

MHTC Agenda Item

Checklist (Rev 8-11)

Complete this form for all MHTC agenda items except employee grievances and recurring reports not requiring MHTC approval. The following individuals must concur with this item prior to submitting it to the Commission Secretary's Office: (1) District Engineer (if a district item), (2) Division leader, (3) Respective organizational team leader (Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer).

Send completed form and backup electronically to the Lotus Notes group MHTCAgenda. See MODOT Policy Manual, Section 4, Commission Secretary, for due dates and additional information.

Reviewed by: (begin with originator)	Concur No Comments	Concur With Comments	Do Not Concur Comments Mandatory
Sean Matlock	X		
Place comments in Reviewers' Comments section at bottom of this page. Checklist and Backup Due to Commission Secretary's Office _____			

SECTION A

MEETING DATE June 11, 2014

AGENDA TYPE: Regular

MHTC AGENDA ITEM TITLE: Include title, brief description, and name and title of individual(s) making the presentation as it will appear on the Commission agenda for public distribution: (Respective District Engineer should be listed for items originating in the districts.)

CONSIDERATION OF PROPOSALS FOR ROGERSVILLE PROJECT FREEWAY DESIGN/BUILD PROJECT -- Presented by Becky Baltz, District Engineer (SW), 417-895-7605, and Sean Matlock, Project Director, 417-621-6310. Accept the orally presented staff recommendation for award or rejection of the best value proposal for Rogersville Project Freeway Design Build project; authorize the director, chief engineer, chief financial officer, or their designee to negotiate and execute a contract with the winning proposer subject to approval as to form by the Chief Counsels's Office; and authorize payment of the agreed stipend to the three unsuccessful proposing teams.

ORIGINATING OR COORDINATING CENTRAL OFFICE DIVISION/UNIT Director's Office

DISTRICT NO. (if applicable) SW

PERSON INITIATING THIS FORM: Sean Matlock TITLE Project Director PHONE NO. 417-621-6310

CONTRACTS: Does the transaction require a contract(s) other than a (1) Contract and Bond for roadwork (lowest responsible bidder under state statute) or (2) purchase of equipment or materials by purchase order or other contract under MoDOT procurement rules? If yes, complete Section B, for each contract contemplated by this agenda item. Yes No

CONFLICT OF INTEREST: Is there the appearance of or an actual conflict of interest involving a member of the Commission? If yes, complete Section C. Yes No

REVIEWERS' COMMENTS: Comments, if any, of those listed in the review box above.

The approval requested is to approve the Best Value Proposal for the Design-Build contract to build the new Rogersville Project Freeway in Greene/Webster counties.

SECTION B – Contracts (TO BE COMPLETED FOR ALL ITEMS REQUIRING A CONTRACT OTHER THAN EXCEPTIONS NOTED ON SHEET #1):

Contracting party: TBD

1. Does the contract require the expenditure of MHTC funds? Yes No If yes, how was the contracting party selected?
- a. Engineering, land surveying and architectural services under Chapter 8 RSMo
 - b. Professional, technical, or other non-engineering services based on lowest and best bid process
 - c. Emergency roadwork (lowest responsible bidder under Chapter 227 RSMo.)
 - d. Sole source professional services contract (generally, not recommended)
 - e. Insurance, banking, or financial services through broker
 - f. Government agency master contract/task order
 - g. Other: Design-Build procedures

2. If in addition to stated monetary consideration in the contract MHTC/MoDOT may incur potential liability, is there compliance with MoDOT's acceptance of liability policy?

Yes No Not applicable

3. Have you checked MHTC's Execution of Documents Policy to assure that MHTC authority to execute the contract is necessary?

Yes No

4. Has the contract been signed by all parties other than MHTC? Yes No

If no, you must justify why MHTC approval of the contract is necessary before the contract is signed by all parties other than MHTC and approved as to form by the Chief Counsel or his designated assistant counsel. If MoDOT management approves your justification, your backup material must indicate the contract is "subject to approval as to form by CCO counsel."

Justification: In the Design-Build procurement process, the MHTC approves the apparent Best Value Proposal. The Project Director then has the authority to negotiate with a not to exceed clause to get the contract signed.

5. Has the contract been signed and approved as to form by CCO counsel? Yes No

6. Name of CCO attorney who worked with you on this contract. Bryce Gamblin

SECTION C - Conflict of Interest

To be completed only where there is an actual conflict of interest or appearance of a conflict of interest (hereinafter, C/I) involving a member of the Commission:

1. Commission Member's Name: _____

2. County (if any): _____ Route (if any): _____ Bid Call/Job/Claim No. (if any): _____

3. Describe the C/I:

- a. Commission member's real property interest is one mile or less from the MoDOT activity that is the subject of the agenda item:

(1) _____ advises that this project is located
(Appropriate District Staff Person, i.e., Project Manager)

(2) _____

(3) in _____ County adjacent to Route _____ and

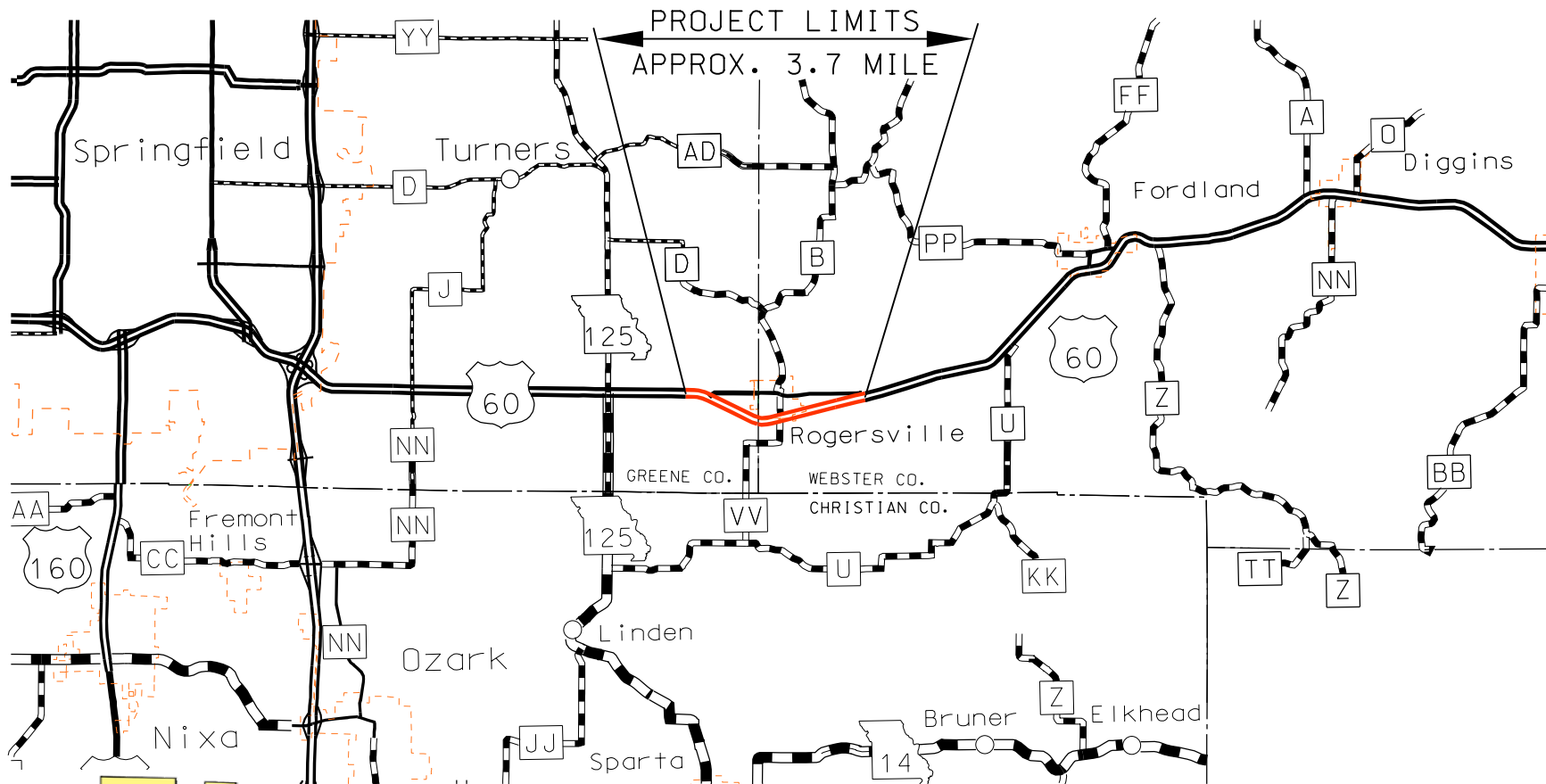
(4) Commissioner _____ disclosure report indicates that his/her
(Date)

(5) closest real property interest is located at _____
(Address)

(6) approximately _____ miles _____ from this project.
(Distance measured to nearest 1.0 mile) (Direction)

(7) Job Description _____

- b. Other C/I (Explain nature of C/I other than a member's real property interest.):



— IMPROVEMENT

DESIGN APPROVAL
ROUTE 60
GREENE/WEBSTER COUNTY
JOB NO.: J8P0683

CONSIDERATION OF PROPOSALS FOR ROGERSVILLE PROJECT FREEWAY DESIGN/BUILD PROJECT

-- Presented by Becky Baltz, District Engineer, 417-895-7605, and Sean Matlock, Project Director, 417-621-6310.

ISSUE: Approval of the Design-Build contract for the Rogersville Project Freeway.

RECOMMEND that the Commission:

- Accept the orally presented staff recommendation for award or rejection of the best value proposal for Rogersville Project Freeway Design Build project; authorize the director, chief engineer, chief financial officer, or their designee to negotiate and execute a contract with the winning proposer subject to approval as to form by the Chief Counsel's Office; and authorize payment of the agreed stipend to the three unsuccessful proposing teams.

DEPARTMENT VIEW:

- In October 2013, the Missouri Highways and Transportation Commission approved the use of design-build for the Rogersville Project Freeway in Greene & Webster Counties. Since that time, MoDOT's Design-Build team has been working through the procurement process.
- **Procurement Process** - Four teams were prequalified in January 2014 to compete for the contract. The Request for Proposals was issued February 2014. The MoDOT Design-Build team held weekly confidential discussions with each team for eight weeks to discuss their proposal ideas. Final proposals were due April 30, 2014.
- **Property Acquisition** – This will be the first time right of way has been acquired after contract execution on a MoDOT Design Build Project. The Teams determine what right of way is required for their design. After award, the winning team has 30 days to submit 1/3 of the right of way plans, another 1/3 30 days after, and a complete set of right of way plans at 90 days. Upon MoDOT's receipt of receiving the first set of right of way plans, negotiations will begin with property owners. With no condemnation occurring, we expect to have all right of way acquired by the spring of 2015. If condemnation occurs, we expect to have all right of way acquired by the fall of 2015.
- **Disadvantaged Business Enterprise Goal and Workforce Utilization**– MoDOT's External Civil Rights Office worked through the DBE goal for the project establishing an 12% goal for construction work and a 16% goal for professional services for the project. The contractor is required to meet federal workforce goals per trade of 2.3% minority and 6.9% female.
- **Project Goals**—MoDOT has established the following goals for the project which were used in evaluating and determining the Best Value Proposal:

- Deliver the project within the programmed budget of \$35 million.
- Convert US Highway 60 into a freeway between CR 241 and west of Chicory Road providing two points of controlled access to US Highway 60 in the vicinity of CR 253 and at Rte. B/VV
- Engage stakeholders and the community to successfully develop and deliver the project while minimizing impacts.
- Impress our customers through innovative traffic control solutions that conveniently and efficiently move drivers through the project during and after construction in a safe manner.
- Create a new model for purchasing right-of-way on a Design-Build Project.
- Complete the project by December 15, 2016.

OTHER VIEWS:

- No formal opposition to the project has been voiced.

OTHER PERTINENT INFORMATION:

- Not applicable.

SOURCE OF FUNDING: The total funding for the project is \$35 million. The Design-Build contract is a build-to-budget of \$27 million dollars.