



U.S. Department
of Transportation

Federal Highway
Administration

Memorandum

Subject: **ACTION:** Florida Qualification-Based Phased Design
Build (Phased DB) Selection Process under Special
Experimental Project No. 14 (SEP-14)

Date: October 24, 2023

From: Gina Ahlstrom **GINA MARIE**
Acting Director **AHLSTROM**
Office of Preconstruction, Construction, and
Pavements

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In Reply Refer To:
HICP-20

To: Jamie Christian
Division Administrator
Tallahassee, FL

This memorandum is in reference to the September 29 email from Andrew DeTizio of your staff, which transmitted, endorsed, and recommended approval of a Florida Department of Transportation (FDOT) Workplan for the use of a Qualification- Based Phased Design Build (Phased DB) Selection Process 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 SW 10th Street Connector Project in Broward County, Florida.

This selection process is similar to that used to select a Phased DB firm for the Tampa Westshore interchange project.

FDOT is requesting a waiver of [23 CFR 636.302\(a\)\(1\)](#), which requires the evaluation of price in the selection of a design-builder if the NEPA process has been completed. Under this waiver, FDOT would select a Phased DB Firm based solely on qualifications where price is not a component.

As described in Section D of the SEP-14 workplan, FDOT will procure a Phased DB Firm through the following process (estimated time: 3 months from Advertisement to Award):

1. The FDOT will advertise a Request for Qualifications (RFQ) to solicit Letters of Response (LOR) from Firms to design and build the SW 10th St Connector Project.
2. Proposers will submit LORs expressing their statements of qualifications consistent with the criteria contained in the RFQ.
3. FDOT will host presentations with question-and-answer sessions for each responsive proposer.
4. A Technical Review Committee (TRC) comprised of FDOT staff will evaluate proposers consistent with the criteria indicated in the RFQ and select the highest scoring proposer. The specific evaluation criteria and weighting are found in Section F of this Workplan.

The workplan contains the following components:

1. As design progresses and at FDOT's request, the Phased DB Firm will develop Work Package Proposals (WPPs) that include Guaranteed Maximum Prices (GMPs) for portions of the project. The Construction Phase Services will begin whenever the first WPP is authorized to commence and will conclude when the last WPP has been constructed. This work will last approximately 7 years.
2. The project will be constructed in phases aligned with Florida's State Transportation Improvement Plan and available funding, which is subject to change. The Request for Qualifications (RFQ) will detail when funding is expected to become available, and the Phased DB Firm will plan WPPs according to the available funding.
3. To ensure efficient and effective use of federal and state funding, FDOT will contract with an Independent Cost Estimator (ICE). As a representative of FDOT, the ICE will collaborate with the Phased DB Firm and provide independent quantity takeoffs, prepare independent cost and schedule estimates, hold cost reconciliation meetings, provide constructability plan reviews, and assist the Department in managing project risks.
4. The development of all GMPs and WPPs and changes during construction will be on an open-book basis, and FDOT and its representatives will have the right to access and copy all records, accounts, and other data used by the Phased DB Firm in connection with the preparation of any GMP and WPPs.
5. If FDOT is unable to reach agreement with the Phased DB Firm upon any WPP, then the Department may take a number of actions up to an including an "off-ramp" option. The off-ramp would allow FDOT to directly contract out WPPs or portions thereof using existing procurement procedures that are fully compliant with federal and state regulations.

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 the FL SW 10th Street Connector 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.