



Memorandum

Subject: **ACTION:** Delaware Approval Extension for Expedited Delivery Contracting (On-Call) under Special Experimental Project No. 14 (SEP-14)

Date: December 18, 2019

\Originally Signed by:

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

In Reply Refer To:
HICP-20

To: Douglas S. Atkin
Division Administrator
Dover, DE

This memorandum is in response to an October 31st email from Patrick Kennedy of your office, which transmitted the following documents:

1. A September 11, 2019 letter from the Delaware Department of Transportation (DelDOT) which:
 - a. Transmitted the 2017, 2018, and 2019 annual reports as required by this office's July 12, 2016 approval of Expedited Delivery Contracting (On-Call) Under Special Experimental Project No. 14 (SEP-14); and
 - b. Requested FHWA programmatic approval for the use of this contracting technique for an additional 5 years; and
2. An October 31 memorandum from your office transmitting the above documents to our office, and recommending the extension of FHWA's programmatic approval of DelDOT's SEP-14 workplan for an additional 5 years – from December 31, 2019 to December 31, 2024.

From 2015-2019, DelDOT used this procedure primarily for the construction of traffic signal, ITS, highway lighting and traffic monitoring infrastructure. By using this procedure, DelDOT anticipates quick project delivery without sacrificing quality or cost efficiency.

Based on the [2016](#), [2017](#), [2018](#), and [2019](#) annual reports for this SEP-14 approach, DelDOT has significantly expedited the construction of low cost ITS projects. DelDOT's 2019 annual report documents that the average time between completion of design and construction in the 12-month reporting period was 44 days. This is significantly less than the normal 4 to 6 months for a typical project. The 2018 annual report discussed reasons for the delay between design and construction; these include but are not limited to:

- Delays in obtaining specialized equipment; and
- Contractor availability issues due to DelDOT workload

DelDOT's request to extend its programmatic SEP-14 workplan is hereby approved, with the following conditions:

1. The programmatic SEP-14 approval will be extended for an additional five years - from December 31, 2019 to December 31, 2024
2. DelDOT will continue to provide yearly reports/evaluations on the technique. DelDOT will include the following in its annual reports:
 - a. DelDOT will conduct an in-depth review of the "10 worst" times between design completion and construction start. This will help better understand why some projects are taking longer and may lead to process improvements;
 - b. Report on the number of projects that were not awarded to the low-cost contractor and the reasons why (e.g. unavailability of the low-cost contractor, or other reasons as described in the contract); and
 - c. Lessons learned.
3. At the end of the period, DelDOT will provide a wrap-up report with additional data analysis, findings, and conclusions.

Thank you for the opportunity to review and comment on this SEP-14 extension request. Should you have any questions, please contact Gerald Yakowenko at (202) 366-1562 or John Huyer at (720) 437-0515.