



# Memorandum

Subject: **ACTION:** New York Best Value Selection of  
Design-Bid-Build Projects under Special  
Experimental Project No. 14 (SEP-14)

Date: January 24, 2023

*Digitally Signed by BRIAN JEFFERY FOUCH. Date: 2023.01.24 15:29:55 -05'00'*

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

In Reply Refer To:  
HICP-20

To: Richard J. Marquis  
Division Administrator  
Albany, NY

This is in reference to Mr. Christopher Millington's December 15, 2022, email that forwarded and endorsed a request from the New York State Department of Transportation (NYSDOT) to extend the pilot program for the best-value procurement method for design-bid-build projects under SEP-14. The request contained the following documents:

1. A NYSDOT workplan under Special Experimental Project No. 14 (SEP-14), dated November 2022, for the use of Alternative Contracting - Utilizing Best Value Selection for Capital Construction Contracts;
2. Overview of the New York State Infrastructure Investment Act compiled as of May 9, 2022; and
3. A letter dated November 22, 2022, from Nicolas A. Choubah, P.E., of NYSDOT, which transmitted and requested approval of the SEP-14 workplan.

FHWA has approved similar iterations of this alternative contracting technique in 2012, 2015, 2017, 2019, and 2021. NYSDOT's current approval from FHWA expired on December 31, 2022.

The NYSDOT request to continue to use this alternative project delivery/procurement method on selected projects is approved as requested through December 31, 2027.

Should you have any questions, please contact Mr. Brian Hogge at (334) 399-0081 or Mr. John Huyer at (720) 437-0515.