

## **Special Experimental Project No. 14 (SEP-14)**

### **Task Order Contracting**

#### **A. Introduction**

The Massachusetts Department of Transportation (MassDOT), Highway Division, submits this workplan for Task Order contracting under the provisions of Special Experimental Project No. 14 (SEP-14) for the use of innovative contracting practices. MassDOT traditionally employs the design-bid-build method of contracting on federal aid projects. Under this method, contractors prepare bids based on a complete set of plans, specifications and estimate. Under the proposed Task Order contracts, contractors will prepare unit price bids based on the anticipated quantities of work specified in the contract. The actual work locations and site specific designs will be made available to the contractor subsequent to the contract award. This contracting methodology has been successfully employed for many years on 100% state funded projects.

The proposed Task Order methodology will serve to implement retrofit stormwater Best Management Practices (BMPs) in accordance with MassDOT's Impaired Waters Program. This program was developed to ensure compliance with the terms and conditions of MassDOT's EPA administered Municipal Separate Storm Sewer System (MS4) permit under the National Pollution Discharge and Elimination System (NPDES) program.

The proposed Task Order contracting method is an effective way of expediting the construction of structural retrofit BMPs to mitigate the impacts of highway runoff on receiving waters that have been deemed "impaired" by the Massachusetts Department of Environmental Protection (MassDEP) in accordance with section 303(d) of the Clean Water Act. MassDOT has already received notice that these types of structural BMP retrofits would be eligible for federal funding.

#### **B. Purpose**

MassDOT's Highway Division is separated into 6 district offices, all of which operate under the direction of the central Boston office. The Highway Division intends to prepare 4 district-wide Task Order contracts for the purposes of constructing structural retrofit BMP's. This methodology is recommended because it is efficient, cost effective and will allow this important work to progress as expeditiously as possible.

#### **C. Scope**

MassDOT intends to advertise for construction, 4 district-wide contracts with an aggregate dollar amount of \$6 Million. Each contract will include all the unit priced items of work necessary to construct structural BMP's. These items of work will include various excavation and borrow items, plantings, drainage pipes, headwalls, cement concrete, structural reinforcing, erosion and sediment control, traffic control, etc.

All Highway Division contracts are bid in accordance with Massachusetts General Laws Chapter 30 § 39M and include the required contract provisions of FHWA 1273. The estimated total value of the contract will be based on the engineers estimate. A contract completion date will be established for each contract.

MassDOT has an efficient assessment methodology to identify impaired waterbodies suffering from highway related impairments. Individual sites are selected through a rigorous statewide assessment campaign. Each site will be designed by a consultant engineering firm directly under contract to MassDOT. All design work will be scoped and performed independent of the construction contract. The design work will include the required site review, ground surveys, geotechnical work, plan preparation, estimate and securing any environmental permitting that may not be covered under the overall contract.

It is envisioned that a Categorical Exclusion under the National Environmental Policy Act (NEPA), and clearance under Section 106 of the Historic Preservation Act will be obtained for each district-wide contract prior to advertising for construction. All individual locations will be evaluated to ensure that the proposed activities are consistent with the contract NEPA and Section 106 clearances as well any other federal, state or local permitting requirements prior to issuing a task order assignment to the contractor. The Highway Division anticipates that certain activities may require additional permitting under the Massachusetts Wetlands Protection Act (WPA).

The design documents will be prepared in accordance with the Massachusetts Standard Specifications for Highways and Bridges and the 2006 Project Development and Design Guide. This is consistent with the standards used on all federal aid highway projects in Massachusetts.

MassDOT District Highway Directors and their staffs will be responsible for making task order assignments to the general contractor, monitoring the performance of the work for consistency with the specifications, preparing estimates for progress payments and providing general oversight of all construction activities. All decisions regarding the quantities of work to be performed will be made by MassDOT engineers.

## **D. Schedule**

MassDOT is currently in the process of amending the FFY 2011 STIP to include \$6 Million for the implementation of retrofit stormwater Best Management Practices (BMPs) projects. Considering that this funding must be obligated this federal fiscal year, it is our intent to advertise these projects for construction prior to September 17, 2011. This task order contracting methodology will have the following phases:

**PHASE I:** Preparation of contract bid documents (Estimated time: 2 months)

The principal activities associated with the preparation of the contract bid documents are described in section C above.

**PHASE II: Procurement of Construction Contract (Estimated Time: 4 months)**

This phase includes the following tasks:

1. Project Advertisement. Bidders are notified through a public solicitation of the project description, approximate project value and the date for submitting bids. Bidders must be prequalified by the Highway Division in the appropriate category of work in order to submit a bid.
2. Bid Opening. A minimum of 21 days after the project advertisement, bids are opened and read at MassDOT's headquarters.
3. Contract Execution. Bids are reviewed by the designer, and engineers within the Highway Division. The contract is then awarded to the lowest eligible and responsible bidder. A construction Notice to Proceed is issued once all Contract forms are fully executed by both parties and the contractor has furnished bond forms and certificate of insurance.

**PHASE III: Project Construction (Estimated Time: 18 months)**

This phase includes the actual project construction. During this phase the contractor will be provided designs, estimated quantities and any additional environmental permits (if required) to construct site specific stormwater BMP's. The overall contract will have a budget based on the engineer's estimate of quantities and the unit prices submitted by the contractor. The contract completion date will be 18 months after the issuance of the construction Notice to Proceed.

**E. Reporting**

MassDOT will prepare and submit Initial, Interim, and Final reports on this project. These reports will consist of the following:

**Initial Report:** The Initial Report will be submitted approximately 3 months after the issuance of the construction Notice to Proceed for the last of the 4 proposed contracts. This report will summarize the activities of the design and procurement process. An analysis of the bid results will be provided.

**Interim Report:** An Interim Report will be submitted approximately one year after the issuance of the construction Notice to Proceed for the last of the 4 proposed contracts. This report will summarize the design construction activities to date.

**Final Report:** The Final report will be submitted approximately 3 months after the physical completion of the last of the 4 proposed contracts. The final report will contain an overall

evaluation of the project along with any suggestions and recommendations for improving the process.