# **CAPITAL PROJECTS ADVISORY REVIEW BOARD**

# Review of WSDOT Projects Pursuant to ESBH 2134

# Part 2A:

# WSDOT Project N52600R SR 526 Corridor Improvements

# WSDOT Project N0900R Marsh Road to 2<sup>nd</sup> St. Vicinity

WSDOT Project M00800R US 395 North Spokane Corridor – (Phases 2 and 3)

> Report to the Legislature September \_\_\_\_, 2024

Presented to:

The Washington State Office of Financial Management,

The Washington State Department of Transportation, and

The Joint Transportation Committee of the Washington State Legislature

# Contents

| 1.   | Introdu | ction and Executive Summary1   |
|--|---------|--|
| 1.1.   |         | RECOMMENDATION:1   |
| 1.2.   |         | BACKGROUND:1   |
| 2.   | WSDO    | T PDM Review Task Force Process1   |
| 3.   | SR 526  | Corridor Improvements WSDOT Project N52600R1   |
| 3.1.   |         | Project Description1   |
| 3.1.   | 1.      | SR 526 Corridor Improvements Scopes of Work:1  |
| 3.1.   | 2.      | SR 526 Corridor Improvements Project Current Status:                                     |
| 3.1.   | 3.      | SR 526 Corridor Improvements Project Risks and Opportunities                             |
| 3.2.   |         | WSDOT Rationale for Using Design-Bid-Build   |
| 3.3.   |         | CPARB Review of Delivery Method Selection  |
| 4.   | SR 9 Ma | arsh Road to 2 <sup>nd</sup> Street Vic Widening & Bridge Painting WSDOT Project N00900R |
| 4.1.   |         | Project Description4   |
| 4.1.   | 1.      | SR 9 Marsh Road Project Budget and Scopes of Work:                                       |
| 4.1.   | 2.      | SR 9 Marsh Road Project Current Status:  |
| 4.1.   | 3.      | SR 9 Marsh Road Project Risks and Opportunities  |
| 4.2.   |         | WSDOT Rationale for Using Design-Bid-Build   |
| 4.3.   |         | CPARB Review of Delivery Method Selection for SR 9 Marsh Road Project                    |
| 5.   | US 395  | North Spokane Corridor Stage 3 Project – Stage 3 M00800R6                                |
| 5.1.   |         | Project Description6   |
| 5.1.   | 1.      | US 395 NSC Stage 3 Project Budget and Scopes of Work:6                                   |
| 5.1.   | 2.      | US 395 NSC Stage 3 Project Current Status:7  |
| 5.1.   | 3.      | US 395 NSC Stage 3 Project Risks and Opportunities7                                      |
| 5.2.   |         | WSDOT Rationale for Using Design-Bid-Build7  |
| 5.3.   |         | CPARB Review of Delivery Method Selection  |
| 6. US 395 North Spokane Corridor Project – Stage 2 M00800R |         |  |
| 6.1.   |         | Project Description  |
| 6.1.   | 1.      | US 395 NSC Stage 2 Scopes of Work:   |
| 6.1.   | 2.      | US 395 NSC Stage 2 Project Current Status:8  |
| 6.1.   | 3.      | US 395 NSC Stage 2 Project Risks and Opportunities                                       |
| 6.2.   |         | WSDOT Rationale for Using Design-Bid-Build9  |
| 6.3.   |         | CPARB Review of Delivery Method Selection10  |
| 7.   | Rationa | ale for CPARB Determination  |
| 7.1.   |         | Recommendation to Use Design-Bid-Build10   |
| 7.2.   |         | List of Appendices12   |

#### Acknowledgements

CAPITAL PROJECTS ADVISORY REVIEW BOARD MEMBERS

Janice Zahn, Chair - Representing Ports: Port of Seattle Keith Michel, Vice Chair - Representing General Contractors; Forma Construction Lekha Fernandez, Washington State Office of Minority and Women's Business Enterprises Bobby Forch Jr., Representing Disadvantaged Businesses Senator Bob Hasegawa, 11th District Bruce Hayashi, Representing Architects; Miller Hayashi Architects, PLLC Janet Jansen, Representing State; Washington State Department of Enterprise Services Santosh Kuruvilla, Representing Engineers; Exeltech Consulting, Inc. Karen Mooseker, Representing School Districts; Mukilteo School District Mark Nakagawara, Representing Cities; City of Seattle Matt Rasmussen, Representing Counties; Benton County Irene Reyes, Representing Privat Industry; Excel Supply Company Mark Riker, Representing Construction Trades Labor; WA State Building & Construction Trades Council Linneth Riley-Hall, Representing Transit; Sound Transit Steven Russo, Representing Specialty Contractors; UMC John Salinas II, Representing Specialty Contractors; Salinas Construction, Inc. Kara Skinner, Representing Insurance\Surety/Industry; Integrity Surety, LLC Representative Mike Steele, 12th District Robin Strom, Representing General Contractors; Anderson Construction. Joshua Swanson, Representing Construction Trades Labor; International Union of Operating Engineers Representative Steve Tharinger, 24th District Robynne Thaxton, Representing Private Industry; Thaxton Parkinson, PLLC Senator Judy Warnick, 13th District Olivia Yang, Representing Higher Education; Washington State University

#### WSDOT PROJECT DELIVERY METHOD REVIEW TASK FORCE MEMBERS

Linneth Riley-Hall, Co-Chair; Sound Transit Tom Zamzow, Co-Chair; Associated General Contractors Bob Armstead, National Association of Minority Contractors Lekha Fernandes, OMWBE Bobby Forch Jr., MSPW Metin Keles, WBE

#### PUBLIC PARTICIPANTS & STAKEHOLDERS

Melanie Baldwin, WSDOT Thomas Brasch, WSDOT John Chi, WSDOT Gregory Cook, WSDOT Mike Dobry, DEA, Inc. Bill Frare, DES Conrad Guadagni, WSDOT Aaron Halling, Tapani Thrall Hershberger, Kraemer, NA Joseph Kline, WSU

Report Writer

Robynne Thaxton, CPARB Private Industry; Thaxton Parkinson, LLC

Joseph Kline, Washington State University Santosh Kuruvilla; Exeltech Consulting, Inc. Stuart Moore, Associated General Contractors Jessica Murphy, City of Seattle John Salinas II, Salinas Construction, Inc. Robynne Thaxton, Thaxton Parkinson, LLC

Ping Liu, Flatiron Corp. Terrence Lynch, WSDOT Art McCluskey, WSDOT Kevin Miller, WSDOT Geoff Owen, Kiewit Richard Patterson, DEA, Inc. Jerry Vanderwood, AGC Curt Winningham, WSDOT Janice Zahn, CPARB Chair

# 1. Introduction and Executive Summary

# 1.1. RECOMMENDATION:

CPARB has reviewed the information for the projects noted below and for the reasons set forth below recommends that WSDOT continue with the use of the Design-Bid-Build delivery method pursuant to RCW 39.04 \_\_\_\_ for the following projects:

- WSDOT Project N52600R SR 526 Corridor Improvements
- WSDOT Project N00900R SR 9 Marsh Road to 2<sup>nd</sup> St. Vicinity
- WSDOT Project M00800R US 395 North Spokane Corridor (Stage 3)
- WSDOT Project M00800R US 395 North Spokane Corridor (Stage 2)

CPARB decided to issue an interim report because the recommendations on the projects above were very clear given the status of the design on these projects. The rationale for CPARB's recommendations is set forth below.

#### 1.2. BACKGROUND:

CPARB incorporates the background information from the Part 1 of its Report pursuant to ESBH 2134 dated July 1, 2024.

# 2. WSDOT PDM Review Task Force Process

The WSDOT PDM Review Task Force held four meetings from July 10 through August 21, 2024. During these meetings, the Task Force gathered information from WSDOT, asked WSDOT personnel questions, reviewed the delivery method selected by WSDOT, and discussed recommendations regarding delivery methods. In addition to the Task Force members, members of the construction industry participated in the discussions. Hard copies and links to the minutes of these meetings can be found in in the Appendices to this Report. In addition, WSDOT has fully participated and provided information requested by the Task Force. CPARB wishes to thank WSDOT for the extent of its participation in this process. The Task Force will continue to meet regularly to complete the task outlined in ESHB 2134 by the deadline outlined in the statute for the remaining four of the six US 395 North Spokane Corridor (WSDOT Project M00800R) projects.

# 3. SR 526 Corridor Improvements WSDOT Project N52600R

# 3.1. Project Description

Details of the SR 526 Corridor Improvements can be found at the WSDOT link for the project<sup>1</sup>. WSDOT provided additional details to the Task Force at the July 24, 2024 meeting.<sup>2</sup> In addition, WSDOT personnel answered questions regarding the SR 526 Corridor Improvements Project posed by Task Force members at various meetings. A summary of the SR 526 Corridor Improvements Project follows.

# 3.1.1. SR 526 Corridor Improvements Scopes of Work:

- The Design-Bid-Build Delivery Method was selected through WSDOT's Project Delivery Method Selection (PDMS) checklist process. An electronic link to the PDMS checklist for the SR 526 Corridor Improvements Project is provided in Appendix B.b.
- The Project encompasses improvements on SR 526 from Evergreen Way to I-5 and includes the following elements<sup>3</sup>:
  - Converting an existing HOV lane to create a third general purpose lane between Evergreen Way and I-5

CPARB Report on WSDOT Delivery Methods, Part 1 Page 1

- Widen the bridge over Casino Road
- Widen the roadway in the eastbound direction
- Re-channelize the intersection with Everett Mall Way
- Install ramp meters from EB SR 526 to NB I-5
- Construction noise walls
- Repaving HMA
- o Removal and replacement of median and shoulder barriers
- o Signal modification, illumination, and ITS
- o Landscaping, drainage, runoff treatment, and detention

#### 3.1.2. SR 526 Corridor Improvements Project Current Status:

- Project delivery method selected by WSDOT: Design-Bid-Build
  - Project Delivery Method Selection Checklist completed in August 2019<sup>4</sup>.
- Design Status:
  - 90% design was completed in December 2023
  - Project is at 100% design<sup>5</sup>
- Environmental Documentation:
  - NPDES Stormwater Construction Permit (anticipated 11/1/24)
  - NEPA/SEPA (anticipated 9/1/24)
  - Hydraulic Project Approval (anticipated 11/1/24)
  - Completed permits:
    - Section 106 Exemption for Culture
    - Programmatic Biological Assessment
    - Wetland, Stream, and Assessment Report
    - MATA & BGEP Memo
    - Hazmat Report
    - Noise Exemption
- Agreements:
  - City of Everett Public Work Permit In Progress
  - o No commitments with local jurisdictions
- Anticipated Schedule:
  - o Original Request for Bids: September 16, 2025
  - Revised Request for Bids: January 6, 2025
  - Construction Scheduled to begin: April 2025
  - Physical completion: June 2027
- Funding Sources
  - Connecting Washington funding
  - o Bid price will not exceed allocated funding
  - Authorized budget total: \$46.5 million 47.4 million
    - Engineering: \$11.1 million
    - ROW: \$0
    - Construction: \$35.4 million \$47.2 million Note: The procurement will require that the bid be less than \$36.1 million. Connecting Washington funds requires that the funds used for the project do not exceed the line item in the funding source.
    - The budget was updated in late 2023<sup>6</sup>

# 3.1.3. SR 526 Corridor Improvements Project Risks and Opportunities

- Project Risks:
  - Design Schedule: unanticipated utility relocation

- Construction Schedule: procurement of girders
- Challenges
  - Construction and staging and traffic control for the improvements of the intersection of SR 526 and Everett Mall Way
  - Widening a bridge over the busy Casino Road.
- Project Opportunities
  - Design is 90% complete and permits are pending. No meaningful opportunity for innovation.
- Impact of Project Delay
  - o Market conditions at bid opening may differ due to inflation and material availability

# 3.2. WSDOT Rationale for Using Design-Bid-Build

WSDOT completed a Project Delivery Method Selection ("PDMS") Checklist on August 27, 2019<sup>7</sup>. The COVID pandemic delayed the project.<sup>8</sup> The PDMS Checklist notes the following rationale for selecting design-bid-build as the delivery method. Although the scoring in favor of design-bid-build is close, WSDOT representatives noted in the July 24, 2024 meeting that they would have scored it more in favor of DBB had the PDMS checklist been completed today because of the short work area, the permitting issues, and the need for noise walls.<sup>9</sup>

- RCW 47.20.785 Project Qualifications for Design-Build
  - Construction activities are not highly specialized
  - The DB approach is not critical in developing the construction methodology
  - There are opportunities for greater innovation & efficiencies between the designer and builder
  - The use of DB would not result in significant reduction to the overall project schedule or critical milestones.
- Schedule:
  - Third party agreements with local governments and agencies do not require a full design. No agreements of this nature are anticipated.
  - There are not long lead and lengthy environmental permits or right of way issues that would delay the start of construction. Impacts to environmentally sensitive areas are minimal. No ROW anticipated.
  - Early obligation of the funding is not necessary. The project is programmed to match available funding.
  - There is time to prepare a 100% design.
  - There is no need to compress the schedule.
  - Funding limits restrict the start schedule because the construction funds are not available until the 2021-2023 biennium. There are no restrictions on spending the money in later biennium.
- Complexity and Innovation:
  - There are no significant risks that could be better managed by others than WSDOT.
  - The project does not involve specialty engineering or high tech designs or other opportunities for innovation.
  - $\circ$   $\;$  The project does not require complex phasing and staging.
  - SR 526 Seaway, Boulevard, and the ramp connection between them are the primary high speed, high volume facility accessing SE Everett Industrial Area.
  - WSDOT is willing to give up control of the design and construction because complex or specialty design is not anticipated.
  - There are no critical third parties who have involvement and likely changes during the design and construction.
- Cost
  - Early cost certainty for the project is important.

# 3.3. CPARB Review of Delivery Method Selection

The WSDOT PDM Review Task Force reviewed the information from WSDOT and asked a number of questions during the meetings. The Task Force unanimously determined that Design-Bid-Build is the correct delivery method for this project. CPARB has accepted this determination. The rationale for this determination is set forth in Section 7 below for all projects.

#### 4. SR 9 Marsh Road to 2<sup>nd</sup> Street Vic Widening & Bridge Painting WSDOT Project N00900R

#### 4.1. Project Description

Details of the SR 9 March Road to 2<sup>nd</sup> Street Vic Widening & Bridge Painting Project ("SR 9 Marsh Road Project") can be found at the WSDOT link for the project<sup>10</sup>. WSDOT provided additional details to the Task Force at the July 24, 2024 meeting.<sup>11</sup> In addition, WSDOT personnel answered questions regarding the Project posed by Task Force members at the July 24 meeting. A summary of the SR 9 Marsh Road Project follows.

#### 4.1.1. SR 9 Marsh Road Project Budget and Scopes of Work:

- The Design-Bid-Build Delivery Method was selected through WSDOT's Project Delivery Method Selection (PDMS) checklist process. An electronic link to the PDMS checklist for the SR 9 Marsh Road Project is provided in Appendix C.b..
- The Project is located in Snohomish and includes the following elements<sup>12</sup>:
  - Widening SR 9 from between March Road to 2<sup>nd</sup> Street from 2 lanes to 4
  - Constructing two new bridges
    - Over the Snohomish River and BNSF
    - Over an overflow channel
  - Other Improvements
    - Painting of the existing bridge
    - Upgrading illumination, traffic signals, and ITS
    - Modifying channelization
    - Building a noise wall and stormwater facilities

# 4.1.2. SR 9 Marsh Road Project Current Status:

- Design Status:
  - Proof copy design completed December 2022
  - PS&E put on hold from January 2023 to May 2024
  - Resubmit 2<sup>nd</sup> proof copy August 2024
- Environmental Documentation:
  - All environmental documentation has been issued with the exception of the DNR Certification and the Snohomish County Flood Hazard Permit, which are pending
  - The following permits will expire and WSDOT will have to re-apply for the permit on the dates below if substantial work does not begin:
    - Snohomish County Shoreline Permit 1/12/25
    - NPDES Stormwater Construction General Permit 12/31/25
    - Biological Assessment 12/7/25
    - NMFA Biological Opinion 7/12/27
    - USFW Biological Opinion 9/16/27
    - 401 Water Quality Certification 3/14/26
    - Section 9 Bridge Permit 10/18/26
    - Hydraulic Project Approval 10/31/28
- Agreements:

- BNSF C&M Agreement: September 2024
- o DNR License: September 2024
- o Coast Guard Permit obtained
- o 1 permanent easement: October 2024
- o 1 temporary easement signed, 2 temporary easements anticipated August 2024
- No commitment with local jurisdictions
- Anticipated Schedule:
  - Original Request for Bids: August 6, 2024
  - Revised Request for Bids: January 6, 2025
  - o Construction Scheduled to begin: April 2025
  - Physical completion: May 2027
- Funding Sources
  - Connecting Washington funding
  - o Bid price will not exceed allocated funding
  - Authorized budget total: \$111.8 million 121.7 million
    - Engineering: \$11.8 million
    - ROW: \$6 million
    - Construction: \$99.4 million \$109.3 million

#### 4.1.3. SR 9 Marsh Road Project Risks and Opportunities

- Project Risks:
  - o Design Schedule: Right of Way acquisition delays
  - Construction Schedule:
    - Limited in-water work window
    - Procurement of girders
    - Procurement of light and signal poles
- Challenges
  - o Construct a bridge across the Snohomish River and BNSF track
  - o Construct a bridge over the overflow channel and roadway widening
  - Working with a floodplain
  - A delay in advertisement may prevent the contractor from doing in-water work during the 2025 fish window. This may add an additional year to the construction schedule.
- Project Opportunities
  - Given the restrictions on the design and the completion of the permits, there are no meaningful opportunities for innovation.
- Impact of Project Delay
  - Market conditions at bid opening may differ due to inflation and material availability
  - o A delay may extend the project another year because of in-water window restrictions
  - A delay may require re-application for several permits.

#### 4.2. WSDOT Rationale for Using Design-Bid-Build

WSDOT completed a Project Delivery Method Selection ("PDMS") Checklist on December 14, 2022<sup>13</sup>. The PDMS Checklist notes the following rationale for selecting design-bid-build.

- RCW 47.20.785 Project Qualifications for Design-Build
  - Construction activities are not highly specialized
  - o The DB approach is not critical in developing the construction methodology
  - There are not opportunities for greater innovation & efficiencies between the designer and builder

• The use of DB would not result in significant reduction to the overall project schedule or critical milestones.

Note that this criterion evaluates whether the project meets the standard for RCW 47.20.785. If the answer to all of these questions is "no" (which is the case for this project), the project does not qualify as a design-build project.

- Schedule:
  - Third party agreements with local governments and agencies require a full design. UPRR and BNSF require approximately 60% to 75% design review prior to executing the C&M Agreement.
  - There are long lead and lengthy environmental permits or right of way issues that would delay the start of construction. Commercial property requires a longer lead time.
  - Early obligation of the funding is not necessary.
  - There is time to prepare a 100% design.
  - There is no need to compress the schedule.
  - Funding limits do not restrict the start schedule
- Complexity and Innovation:
  - There are no significant risks that could be better managed by others than WSDOT.
  - The project does not involve specialty engineering or high tech designs or other opportunities for innovation.
  - The project does not require complex phasing and staging.
  - There is not an existing road or facility that need to remain in service.
  - WSDOT is willing to give up control of the design and construction.
  - There are critical third parties who have involvement and likely changes during the design and construction. The Children of the Sun Trail geometry is not determined, and there is right of way.
- Cost
  - o Early cost certainty for the project is important.

#### 4.3. CPARB Review of Delivery Method Selection for SR 9 Marsh Road Project

The WSDOT PDM Review Task Force reviewed the information from WSDOT and asked a number of questions during the meetings. The Task Force unanimously determined that Design-Bid-Build is the correct delivery method for this project. CPARB has accepted this determination. The rationale for this determination is set forth in Section 7 below for all projects.

# 5. US 395 North Spokane Corridor Stage 3 Project – Stage 3 M00800R

#### 5.1. Project Description

Details of the US 395 North Spokane Corridor Stage 3 Project ("US 395 NSC Stage 3 Project") can be found at the WSDOT link for the project<sup>14</sup>. WSDOT provided additional details to the Task Force at the July 24, 2024 meeting.<sup>15</sup> In addition, WSDOT personnel answered questions regarding the Project posed by Task Force members at the July 24, 2024 meeting. A summary of the US 395 NSC Stage 3 Project follows.

# 5.1.1. US 395 NSC Stage 3 Project Budget and Scopes of Work:

• The Design-Bid-Build Delivery Method was selected through WSDOT's Project Delivery Method Selection (PDMS) checklist process. A link to the PDMS checklist for the US 395 NSC Stage 3 Project is provided in Appendix E.a.

• The Project is located in Spokane and is one of 6 projects that are part of the US 395 North Spokane Corridor Projects. Phase 3 includes construction of 2 parallel bridges that are approximately 1200 feet long that carry 2 lanes of traffic each for north and southbound.

# 5.1.2. US 395 NSC Stage 3 Project Current Status:

- Project delivery method selected by WSDOT: Design-Bid-Build
  - Project Delivery Method Selection Checklist completed in November 2023<sup>16</sup>.
- Design Status:
  - 100% PS&E review completed<sup>17</sup>
  - The project is 100% designed. <sup>18</sup>
- Environmental Documentation:
  - NEPA is complete
- Agreements:
  - o Utility and City inspection agreements completed
- Anticipated Schedule:
  - Original Request for Bids: July 15, 2024
  - Revised Request for Bids: In process of re-scheduling
  - o Construction Scheduled to begin: In process of re-scheduling
  - Physical completion: In process of re-scheduling
- Funding Sources
  - Connecting Washington funding
  - Authorized budget total: \$111.8 million 121.7 million
  - Engineering: \$4.3 million
  - ROW: \$360 million (includes the entire North Spokane Corridor)
  - Construction: \$100 million

# 5.1.3. US 395 NSC Stage 3 Project Risks and Opportunities

- Project Risks:
  - o There are 2 parcels in condemnation with contaminated material on one of the parcels.
- Project Opportunities
  - There are no meaningful opportunities for innovation.
- Impact of Project Delay
  - Delaying the project advertisement will likely cause congestion in the market for the remaining NSC projects, potentially tapping out industry resources.

# 5.2. WSDOT Rationale for Using Design-Bid-Build

WSDOT completed a Project Delivery Method Selection ("PDMS") Checklist on November 28, 2023. The PDMS Checklist notes the following rationale for selecting design-bid-build.

- RCW 47.20.785 Project Qualifications for Design-Build
  - o Construction activities are not highly specialized
  - $\circ$   $\,$  The DB approach is not critical in developing the construction methodology
  - There are not opportunities for greater innovation & efficiencies between the designer and builder
  - The use of DB would not result in significant reduction to the overall project schedule or critical milestones.

Note that this criterion evaluates whether the project meets the standard for RCW 47.20.785. If the answer to all of these questions is "no" (which is the case for this project), the project does not qualify as a design-build project.

- Schedule:
  - Third party agreements with local governments and agencies require a full design. UPRR and BNSF require approximately 60% to 75% design review prior to executing the C&M Agreement.
  - There are long lead and lengthy environmental permits or right of way issues that would delay the start of construction. Commercial property requires a longer lead time.
  - Early obligation of the funding is not necessary.
  - There is time to prepare a 100% design.
  - There is no need to compress the schedule.
  - Funding limits do not restrict the start schedule
- Complexity and Innovation:
  - There are no significant risks that could be better managed by others than WSDOT.
  - The project does not involve specialty engineering or high tech designs or other opportunities for innovation.
  - The project does not require complex phasing and staging.
  - There is not an existing road or facility that need to remain in service.
  - WSDOT is willing to give up control of the design and construction.
  - There are critical third parties who have involvement and likely changes during the design and construction. The Children of the Sun Trail geometry is not determined, and there is right of way.
- Cost
  - Early cost certainty for the project is important.

# 5.3. CPARB Review of Delivery Method Selection

The WSDOT PDM Review Task Force reviewed the information from WSDOT and asked a number of questions during the meetings. The Task Force unanimously determined that Design-Bid-Build is the correct delivery method for this project. CPARB has accepted this determination. The rationale for this determination is set forth in Section 7 below for all projects.

# 6. US 395 North Spokane Corridor Project – Stage 2 M00800R

# 6.1. Project Description

Details of the US 395 North Spokane Corridor Stage 2 Project ("US 395 NSC Stage 2 Project") can be found at the WSDOT link for the project<sup>19</sup>. WSDOT provided additional details to the Task Force at the August 7, 2024 meeting.<sup>20</sup> In addition, WSDOT personnel answered questions regarding the Project posed by Task Force members at the August 7, 2024 meeting. A summary of the US 395 NSC Stage 2 Project follows.

# 6.1.1. US 395 NSC Stage 2 Scopes of Work:

- The Design-Bid-Build Delivery Method was selected through WSDOT's Project Delivery Method Selection (PDMS) checklist process. A link to the PDMS checklist for the US 395 NSC Stage 2 Project is provided in Appendix F.b.
- The Project is located in Spokane and is one of 6 projects that are part of the US 395 North Spokane Corridor Projects. Phase 2 includes a new roundabout as well as the following items:
  - Local road reconfiguration
  - Utility relocates
  - Pedestrian bridges over Trent Ave. and BNSF RR
  - Shared use trail

# 6.1.2. US 395 NSC Stage 2 Project Current Status:

• Project delivery method selected by WSDOT: Design-Bid-Build

- Project Delivery Method Selection Checklist completed in November 2023<sup>21</sup>.
- Design Status:
  - Design is 75% complete<sup>22</sup>
  - o Traffic modeling for operations complete
  - Environmental and Permitting Documentation:
  - NEPA is complete
    - NPDES Stormwater permit is in process
    - Noise variance is in process
- Agreements:
  - o Utility and City inspection agreements are under way
  - Railroad agreements with BNSF and UPRR are in progress
- Anticipated Schedule:
  - o Original Request for Bids: November 18, 2024
  - Revised Request for Bids: April 14, 2025
  - Construction Scheduled to begin: Summer 2025
  - Physical completion: End of 2028
- Funding Sources
  - o Connecting Washington funding
  - Authorized budget total: \$250 million
    - Engineering: \$9 million
    - ROW: \$360 million (includes the entire North Spokane Corridor)
    - Construction: \$250 million

# 6.1.3. US 395 NSC Stage 2 Project Risks and Opportunities

- Project Risks:
  - Market conditions affecting costs
  - Maintenance of traffic during construction
  - Coordination of adjacent contracts
  - o Coordination with railroad on construction activities on/over railroad property
- Project Opportunities
  - The configuration of the mainline, interchange at Trent, and RAB intersection is in conjunction with the purchased right of way footprint, leaving little to no room for variances.
  - Although the original PDMS check list indicated some opportunities for innovation, WSDOT has performed significant value engineering on the project after the date of the initial PDSM checklist, and there is now very little opportunity for additional innovation that would create additional efficiencies in the project scope. For example, the inside shoulder lane has already been narrowed to 4 feet from 10 feet, and the number of lanes has been reduced to further "right size" the project to meet the budget.<sup>23</sup>
- Impact of Project Delay
  - Delaying the project advertisement will likely cause congestion in the market for the remaining NSC projects, potentially tapping out industry resources.

# 6.2. WSDOT Rationale for Using Design-Bid-Build

WSDOT completed a Project Delivery Method Selection ("PDMS") Checklist on November 28, 2022. The PDMS for NSC Stage 2 has a different format than the PDMS for the other projects discussed in this report. For each project goal, WSDOT scored whether the project was suitable for design-bid-build (DBB) or design-build (DB). The final score was 608 for DBB and 465 for DB. The PDMS Checklist notes the following rationale for selecting design-bid-build.

- Schedule
  - The project goal of minimizing delivery time received a score of 45 points for DBB and 30 points for DB
  - The project goal of managing the railroad design review schedule received a score of 72 points for DBB and 48 points for DB
- Costs/Funding
  - The goal of minimizing project cost received a score of 40 for DBB and 30 for DB
  - $\circ$  The goal of completing the project on budget received a score of 64 for DBB and 48 for DB.
  - The goal of meeting third party requirements with possible impacts in design and construction received a score of 56 points for DBB and 28 points for DB.
- Standards
  - The goal of Owner(RR) requires control of design to meet specific design and construction constraints and/or standards (such as aesthetics) received a score of 72 for DBB and 45 for DB
  - The goal of WSDOT maintains control of specific project elements such as significant ROW or environmental impacts received a score of 72 points for DBB and 45 points for DB.
- Innovation
  - The goal to minimize maintenance and operations costs (assume maintenance and operations is not part of DB contract) received a score of 81 for DBB and 45 for DB.
  - The goal to minimize impacts to the public and/or local businesses during construction received a score of 48 points for DBB and 48 points for DB.
  - The goal of incorporating opportunities for innovation and efficiencies to meet specific requirements received a score of 28 points for DBB and 63 points for DB.
  - The goal of avoiding or minimizing impacts to the project through risk transfer and innovation (such as environmental risks) received a score of 30 for DBB and 35 for DB.

# 6.3. CPARB Review of Delivery Method Selection

The WSDOT PDM Review Task Force reviewed the information from WSDOT and asked a number of questions during the meetings. The Task Force determined that Design-Bid-Build is the correct delivery method for this project. CPARB has accepted this determination. The rationale for this determination is set forth in Section 7 below for all projects.

# 7. Rationale for CPARB Determination

# 7.1. Recommendation to Use Design-Bid-Build

CPARB found that DBB is the appropriate delivery method for each of the projects noted above for the following reasons:

- Projects that have completed significant design leave little to no room for the innovation that could be achieved through alternative delivery.
- The Design-Build Institute of America has published a position statement on the use of prescriptive design in design-build that discourages the use of the delivery method for projects where the design is significantly progressed:

"It is DBIA's position that successful design-build procurements minimize the use of prescriptive requirements and maximize the use of well written performance requirements that establish the projects' goals, desired outcomes, and performance metrics. The use of extensive prescriptive design and bridging documents eliminates many of the advantages inherent in design-build delivery, including the design-build team's ability to meet or exceed the Owner's needs through innovation and creativity."<sup>24</sup>

- RCW 39.10.630(1) states, "Public bodies should select general contractor/construction managers at a time in the project when the general contractor/construction manager's participation provides value." Once the project is substantially designed, there is little value a general contractor/construction can add to the project.
- The draft CPARB GC/CM best practices state "While not mandated, public bodies are encouraged to select general contractor/construction managers early in the life of public works projects and in most situations no later than the completion of schematic design."<sup>25</sup>
- For a project to qualify as a candidate for alternative delivery, the projects need to meet certain statutory characteristics. The projects in this list either do not qualify at all or are not good candidates for alternative delivery.
- WSDOT has the option of utilizing DBB for any project.
- WSDOT has a great deal of experience using the DBB delivery method with established processes and training.

# 7.2. List of Appendices

- A. Meeting Minutes of CPARB WSDOT Project Delivery Method Task Force.
  - a. July 10, 2024: <u>https://des.wa.gov/sites/default/files/2024-07/2024-7-10-WSDOT-PDMR-</u> <u>TF-MeetingNotes.pdf</u>
  - b. July 24, 2024: <u>https://des.wa.gov/sites/default/files/2024-08/2024-07-24-WSDOT-PDMRTF-minutes.pdf</u>
  - c. August 7, 2024: <u>https://des.wa.gov/sites/default/files/2024-08/2024-08-07-WSDOT-</u> PDMR-TF-meeting-notes.pdf
- B. SR 526 Corridor Improvements Project
  - a. WSDOT Project Information: <u>https://wsdot.wa.gov/construction-planning/search-projects/sr-526-evergreen-way-vic-i-5-vic-corridor-improvements</u>
  - b. PDMS Checklist: <u>https://des.wa.gov/sites/default/files/2024-07/2020-03-10-SR526-PDMS-Signed.pdf</u>
  - c. WSDOT Presentation July 24, 2024: <u>https://des.wa.gov/sites/default/files/2024-07/2024-07/2024-07/2024-07/2024-SR526-WSDOT-PPDM.pdf</u>
- C. SR 9 Marsh Road to 2<sup>nd</sup> St Vic Widening& Bridge Painting Project
  - a. WSDOT Project Information: <u>https://wsdot.wa.gov/construction-planning/search-projects/sr-9-marsh-road-2nd-street-vicinity-widening-bridge-painting</u>
  - b. PDMS Checklist: https://des.wa.gov/sites/default/files/2024-07/2020-01-16-SR9-PDMS-XL5946-Signed.pdf
  - c. WSDOT Presentation July 24, 2024: https://des.wa.gov/sites/default/files/2024-07/2024-07-24-SR9-WSDOT-PPDM.pdf
- D. US 395 North Spokane Corridor Project Information: <u>https://wsdot.wa.gov/construction-planning/search-projects/us-395-nsc-i-90-connection</u>
- E. US 395 North Spokane Corridor Project Stage 3
  - a. PDMS Checklist: <u>https://des.wa.gov/sites/default/files/2024-07/2023-11-28-SR395-</u> WSDOT-PDMS-XL5905-NSC-Stage3-Signed.pdf
  - b. WSDOT Presentation July 24, 2024: <u>https://des.wa.gov/sites/default/files/2024-07/2024-07-24-SR395-WSDOT-PPDM-NSC-Stage3.pdf</u>
- F. US 395 North Spokane Corridor Project Stage 2
  - a. PDMS Checklist: <u>https://des.wa.gov/sites/default/files/2024-08/2024-08-07-NSC-SR395-Stage%202-PDSMatrix.pdf</u>
  - b. WSDOT Presentation August 7, 2024: <u>https://des.wa.gov/sites/default/files/2024-</u> 08/2024-08-07-NSC-SR395-Stage%202-presentation.pdf

<sup>&</sup>lt;sup>1</sup> SR 526 Corridor Improvements (N52600R) Project Information: Appendix B.a.

<sup>&</sup>lt;sup>2</sup> WSDOT Report to WSDOT PDM Task Force July 24, 2024: Appendix B.c.

<sup>&</sup>lt;sup>3</sup> WSDOT Report to WSDOT PDM Task Force July 24, 2024: Appendix B.c.

<sup>&</sup>lt;sup>4</sup> PDMS Checklist for SR 526 Corridor Improvements Project: Appendix B.b.

<sup>&</sup>lt;sup>5</sup> July 24, 2024 WSDOT PDB Task Force meeting minutes: Appendix A.a. p. 2.

<sup>&</sup>lt;sup>6</sup> July 24, 2024 WSDOT PDB Task Force meeting minutes: Appendix A.a. p. 2.

<sup>&</sup>lt;sup>7</sup> SR 526 Corridor Improvements Project PDMS Checklist: Appendix B.b.

<sup>&</sup>lt;sup>8</sup> July 24, 2024 WSDOT PDB Task Force meeting minutes: Appendix A.a. p. 3.

<sup>&</sup>lt;sup>9</sup> July 24, 2024 WSDOT PDB Task Force meeting minutes: Appendix A.a. p. 3.

<sup>10</sup> SR 9 Marsh Road to 2<sup>nd</sup> Street Vicinity (N00900R) Project Information: Appendix C.a.

<sup>11</sup> WSDOT Report on SR 9 Marsh Road Project to WSDOT PDM Task Force July 24, 2024: Appendix C.b.

<sup>12</sup>WSDOT Report to WSDOT PDM Task Force July 23, 2024: Appendix C.c.

<sup>13</sup> PDMS Checklist for SR 9 March Road: Appendix C.b.

<sup>14</sup> WSDOT US 395 NSC Project Information: Appendix D.

<sup>15</sup> WSDOT July 24, 2024 presentation to WSDOT PDM Task Force US 395 Stage 3 Project: Appendix E.b.

<sup>16</sup> PDMS Checklist for US 395 NSC Stage 3 Project: Appendix E.a.

<sup>17</sup> WSDOT July 24, 2024 presentation to WSDOT PDM Task Force US 395 Stage 3: Appendix E.b. p. 3

<sup>18</sup> August 7, 2024 WSDOT PDM Task Force meeting minutes, p. 2

<sup>19</sup>WSDOT US 395 NSC Project Information: Appendix D.

<sup>20</sup> WSDOT August 7, 2024 presentation to WSDOT PDB Task Force on US 395 NSC Stage 2 Project: Appendix E.b.

<sup>21</sup> PDMS Checklist for US 395 NSC Stage 2 Project: Appendix E.a.

<sup>22</sup> WSDOT August 7, 2024 presentation to WSDOT PDM Task Force US 395 Stage 2: Appendix E.b. p. 4

<sup>23</sup> August 7, 2024 WSDOT PDM Task Force meeting minutes, p. 7.

<sup>24</sup> Link to DBIA Position Statement on Prescriptive Design and the Use of Bridging Documents:

https://store.dbia.org/product/dbia-position-statement-prescriptive-design-use-of-bridging-documents/

<sup>25</sup> Link to CPARB DRAFT GC/CM Best Practices p. 8: <u>https://des.wa.gov/sites/default/files/2024-05/2024-05/2024-05-23-GCCM-best-practices.pdf</u>