in 1969, though official figures have not been maintained since, it is widely believed that there have been approximately 400 deaths by suicide. Per the San Diego County Medical Examiner's Website, there were 18 fatalities in 2017, 17 fatalities in 2018, and 15 fatalities in 2019. After the Golden Gate Bridge, it is recognized as the second most frequently used bridge for suicide in the state of California.

The purpose of this project is to install a suicide deterrence system in the timeliest manner in order to reduce suicides and suicide attempts as soon as is practicable, while also reducing the closures of the bridge due to these events.

Caltrans is requesting that FHWA waive the requirements of 23 CFR 636.302(a)(1), which requires the evaluation of price in the selection of a Design-Builder if the National Environmental Policy Act (NEPA) process has been completed (the project NEPA Categorical Exclusion was signed on June 27, 2022). Under this waiver, Caltrans would select the Design-Builder using a qualifications-based selection (QBS) process.

The workplan contains the following components:

1. Procurement of the PDB contract is based on a best value selection process. Caltrans will use a single-phase procurement process to select a Design-Builder to deliver the Project.
2. Early Work Packages are a portion or phase of physical construction work (that is procured after NEPA is complete but before all design work for the project is complete.

Caltrans may procure EWPs when construction risks have been addressed (both agency and Design-Builder risks) and the scope of work is defined sufficiently for the Caltrans and the Design-Builder to reasonably determine price.

Caltrans will allow for and identify EWP opportunities to accelerate project completion and will use EWPs if determined prudent. Similarly, the agency will allow for and identify severable work packages, and will use them if determined prudent.

3. To ensure efficient and effective use of federal and state funding, Caltrans will procure a separate A&E Consultant Services Contract for an Independent Cost Estimator (ICE). The ICE will provide an independent cost estimate to aid Caltrans in price negotiations with the Design-Builder to ensure the Guaranteed Maximum Price (GMP) is reasonable and fair for the Final Design and Construction Contract of the Project. The ICE will also advise Caltrans on scheduling and method of construction.

The development of the GMP and changes during construction will use an open-book process, and Caltrans and its representatives will have the right to access and copy all records, accounts, and other data used by the Design- Builder in connection with the preparation of the GMP.

4. If Caltrans is unable to enter into the Final Design and Construction Contract or the Design-Builder, ICE and Caltrans fail in the price negotiations, Caltrans will have the following options:
 - a) Amend the Preconstruction Services Contract to have the Design-Builder complete the design. Caltrans would complete construction of the project as Design-Bid-Build.
 - b) Complete the design in-house. Caltrans would complete construction of the project as Design-Bid-Build.
 - c) Re-Advertise for a new Design-Builder and complete the project using Design- Build contracting.

Other details are contained within the SEP-14 workplan.

The SEP-14 Workplan is approved.

The FHWA's approval of the SEP-14 workplan for this 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.