



Memorandum

U.S. Department
of Transportation

**Federal Highway
Administration**

Subject: **ACTION:** Best Value Procurement under
Special Experimental Project No. 14 (SEP-14)

Date: December 17, 2015

From: /s/ Thomas D. Everett
Director, Office of Program Administration

Reply to
Attn. of: HIPA-30

To: John Cater
Division Administrator
Lakewood, CO

This is in reference to Donna Harmelink's November 17 and December 3 emails that transmitted El Paso County's SEP-14 workplan and supplemental information for the use of best value procurement requirements for the Black Forest Culverts Replacement project.

El Paso County's workplan indicates that their proposed procurement process is consistent with Colorado State law. As a political subdivision of the State of Colorado, El Paso County operates in accordance with the laws of the Procurement Code of the Colorado Revised Statutes.

The County anticipates using best value award criteria to review proposals for this project and award the contract to the proposer who provides the best value considering price and non-price factors. Ms. Harmelink's December 3 email indicated that the County will be using a proposal evaluation matrix similar to that used for the best value award of the Stapleton Drive (east) Extension Project. For that project, the County evaluated proposals based on the contractor's qualifications, understand of the project requirements, construction schedule and other factors. We recommend that your staff provide an appropriate level of oversight in the procurement process (request-for-proposal review/bid review/concurrence in award) to ensure that the County is ensuring transparency and fairness in the selection process.

We noted that the County's workplan indicates that evaluation reports will be provided for the solicitation phase, the proposal evaluation process, the award phase and periodic quarterly reports documenting progress and quality issues. Considering the relatively small contract size, we recommend that the County provide a single initial/final SEP-14 evaluation report documenting the effectiveness of this contracting technique and industry reaction.

The County's workplan is otherwise satisfactory. You may consider this project approved for evaluation under SEP-14. Thank you for the opportunity to review and comment on this SEP-14 request. Should you have any questions, please contact Gerald Yakowenko at (202) 366-1562.