



# WisDOT Design-Build Implementation

## Stakeholder Workshop Questions

November 2020

The following questions were asked during the stakeholder workshops for consultants and contractors held in November 2020 on the 18<sup>th</sup>, 19<sup>th</sup>, and 30<sup>th</sup> days of the month. The purpose of these workshops was to provide information about the implementation of a design-build program in Wisconsin and offer a forum for industry members to ask questions about the program.

### General Questions

- **Will WisDOT publish a list of workshop attendees?** No, WisDOT did not compile an attendee list.
- **Will the workshop slides be published?** Yes, they have been posted to the Design-Build website.
- **Will there be opportunities to share lists of interested designers and contractors to be used for teaming?** WisDOT will consider if and how to help firms' network.

### RFQ and Team Building Questions

- **Are Joint Ventures and Partnerships allowable for the "prime" role?** Yes.
- **What other state DOT design-build programs are being evaluated and potentially used to model and create Wisconsin's program?** The Department is looking at what Michigan and Minnesota are doing. Those are the key templates being used to develop documents for Wisconsin.
- **Is WisDOT open to engineer-led design-build teams?** The Department is not opposed to this.
- **What are the typical key staff that will be evaluated in the RFQ response?** Key staff typically include the management team (e.g. Design-Build Project Manager, Design-Build Construction Manager, Design Manager, Construction Quality Manager, Design Quality Manager, etc.). Depending on the scope of the project, other technical roles may also be included (e.g. Lead Bridge Design Engineer, Roadway Engineer, Maintenance of Traffic Engineer, Geotechnical Engineer, etc.). Project Manager is very important, and it would depend on the scope and goals of the project for the rest of the staff. The Department will look at individual experience for all.
- **Who typically drives the team selection - the contractors or the consultants?** This will depend on the make-up of the team and the scope of the project, but typically contractors are the driving factor in team selection.
- **How and when does the subcontractor fit into the project?** Just like a design-bid-build contract, it's determined by the scope of the work. The primes might set the overall direction but depending on the scope of the project, the team will require a variety of skills and experience.
- **Will you have criteria that will reward local participation by Wisconsin based design firms and contractors?** There is no special consideration for local firms at this time. WisDOT wants to be as inclusive as possible and promote business within Wisconsin; however, the Department isn't trying to preclude design-build experience out of state. WisDOT is looking for relevant experience. Knowing the local market is an advantage for some small businesses.
- **Can contractors team up with more than one consultant or is it a one team per project?** Yes, a subcontractor could be included on multiple teams. A prime is not allowed to submit multiple proposals. It is more common for consultants to be included on multiple teams. It is more common with sub-contractors when there is something unique about the project that requires specialization. WisDOT plans to allow it, and it will be up to the primes to seek exclusivity with their team members.
- **Will base technical concepts (15% to 30% design) be bid individually to designers on a project-by-project basis?** That will be dependent on the project. There will be some preliminary engineering completed that will be included in the Reference Information Documents. The development can vary from project to project.
- **Who is preparing 30% design and securing NEPA clearance?** Depending on the level of effort, WisDOT would perhaps secure a consultant to do that. They would advance a certain amount of work



# WisDOT Design-Build Implementation

## Stakeholder Workshop Questions

November 2020

separately to support a procurement. Typically, the DOT would be responsible for getting that early action item going.

- **Will out of state projects receive experience credit on SOQs?** Yes, out of state experience will be considered.
- **Will there be self-performance requirements? Meaning will there be a required percentage of work the prime needs to perform?** Yes, the prime would typically be required to perform at least 30% of the work.
- **Will there be a separate DBE goal for design and construction?** No, any DBE goal will be applied to the design-build team as a whole.
- **Other states utilize DBEs on a rotational basis. Will WisDOT be doing the same to give all DBEs an opportunity to participate?** The Department has not considered this but would be interested in learning more about which states use this method.
- **Would the design engineer be involved with construction services, e.g. inspection?** From a construction perspective, that would be procured separately.
- **What's the difference between "submitter experience" and "organization and experience"?**  
*This question reflects an error that was present on slide 13 during the 11/18/20 and 11/19/20 workshops. The graphic was corrected for the 11/30/20 workshop as well as in the slides posted on the Design-Build website. "Project Understanding" is a key evaluation factor, along with "Organization and Experience."*



# WisDOT Design-Build Implementation

## Stakeholder Workshop Questions

November 2020

### RFP Questions

- **How does the traditional "construction engineering" oversight, inspection, project accounting, etc. fit into the design-build process? Is that included in the team's responsibility typically?** At this time, WisDOT is planning to administer these functions as normal. WisDOT would maintain the same oversight and inspection and testing rights as the Department normally has on a traditional design-bid-build. This is unlike, for example, a P3 project.
- **How is the Quality process going to be administered in the design-build program?** The intent is to continue typical WisDOT quality control/quality assurance procedures; contractors will continue to have the same level of responsibility in the design-build arena, and the same with the Department. WisDOT will still administer the construction side in a similar fashion as with a design-bid-build.
- **Will WisDOT maintain responsibility for quality assurance -- for example field/shop inspections – or will that be the responsibility of the design-build team?** The intent is for the Department to maintain all the QA/QC functions that they normally do in construction as part of the design-build program. WisDOT is not looking to offload that function onto any design-build teams. However, the design-builder will be responsible for assembling the shop drawings and it is expected the designer will have to sign off/approve these prior to submitting them to the Department.
- **What differences, if any, will there be with the design deliverable requirements on a design-build project relative to the current design-bid-build process? Are design-build teams still expected to use Civil 3D and produce Civil 3D deliverables for WisDOT's digital recordkeeping and metadata needs?** That has not been fully discussed yet. At this time, assume that the Department would get the same type of deliverable they normally receive.
- **Please identify the percent of the proposal selection criteria that will be weighted regarding technical and price components.** WisDOT is researching other states and documents that include suggested scoring criteria. However, the Department knows the scoring will be project specific and can't really specify a breakdown without knowing the goals and objectives of the project. The scoring breakdown will be project dependent.
- **How would "Best Value" be determined? How is the score and the price incorporated into the "Best Value" selection?** This will vary with each individual project and the established scoring will reflect the established goals and objectives. Price will also be part of the selection process to determine the "preferred bidder".
- **Will ATCs be scored as part of the Technical Proposal scoring on Best Value?** No, ATCs will not be scored.
- **How will the value of the stipend be determined?** That is still being developed at this time.
- **Regarding proposal schedules, how long will the RFQ phase be; how long will the bidding phase be? How long before procurement begins will the project be identified?** The RFQ phase is typically six weeks. RFP will depend on procurement methodology. In general, an average low bid RFP procurement would be between 12-14 weeks. Best Value selection scenarios would be more than 14 weeks to accommodate development and scoring of technical proposals. Schedules will be dependent on the complexity of the projects and could be longer. WisDOT will endeavor to put out advance notifications in advance of an RFQ being released. The Department understands the importance of allowing teams to begin conversations and assembling prior to the release of an RFQ. If the project is large, WisDOT may also consider industry forums to provide additional details on the project to interested parties.
- **Does WisDOT plan to use a Letter of Interest (LOI) process like other states prior to starting the RFQ process? This process allows interested firms and contractors to receive information prior to the selection process starting without committing to responding yet.** As of right now, this is dependent on the complexity of the job. For very complex jobs, the Department



# WisDOT Design-Build Implementation

## Stakeholder Workshop Questions

November 2020

would look at an LOI process or maybe an industry forum. If it's a straightforward project, current thinking is that there would be advance notice of the project to alert the contracting and consultant industries that a project is forthcoming, and an RFP can be expected. WisDOT has not defined that timeframe in advance, but the goal is for there to be ample time to begin partnering.

- **What is the anticipated percent complete of the conceptual design provided with the procurement notice?** If there's a concept required as part of a submittal, it is typically around 30% complete. This is mainly to highlight main geometric requirements. This would be detailed in the Instructions To Proposers if it is required. It depends on the project. In terms of what would be included in the bid, proposers should not expect to receive a base set of plans. The Department's goal is to do enough design to determine potential constraints and provide information that's required to prepare the RFP. WisDOT wants to define the box in which the design-build team can work.
- **Will a preconstruction topographic survey be performed and supplied to design-build team?** Yes. Typically, a survey component is completed to undertake the high-level concept evaluation to determine the project requirements. Survey is usually included as a RID document.
- **Do you expect the environmental document to be cleared prior to the procurement and be eventually revised for only minor changes? Would you accept an ATC that has an impact on previously obtained environmental clearance?** Typically, the goal would always be to have the environmental clearance by the time of letting. If the Department is still awaiting permits, that information and status updates would typically be disclosed through the procurement process. In general, the environmental clearance would be in place prior the release of the RFP. An ATC that impacts environmental factors may be allowed as a conditionally approved ATC; responsibility for environmental clearance in that case would fall on the design-build team.
- **Will WisDOT or the design-build team carry the risk of ROW acquisition, utility relocations, and geotechnical issues?** ROW acquisition will have occurred by the time the project is let or if it is not complete, a date will be listed as to when the parcel can be accessed. For utilities, things like major relocations would be described in the RFP itself with an expected relocation duration. The Department will try to work with utility companies before the RFP is developed. Final utility coordination will be the responsibility of the design-build team, but there should be enough preliminary information for the team to assess that risk. For geotechnical issues, the Department and RFP will define avenues for unforeseen conditions. Usually if there's an item like an undercut or swamp backfill, those are usually shared risk items. Regarding piles or similar items, that would fall on the design-build team; if there's a piling design where the piles run long, that would be a design-build team risk. Soil borings are typically included in the RID as an exhibit. Any geotechnical reports are typically included in the RID and will need to be interpreted by the design-builder to make their own assumptions.
- **Why does the Department believe shortlisting more teams would be advantageous? We would recommend only shortlisting three teams for the RFP phase.** Determining the proper number of teams to shortlist depends on the RFQ scores. If teams are very close in the scoring, the Department will want to have the ability to shortlist more teams.
- **Will the Tech Proposal and Price Proposal be due on same date or staggered dates?** Staggered dates; technical proposals are typically due in advance.
- **Will WisDOT share draft RFPs for industry review prior to issuing formal RFP?** At this time, WisDOT is not planning to issue draft RFPs. Shortlisted teams will be provided the original released RFP for the project when it is completed. The RFP template will be available for review well before the first actual RFP is released.
- **Will WisDOT offer design-build training programs that would count toward experience?** That hasn't been considered at this point.



# WisDOT Design-Build Implementation

## Stakeholder Workshop Questions

November 2020

- **How many One-on-One meetings is WisDOT planning?** As of right now, the Department is contemplating two. For a large project, three meetings may be possible.
- **Will WisDOT require interviews during either Phase of the Procurement?** At this point, no interviews are anticipated. For highly complex projects, interviews may be entertained.
- **Will membership in "Design Build Institute of America" be required or encouraged for experience?** At this point it will not be a requirement.
- **Will the designer of the 15%-30% plans be excluded from participating in the RFP phase? Will engineering firms involved in the survey/mapping or utility surveys, geotech effort, etc. be prohibited from being on a design-build team?** Typically, the team that is the GEC is excluded from participating on the design-build team. They typically assist through the design-build phase. There could be instances where this may be allowed for some of the sub-consultant services. For example, sub-consultants that developed soil boring information or traffic data as part of the design effort. If this information was released prior to or with the RFQ, there may be instances these firms (typically a minor role) would be allowed to participate on the Design-Builder's Team. The disclosure of the information publicly to all interested firms would generally remove the potential conflict of interest.
- **Will WisDOT utilize "best value" as well as "fixed price variable scope"? Is one preferred over the other by WisDOT?** Best value is the preferred method, but low bid or fixed price variable scope will be an option for some projects.
- **How and when are contract payments made during the design and construction phases?** The way the design-build projects typically work is they are a lump sum contract. Because it's a lump sum contract there's a schedule of values that needs to be developed, submitted, and approved by the Department. That schedule of values defines how the DB team would get paid. Typically, the way it works is that method of payment is defined through the schedule of values submitted by the design builder. It is important for design firms to work with contractors to get that set up.
- **We are familiar with the MnDOT design-build process, will there be any major differences with the WisDOT RFP process?** WisDOT is starting as a base with Minnesota's contract but it will be pulled apart and rewritten for Wisconsin. The general framework is there, but the Department cannot yet say what the major differences will be as it is not fully written.
- **Will design-build contracting documents establish design submittal milestones or will this be up to design-build team to establish?** There will still be the typical milestones, but what will be up to the teams to decide will be how buildable units or design packages are assembled to meet the milestones. FHWA oversight typically includes a 30% milestone and the Department has the 60%, 90% and Final Design milestones.
- **Does Wisconsin intend to offer stipends to short listed design-build teams that submit qualified tech proposals that do not get selected for project award?** Yes, that is the intent. The amount of the stipend will probably be project dependent.
- **Will WisDOT be completing the 15%-30% initial design, or will those be done by one firm or will this be solicited?** The intent is AECOM will help deliver the first two projects but after that there will be a separate solicitation for those opportunities that may arise.
- **Would natural resource investigations (wetland delineation, waterway identification, rare species habitat surveys) be consistently part of the initial 15%-30% design, or part of the design-build phase?** To limit risk, the Department would want to do those due diligence surveys prior to the RFP so that information is available to everyone.
- **Design-build pursuits are getting very expensive for the designers and contractors, with one-on-one meetings, ATC's, addenda, interviews, prelim. plans, etc. Will WisDOT consider fair stipends for the responsive, non-winning bids? Will stipends be a percentage of construction**



# WisDOT Design-Build Implementation

## Stakeholder Workshop Questions

November 2020

**value?** Historically, they are based on a percentage of construction value, but they are somewhat weighted depending on the complexity of the project. That's something the Department will likely take into consideration. The intent of a stipend isn't to compensate teams for putting together a response, but rather to incentivize them to elicit the best response and compensate them for the ATCs.

- **Will WisDOT still conduct right-of-way acquisitions and/or utility interests on design-build projects?** There will always be some sort of due diligence done on the utility front. In terms of real estate acquisition, ideally the Department would identify and acquire any parcels that require any sort of an acquisition activity or grading permit.



# WisDOT Design-Build Implementation

## Stakeholder Workshop Questions

November 2020

### Project Selection Questions

- **Is the list of projects under design-build consideration currently on the WisDOT website?** Yes, the draft list of projects is now on the WisDOT Design-Build website. The Department is considering the best ways to communicate the projects once they are selected. Most likely they will be both posted on the website and communicated via email to the consultant and contractor lists.
- **Will there be a minimum project size for Design-Build projects that WisDOT solicits? Or is there an ideal size project that is being looked at?** WisDOT won't have a minimum size defined, but the Department understands that design-build can add a lot more work to the teams applying to the project. That will be taken into consideration. Small projects may be bundled; small projects probably won't be put out on their own for design-build solicitation.
- **Has there been any consideration for bundling groupings of smaller projects generally located in the same geography into a single design-build project?** Yes. We are going to look at the list again and see if there's any opportunity for that.
- **How will these projects be advertised - a special section on the website, through construction letting, through Masterworks, etc.** They will be published on the website; for the first projects there's going to be a lot of communication prior to any of the process starting. There will be no surprises as to when the first two are coming out. After that, the Department would go to a more normal process, but still include notices on the website and through the regular channels.
- **Which month in 2021 will the projects be announced? When will the initial DB projects be selected and announced?** This will be budget-dependent, and WisDOT is still working through this process. We will keep the website updated as we get more clarity on this time frame.
- **Is WisDOT also considering PPP?** Not as part of this design-build program.
- **Please discuss the legislature's enabling legislation for design-build as to number of projects and size constraints.** The current enabling legislation does not contain language defining the number of design-build projects or size constraints. There has been proposed legislation that does include these issues. WisDOT is aware of this proposed legislation and has discussed it with the industry. As the design-build program moves forward and the Department develops the policy and selects our projects, WisDOT is keeping that proposed legislation in mind to make our program compliant with it to the greatest extent possible.
- **As the design-build program matures, how many design-build projects does WisDOT plan to advertise a year? Understanding which projects are going forward is key to be able to form the DB contracting teams.** That depends on the funding levels and how it fits into our budget. In the immediate future, WisDOT won't utilize design-build for a large portion of the program; it will still be a specialized tool. The Department can't specify an exact number, but it won't be a huge percentage of the budget every year.
- **If WisDOT is looking to put out two projects to be let in 2021, estimated construction start would be 2022. Based on the draft list, the first construction date was further out than that. Could you clarify estimated start of construction for the first two projects?** The start of the construction would be dependent on the two projects that are selected. WisDOT is looking for projects that are closer to the present and could expect delivery earlier than what was shown on the chart.
- **Is WisDOT considering funding some of these with 100% state funds to realize other efficiencies with processes and approvals?** That has been discussed but no decisions have been made yet.
- **What size projects is WisDOT targeting for design-build?** There is quite a range of projects, but the first two projects that come out will probably be on the smaller side. That's because of the funding situation. For the projects coming in 2021, it'll be projects identified with let savings or because



# WisDOT Design-Build Implementation

## Stakeholder Workshop Questions

November 2020

another project was dropped. But in the future, there will be an opportunity for a larger a range of projects.

- **Is there a threshold that has been discussed whether a project qualifies for design-build (whether that be dollar value or complexity or both)?** No, WisDOT has not set a certain dollar amount. The Department wants to take full advantage of design-build's benefits, and that means contractor innovation. There are some small contracts the Department hopes can really capture innovation. WisDOT may also bundle smaller projects to make them more appealing to a design-build team.
- **Some states, like South Carolina, Missouri and Pennsylvania have had multiple bridge replacement projects such as Statewide, Regional, or District wide programs. Does WisDOT have any plans for a larger bridge replacement program vs. site by site replacements?** No, WisDOT is not developing such a program at this time.
- **How will third party issues and coordination – such as railroads and municipalities – be handled at each phase of the process by the design-builder?** As part of the early efforts, WisDOT would try to define all the information up front and include it in the contract. A lot of those requirements would be specified in the contract. Regarding third party coordination, if it's a multi-year contract, it's possible the design-build team will be required to reach out to the municipality and check for new projects. But generally, if there are specific requirements, they would be defined in the contract itself.
- **What are thoughts about co-location of design-build team with the owner team during design phase, and during construction phase? Does COVID impact these thoughts?** Co-location would definitely be influenced by COVID. The Department is not looking at co-locating right now; it is too early to discuss and WisDOT is unsure if it's common practice. The Department would be more inclined to have them work independently, allowing for more over-the-shoulder reviews if there isn't co-location. It would have to be a very complex project for co-location to be beneficial to save cost.
- **Will this program include work at airports?** There are no current plans to utilize design-build for airport projects. The early applications for WisDOT will be roadway and bridge projects. WisDOT will not rule out future extension of the design-build methodology to other types of projects, including airport work.