



U.S. Department
of Transportation

Federal Highway
Administration

Memorandum

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

Date: May 17, 2022

Digitally Signed by BRIAN Jeffery Fouch Date: 2022.05.31 15:14:27 -04'00"

From: Brian J. Fouch, Director
Office of Preconstruction, Construction, and
Pavements

In Reply Refer To:
HICP-20

To: Mark D. Bartlett.
Division Administrator
Montgomery, AL

This memorandum is in reference to the May 2 email submitted by Christopher (Shaun) Capps of your staff, which transmitted, endorsed, and recommended approval of an Alabama Department of Transportation (ALDOT) Workplan, dated April 27, 2022, for the use of Progressive Design-Build (PDB) Contracting under Special Experimental Project No. 14 (SEP-14). The PDB Project Delivery method would be used to deliver the I-10 Mobile River Bridge and Bayway Project (the Project).

The ALDOT states that the Project is of critical importance to Alabama, particularly to Mobile County and to commuters residing or working in the fast-growing Baldwin County. The Mobile River Bridge and Bayway improvements are necessary to reduce severe traffic congestion and to provide a more direct route for vehicles transporting hazardous materials, while minimizing impacts to Mobile's maritime industry.

The ALDOT is procuring the Project in compliance with relevant federal regulations to qualify the Project for Federal assistance. The Transportation Infrastructure Finance and Innovation Act (TIFIA) Program and Infrastructure for Rebuilding America (INFRA) Grant are two potential sources of funding and financing for the Project and are subject to federal requirements and availability. Additional sources of funding and financing are anticipated to be non-Federal bonds paid back with toll revenues from the Project and State-appropriated funding.

As described in Section D of the attached workplan, ALDOT will be using a two-step evaluation to select both design-build contractors for the Project (one for the MRB and the other for the Bayway). Each design builder will be selected on the basis of qualifications rather than price. The NEPA process has been completed for the project. This qualification-based selection process deviates from the requirements of [23 CFR 636.302\(a\)\(1\)](#), which requires the evaluation of price in every source election where construction is a significant component of the scope of work. If ALDOT decides to utilize Federal finding and financing options for the project, then SEP-14 approval of the Project workplan will be required.

Other details are contained within the SEP-14 workplan.

The SEP-14 Workplan is approved, subject to the following conditions:

- The FHWA's approval of the SEP-14 workplan for the I-10 Mobile River Bridge and Bayway 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.