

2014-2015 Annual Report,

Alternative Contracting Special Experimental Project No. 14 (SEP-14) Best Value Contract selection

Introduction

On April 24, 2012, FHWA accepted NYSDOT's proposed work-plan for the use of Best-Value selection of design-bid-build construction contracts through the Federal "Alternative Contracting" SEP-14 program. As part of the work-plan, NYSDOT will provide interim and final reports for projects that use Best-Value. In addition, FHWA requested annual reports be provided for the three year program. The following is the annual report for 2014-2015, from May 1, 2014 to April 30, 2015 which provides information on how NYSDOT used Best-Value selection and on future Best-Value candidate projects.

Projects Selection for use of Best-Value

The NYSDOT workplan detailed key reasons why the use of Best-Value selection helps minimize risks on certain projects. Below is a list of the three measures outlined in the workplan that were used to determine whether a project will be a good candidate and to measure the success of the project if Best-Value selection is deemed appropriate:

- **Cost savings:** Minimize change orders by including in the criteria for selection items such as experience with similar projects and conditions, understanding and approach, schedule and quality control.
- **Quality:** The Best-Value selection process allows quality criteria to be used to help score each contractor based on past experience, quality control, and understanding and approach.
- **Time:** A candidate for Best-Value will typically have time constraints due to factors like traffic volumes or environmental restrictions. The selection criteria can include items like durations for portions of the project and/or substantial completion. The durations chosen by the Contractor will become contractual.

All candidates for using Best-Value selection are pre-approved by the Commissioner.

Results of use of Best-Value in 2014-2015

To date, seven Federal Aid D-B-B projects have been progressed utilizing Best-Value Selection, and six have been awarded.

Project	Region	Brief Description	Stage of construction	SEP 14 Report Status
PIN SABP.00	1	I-87 SB & NB over Mohawk River, also referred as "Twin Bridges"	Complete	Not included in 2014-2015 Final Report Final Project Report included in 2013-2014 Annual Report
PIN 8106.28 D262044	8	Sprain Brook Parkway Bridges over Route 119, also referred as "Sprain Brook Pkwy"	Under Construction	Interim (Progress) Report Included in 2014-2015 Annual Report
PIN 1528.68 D262091	1	I-90 over the Hudson River, also referred to as "Patroon Island Bridge"	Under construction	Interim (Progress) Report Included in 2014-2015 Annual Report
PIN 1055.02 D262595	1	Route 431 - Whiteface Mountain - Veterans Memorial Highway	Under Construction	Interim (Progress) Report Included in 2014-2015 Annual Report
PIN 5760.80 D262652	5	NY Gateway Connections improvement to US Peace Bridge Plaza	Under Construction	Interim (Progress) Report Included in 2014-2015 Annual Report
PIN 1721.51 D262718	1	Interstate 87 Exit 4 Access Improvements Phase 1 – Replacement of I-87 Bridges over Albany Shaker Road	Under Construction	Interim (Progress) Report Included in 2014-2015 Annual Report
PIN 1051.73 D262778	1	South Mall Empire State Plaza	Procurement Delayed	Interim (Progress) Report Included in 2014-2015 Annual Report

Summaries for the six projects identified in the above table as either "Under Construction" or "Procurement Delayed" are included in this report.

PIN: **8106.28**
Contract: D262044
Reporting Stage: Interim (Progress)
Location: Sprain Brook Parkway Bridges over Route 119
County: Westchester
Towns: Village of Elmsford
Region: 8
Brief description: Replacement of 2 bridges on Sprain Brook Parkway over Route 119.
Awarded to: Ecco III Enterprises, Inc.
Bid: \$21.31M
Key information: Substantial completion - April 15, 2015
 Contract Completion Date – June 30, 2015

The project includes replacement of both Sprain Brook Parkway (SBP) NB and SB bridges over Route 119. The replacement of the bridges impacts traffic on the Sprain Brook Parkway which has traffic volumes over 100,000 AADT. The staging of the replacement work impacts traffic and requires lane reductions during certain stages of construction. The provisions in the Contract are in accordance with NYSDOT’s recently developed Drivers First policy, which has the goal of minimizing impacts to traffic while still providing a cost effective solution to complete the work.

Ecco III Enterprises, Inc. had both the low bid and the highest technical score. They also provided the shortest duration for Stage 2 and overall completion of the project. Given their extensive experience, it was clear that they had the ability to complete the project at the bid submitted.

The durations proposed by the winning contractor were made contractual. The use of Best-Value selection has minimized the impact to traffic which was one of the key concerns for the project.

Final combined scores:

Contractor	Weighted Cost score (max of 70)	Weighted Technical score (max of 30)	Overall combined score	Final Ranking
Defoe Corp.	61.23	23.10	84.33	4
Ecco III Enterprises, Inc.	70.00	28.50	98.50	1
EE Cruz and Company, Inc.	59.80	24.00	83.80	5
Halmar International	61.75	26.40	88.15	3
Yonkers Contracting Co., Inc.	65.41	25.80	91.21	2

2015-2016 Progress Update: PIN 8106.28 (D262044) Sprain Brook Parkway Bridges over Route 119

The project is currently on time and on budget. The cost is approximately 1% over the estimate (21.6 M vs. 21.3 M). There are currently no planned contract extensions.

The work completed between April 2014 and April 2015 was asphalt top course installation on the SBP. Curbing, sidewalk, asphalt and architectural treatments were also installed on Rte. 119 during that time. Landscaping, signs and guiderail were installed project wide. Remaining work includes turf establishment and landscaping period-of-establishment items.

There were no major problems encountered. Minor issues included rebar couplers, slipform concrete barriers, and erosion at steep slopes.

There were no major cost overruns during construction. Some of the minor overruns included:

- Additional soil nail walls constructed at the Begin Abutment due to site conditions, resulting in an additional cost of approximately \$170K.

- Extension of limits of proposed sidewalk and curb along the South side of Route 119 at the request of the Village of Elmsford and as authorized by the Regional Director. This resulted in an additional cost of approximately \$50K.

There are no major ongoing contractual disputes. Several minor disputes are ongoing and include:

- Contractor is claiming compensation of approximately \$40K for repairs and eventual replacement of a temporary impact attenuator which was struck and damaged several times during the course of Stage 2 construction.
- Contractor has also claimed compensation for several other issues which have been denied by the Field Office, totaling approximately \$65K.

The Contract will be completed during 2015 and a Final Report will be prepared when the Contract is complete.

PIN: **1528.68**
Contract: D262091
Reporting Stage: Interim (Progress)
Location: I-90 over the Hudson River
County: Albany and Rensselaer
Region: 1
Brief description: Rehabilitation of I-90 Bridge over the Hudson River commonly referred to as 'Patroon Island Bridge.'
Awarded to: Halmar International and Servidone B. Anthony Construction Corp. Joint Venture
Bid: \$145.8M
Key information: Original Contract Completion Date – July 31, 2016
 Best Value Contract Completion Date – December 31, 2015

The project included bridge rehabilitation on I-90 and the I-787/I-90 interchange including pier reconstruction, pier rehabilitation, deck replacement with pre-fabricated elements and repairs to the steel under truss for I-90 Bridge over the Hudson River.

PIN 1528.68 had similar characteristics to previous D-B-B projects that utilized Best-Value selection.

- The project dealt with bridge work on roadways with over 100,000 AADT and impact to traffic that needed to be minimized.
- The project required contactors with experience in the type of work required to minimize costs and impact to traffic.
- The project required time constraints to minimize the impact to traffic following the Driver's First Initiative.

The contract required an experienced bridge contractor that has a proven record in high volume corridors, with complicated maintenance and protection of traffic staging, accelerated bridge construction and experience with pre-fabricated deck elements.

This was the first D-B-B project to require pre-qualification and a total of twelve contractors/joint ventures were pre-qualified. The Department received a total of five bid/proposal packages and on April 26, 2013, the contract was awarded to Halmar International - A. Servidone/B. Anthony Construction Corp. JV. Based on the winning Contractor's Best Value bid, the original Completion date for the Contract was adjusted from July 31, 2016 to the winning Contractor's bid Best Value Contract Completion Date of December 31, 2015.

Previous projects that utilized Best-Value had a 70/30 cost to technical scoring ratio. For this project, a 50/50 cost to technical scoring ration was approved. Also, this would be the first Best-Value project to include the oral presentation as part of the technical scoring.

Final combined scores:

Contractor	Weighted Technical (max of 50)	Weighted Cost (max of 50)	Overall combined score	Final Ranking
D. A. Collins	na	na	na (1)	na
Ecco III	31.61	na	na (2)	na
Halmar/Servidone/B. Anthony	43.7	50.00	93.77	1
Lancaster/Tully	31.54	47.83	79.37	na (3)
Lane Construction	35.05	49.93	84.98	2

- (1) D.A. Collins technical score didn't meet the minimum criteria and were not included in the final selection.
- (2) Ecco III withdrew their bid stating that they made an error in their bid package and the reasoning was accepted the reasoning for withdrawing their bid proposal.
- (3) Lancaster/Tully did not participate in the Oral Presentation.

2015-2016 Progress Update: PIN 1528.68 (D262091) I-90 over the Hudson River

Below is the current progress based on the contractor's most recent CPM Progress Schedule as of April 1, 2015.

Project is 55.4% complete = +/- \$81.6 million

Steel Repairs: 68% complete (353,188 lbs of 520,000 lbs in contract complete)

Deck panels: 53.4% complete (14,825.07 SY of 27,736 SY in contract)

Pier Replacements: 70.5% complete (12 of 17 complete)

At the current time, the contractor is projected to meet their Best Value Contract Completion date of December 31, 2015.

The contractor is slated to receive an additional 231.3 Driver's First Points due to additional work identified in the contract. A signed agreement between the contractor and Department provides these additional DF Points, with contingencies. This will be added to the Contract on a future CO.

PIN: **1055.02**
Contract: D262595
Reporting Stage: Interim (Progress)
Location: Route 431 - Whiteface Mountain - Veterans Memorial Highway
County: Essex
Region: 1
Brief description: Rehabilitation of NYS Route 431, a.k.a. Whiteface Mountain Veterans Memorial Highway
Awarded to: Rifenburg Construction
Bid: \$11.19 M
Key information: Original Contract Completion Date – December 31, 2015
 Best Value Contract Completion Date – July 22, 2015

The project included rehabilitation of the entire 8 mile length of this historic highway. The total length of full pavement reconstruction was +/- 2 miles. Other pavement sections were treated by milling and filling or cold in-place recycling. Roadside ditches were cleaned and restored to the original record plan cross sectional shape. All cross culverts within the toll road area, totaling 65, were be addressed by lining or replacing.

The Best Value contracting process was used to limit the overall duration of construction and maximize the number of days the toll road was open to the public during construction which would be a benefit to the traveling public and to the local economy.

The Department received a total of five bid/proposal packages and on March 12, 2014 the contract was awarded to Rifenburg Construction. Based on the award to Rifenburg Construction, Inc, the original Completion Date of the Contract was adjusted to match the Best Value Contract Completion Date submitted by the Contractor. The Contract Completion Date was adjusted from December 31, 2015 to July 22, 2015 by Change Order.

For this project, a 50/50 cost to technical scoring ratio was approved.

Final combined scores:

Contractor	Technical (Total 100 possible points)						Cost Score (100 points possible)	Total Score	Rank
	Approach	Key Personnel	Past Performance	Toll Road Schedule	Contract Duration	Total Technical			
Kubricky Construction	8.57	6.57	6.67	32.07	8.13	62.01	97.15	159.15	2
Lancaster Development	7.17	6.37	7.00	40.00	20.00	80.53	76.75	157.28	3
Luck Brothers	11.07	3.47	4.67	35.21	7.60	62.01	85.49	147.49	5
Reale Construction	11.33	3.20	5.00	32.63	7.92	60.08	90.73	150.81	4
Rifenburg Construction	12.43	3.23	5.33	36.87	8.68	66.55	100.00	166.55	1

2015-2016 Progress Update:

The Contract is in its final season of construction with a Contract Completion Date of July 22, 2015. The project is currently on schedule. Work completed during the 2014-2015 reporting period included culverts being replace and relined, ditches re-established, SPDES practices installed, historic barrier stones reset/replaced, stone walls re-pointed, and pavement reconstruction up to and including the asphalt binder course. Uncompleted work include guiderail resetting, completion of stone wall re-pointing, asphalt

top course and gutter paving, signs, and striping. To date, there are no significant Change Orders increasing construction costs. Of the two Change Orders that have been approved to date, one change order added the CPM specification and the other addressed unanticipated field conditions. The Cost Variance for the project is currently +1.17%. There are no ongoing disputes.

PIN: 5760.80
Contract: D262652
Reporting Stage: Interim (Progress)
Location: Gateway Connections to the Peace Bridge Plaza
County: Erie
Region: 5
Brief description: Reconstruction of Connections to the Peace Bridge Plaza in the City of Buffalo
Awarded to: Union Concrete and Construction Corp.
Bid: \$56.2M
Key information: Contract Completion Date – June 30, 2017

This project reconfigures the access between the US Peace Bridge Plaza and Interstate 190 in the City of Buffalo. A new ramp providing direct access from the Plaza to the northbound lanes of the interstate will be constructed. This ramp will include a new structure over CSX RR. The former access through Front Park will be eliminated, the roadway removed and the park restored. A roundabout will be constructed on Porter Ave with the new ramp alignments. The Shoreline Trail, or Riverwalk, will be realigned and will include a new pedestrian bridge over I-190 and CSX. The bridge carrying Porter Ave over I-190 will be replaced.

PIN 5760.80 had similar characteristics to previous D-B-B projects that utilized Best-Value selection.

- The project dealt with bridge work on roadways with over 80,000 AADT and impacts to traffic that needed to be minimized.
- The project required contactors with experience in the type of work required to minimize costs and impact to traffic.
- The project required time constraints to minimize the impacts to traffic following the Driver's First Initiative.

The contract required an experienced bridge contractor that has a proven record in high volume corridors, with complicated maintenance and protection of traffic staging and accelerated bridge construction.

The Department received only one bid/proposal package. The Department after analysis of the single proposal decided to award the Contract. On October 24, 2014, the contract was awarded to Union Concrete and Construction Corp.

For this project, a 50/50 cost to technical scoring ratio was used.

Final combined scores:

Contractor	Technical Score (100 possible Points)						Cost Score (100 points possible)	Total Score	Rank
	Approach	Key Personnel	Past Performance	Toll Road Schedule	Contract Duration	Total Technical			
Union Concrete	11.93	10.53	11.13	20.00	30.00	83.60	100.00	183.60	1

2015-2016 Progress Update:

The project is currently in its first season of construction and is scheduled to be completed by June 30, 2017. After completion of the project a Final Report will be completed providing detail on the three key measures listed above for cost, quality, and time.

PIN: PIN 1721.51
Reporting Stage: Interim (Progress)
Contract: D262718
Location: Interstate 87 Exit 4 Access Improvements Phase 1 – Replacement of I-87 Bridges over Albany Shaker Road
County: Albany
Region: 1
Brief description: Replacement of the I-87 (Adirondack Northway) Northway over Albany Shaker Road
Awarded to: Lancaster/Tully Construction
Bid: \$21.68 M
Key information: Original Contract Completion Date – May 25, 2016
 Best Value Adjusted Completion Date – October 31, 2015

The project includes the replacement of the I-87 bridges over Albany Shaker Road. The new bridges were over widened to allow for three lanes of traffic to be maintained during peak travel hours for both the northbound and southbound bridges. The contract schedule was accelerated so that both bridges could be replaced in one construction season. The schedule was accelerated due to the condition of the existing pier cap beams that had to be retrofitted with temporary bents.

PIN 1721.51 had similar characteristics to previous D-B-B projects that utilized Best-Value selection.

- The project dealt with bridge work on roadways with over 100,000 AADT and impact to traffic that needed to be minimized.
- The project required contactors with experience in the type of work required to minimize costs and impact to traffic.
- The project required time constraints to minimize the impact to traffic following the Driver’s First Initiative based on their construction schedules.

The contract required an experienced bridge contractor that has a proven record in high volume corridors, with complicated maintenance and protection of traffic staging and accelerated bridge construction.

The Department received a total of three bid/proposal packages and on January 2, 2015, the contract was awarded to Lancaster Development and Tully Construction Company LLC. The original Completion Date was adjusted to match the Best Value Completion Date submitted by the winning Contractor. The Contract Completion Date was adjusted from May 25, 2016 to October 31, 2015 by Change Order.

For this project, a 50/50 cost to technical scoring ratio was approved.

Final combined scores:

Contractor	Technical Score (100 possible Points)					Cost Score (100 points possible)	Total Score	Rank
	Approach	Past Performance	Stage II Completion	Completion Date	Total Technical			
Kubricky Construction	14.41	18.96	42.68	6.34	82.39	91.30	173.69	3
L&T Construction	20.00	18.75	50.00	10.00	98.75	100.00	198.75	1
Rifenburg Construction	17.67	20.00	48.95	6.14	92.76	84.10	176.86	2

2015-2016 Progress Update:

As of the end of the annual reporting schedule, the project is currently underway. The contractor is working on completing Stage I abutments and approach embankments and setting Stage I structural steel and precast deck panels. At the time of this report the project is on schedule. The Best Value Completion Date is October 31, 2015.

There has been one significant overrun to the light stone fill (Item 620.03 – Light Stone Fill) due to unanticipated soil conditions. This overrun is approximately \$400 K. At the current time, the project is overall on budget because VECP savings are expected to offset the large light stone overrun.

There have been overall no significant problems and there are no ongoing disputes.

PIN: 1051.71
Reporting Stage: Interim (Progress)
Contract: D262778
Location: South Mall Arterial Bridges from I-787 to Empire State Plaza and South Mall Arterial Bridges over Eagle Street
County: Albany
Region: 1
Brief description: Rehabilitation of South Mall Arterial Bridges from I-787 to Empire State Plaza and South Mall Arterial Bridges over Eagle Street
Awarded to: NOT AWARDED
Bid: \$23.75 M
Key information: Planned Completion Date, November 30, 2017

The project plans to rehabilitate South Mall Arterial Bridges from I-787 to Empire State Plaza and South Mall Arterial Bridges over Eagle Street. The project plans to remove the bridge decks to below the first mat of reinforcement, replace reinforcement and pour the deck. Additional work includes: steel repairs, bearings replacement, pedestal replacement, pier repair and barrier repair.

PIN 1051.71 has similar characteristics to previous Best-Value selection projects.

- The project required contactors with experience in the type of work required to minimize costs and impact to traffic.
- The project required time constraints to minimize the impact to traffic following the Driver's First Initiative.

The contract required an experienced bridge contractor that has a proven record in high volume corridors, with complicated maintenance and protection of traffic staging and experience with bridge rehabilitation with monodeck rehabilitation.

For this project, a 50/50 cost to technical scoring ration was approved.

Final combined scores:

No scores are being reported. Best Value Proposals were not individually evaluated. After receiving Best Value Proposals the Department determined to reject all submitted proposals. This rejection was based on a review of the proposed bid estimates compared to the Engineer's Estimate. Three proposals were received with the low proposal value of \$23.75 M. This value was significantly higher than the Engineer's Estimate of \$16.5 M. This discrepancy raised questions concerning the cost due to the complexity of the contract and site. The Department conducted an in depth analysis of Contract Pay Items comparing the low proposal bid amounts and Engineer's Estimate. As a conclusion of this analysis, the high price of the proposals, including the low proposal, could not be justified over the Engineer's Estimate. Therefore since the increase in project cost could not be justified. The proposals were rejected in January of 2015.

The project is planned to be re-let on 10/22/15. At the current time, it has not been decided whether the Department will advance this future letting as a Best Value procurement Contract.

Future Best-Value Projects

At this time no other projects have been identified to use the Best-Value selection method.

Future Reports

At this time the following reports are expected and will provided as follows:

- 1.) Annual Report for 2015/2016 should be provided by May 30, 2016.
- 2.) For PIN 8106.28, Sprain Brook Parkway, the completion date is June 30, 2015 and the final report should be provided by December 30, 2015.
- 3.) For PIN 1528.68, Patroon Island Bridge, the completion date is December 31, 2015 and the final report will be provided by June 30, 2016.
- 4.) For PIN 1055.02, Route 431 - Whiteface Mountain - Veterans Memorial Highway, the completion date is July 22, 2015 and the final report will be provided by January 1, 2016
- 5.) For PIN 5760.80, NY Gateway Connections improvement to US Peace Bridge Plaza, the completion date is June 30, 2017 and the final report will be provided by December 30, 2017.
- 6.) For PIN 1721.51, Interstate 87 Exit 4 Access Improvements Phase 1 – Replacement of I-87 Bridges over Albany Shaker Road, the completion date is October 31, 2015 and the final report will be completed by April 30, 2016.
- 7.) For PIN 1051.71, South Mall Arterial Bridges from I-787 to Empire State Plaza and South Mall Arterial Bridges over Eagle Street, if the decision is made to pursue Best Value procurement on a future letting, reports adhering to the SEP 14 work plan will be provided.