



# Memorandum

Subject: **ACTION**: Ohio/Kentucky Progressive Design-Build Project Delivery under Special Experimental Project No. 14 (SEP-14)

Date: December 19, 2022

*/S/ Robert Mooney for:*

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

In Reply Refer To:  
HICP-20

To: Laurie Leffler  
Division Administrator  
Columbus, OH

Todd Jeter  
Division Administrator  
Frankfort, KY

This memorandum is in reference to the November 17, 2022, email from Adam Johnson of the Ohio Division, which transmitted, endorsed, and recommended approval of an Ohio Department of Transportation (ODOT) – Kentucky Transportation Cabinet (KYTC) Workplan (also dated November 17) for the use of Progressive Design Build (PDB) Project Delivery under Special Experimental Project No. 14 (SEP-14). This project delivery method would be used for the planning, preconstruction, and construction phase services of the Brent Spence Bridge Corridor Projects (I-71/75).

We appreciate the efforts of Adam Johnson and Steve Stone of the FHWA Ohio Division and Michael Loyselle of the FHWA Kentucky Division as we have worked through various drafts of the SEP-14 workplan for this project.

The ODOT and the KYTC established a Bi-State Management Team (BSMT) with the authority to oversee the Project. ODOT will be the lead contracting agency but will partner with KYTC in respect to the BSMT's efforts.

The overall Brent Spence Bridge Corridor Program and phases of implementation are depicted in Figure 1 of the attached workplan. The Project will construct Phase III and the Companion Bridge Phase. Phase III will construct approximately five miles of I-71/I-75 in Kentucky and one mile of I-75 in Ohio. The Companion Bridge Phase will construct a new companion bridge over the Ohio River just to the west of the existing Brent Spence Bridge. Phases I and II will be constructed through traditional design-bid-build contracting; Phases I and II are not part of this Workplan.

As the NEPA process is complete, ODOT is requesting SEP-14 approval to deviate from the requirements of [23 CFR 636.302\(a\)\(1\)](#) and select a PDB Firm based solely on qualifications where price is not a component.

As described in Section 4 of the attached workplan, the BSMT will select the Design-Build Team (DBT) via a five-step process:

1. RFP Advertisement: **January 2023**

2. Proposals Due: **February 2023**
3. Offeror Interviews: **April 2023**
4. Apparent Best Value Announcement: **May 2023**
5. Anticipated Contract Award: **Late May 2023**

As this is a Progressive Design-Build Project, the total cost is unknown at the time of contract award. Other details are contained within the SEP-14 workplan.

The FHWA's approval of the SEP-14 workplan for the OH/KY Brent Spence Corridor 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.