Oregon Department of Transportation

Design-Build Project Development Guide

(From Project Selection to Start of Procurement)

December 2023

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Oregon Department of Transportation

Alternative Delivery Program

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www.oregon.gov/odot/Business/Pages/ADS-Home.aspx

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FOREWORD

FOR-1 CONVENTIONS

(a) Capitalization of Terms

Capitalized terms used in this Design-Build Project Development Guide may refer to the defined terms found in this Section and in General Provisions, Section DB110.20. Please refer to the definition of capitalized terms where appropriate.

(b) Abbreviations

The following are the meanings of abbreviations used in this Design-Build Project Development Guide.

APE	Areas of Potential Effects
ATC	Alternative Technical Concept
BAFO	Best and Final Offer
CAU	Contract Administration Unit
CE	Categorical Exclusion
CER	Cost Estimate Review
CMR	Change Management Request
DB	Design-Build
DBB	Design-Bid-Build
DOJ	Department of Justice
EA	Environmental Assessment
EIS	Environmental Impact Statement
FFE	Findings of Fact for Exemption
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
HDM	Highway Design Manual
ICAP	Indirect Cost Allocation Plan
ICDs	Interim Completion Dates
IGA	Intergovernmental Agreement
LD	Liquidated Damages
IMR	Interchange Modification Request
LPIF	Letters of Public Interest Finding
MAC	Mobility Advisory Committee
MCC	Mobility Considerations Checklist
NEPA	National Environmental Policy Act
NTP	Notice to Proceed
ODOT	Oregon Department of Transportation
OPO	ODOT Procurement Office
PE	Preliminary Engineering
PCE	Program Categorical Exclusion

RFP	Request for Proposals
RFQ	Request for Qualifications
ROD	Record of Decision
ROW	Right-of-Way
STIP	Statewide Transportation Improvement Plan
SUE	Subsurface Utility Engineering
SURL	State Utility and Railroad Liaison
TP&DT	Temporary Protection and Direction of Traffic
TMP	Transportation Management Plan
WZDT	Work Zone Decision Tree
WZLE	Work Zone Law Enforcement

(c) Definitions/Glossary of terms

Table 1: Terms and Definitions

Terms	Definitions
Agency-Supplied Specifications	The DB Standard Technical Specifications, the DB Special Provisions, and the DB General Provisions.
Alternative Technical Concept (ATC)	A confidential process in which shortlisted Proposers can propose changes to the Agency's supplied Basic Configuration, project scope, design criteria or construction criteria included in the RFP documents. The changes submitted by shortlisted Proposers to ODOT must provide a solution that is equal to, meet, or exceed the minimal requirements in the RFP. Only accepted ATCs may be included in a Proposal.
Basic Configuration	The fundamental Project requirements, parameters, geometric layout, and constraints developed by the Project team and included in the RFP and Contract Documents. The Design-Builder must comply with and meet all Basic Configuration requirements.
Contract Documents	The documents identified as such in the DB Agreement, Article 11, as well as the documents incorporated therein by reference. These generally include the Design-Build Agreement, DB General Provisions, DB Standard Technical Specifications, and the DB Special Provisions.
Design-Build (DB)	The design-build project delivery method, in which ODOT enters a single contract for the design and construction of a project.
DB Boilerplate Technical Special Provisions	ODOT's boilerplate special provisions included in Exhibit D of the DB Agreement for the Design-Builder's use in preparing project-specific modifications and additions to the DB Standard Technical Specifications.
DB General Provisions	The Part 00100 specifications specifically prepared for DB projects. The DB General Provisions replace Part 00100 of the ODOT Standard Specifications for Construction Projects.
DB Performance	The performance-based technical specifications for the project, located in

Terms	Definitions
Specifications	DB141.
DB Special Provisions	ODOT's project-specific special provisions included in Exhibit E of the DB Agreement that provide special directions, provisions, and requirements specific to a Project that supplement or modify the DB Standard Technical Specifications.
DB Standard Technical Specifications	Parts 00200 through 03000 of the Oregon Standard Specifications for Construction. For each project, the applicable version is the version in effect on the advertisement date of the RFP.
Design-Build Agreement	The Contract between ODOT and the Design-Builder providing the terms and conditions of a project.
Design-Builder	The single entity that both designs and constructs a project. A Design-Builder consists of constructors and engineers operating as a single organization.
Intergovernmental Agreement (IGA)	An agreement between ODOT and another governmental entity.
Planned ROW	Land, property, or property interest the Agency intends to make available for the Project, including Existing ROW, as shown on the Right-of-Way Base Files included in DB General Provisions, Attachment A – Engineering Data.
Prior Rights	A determination that an entity other than ODOT has superior rights to real property. Prior Rights determinations are most commonly used in the context of Utilities.
Proof of Concept	A preliminary design prepared by the Region Project Team that demonstrates a technically feasible solution exists to meet the Basic Configuration requirements in the Contract. The Proof of Concept is included in the Reference Documents and is not meant to be relied upon.
Proposal	The Technical and Price proposals submitted in response to an RFP.
Proposer	A design-build entity that submits a Proposal in response to the RFP.
Utility Agreement	An agreement with a Utility Owner providing the terms and conditions for utility work on a project.
Utility Owner	The owner of a utility facility(ies) that may be impacted by a project.

FOR-2 REVISIONS TO THE GUIDE

The ODOT Alternative Delivery Program publishes and updates this Design-Build Project Development Guide, and welcomes any comments and suggestions for revisions, corrections, and/or additions.

Comments or suggestions may be submitted to the ODOT Alternative Delivery Program at the following Email: alternativecontracting@odot.oregon.gov

CHAPTER 1 – INTRODUCTION

1-1 Introduction to Guide

ODOT has prepared this Design-Build Project Development Guide as a reference for a Region project team (including Project Managers, Resident Engineers, and others) to use for Design-Build (DB) highway transportation related projects in the STIP that are delivered by ODOT.

The transportation project system lifecycle for DB projects begins with analysis and planning of the existing system to identify potential projects. It ends when a project transitions into maintenance and operations.

The lifecycle process has four stages:

- Program Development – Project Planning
- Project Development (Includes Design-Builder's Design Services)
- Construction Management
- Maintenance and Operations

These four stages for DB are outlined in Figure 5: Transportation System Project Lifecycle Race Track – Design-Build, which is included in Appendix 1.

This Guide provides a description of the program and project development process after ODOT has determined to use the DB delivery method for a specific project. This Guide describes processes and procedures for ODOT staff to use during the project development stage prior to procurement, including the steps to prepare a DB project for procurement. The Design-Build Contract Administration Manual covers the project development stage. It also covers the design and construction management stages, which take place after Contract award.

For additional information about the procedure to select a delivery method, see Operational Notice PD-14, available at the following webpage: https://www.oregon.gov/odot/Engineering/Doc_TechnicalGuidance/PD-14.pdf.

This Guide identifies and describes the steps that typically occur on a DB project. Where certain steps involve other ODOT guidance or processes, appropriate references are provided. In several places, the DB procedures do not differ significantly from ODOT's standard design-bid- build processes. In that case, please follow the standard guidance for ODOT design-bid-build contracting.

Readers should note that not every step described in this Guide is applicable to every DB project. ODOT staff, in consultation with the ODOT Project Manager, are encouraged to exercise judgment to determine whether certain steps or processes discussed in this Guide are applicable to a project.

ODOT's Alternative Delivery Program encourages feedback on this Guide, including by incorporating lessons learned as ODOT delivers more DB projects. If you have feedback, please contact ODOT's Alternative Delivery Program with any suggested revisions to this Guide.

Please note that ODOT's internal roles from project planning and project development through post-construction are contained in Figure 6: Design-Build Roles and Responsibilities RACI chart, which is

available on ADS' Alternative Contracting webpage: www.oregon.gov/odot/Business/Pages/ADS-Home.aspx

1-2 Design-Build Delivery Method

In the planning stage of a project, ODOT will determine the project delivery method it will use to procure and deliver the project. (See Operational Notice PD-14 and Alternative Contracting Methods Identification, Evaluation, Selection and Concurrence Process guide). The guidance in this Guide is applicable after ODOT has determined it will use DB as the delivery method.

ODOT has traditionally delivered projects using the Design-Bid-Build (DBB) method. On a project using the DBB delivery method, ODOT directs the preparation and completion of project plans, designs, and specifications. Construction contractors competitively bid on projects based on those completed plans, designs, and specifications, and then ODOT evaluates the bids received and typically awards the Contract to the lowest-price responsible and responsive bidder.

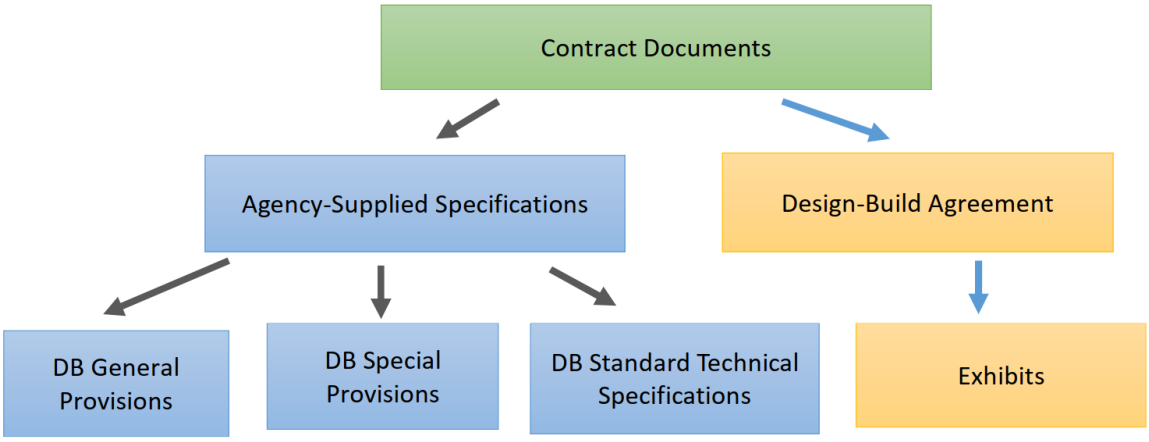
Through the DBB method, ODOT has complete control of the project's design. The DBB delivery method also has limitations, including that ODOT retains significant responsibilities and risks, both during initial construction and over the life of the facility. The DBB process may also be less conducive to innovative and cost-saving design ideas that could be suggested by the contractor and design industry.

DB is an alternative method for project delivery. Rather than prepare a complete design for the project before seeking bids, the owner (in this case ODOT) prepares the Contract Documents including:

- the DB Agreement with Exhibits,
- the DB General Provisions (which includes the DB Performance Specifications and Attachments),
- DB Special Provisions, and
- the Basic Configuration, which together provide the project requirements and limitations that set the parameters for the project.

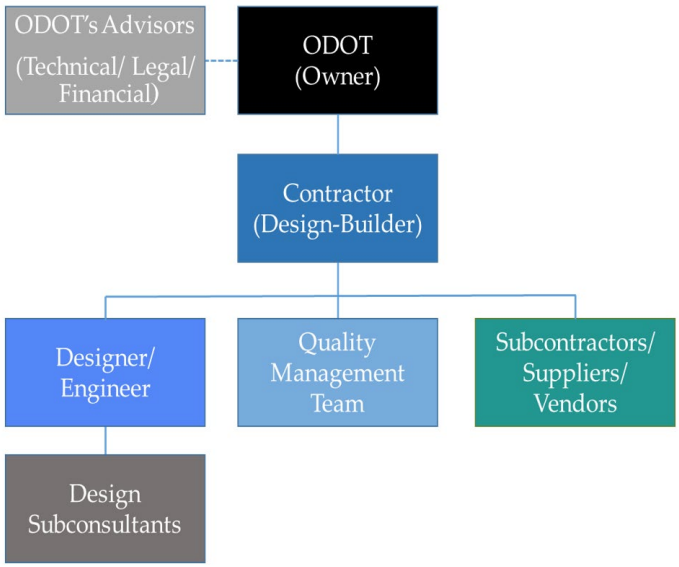
Note that the DB Special Provisions are project-specific modifications to the DB Standard Technical Specifications.

Figure 1: Contract Documents Overview



The selected Design-Builder enters into a single contract with ODOT, under which the Design-Builder completes the project's design and constructs the project based on its accepted design. ODOT reviews and comments on the Design-Builder's designs and provides acceptance when it appears the design meets the requirements of the Contract Documents.

Figure 2: Generic DB Contracting Arrangement Example



ODOT's use of DB is intended to expedite project delivery, encourage private sector innovation, and mitigate ODOT's risk by shifting responsibility for the design to the Design-Builder. Another key benefit to the DB delivery method is that it improves the Agency's ability to determine the total design and construction costs earlier in the project development process in comparison to the DBB method. In addition to shifting design risks, numerous other risks that ODOT would assume on a DBB project are shifted to the Design-Builder, as discussed in greater detail in Chapter 4 below concerning risk allocation.

ODOT's DBB delivery method includes several phase-gate steps, as the project is in the development stage. Phase-gates are designed to evaluate flaws in the process to mitigate ODOT's potential liability for the design. The DB process does not have phase-gate steps since the Design-Builder, not ODOT, completes the final project design.

Table 2: Project Delivery Methods

Delivery Model	Description
DBB	Multiple contracts between the designer, contractor, and owner to provide design services and construction. This is the traditional method of procurement.
DB	A single contract between the Design-Builder and owner to provide design services and construction. This method shifts certain risks away from the owner, and ideally allows for innovation in construction. DB can also expedite project delivery by allowing design and construction to take place concurrently, rather than DBB in which the entire design is completed before any construction begins.

The process for administering a DB project after Contract award is summarized in the DB Contract Administration Manual, available on the Alternative Contracting webpage: www.oregon.gov/odot/Business/Pages/ADS-Home.aspx

1-3 Overview of Design-Build Procurement Process

The typical DB procurement in Oregon involves a two-step process to identify the Design- Builder that offers the "best value" to the State.

The first step is the issuance of a Request for Qualifications (RFQ), which solicits interested Design-Builders to submit a Statement of Qualifications (SOQ). ODOT requests information that shows designing and constructing similar projects, experience addressing the project's major risks, financial capacity, ability to obtain surety bonding, and the identity of key personnel.

After review of responses to the RFQs, ODOT names a shortlist of the most qualified Design-Builders. Those entities are invited to submit Proposals in response to a Request for Proposals (RFP).

Figure 3: DB Procurement Process Example

The RFP generally consists of three parts:

1) the Instructions to Proposers (ITP), which contains the procurement guidelines, submission

instructions, and forms;

2) the Sample DB Agreement with Exhibits,

3) the DB General Provisions (which includes the DB Performance Specifications and Attachments). The Proof of Concept plans are included with DB General Provisions Attachment C – Reference Documents, as a non-binding document.

The RFP documents include the Basic Configuration and establish the project requirements and limitations that set the parameters for the project.

In response to the RFP, the shortlisted Proposers submit Proposals that include two components:

4) a Technical proposal and

5) a Price proposal.

Technical proposals contain information such as a conceptual design for the project, preliminary baseline Critical Path schedule, and narratives discussing the approach to the project and innovation.

Price proposals contain the shortlisted Proposer's fixed price to provide the required design and construction services, which, for the best value Proposer, becomes the total cost to design and build the project.

Each shortlisted Proposer's Technical proposal and Price proposal are scored and weighted according to the scoring formula in the RFP, and the best value Proposal is determined by the weighted proposal scores.

The Region project team will need to work with OPO on drafting, finalizing, and obtaining ODOT and Department of Justice (DOJ) approval of the following documents, in-addition to the other solicitation documents discussed in this Guide:

- Pre-Solicitation Notice.
- Pre-Qualification Waiver (Required waiver for ODOT Highway Division Administrator or Chief Engineer's exemption from class(es) of work prequalification requirements, per OAR 731-007-0550).
- Proposal Security Waiver (Optional waiver for ODOT Director's exemption from bid security or bonds requirement, pre ORS 279C.390).
- Best and Final Offer (BAFO) processes for addressing deficiencies in Proposals identified after the Proposal opening. The BAFO process is also used to obtain better pricing from Proposer if the Price Proposal amount of the Best Value Proposer exceeds project budget limitations. If the process is required, it includes the following:
    - BAFO discussion and request letter to Proposers
    - Addenda to include BAFO revisions in RFP documents and forms

For more specific information on DB procurement process, solicitation documents, schedule timelines and tasks contact the Construction Section of ODOT Procurement Office (OPO) at ODOTProcurementOfficeConstruction@odot.oregon.gov. Also see procurement related tasks, roles, and responsibilities listed in the Design-Build Roles and Responsibilities RACI chart, www.oregon.gov/odot/Business/Pages/ADS-Home.aspx

1-4 Laws and Regulations

1-4.1 Oregon State Laws and Regulations

Oregon's DB process is governed by Oregon Revised Statutes (ORS) Chapters 279A, 279B, and 279C. Additional requirements are located in the Oregon Administrative Rules (OAR). These statutes and regulations generally govern when ODOT may use the DB delivery method, how ODOT may procure a Design-Builder, and requirements for the contract structure between ODOT and the Design-Builder.

The statutes address the Findings of Fact for Exemption (FFE) necessary to implement a project as DB. Statutes also indicate that the FFE shall be approved by the ODOT Director prior to the release of the RFP.

Contact the Construction Section of OPO at ODOTProcurementOfficeConstruction@odot.oregon.gov for information on DB procurement processes, solicitation documents, schedule timelines and tasks. All conventional DB contract procurements will follow a two-step selection process, and ODOT is responsible for final selection and negotiation. A brief overview is provided below as a reference.

ODOT must follow Oregon Department of Justice's administrative rules governing DB contracts, which are contained in OAR 137-049-0670.

The Qualifications Based Selection (QBS) process does not apply to the DB method.

Projects procured through a DB model must also follow the process for engaging professional services under ORS § 279C.100-279C.125.

1-4.2 Federal Highway Administration Requirements

In addition to Oregon laws and regulations, because many of ODOT's DB projects are anticipated to receive funding from the federal government, certain federal laws and regulations apply to the procurement and delivery of DB projects.

On federally funded projects, ODOT will work closely with the Federal Highway Administration (FHWA) to ensure that it is compliant with federal requirements. Because non-compliance with federal requirements can jeopardize receipt of federal funds, it is critical to engage FHWA in project decisions and follow their guidance.

See the following FHWA requirements: 23 USC 112(b)(3) Design-Build Contracting.

CHAPTER 2 – PROJECT PLANNING

This chapter describes the process to identify the proposed project needs for a DB project. The processes described below generally take place after a project need is identified and ODOT has determined that the DB delivery method is appropriate, using the guidance provided in Operational Notice PD-14. The following steps are integral to developing a detailed analysis of the precise needs the project will meet, the project's scope, funding identification, business case, and risk identification.

Forms referenced below are available through the following website links:
https://www.oregon.gov/odot/Forms/Pages/default.aspx
https://www.oregon.gov/odot/ProjectDel/Pages/Project-Delivery-Guide.aspx
https://www.oregon.gov/odot/ProjectDel/Pages/Mobility-Planning.aspx
https://www.oregon.gov/odot/LocalGov/Pages/Forms-Apps.aspx

Where applicable, the form number is provided. The form number may be used to search for the form on the websites identified above. Completed forms must be uploaded to the appropriate ProjectWise folder for the project.

2-1 Project Planning Steps and Required Forms

In the early stages of the project's development, the Region project team, together with local partners (where applicable), gathers core information regarding the project. The primary goal of this assessment includes defining the problem and evaluation of alternatives, interested party buy-in, and general design requirements. The Region project team must identify project needs and evaluate how to accomplish them within the funding available. Although a project using the Design-Build method isn't required to follow the phase gate steps, there are still some project forms and requirements that are required for all STIP projects, regardless of the delivery method selected.

The initial project planning process includes the following (as required):

- Project Scoping Notes Form: This form details the transportation purpose and need, along with high level requirements, project risks, project limits, and various design elements. (Form 734-5128)
- Design Project Scoping Notes Form: This form identifies key details of the proposed project. This includes the project location, likely Intergovernmental Agreements (IGAs), local permits needed, constructability, alternative(s) studies, non-motorized facilities, traffic data, and maintenance elements. (Form 734-5130)
- Cost Estimate: This estimate itemizes the cost estimates for design elements, including preliminary engineering, ROW, structures, and signals. It also identifies individual project components including grading, paving, and signing.
- Project Team Status Form: Identify key teams and interested parties ODOT would work with through critical regulatory processes.
- Local Agency Technical Scope Sheet: This form contains two sections – project request and

project details. The project request section requires the proposing local agency to request permission from ODOT to initiate the project, and includes cost estimates for the project, project components, project categories, ROW information, and justification for the project. The project details section requires further information such as proposed assignment of responsibilities for specific components of the project, and the opportunity to comment on specific segments or alternatives of the project. (Form 734- 5151)

- Project Charter Form: This form requires the user to provide a description of the project, any constraints, risks or assumptions, proposed delivery approach, and a project schedule with key milestones. (Note: the DBB phase-gate milestones do not apply to DB.) This form also requires that the project owner submit a project budget with estimated costs. The form was initially created for DBB projects, but will be used for DB projects with adaptations as needed. For example, the "bid opening," could use the anticipated due date for Proposals. Proper concurrence of the DB method will also need to have taken place prior to listing "Design-Build Method" on the Project Charter. (Form 734-2948A)
- Business Case. (Form 734-2948B)
- Needed STIP Information: Provide any information needed for project funding. Contact the following as applicable for additional information.
    - Region STIP Coordinator;
    - Statewide Investment/Program & Funding Manager; or
    - Program Funding Manager.
- Scoping Work Zone Decision Tree (WZDT): This form is used to identify potential work zone and law enforcement requirements during construction. This form is used to identify and evaluate requirements over a four-phase process (from scoping to construction), and for each requirement, identifies any impacts, documents interested parties and public input, and records the final decision for each. (Form 734-5042)
- ProjectWise Project Request:
    - At the inception of the project, the ODOT Project Manager must request that a ProjectWise location be established to maintain records for the Project. The ODOT Project Manager must submit a STIP Project Request Form to the ProjectWise team. (See ProjectWise STIP Project Creation Business Process Narrative for the internal business process for submitting STIP project creation request forms).
    - Note: there is a specific folder structure for Design-Build. Once Design-Build method concurrence has been reached by all parties, the Alternative Delivery Program Manager, or their designee, will approve the request of the Design-Build folder structure (or its conversion to Design-Build) with the ProjectWise team.
- Advanced Investigation Report as needed: Including, for example, archeological, geotechnical, test pile programs, hazardous materials (underground tanks, lead-based paint, asbestos, industrial ground contamination), baseline air quality, ambient noise, and survey of river users. This report guides the Region project team to identify constraints

that must be accounted for during the project's risk analysis, and information that may be provided in the RFP. This report is prepared by the Region Project Manager and is not entered into a form.

- Urban Design Concurrence Document (Draft): For appropriate urban context areas for design in ODOT Highway Design Manual (HDM). (See ODOT website: ODOT Roadway Engineering HDM website: https://www.oregon.gov/ODOT/Engineering/Pages/Hwy-Design-Manual.aspx)
- Urban Design Concurrence Exception Memo, if applicable: For appropriate urban context areas for design in ODOT HDM. (See ODOT website: ODOT Roadway Engineering HDM website: https://www.oregon.gov/ODOT/Engineering/Pages/Hwy- Design-Manual.aspx)

2-2 Additional Local Agency Requirements

A project that results in construction or development that impacts a local jurisdiction (counties, cities, towns, tribal lands) requires coordination between ODOT and the local jurisdiction(s).

The initial component of this process requires ODOT to administer and manage the Local Public Agency Federal Aid Project Scoping Checklist (Form 734-5293) that is used in scoping federally funded local projects, and the Local Agency Technical Scope Sheet (Form 734-5151). The content and agreements resulting from these scoping forms will directly impact a project's schedule, budget, and contingencies.

2-3 Engaging Subject-Matter Experts

As the scope of the project comes together, the Region project team must engage subject-matter experts and other supporting technical disciplines and inform them of the project needs, goals, and challenges. At this time, the ODOT Project Manager may discuss with the subject-matter experts their anticipated participation in the project and set expectations for level of effort, concurrences, and approvals needed. These subject-matter experts may be internal to ODOT or from external consultants if ODOT has engaged consultants to assist with the project. The needs, goals, and challenges will be central to the formation of the more refined project scope and it is critical that all parties understand the risks, challenges, and opportunities for innovation related to their area of expertise.

Subject-matter experts can aid in the development of project specific RFP language, design related requirements (e.g. performance specifications), risk identification / allocation, project goals, and technical needs.

To facilitate the start of this process, the Region Project Manager should schedule a meeting with relevant subject-matter discipline experts that will participate in the project. Ideally, the subject-matter experts should be available to participate throughout the life of the project.

The meeting should be scheduled when enough information is known about the project so that its general scope and the project needs can be discussed. Ideally, the meeting will occur at a time when it is still feasible for subject-matter experts to contribute to the project scoping process and identify further needs for the project to address.

During the meeting, the Region Project Manager presents the information on the project to date, further steps that need to be completed, and a preliminary timeline for development, procurement, alternative technical concept support, Contract award, and contract administration of the design, quality and construction phases.

CHAPTER 3 – PROJECT DEVELOPMENT

The project must be initiated to start the process of funding the project and preparing it for procurement. The process below describes the steps that must be taken to move a project toward procurement. Projects using the Design-Build method are not required to follow the DBB Phase-Gate Reporting Process.

3-1 Project Initiation

The Project initiation process includes completion of the following steps:

- Final Project Charter (Signed Form 734-2948A).
- Opened Preliminary Engineering (PE) Expenditure Account. (with sufficient funding to cover project development activities from project selection through DB contract award)
- Baseline Project Scope, Schedule, and Budget prepared and on ProjectWise.
- Resource Sharing Agreements (RSA) as needed.
- Updated Traffic Concepts/Scoping Work Zone Decision Tree (Form 734-5042) as needed.
- Areas of Potential Effects (APE): In conjunction with the Region Project Leader and Region Environmental Coordinator or Environmental Project Manager, evaluate whether the project may impact the character or use of historic properties, including auditory, visual, and ground disturbing activities. If there is a potential impact, follow the process, available at the following webpage: https://www.oregon.gov/ODOT/GeoEnvironmental/Docs_CulturalResource/Historic-Resources-Procedure-Manual.pdf
- Modified Urban Design Concurrence Document, if applicable: For appropriate urban context areas for design in ODOT HDM. (See ODOT Roadway Engineering HDM website: https://www.oregon.gov/ODOT/Engineering/Pages/Hwy-Design-Manual.aspx)
- Urban Design Concurrence Exception Memo, if applicable: For appropriate urban context areas for design in ODOT HDM. (See ODOT Roadway Engineering HDM website: https://www.oregon.gov/ODOT/Engineering/Pages/Hwy-Design-Manual.aspx)
- Change Management Request (CMR) Zero: Refer to the ODOT Change Management Request Guidance, available at the following webpage: https://ordot.sharepoint.com/sites/ProjectDelivery/SitePages/CMR-Guidance.aspx

- Survey Request: At the initial phase project development stage of a project, the ODOT Project Manager must request preliminary survey work to determine project boundaries. This step is critical to a preliminary determination of Right-of-Way (ROW) needs, utility impacts, third-party impacts, drainage, signaling, and other issues that the project needs to address within its footprint. Preliminary survey information is necessary to prepare the Basic Configuration and to commence preparation of the project's Proof of Concept that will be included with the RFP. The initial survey need not be fully complete, as the Design-Builder's eventual scope of work will include survey responsibilities necessary to implement and construct the design. The survey effort, however, should be sufficient to identify existing features such as drainage and sanitary sewer structure locations and inverts. Using the information obtained from the preliminary survey, the ODOT Project Manager creates a base map delineating the likely project footprint. The survey base map will additionally form the basis for the Proof of Concept. Note that preliminary survey information is also used to locate/pothole/identify existing and unknown utilities.
- Survey Base Map: Commission a base map to evaluate elevations and ground contours. The survey base map should contain enough detail necessary to develop the Basic Configuration, Proof of Concept and the Agency-Supplied Specifications.
- ROW Phase Need Decision: Using the preliminary survey data as a starting point, the ODOT Project Manager works with the Region project team to determine the project's additional ROW requirements. ROW requirements will be based on the Proof of Concept and the Basic Configuration, including the ROW needed to accommodate utility relocations. The ROW requirements include additional ROW that ODOT will acquire (via purchase or eminent domain) to be incorporated into the Project (added to the State ROW), as well as any easements that are needed for construction. Easements might include temporary construction easements, drainage, barriers, or other parcels at risk of trespass from a project.
- Risk Register, risk management and risk allocation: See Chapter 4 of this Guide.
- Consultant Notice to Proceed (NTP): The NTP acts as ODOT's official directive to a consultant to commence work. If consultants are engaged to assist in the project development stage, once all requirements of the consultant contract are met, ODOT issues the NTP for the consultants to begin work. The NTP will specify what work is allowed to start, the effective date, and any other information required to be provided.

3-1.1 Project Kick-Off Meeting

The overall project kick-off meeting serves to formalize roles and responsibilities for the project. (This kick-off meeting is different from the Alternative Delivery kick-off meeting that happens shortly after concurrence of the Design-Build method.)

The outcome of the project kick-off meeting will be an initial schedule, further definition of the project scope, risks, constraints, and characteristics that are required to be carried into DB procurement and delivery. These key project characteristics will have been defined in part during ODOT's initial scoping of the project. The Project kick-off meeting should be held after the ODOT Project Manager is assigned.

Topics for discussion during the Project kick-off meeting include:

- Project needs.
- Scope.
- Forecast budget.
- Funding sources and requirements, including use of federal funds.
- Internal and external interested parties.
- Initial schedule.
- Major constraints.
- Utilities.
- Potential ROW Needs.
- Environmental requirements.

The overall project kickoff meeting may take place after the initial meeting with the subject-matter experts who are involved in the scoping and technical development of the project.

3-1.2 Alternative Delivery Kick-Off Meeting

The Alternative Delivery Procurement Kick-Off Meeting provides a forum for discussing the DB method and:

- required steps and tasks,
- each party's roles and responsibilities, and
- the schedule timelines for remaining project development, procurement, and Contract award.

For Region project team members that may not be familiar with DB, this meeting is critical to establish an understanding of the unique processes that apply to DB and the differences from DBB. At this meeting, OPO provides copies of project solicitation base documents and ADS provides contract base documents to the Region project team.

This meeting should be held shortly after the Region receives proper concurrence to use the DB method for the project. ADS will facilitate the meeting and coordinate with OPO and the Region Project Manager to schedule the meeting and develop a meeting agenda.

Topics to be discussed during the procurement kick-off meeting include, but are not limited to the following:

- Updates on information discussed during the earlier project kick-off and project status meetings includes:
    - Project charter and statement of work.
    - Schedule.
    - Risk analysis, response and ownership.
    - Project goals.

  - Industry engagement activities.
- Region project team staffing and contact information, roles and responsibilities.
- Procurement methodology, processes, scheduling and review of:
  - Solicitation and contract base documents.
  - Document control and revisions protocol.

3-2 Public Involvement Planning and Initiation

Public engagement activities are included in all ODOT projects. The Region's community affairs liaison and/or public information officer and/or consultant staff provide a significant portion of the work. However, other positions, such as utility coordinators, handle specific elements of ODOT's overall engagement plan and efforts. The public involvement effort commences during the project development stage and runs through the completion of the project.

The ODOT Project Manager, in coordination with the public information officer, is responsible for development, maintenance, coordination, and implementation of public involvement plans, regardless of individual team member assignments, and including any transitions (e.g., planning to project development to construction). The ODOT Project Manager will also lead, coordinate, participate in, and/or facilitate public involvement processes and activities as agreed upon with their area manager/supervisor and Region project team members on each project.

All public involvement responsibilities from the project scoping phase and procurement through Contract award are ODOT's responsibility. Public involvement activities up to Contract award include the following:

- Creating initial public awareness of the project.
- Notification of potentially affected external parties, including elected officials, residents, businesses, community organizations, local jurisdictions, and others that may be impacted.
- Coordinating with Utility Owners whose facilities may be impacted by the project and commencing the process of developing utility agreements (Utility agreements are discussed further below).
- Providing required notification for environmental review (as needed).
- Providing adequate notice to the industry of the upcoming project, including through Letters of Interest, Industry Forums, etc.
- Engaging with the media about the prospective project.
- Coordinating with property owners whose property may be impacted by the project's ROW needs.

Early in the project development phase, the ODOT Project Manager should assess which public engagement tasks will be retained by ODOT while the project is being delivered, and which public

involvement activities will become the Design-Builder's responsibility. Typically, ODOT retains, at a minimum, the following public involvement responsibilities:

- Engagement with elected officials.
- Media relations.
- Coordinating with ROW owners.

Other public involvement tasks may be allocated between ODOT and the Design-Builder as determined to be appropriate for the project.

The Region Project Manager and public information officers should consider the project needs and public awareness timing when determining how to allocate responsibilities. The Design-Builder's public involvement scope of work may be contained in DB141.52.

A final consideration for early public engagement is that during construction, the Design-Builder may choose to coordinate staging agreements with owners of ROW that is adjacent to or impacted by a project, but whose ROW is not acquired for the project. While ODOT is not responsible for these agreements, ODOT should anticipate that these may occur and consider whether to provide outreach to potentially impacted property owners to advise them of the project. Early outreach by ODOT may be useful in making property owners aware of the project and mitigating delays during construction. Outreach of this nature is optional and may only be necessary when ODOT anticipates a potential problem with an adjacent landowner.

3-2.1 Potential Proposer Communications

During the project development phase, Project teams can expect to get calls, emails and even in-person visits from potential proposers interested in learning more about the upcoming Design-Build project. This includes proposers seeking information about the project, teaming opportunities and any potential project information to help them put together their upcoming proposal. Often, these inquiries will be as early as a year or more prior to release of the RFQ or RFP. If the project team is engaged with parties interested in proposing on an upcoming Design-Build project, it is important the project teams provide project information that is consistent to all parties.

Project information that is acceptable to share with interested proposers:

- Project Budget
- Project Information
- Project Background and need
- Project Goals

Project information that is **not acceptable** to share with interested proposers:

- Engineer's estimate or specific costs
- Opinions on teaming partners
- How ODOT is scoring or evaluating proposers
- Implications on who will win the project

- Generally, anything that gives a proposer an unfair advantage

If a project team is interested in gathering information concerning the appropriate risk allocation strategies from industry, it is recommended that they follow FHWA guidelines 23 CFR 636.115 and other ODOT related guidance.

3-3 Intergovernmental Agreements

An Intergovernmental Agreement (IGA) is an agreement between ODOT and another governmental entity that is necessary for the project. Typically, IGAs are those between ODOT and a local agency, city, county, or town affected by the Project. IGAs require the cooperation of local jurisdictions and it is therefore important to commence the process of understanding what agreements will be necessary and working with local jurisdictions as early as possible to avoid delay. The Region project team should begin this process during the project development stage; see OPO Statewide Agreement Request System (IGA) Access Request form.

Where a local jurisdiction negotiates approval rights for a particular aspect of a project (e.g., approving a TP&DT or an aesthetics plan), the IGA needs to govern the design review and Acceptance process stated in DB155, including the local jurisdiction's ability to review and comment on Design-Builder designs. The agreement also needs to specify the procedure for any payments or reimbursements by/to ODOT to/from the local jurisdiction required to accomplish the project, and cover any procedures or coordination required by ODOT, Design-Builder, and local jurisdiction staff.

An important step in the IGA process is to ensure that the terms of IGAs are consistent with the Contract Documents. IGAs should be reviewed prior to finalization of the Contract Documents to ensure that there are no inconsistencies between them. Inconsistencies between the documents may result in change orders.

3-4 Developing Right-of-Way Needs and Documents

For DB projects, it is important to start the ROW process early on, even with the early concept design only being completed to the basic footprint. The ROW footprint is important for determining the Project API. The ROW activities are usually critical path items during the pre-procurement phase and in some cases, the process can linger on during the procurement phase and even after award of the DB Contract. This can impact cost estimates, schedule and the shortlisted Proposer's approach to the work. In an effort to ensure that all the ROW acquisitions can take place prior to the award of a DB Contract, the ODOT Project Manager will need to provide the following completed items well in advance of the contract development phase to initiate the acquisition process:

- Right-of-way description.
- Sketch or map of the area.
- Access Management information.

The information listed above needs to be developed far enough so that the Agency Appraiser can estimate the fee.

Per ODOT ROW Manual, ROW certification is a prerequisite to advertising on all highway construction projects within the STIP. This is the preferred process for ODOT DB projects, however FHWA allows for ROW certification prior to the start of physical construction, (See 23 CFR § 710.309). If the project requires delaying certification of a ROW segment or segments to the construction stage, after Contract award the delay shall not impair the safety or in any way be coercive in the context of 49 CFR § 24.102(h). (See 23 CFR § 710.314)

The Region project team may incorporate into the DB Contract, if allowed under State law, language that provides for the Design-Builder not starting construction work until the ROW segment has been acquired and relocations have been completed; or, for the construction being phased or segmented to allow right-of-way activities to be completed thereby allowing ROW certification in a manner satisfactory for each phase or segment. (See 23 CFR § 710.314)

The Region project will identify any authorized ROW segmented parcels in the DB Contract.

The current DB Contract Document templates do not allow the Design-Builder to acquire ROW or have that work as part of the scope of work for the Contract. The acquisition of ROW will be an Agency role and responsibility. On some projects, the Agency may decide to consult some tasks related to the ROW work. Regardless, the Agency will always be responsible for the following activities during the right-of-way acquisition process:

- Setting just compensation.
- Condemnation process.
- Right-of-way Certification.

Note: During the procurement process in 1:1 confidential meetings or after Contract award, the Design-Builder may request that the Agency acquire additional right-of-way during the design development process, but the Agency is responsible for reviewing and determining whether to approve the Design-Builder's request.

3-5 Railroad Coordination Efforts

When there is a railroad line near or within a project's boundaries (or within 500ft), it is important to contact the State Utility and Railroad Liaison (SURL) to start coordination with the Railroad owners as early as possible during the project's development stage. Examples of impacts to Railroads may include:

- Conflicts between existing railway lines and the proposed alignment of the roadway.
- A proposed roadway over or under a railroad line.
- A railroad bridge over the existing or proposed roadway alignment.
- Impacts to railroad crossings.
- Construction impacts to railroad operations.

- Safety concerns for work adjacent to railroad operations.

Railroad agreements often require long lead times and are critical in terms of schedule and costs. Due to the tight timelines of the project schedule in DB, the potential limitations that Railroads place on accommodating project schedules for reviews can have costly impacts. Railroads will not expedite project reviews or agreements to accommodate the DB process.

3-5.1 Rail Orders

For rail orders on DB projects, the Region project team follows the same process used for DBB projects. The Region Project Manager is responsible for preparing applications for rail orders and coordinating the development of those rail orders with ODOT's Rail Division.

3-5.2 Construction and Maintenance Agreements

For Construction and Maintenance Agreements (C&M) with Railroads, the Region project team will work with the SURL to ensure that the process in the ODOT Oregon Railroad Manual is followed. The C&M agreement must be signed and executed before the Design-Builder can apply for any permits and before beginning construction.

The Railroad will review concept and final plans, among other submittal requests prior to drafting a C&M agreement. It may take up to 12-18 months to receive a signed C&M agreement, allowing construction on or over railroad property. The Region project team must initiate this work as early as possible to ensure the final plan review with the Railroad is expedited early in the design phase to mitigate schedule delays.

3-5.3 Permits

Once the C&M agreement is signed and executed the Design-Builder can apply for permits from the Railroad. This can take up to 45-90 calendar days.

3-6 Utility Coordination Efforts

A critical aspect of developing the Contract Documents and preparing the project for procurement and delivery entail communications and initial coordination with Utility Owners whose facilities may be impacted by the project. Impacted utilities may include the following: utilities which may require relocation or protect-in-place measures, placement of new utilities, and upgrading of existing utilities.

The utility coordination process is the same as the process used for DBB projects.

The below process provides information on what the Region project team is responsible for in developing Utility requirements for Contract Documents.

3-6.1 Identifying Utilities Project Corridor

Gathering information on the presence of utilities is critical to DB for two reasons:

1) it allows for early notification for Utility Owners to be ready to begin allocating resources; and

2) information collected will be provided in the RFP.

Unidentified utilities or utility-related work not incorporated into the DB fixed price scope of work can result in change orders.

There are two approaches for identifying utilities.

1) The standard and primary approach is to use available resources that can identify the presence of utilities in the corridor. This would include using an 811 service, communications with utility owners, reviewing as-built construction documents, and by interviewing members of the Region project team familiar with the corridor.

2) The optional approach is to outsource to a Subsurface Utility Engineering (SUE) consultant to conduct the SUE process for specific areas within the project limits that have utility concerns or unknowns. See SUE ODOT process located on ODOT's Subsurface Utility Engineering website: https://www.oregon.gov/ODOT/ETA/Pages/SUE.aspx

3-6.2 Identify Owners of Designated Utilities and Allocation of Responsibilities

During the identification and designation process, the owners of conflicting utilities are identified and listed in the Utility conflict matrix. The Utility conflict matrix will be included in the RFP. In the Utility conflict matrix, a utility will be identified as either non-reimbursable or reimbursable. If a utility is deemed reimbursable (or potentially reimbursable) the Region project team must contact the SURL to develop the necessary DB174.10 contract language to be included with the RFP.

The Region project team must complete the following prior to issuing the RFP:

- Conduct a prior rights assessment for all known Utilities present within the project area to determine reimbursable status, and include this information in the Contract Documents with the RFP.
- Gather and incorporate the Utility contact information into the Contract Documents in the RFP for all identified Utilities within the project area.
- Determine and include pertinent details (design requirements, etc.) in the Contract Documents with the RFP for all Utility work (relocations, improvements, etc.) that the Design-Builder will be required to perform. This includes work for both reimbursable and non-reimbursable Utilities, including Add-Work Agreements, Cooperative Improvement Agreements (CIA), and Utility Construction Agreements (UCA).
- Coordinate with Utilities to determine tentative schedules for any significant relocations and include this information in the Contract Documents with the RFP.

For potential Utility relocations, an evaluation for conflicts or potential conflicts is made based on the Proof of Concept design and Basic Configuration.

3-6.3 Reimbursable Utility Agreements

Region project teams must coordinate with the SURL to develop the project-specific language in DB174.10 regarding reimbursable Utility relocations. As described in the user instructions under DB174.10, the Region project team and the SURL will coordinate to develop pertinent contract language, including a listing of the reimbursable (or potentially reimbursable) Utilities present, the scope of any known relocation work, estimated time to complete the Utility Construction Agreement between the Utility and ODOT, and the estimated time to complete the relocation work.

3-6.4 Establishing Forum for Engagement with Proposers

Before releasing the RFP, the Region project team should communicate with Utility Owners to determine their preferences for interaction with the shortlisted Proposers (and eventually with the selected Design-Builder) and begin to obtain commitments for Utility Owner participation in the procurement. The Region project team may want to discuss options such as a forum or day for Utility Owners to meet with shortlisted Proposers and/or allow shortlisted Proposers and Utility Owners to set up one-on-one meetings after release of the RFP. These different options should be discussed prior to release of the RFP so that the rules of communication can be stated in the RFP documents and communicated to the shortlisted Proposers.

It is important to note that an ODOT representative must be present at all meetings (in-person and virtual) between Utility Owners and the Proposers during the procurement phase to ensure that the Utilities are providing consistent information to each of the shortlisted Proposers and to ensure the overall integrity of the procurement process. When meeting with Utility Owners during the project development stage, ODOT should remind the Utility Owners of this requirement and reinforce the need to provide equal and consistent information to the shortlisted Proposers.

3-7 Environmental Process

3-7.1 NEPA

A critical aspect of federal funding for a DB project is the requirement to follow federal laws and regulations governing the evaluation of the potential environmental impacts of a proposed project. Additionally, projects that impact interstate highways, federal lands, the waters of the United States, or otherwise have a “federal nexus” require ODOT to follow federal environmental requirements.

The applicable federal requirements prescribe an environmental review process whereby ODOT must analyze the project for environmental impacts and obtain the required environmental clearance, approvals, and/or permits through the National Environmental Policy Act (NEPA) process and other local, state, and federal environmental regulatory processes.

Environmental clearances are critical to the project’s timeline, and early coordination with appropriate ODOT Environmental Engineering and Policy and FHWA personnel is recommended.

The NEPA process has three primary levels of assessment that may be required for a project:

- Categorical Exclusion (CE): A determination that the cumulative impact of the project will not have a significant effect on the environment. When a project qualifies for a CE, there are certain limitations on the project's scope of work to remain compliant with the CE. If the project qualifies for a CE, then it does not require an Environmental Assessment or Environmental Impact Statement, both of which are discussed below.
- Environmental Assessment (EA): If a project does not qualify for the CE or if more information is needed to further assess if there are or are not significant impacts, ODOT must conduct an EA process. An EA is the appropriate assessment when ODOT determines, consistent with federal law and in coordination with FHWA or FTA, that the project will not have a significant impact on the environment. If ODOT is able to make this determination, the conclusion of the NEPA process is FHWA's issuance of a Finding of No Significant Impact (FONSI).
- Environmental Impact Statement (EIS): If the estimated environmental impacts from a project could result in significant impacts, ODOT and FHWA will conduct an EIS process. In addition, if, after conducting an EA process, ODOT determines that FHWA cannot issue a FONSI, then ODOT may need to conduct an EIS process as determined by FHWA, which is the most comprehensive assessment of the possible environmental impacts of a project. An EIS considers the potential impacts of different alternatives for the project, including a "no-build" alternative. An EIS also requires a public review and comment period that must be considered as part of the EIS process. The conclusion of the EIS process is FHWA's issuance of a Record of Decision (ROD) explaining the final assessment and conclusions, including any required mitigation measures and other environmental commitments to address environmental impacts.

To aid in this process, ODOT Geo-Environmental has developed a NEPA Manual to ensure compliance with federal NEPA laws. This Guide details the roles and responsibilities of ODOT staff to complete a NEPA review. This includes general processes and documentation for each possible outcome detailed above.

ODOT must start the NEPA process as early as possible in the project's development stage. This is due to the length of time that it can take to complete the process. This is particularly so for complex DB projects where an EIS may be necessary. Projects that require an EA or EIS must generally have a FONSI or ROD, as applicable, prior to award of the DB contract. When ODOT releases an RFQ or RFP prior to the issuance of a FONSI or ROD, the RFQ/RFP, as applicable, must state that the project has not yet received environmental clearance and that a no-build option is still possible. Where the FONSI or ROD is finalized during a procurement, the document should be provided to the shortlisted Proposers.

An important consideration for the DB environmental process is that the environmental clearance and approvals/permits will be obtained based primarily on the project's Basic Configuration and Proof of Concept. In certain situations, a FONSI or ROD may require more than a Proof of Concept and may require preliminary design for certain aspects of the project before a FONSI or ROD can be executed. Unlike a traditional DBB, however, the environmental clearance and approvals/permits will not be based on a completed, or nearly completed, design.

The conditions to environmental clearance and approvals/permits, including the necessary conceptual/preliminary design required to obtain environmental clearance and approvals/permits, means that there will likely be limitations that the Design-Builder must comply with when advancing the project's design and determining its construction means and methods. It is critical to provide as much information as possible in the RFP to shortlisted Proposers so that they can take into account the environmental requirements in preparing their schedule and price. Additionally, the DB Agreement should allocate to the Design-Builder the responsibility for obtaining any changes to the environmental clearance and approvals/permits, if such change is required due to implementation of an ATC or due to the Design-Builder's final design. The DB Agreement may also allocate responsibility for the cost and time of obtaining any additional environmental clearance and approvals/permits, to the Design-Builder. (See DB155.10).

3-7.2 Noise Risk Mitigation

The environmental risks noise and mitigation process for DB projects is similar to the process outlined in the most current version of the ODOT Noise Manual and Project Delivery Guide for DBB projects.

For DB projects, the Region project team should perform the following during program and project development stages:

- Scoping Phase – Environmental risks noise study/mitigation.
- Data Collection – Environmental studies noise impact and abatement analysis report and existing noise technical reports.
- Proof of Concept – Preliminary noise mitigation design and retaining/sound wall design.
- Reference Documents – ODOT noise technical report.

Notes:

- If after Contract award, the Design-Builder makes an Agency-approved design change that affects the outcome of ODOT's noise study, analysis, and mitigation measures the Design-Builder will need to perform a noise study and analysis for the new design, and prepare a Noise Technical Report addendum for ODOT review and approval. See DB Contract Administration Manual, DB141.51 and DB155.10.
- After Contract award, the ODOT Region Public Information Officer (PIO), or an Agency-outsourced consultant (not the Design-Builder) will manage and perform the affected property owners' voting process for noise walls. The voting process must be completed prior to Readiness-for-Construction Plans and Specifications design review submittal to minimize cost or schedule delays.
- The Region project team will include a separate construction Price Item in the Contract Documents and Schedule of Prices for each noise wall that is subject to voting.

3-8 Project Funding Plan

Projects may be funded from a variety of different sources, including state funds, federal funds, and grants. Each project's funding will be provided for in the STIP.

The Region project team must be aware of certain aspects of funding while developing the scope of a DB project, including:

- Overall program budget.
- Amounts designated for design and construction.
- Funding sources.
- Timelines for obligating funds for the project.
- Funding conditions.

On a DB project, all funding for design and construction must be available and committed to the project prior to entering into the DB Agreement. Unlike DBB, in which funding may be phased, a DB Agreement represents a contractual obligation committing to the entire scope of work with the Design-Builder. The Region project team must therefore consider the design and construction budget when preparing the project scope.

The Region project team must additionally be aware of any other constraints or obligations associated with the funding sources for the project. Certain grant money or fund allocations from state or federal sources may require that funds made available for the project be obligated and committed by a specific date. The Region project team must comply with these timing requirements to avoid the potential loss of project funding.

Additionally, an aspect of determining necessary funding is the amount of contingency that will be contained in the design and construction budget. The project's risk analysis will play a significant role in determining the contingency that must be part of the project's funding plan.

In general, for DB projects, authorization of funds can be as early as the release of the RFP (if there are timelines or constraints associated with the funds) but it needs to be already obligated by FHWA by the time the Contract is awarded. The authorization of funds will be for both design and construction. Both types of work (and funding) is included under one contract when it is awarded to the successful Proposer, who becomes the Design-Builder for the project. The design phase (PE funds) will be the first phase like in ODOT's low-bid style contracts, but construction phase (construction engineering – CE or construction – CN) can and will typically start before the design phase is complete. This also means that when the Contract is awarded to the Design-Builder the payments will actually shift over to ODOT Contract Administration Unit (CAU), as it is awarded as a highway/public improvement contract.

The Federal Highway Administration (FHWA) requires States to provide program and project specific information about the Federal-aid highway program in its Fiscal Management Information System (FMIS). Note, when the Project Manager is entering dates in FMIS, make certain that the utility and right-of-way dates are earlier than the construction phase dates.

3-9 Project Concept Design and Specification Development

Development of the DB Agreement and Agency-Supplied Specifications consists of site investigations, surveys, and studies to develop the project elements and understand the specifications that will govern the Design-Builder's work. The information gathered and compiled during this phase will be used to develop the Contract Documents that ODOT will release with the RFP and that will establish the parameters for the Design-Builder's design and construction services. To accomplish this task, the project development activity will include the following (at the level required based on the risk assessment):

- Bridge Plans [Type, Size, and Location (TS&L)] Preliminary Report.
- Other Structures TS&L Report.
- Preliminary Geotechnical Reports. (See ODOT Geotechnical Design Manual)
- Foundation Report with recommendations. (See ODOT Geotechnical Design Manual)
- Hydraulics Report with recommendations. (See ODOT Hydraulics Design Manual)
- Roadway Concepts / ROW limits (if needed).
- Roadway Geometry / Interchange Impacts and ROW Studies.
- Identify and report WZLE needs, if applicable, including law enforcement hours and funding for construction estimates.
- Consideration of the need for preliminary (conceptual) Agency concurrence to potentially-required Design Exceptions, Design Deviations, Operations Approvals, and commencement of the process to evaluate these and determine which ones will be included in the Contract Documents. The consideration at this stage of the project development is whether any preliminary (conceptual) Design Exceptions, Design Deviations, or Operations Approvals will be necessary for the Design-Builder to comply with the Basic Configuration. If so, develop these and obtain the required Agency preliminary (conceptual) concurrence. Include the preliminary concurrence information (including any associated restrictions or conditions) in the RFP so that the Design-Builder can obtain the proper final approval for them when the design work is underway, as required by DB155.
- Early in project development phase, evaluate the need for an Interchange Modification Request (IMR) for projects on the National Highway System and follow the below steps and timelines for obtaining approvals from FHWA when modifications to or new access points are required:
    - Upon selection of a preferred interchange configuration, submit draft IMR to ODOT Interchange Engineer for review and ODOT Roadway Engineer and ODOT Chief Engineer concurrence.
    - Upon ODOT concurrence, ODOT submits draft IMR to FHWA for review and determination that the draft IMR is an acceptable project solution, meets federal policy and can move forward in project development.

  - Upon completion of NEPA processes, Proof of Concept design and Basic Configuration, submit final IMR to ODOT Interchange Engineer for review and to ODOT Roadway Engineer and ODOT Chief Engineer approval.
  - Upon ODOT approval, ODOT submits final IMR to FHWA for approval.

  Contact ODOT Interchange Engineer for ODOT's IMR procedures. Refer to the following websites for additional information:

  - FHWA Interstate System webpage: https://www.fhwa.dot.gov/programadmin/interstate.cfm
  - ODOT Interchange Design webpage: https://www.oregon.gov/odot/Engineering/Pages/Interchange-Design.aspx

- Environmental Surveys.
- Studies and Mitigation Measures, Reports, and shared responsibilities.
- Third-Party Agreements with shared responsibilities.
- Utility Conflicts analysis
- Railroad impacts and coordination for crossing orders or easement revisions.
- ROW acquisition with shared responsibilities for Planned ROW Exhibits.
- Development of a Proof of Concept to a level that is sufficient to establish the project's scope of work, prospectus, and preliminary Design Exceptions, Design Deviations and Operations Approvals. The level of development of the Proof of Concept will vary throughout parts and aspects of the project, depending on the appropriate amount of risk that the Region project team determines is necessary and appropriate to mitigate prior to awarding the Contract. The Proof of Concept development is generally limited to no further than what is included in the Draft DAP phase for Design-Bid-Build projects.

To accomplish this task the following typical project deliverables would be developed to the following levels:

Table 3: Levels of Concept Design

Deliverables	Level to Provide to Design-Builder	Notes
Design and Construction Schedule	Draft	Only need key milestones
Design Exception Approvals	Preliminary (conceptual) Concurrence	FHWA conceptual concurrence required prior to RFP authorization
Public Engagement/Involvement Plan	Complete	A complete starting draft, anticipate changes from the Design-Builder
Field Survey and Survey Data Processing	Draft or Final	TBD (based on level of risk)
Local Agency IGAs	Complete	-

Deliverables	Level to Provide to Design-Builder	Notes
WZDT	Draft	WZDT, TMP and Conceptual Project Mobility Considerations Checklist (MCC) needs to be reviewed and approved by ODOT Statewide Mobility Services Team before inclusion in the RFP
Traffic Management Plan	Draft	General information to use for Design-Builder to prepare not the plan in the typical DBB format. TMP, WZDT and Conceptual Project MCC needs to be reviewed and approved by ODOT Statewide Mobility Services Team before inclusion in the RFP
Traffic Approvals	Concept Approvals	-
Traffic Analysis	Draft or Final	TBD based on risk and flexibility to provide the Design-Builder
Conceptual Project Mobility Considerations Checklist	Complete	Complete with approval, but can be changed by Design-Builder and as necessary shared with stakeholders for input. Conceptual Project MCC, WZDT and TMP needs to be reviewed and approved by ODOT Statewide Mobility Services Team before inclusion in the RFP
TS&L Bridge Design/Plans	Concept	-
TS&L Bridge Design Preliminary Report	Concept	-
Archeological Ground Surveys	Varies	NEPA or risk level to dictate level to be provided
Noise Report	Varies	NEPA or risk level to dictate level to be provided
Wetland Delineation	Varies	NEPA or risk level to dictate level to be provided
Wetland Mitigation Concept Strategy	Varies	NEPA or risk level to dictate level to be provided
Roadside Development	Concept	-

Deliverables	Level to Provide to Design-Builder	Notes
Historic Determination of Eligibility/FOE	Varies	NEPA or risk level to dictate level to be provided
Environmental Justice	Complete	-
Migratory Bird	Varies	NEPA or risk level to dictate level to be provided
Water Resources Impact/Storm Water Management Plan	Varies	NEPA or risk level to dictate level to be provided
Air Quality Report	Varies	NEPA or risk level to dictate level to be provided
Environmental Completion and Risk Report	Draft	-
Pavement Design	Complete	Shifting this requirement to the Design-Builder requires approval from Statewide Pavements.
Pavement Report	Complete	May choose to put on Design-Builder
Project Information Paper	Varies	Typically a version is done prior to RFP release, but a Design-Builder may do additional PI work
Website	Varies	Typically a version is done prior to RFP release, but a Design-Builder may do additional PI work
Existing Official Project Access List (OPAL)	Complete	-
Access Management Methodology	Complete	-
Methodology Cover Letters to Property Owners	Varies	Based on certainty of impacts, may be complete prior
Access Management Strategy (AMStrat)	Template	-
Access Modification and Closure Letters	Sample letter	-
Stormwater/Hydraulic Report/Memo	Draft	General information to use for Design-Builder to prepare not the memo in the typical DBB format
Bridge Hydraulic Studies – Channel width, FEMA, Streambanks and Scour Analyses	Varies	NEPA or risk level to dictate level to be provided
Hydrology Studies	Varies	TBD (based on level of risk)

Deliverables	Level to Provide to Design-Builder	Notes
Geotechnical Exploration	20% to 80% of required	Level based on the risk analysis and mitigation strategy
Geotechnical Data Report	Complete	Based on level of geotechnical exploration
Material Source/Disposal Site	TBD	-
Hazmat Corridor Assessment	Complete	-
Project Construction Estimate	Complete	Not to be provided to the Design-Builder, to be completed by consultant and ICE
Right of Way Map	Complete	Planned ROW
Right of Way Certification Documents	TBD	Based on schedule of acquisition the level of certification may vary
Utility Management Plan	None	Typically, fully prepared by the Design-Builder
SUE	Complete	Based on level of risk if applicable to the project
Utility Conflict List	Draft	-
Conflict Letters/Project Notification Letter	None	Typically, fully prepared by the Design-Builder
Insurance Risk Assessment	Complete	-
LPIFs	Complete	-
Roadway Plans	Concept	-
Lighting Plans	Concept	-
Signing Plans	Concept	-
Wall Plans	Concept	-
Pavement Marking Plans	Concept	-

Notes:

- (-) Indicates that the notes not applicable
- Additional details for several of the above are provided below.

3-9.1 Preparing the Basic Configuration

The Basic Configuration consists of the fundamental Project elements, parameters, geometric layout, requirements, constraints, and limitations with which the Design-Builder shall comply. Depending on the Project needs, elements of the Basic Configuration may include:

- Number of lanes.
- Existing and Planned ROW limits.
- Required structural work.
- Lane configurations.
- Access requirements.
- Required project additions.
- Pedestrian facilities.
- Drainage.
- Interchange requirements.
- Bridge types.
- Termini.

For each project, the Basic Configuration will be consistent with the contractual requirements in the DB General Provisions, including the DB Performance Specifications.

The Design-Builder is required to comply with the Basic Configuration and is contractually permitted to rely on it. The Contract Documents will provide the terms and conditions when the Design-Builder seeks a deviation from the Basic Configuration, see DB155.10.

Additionally, the Basic Configuration establishes the general footprint for a project's environmental review. All elements of the Basic Configuration must be addressed during the environmental clearance process. Further, the Basic Configuration development establishes the geometric boundaries of the project footprint and identifies environmental, and land use requirements and how they impact permitting.

3-9.2 Developing the Proof of Concept

Development of a Proof of Concept is a critical process toward a DB procurement. The Proof of Concept incorporates the Basic Configuration and other major elements of the project scope that will serve as the basis for the Design-Builder's design. The Proof of Concept demonstrates that feasible solutions exist to meet the project's Basic Configuration requirements. Additionally, the Proof of Concept will serve as the basis for the assessment of a project's environmental impact and environmental clearance needs. The Proof of Concept is non-binding and will be provided in the Reference Documents with the RFP.

Preparation of the Proof of Concept can begin at any time as the project scope is developed, but must be refined to incorporate the final Basic Configuration and project scope determined through the processes discussed above. The Proof of Concept may incorporate the base data (survey, geotechnical borings, Bridge TS&L Preliminary Report, Other Structures TS&L Report, etc.) necessary to serve as a starting point for the Design-Builder's work.

The Region project team is responsible for performing the necessary design and analysis to develop a Proof of Concept that demonstrates, with engineering certainty that feasible solutions exist to meet the project's Basic Configuration requirements. See Basic Configuration requirements stated in subsections

Preparing the Basic Configuration and Assemble Documents for Project Basic Configuration Development under Chapter 3-9.1 and Chapter 5-1.3 of this Guide.

The Proof of Concept should also identify and resolve, early in the process, any "fatal flaws" that may require preliminary Design Exceptions, additional ROW, or other considerations. The level of development of the Proof of Concept will vary throughout parts and aspects of the project, depending on the appropriate amount of risk that the Region project team determines is necessary and appropriate to mitigate prior to awarding the Contract. The Proof of Concept development is generally limited to no further than what is included in the Draft DAP phase for Design-Bid-Build projects. Developing the Proof of Concept beyond this point has the potential to limit the Design-Builder's ability to innovate with its own design of the project.

Development of the Proof of Concept beyond what is normally included at the Draft DAP phase (for Design-Bid-Build projects) should only occur for instances when project-specific needs require additional design development to support the NEPA process or to mitigate future delays (e.g., to support railroad permitting process).

The Proof of Concept should generally depict, at a minimum, the following information:

- Project ROW limitations.
- Identified environmental constraints.
- The Basic Configuration showing the minimum elements that must be included in the project, such as the following elements:
    - Structures
    - Geotechnical
    - Hydraulics
    - Lane Configurations
    - Roadway, interchanges, and ramps
    - Major Drainage Elements
    - Guardrail and Barriers
    - Illumination and Electrical
    - Permanent Traffic Control
    - Pavement
    - Landscaping and Aesthetics
    - Surveys and Mapping
    - Traffic Operations
    - Temporary Traffic Control
    - Environmental Requirements
    - Maintenance during Construction

- A general outline or layout of the critical design elements.

The Proof of Concept is the opportunity to start evaluating and providing the foundation to formulate the content for each of these technical requirements, as well as the other Agency-Supplied Specifications. ADS has prepared template DB General Provisions, including DB Performance Specifications that serve as a starting point for each project. As the Proof of Concept is developed, the Region project team is responsible for preparing the project-specific edits to the template specifications.

While the Design-Builder is not entitled to rely on a Proof of Concept, the Proof of Concept will set the project's minimum expectations and serve as the foundation of the project's eventual design. Accordingly, all elements that are critical to the project's scope and/or may have a significant impact on the project's environmental impact should be contained in the Proof of Concept. Additionally, the Proof of Concept will be necessary in further pre-procurement steps described below:

- Preliminary Design Exceptions, Design Deviations, and Operations Approvals:
    - The Region project team and other ODOT staff will determine what Design Exceptions, Design Deviations, and Operations Approvals will likely be necessary to implement the Basic Configuration.
    - For all preliminary exceptions, deviations and approvals, the Region project team will prepare preliminary Design Exceptions, Design Deviations, and Operations Approvals and obtain preliminary (conceptual) concurrences and approval(s) from the same individual(s), interested parties and business partners that will be required to approve the formal documents during final design (post-award), such as the following examples:
        - Program Manager or Area Manager
        - Region Tech Center Manager or Roadway Manager
        - Region Traffic Engineer
        - ODOT Interchange Engineer
        - ODOT State Traffic Roadway Engineer
        - State Bridge Engineer
        - ODOT Chief Engineer
        - FHWA

      Note: Preliminary (conceptual) concurrences need to be obtained prior to release of the RFP.

    - Preliminary Design Exceptions, Design Deviations, and Operations Approvals developed by the Region project team for inclusion in the RFP do not need to be stamped. The existing Agency forms for such exceptions, deviations, or approvals may state "Concurrence for Procurement".
    - As outlined in DB155, the Design-Builder shall be responsible for preparing and obtaining approvals on all formal Design Exceptions, Design Deviations, and Operations Approvals, refer to the DB Contract Administrative Manual, available on ADS'

Alternative Contracting webpage: www.oregon.gov/odot/Business/Pages/ADS-Home.aspx

- Urban Design Concurrence Document Approval, if applicable: For appropriate urban context areas for design in ODOT HDM. (See ODOT Roadway Engineering HDM website: https://www.oregon.gov/ODOT/Engineering/Pages/Hwy-Design-Manual.aspx)
- Urban Design Concurrence Exemption Memo Approval, if applicable. (See ODOT Roadway Engineering HDM website: https://www.oregon.gov/ODOT/Engineering/Pages/Hwy-Design-Manual.aspx)
- Interchange Modification Request: Determine whether the Proof of Concept and Basic Configuration requires an IMR. (See IMR bullet in Chapter 3-9)
- Environmental Clearances, as applicable (See Environmental Process subsection under Chapter 3-7 of this Guide).
- Access Management Strategy (AMStrat): See the ODOT Operational Notice PD-03 on Access Management in the Project Delivery Process, available at the following webpage: https://www.oregon.gov/ODOT/Engineering/Doc_TechnicalGuidance/PDLTNotice03.pdf
- Legal Descriptions: Commence preparation of legal descriptions for ROW needs. The legal descriptions are necessary to acquire ROW parcels. Once the legal descriptions are prepared, ODOT will attempt to determine ownership of all necessary ROW and commence negotiation or condemnation, as appropriate.
- ROW Authorization: Consult with ODOT State Right-of-Way Management and Policy Advisor for approval of ROW needs.
- Draft Conceptual Project MCC: Determine the impact of a project on other mobility needs, including transit, rideshare, pedestrian, and bike. Consider alternative mobility needs in the project design and whether to implement additional transportation modes into the project.
- Change Management Request (CMR): See ODOT Change Management Request Guidance, available at the following ODOT webpage: https://ordot.sharepoint.com/sites/ProjectDelivery/SitePages/CMR-Guidance.aspx
- Intergovernmental Agreements (IGAs): See section 3-3 above on IGAs. Consider whether additional IGAs are required and/or whether the in-process IGAs require additional terms and conditions. Additionally, perform the following analyses:
    - Identify non-funding IGA with Local Agencies.
    - Identify funding IGA amendments with Local Agencies.
- Risk Register/Updated Risk & Issues Log: Continue the project risk assessment as the Proof of Concept and Basic Configuration are advanced. Add any additional risks that are present and remove any risks that are no longer a factor.
- Updated Traffic Management Plan (TMP): A TMP is required for certain federally funded projects that are anticipated to cause sustained work zone impacts. A TMP is generally the Design-Builder's responsibility during project delivery; however, ODOT will be required to

review and approve the plan. Perform an early evaluation of the considerations that the Design-Builder will have to implement as part of the TMP.
(See: https://ops.fhwa.dot.gov/wz/resources/tmp_factsheet.htm)

- Work Zone Decision Tree: Evaluate whether the WZDT requires updates to account for the Basic Configuration and Proof of Concept. A concept level WZDT is provided as a reference document with DB General Provisions Attachment C – Reference Documents.
- Use updated WZDT to determine law enforcement needs during construction and include budgeted hours of law enforcement hours for the project in DB141.31.
- Constructability Memo, as needed: Perform a high-level analysis of constructability of the Proof of Concept. Constructability of the final design is the Design-Builder's responsibility on a DB project. However, preliminary consideration should be given to the Basic Configuration and Proof of Concept to ensure there are no overarching constructability problems.
- Updated Base Constraints Map.
- Hazmat Report(s): Identify any known hazardous construction materials and contaminated sites (including but not limited to underground storage tanks, historic releases, UICs, etc.) in or adjacent to the project corridor and plans to conduct hazmat investigations prior to release of the RFP. The hazmat report(s) should additionally identify hazmat mitigation required before or during the project and the cost recovery for such action.
- Geology Memo.
- Final Geology Report as required.
- Geotechnical Memo.
- Hydraulics Memo.
- Utility Conflict List: Continue development of a utility conflict memo or matrix that identifies the likely utility conflicts on the project corridor. Update the existing utility conflict analysis to account for the Proof of Concept. Determine if Utility Owners are willing to perform early relocations.
- Final Noise Report (if needed).
- While not required by ODOT HWY Directive DES-01-03, review and determine if a value engineering study would be beneficial in verifying if the Proof of Concept is a workable approach to meet all contractual requirements and capture all elements of the project's scope, project footprint and alignment, planned ROW, and significant impacts prior to release of RFP.

3-10 Specifications Preparation and Review Process

The Region Project Manager will obtain the current templates from ADS for the DB Agreement and DB General Provisions (which include the DB Performance Specifications) when the Region project team is

ready to begin developing project-specific revisions to the Contract Documents for the Project. The Region Project Specifications Writer will coordinate and lead the effort to edit the documents with project-specific information.

The DB Performance Specifications define performance requirements and criteria for the level of design and construction performance by the Design-Builder in terms of minimal performance attributes, as opposed to specifying the required materials and means and methods. This allows the Design-Builder flexibility in solving complex project problems with innovative and cost-effective solutions. The Performance specifications may include some aspects that are prescriptive in nature that prescribe specific design criteria, materials or means and methods need to comply with project-specific constraints and commitments.

For project-specific revisions to the DB Performance Specifications templates, the Project Specifications Writer will refer to the DB Project Performance Specifications Writing Guide, which is available on ADS' Alternative Contracting webpage: www.oregon.gov/odot/Business/Pages/ADS-Home.aspx

Just as with Special Provisions for Design-Bid-Build projects, the Region project team must exercise care to track all changes made to the template documents.

The Region project team will review ODOT HDM Appendix E in Volume 2 of the Blueprint for Urban Design menu of potential project-level performance measures for consideration for inclusion in the project-specific DB Performance Specifications. (Refer to ODOT website: ODOT Roadway Engineering HDM website: https://www.oregon.gov/ODOT/Engineering/Pages/Hwy-Design-Manual.aspx)

The Project Specifications Writer will coordinate with ADS on any proposed changes to the base template language. See Contract Development & Review Process Map included in Appendix 2.

The Region project team should contact the SURL and Statewide Right of Way Management Programs Advisor to assist with preparing DB174.

As noted throughout this Guide, ODOT uses different naming terminology for the DB Contract Documents than what ODOT uses for DBB. See DB Specifications Terminology Diagram in Appendix 3 for the specifications terminology used throughout the DB Contract Documents.

3-10.1 Establishing Work Locations and Price Centers (Form SP)

Work locations are used to divide the project into defined and more manageable work components for fixed price pricing and progress payments. Project work locations will be identified in DB140.05.

Work location(s) will be assigned by the Region project team as either one work location for the entire project or as multiple individual work locations for each bridge, structure, major component, and element of the scope of work that has different funding source (expenditure account), or is geographically separated within the project area. Work locations can be used to establish to support contractual construction staging and phasing requirements. Examples of work locations.

- Highway or interstate route or corridor realignment or new construction.
- Bridge work, replacement or new construction.
- Highway or interstate route or corridor preservation.

- Railroad crossing work.
- Local agency work including roadway/sidewalk/utility.
- Locations identified as (Options Work).
    - Options work location(s) consist of work identified for a work location as such and included within the project scope and funding for such work will not be obligated at the time of RFP release. Options work locations will be identified in DB140.05 and in the ITP.

  Options work location(s) will be identified in Form SP as separate price centers and noted as (Options Work).

  At the discretion of ODOT, options work may be added to the Contract by contract change order at any time prior to substantial completion of the project work.

Price Centers (PCs) are established by the Region project team for major work activities, representing either an entire work location or a grouping of inter-related work within a work location.

Each PC will be broken down into the following price items and identified on Form SP with the PCs. See DB190.

- Design Services;
- Quality Management;
- Safety;
- Environmental;
- Mobilization; and
- Construction Work. (Construction work price items will be associated with a design unit by the Design-Builder

Note: The above work location and PC determination process will be a joint collaboration between the Region project team, program funding managers, ODOT CAU, OPO and ADS to ensure that the approach will be clear and effective. Consideration needs to be made for work performed for third parties (including local agencies), separated work locations, etc.

3-10.2 Preparing DB Special Provisions (if applicable)

If applicable, the Region Project team will prepare any DB Special Provisions using the current ODOT boilerplate special provisions and obtain the applicable Technical Resource concurrences for any modifications to the boilerplate templates. Not all projects will require the inclusion of DB Special Provisions. DB Special Provisions may be required in order to incorporate specific permit or agreement requirements or to provide information related to Agency-supplied material sources or disposal sites, including under Sections 00235, 00236, 00280, and 00290.

3-10.3 Establishing Daily Rates for Liquidated Damages

As part of preparing the project-specific revisions to DB180, the Region project team will need to establish the daily rates for Liquidated Damages (LD) associated with the final completion date and also for any interim completion dates that may be included. These LD rates will be included under DB180.85. This process will be a joint collaboration between the Region project team and the ODOT CAU.

Prior to meeting with CAU, the Region project team needs to prepare the following information:

1. First, the Agency's estimated daily project administration costs, including both Agency and consultant personnel costs, must be calculated. The process for calculating this cost should be similar to the process used by project teams to estimate Construction Engineering costs for DBB projects.

   The resulting estimated daily cost will need to be increased by 78% of the current FHWA-approved ODOT Indirect Cost Allocation Plan (ICAP) rate for highway construction projects. For example, if the current ICAP rate for highway construction projects is 13.5%, the estimated daily project administration costs will be multiplied by 1 + (0.78 x 0.135) = 1.105.

2. Second, the LD rate(s) must be calculated using a methodology that is similar to that used for DBB preservation projects, as described below. The total estimated DB Contract Amount and the total DB Contract duration (NTP through Contract completion) are necessary to conduct this calculation as follows:

$$LD = 15.0\% \times \frac{C}{T}$$

   LD = daily Liquidated Damages rate for the Contract Completion Date ($)

   C = the estimated total DB Contract Amount ($)

   T = the total DB Contract duration, from NTP through Contract Completion date specified in DB180.50(h) (days)

   If the DB Contract includes Interim Completion Dates (ICDs), the Region project team will calculate the LD rate applicable to each ICD using the following formula:

$$LD_{ICD} = ICD\% \times LD$$

   LD_{ICD} = daily Liquidated Damages rate for the ICD ($)

   ICD% = the ratio of the estimated cost to perform all Work covered by the ICD (both design and construction) to the estimated total DB Contract Amount (%)

   LD = daily Liquidated Damages rate for the DB Contract Completion Date, as calculated above ($)

The Region project team will coordinate with CAU to review the results of these calculations, and other factors as appropriate and pertinent, to set the LD rates that will be applicable for the project. In most cases, the LD rate from the process described under the second step 2 above will be used in the DB Contract, although in some cases the Region project team and CAU may jointly agree to make adjustments to that calculated rate in order to account for project-specific factors. The LD rate must

always be no less than the daily project administration cost calculated under the first step 1 above. The Region project team will document and archive the details from this process, including all calculations and factors considered in the determination of the LD rates.

3-10.4 Data Collection and Information Gap Analysis

When the initial project development stage is nearing completion, the Region project team evaluates what data and analysis may be missing before moving to risk analysis and pre-procurement. This includes reviewing existing project and Proof of Concept team data, conducting site visits, discussing local conditions with region staff for recommendations on project scope, and determining the risks inherent in construction at a particular location. The Region project team reviews the collected data for information gaps and prepares a gap analysis characterization memo for submission to the appropriate Region or Statewide discipline for concurrence. The Region project team initiates a plan to obtain the missing data as part of the Proof of Concept development.

The gap analysis is intended to serve as a final check to assist the Region project team in verifying that there are likely no overlooked aspects of the Region project that would be important to address before moving into procurement. The Region project team uses and documents this analysis as a check point before moving forward. All subject matter experts and discipline leads on the Region project team should be asked to participate in this process to minimize the likelihood that something has been missed during the scoping and development phases.

3-10.5 ADS and DOJ Review of Project-Specific Information

The timing and duration of ADS and DOJ reviews of the Project-edited DB Agreement and DB General Provisions will depend on the size and complexity of the Project and other alternative contracting projects under concurrent development. Additionally, any proposed changes to the base template language will take additional time for review. The Region Project Manager should also keep in mind that the development of the RFP (which is OPO led) and the Contract Documents must be coordinated simultaneously and discussed with DOJ to make certain that the review durations are reasonable and achievable.

1. Once the Region project team and the Project Specifications Writer have completed the project-specific revisions to the DB Agreement (including Exhibits) and DB General Provisions (including, at a minimum, the Tables of Contents for Attachment A – Engineering Data and Attachment C – Reference Documents), the Region Project Manager will submit the documents to ADS for review.
2. Upon completion of the review, ADS will provide review comments to the Region Project Manager and Project Specifications Writer.
3. ADS will coordinate with the Region Project Manager and Project Specifications Writer as needed to provide project-level support as the Region project team works to address the ADS comments.
4. When the ADS comments have all been resolved, ADS will submit the resulting Project-edited DB Agreement and DB General Provisions to DOJ for review and comment. ADS will act as the

primary liaison with DOJ during this process. In most cases, the DOJ review comments and associated communications will be routed through ADS.

5. Like the process used for resolving the initial ADS comments, ADS will coordinate with the Region Project Manager and Project Specifications Writer as needed to provide project-level support as the Region project team works to address the DOJ comments.

As for all Contract Documents, all ADS and DOJ comments for the Project-edited DB Agreement (including Exhibits) and DB General Provisions (including Attachments) must be fully resolved before they will be approved for inclusion in the RFP package.

In order to preserve the Agency's attorney-client privilege, all DOJ comments must be kept strictly confidential, and shared only with select ODOT individuals. DOJ comments may never be shared outside the Agency (i.e. with FHWA or consultant partners). ADS (and DOJ, as appropriate) will provide additional details and direction to the Project-team as needed to maintain the necessary protocols.

1. For projects that include federal funding for any phase: Once the RFP package has been finalized and prior to its release to the shortlisted Proposers, the Region Project Manager (in conjunction with OPO) will be required to provide the RFP package to FHWA for review and comment. Any subsequent revisions made to the RFP package in response to FHWA comments will require DOJ approval.
2. Upon final approval from both FHWA and DOJ, OPO will issue the RFP package to the shortlisted Proposers.

CHAPTER 4 – RISK ASSESSMENT AND MANAGEMENT

ODOT Highway Directive DES 01-02 requires risk assessment and management to be performed on all STIP projects delivered by ODOT and non-certified local agency projects delivered by ODOT.

- On federal aid projects deemed "Major Projects," which are typically those with estimated costs of $500 million or more, a Probabilistic Risk-Based Estimate (PRBE) is a required component of the cost estimating and financial planning for the project to complete Cost Estimate Review (CER) requirements.
- ODOT Highway Directive DES 01-02 requires a PRBE for all STIP projects with an estimated total project cost of $25 million or more.

The project's risk assessment provides guidance for critical aspects of the project, including the extent of preliminary design work required to develop the RFP documents, the evaluation of risk contingencies in the project budget, and the contractual allocation of risks between ODOT and the Design-Builder. The Region Project Manager sets up a project risk assessment meeting during the project development stage dedicated to identifying and analyzing project risks. Participants in the meetings include subject-matter technical experts, OPO, ADS, CAU, and other individuals with knowledge of the project.

For additional information on ODOT's risk management process, refer to ODOT's Project Risk Management, Value Engineering, and Constructability Reviews website: https://www.oregon.gov/odot/Engineering/Pages/VE-RM.aspx.

At the project risk assessment meetings, the participants evaluate risks to ODOT and the Design-Builder relative to the project objectives of cost and time. A project risk assessment involves the following fundamental steps of project risk management:

1. Identify risk.
2. Perform risk analysis.
3. Evaluate and prioritize risk.
4. Plan risk response.

The outcome of the project risk assessment should be an improved understanding of the project's risk portfolio and a plan for how to respond to the project risks.

The project risk assessment process analyzes risks that must be considered to develop the RFP. For example, project risk assessment outcomes inform such considerations as the level of detail needed for the Proof of Concept, definition of project elements requiring preliminary (conceptual) Design Exceptions, Design Deviations, and Operations Approvals (see DB155.08), and evaluation and scoring criteria (including weighting) for both the RFQ and RFP.

The Region project team identifies a risk response strategy that is best for each risk, then selects specific actions to implement that strategy. During risk response planning, the risk should be initially allocated to the party (ODOT or Design-Builder) that appears to be best suited to bear the risk, based on which party is in the best position to control the risk, or whether the risk is shared.

4-1 Risk Allocation

During project development, ODOT must determine the allocation of risks between ODOT and the Design-Builder. The allocation of risk to a party means that the party responsible for the risk bears the cost and schedule impact of the risk if it materializes during the project. Risks may also be shared, meaning that there are circumstances or conditions where the parties share the consequences of a risk materializing.

It is important to find an appropriate balance when allocating risks, as the Design-Builder's fixed price will include a contingency amount for the risks they are responsible for. The more risks allocated to the Design-Builder, and the more uncertainty related to those risks, the higher the contingency.

- Allocating risks to the Design-Builder that are difficult to quantify may mean that ODOT pays a premium for risks that may not materialize.
- Allocating too many unquantifiable risks to the Design-Builder may result in potential Design-Builders electing not to submit a Proposal.

It is a best practice for the Region project team to mitigate or avoid as much high threat risk as possible. It is also important to not transfer high rated risks to the Design-Builder when ODOT is best suited to

mitigate or accept the risk. This will reduce the Design-Builder contingency, risk premiums, and make for a more appealing project.

The allocation of risk on a DB project differs from a traditional DBB project. See below examples of how the risk allocation can differ between the two delivery methods:

Table 4: DBB and DB Risk Allocation Differences Example

Category	Risk Topic	Design-Bid-Build		Design-Build	
		Agency	Contractor	Agency	Design-Builder
Design Issues	Project scope definition	X	-	X	-
	Design criteria	X	-	X	-
	Design Quality	X	-	-	X
	Geotechnical investigation - Initial borings on proposal	X	-	X	-
	Geotechnical investigation - Initial borings on preliminary design	X	-	-	X
	Plan conformance with regulation, RFP, etc.	X	-	-	X
	Concurrences of Preliminary Design Exceptions, Design Deviations and Operations Approvals	-	-	X	-
	Approvals of Final Design Exceptions, Design Deviations and Operations Approvals	X	-	X	X
Design Issues (Continued)	Approvals of Final Design Exceptions, Design Deviations and Operations Approvals Initiated by the Design-Builder	-	-	-	X
	Modified agreement with private utility based on final design	X	-	-	X
Railroad	Obtain initial RR agreement based on preliminary design	X	-	X	-

Category	Risk Topic	Design-Bid-Build		Design-Build	
		Agency	Contractor	Agency	Design-Builder
	Coordination with RR under agreement	-	X	NA	X
Public Relations	Community relations	X	-	X	-
	Public safety	-	X	-	X
Construction	Initial performance requirements	X	-	X	-
	Final construction/materials, QC/QA Plan	-	X	-	X
	Material quality	-	X	-	X
	Construction quality, workmanship and safety	-	X	-	X
Force Majeure	Natural hazard (earthquake, wildfires, public unrest, etc.)	X	-	X	-
	Changes to laws and regulations	X	-	X	-
Differing Site Conditions	Changed and differing site conditions	X	-	X	-
Warranty	Long term ownership/final responsibility	X	-	X	-
	Insurance	-	X	-	X
Market Risk / Commodity Escalation	Volatile markets in commodity items, materials and labor	X	X	X	X
Mobility	Maintenance of Traffic	X	X	-	X

Category	Risk Topic	Design-Bid-Build		Design-Build	
		Agency	Contractor	Agency	Design-Builder
	Develop a traffic control design that optimizes safety and mobility	X	-	-	X
	Defined requirements for transportation management strategies	X	-	X	-
	Stakeholder support of Conceptual Project MCC	-	-	X	-
	Stakeholder support of Final Project MCC	X	-	X	-
	ORS 366.215 review and process Conditional Record of Support	-	-	X	-
	ORS 366.215 review process and Final Record of Support	X	-	X	X (Design-Builder proposed change)
	Roundabout DES-02 review process and Conditional Memorialized Agreement with Freight Industry	-	-	X	-
	Roundabout DES-02 review process and Final Memorialized Agreement with Freight Industry	X		X	X (Design-Builder proposed change)

Notes:

- The above table is an example only. Not all DB projects will have this precise allocation of risks.
- (-) Indicates that the area risk is not applicable.

On a DB project, and as partially shown in the chart above, risks that ODOT is generally best suited to assume include:

- Go/No-Go. (Risks that, if they materialize, warrant cancellation of the project)

- Project funding.
- Pre-existing Site Conditions. (Geotechnical, hazmat)
- Initial environmental clearances.
- ROW Acquisition.
- Defined requirements for transportation management strategies.
- Commodity escalation.
- Conditional Record of Support.
- Roundabout DES-02 Conditional Memorialized Agreement with Freight Industry.

The Design-Builder is typically in the best position to assume the following risks:

- Design responsibility.
- Constructability.
- Schedule compliance.
- Construction Operations.
- Traffic control design that optimizes safety and mobility.
- Traffic Management.
- Maintenance of Traffic.
- Some environmental clearance, approvals/permits*. (*Depends on type)
- Permit compliance.
- Worker safety.

Certain risks may be shared between ODOT and Design-Builder because both parties have the responsibility and opportunity to control the risks or the impacts of the risks:

- Force Majeure.
- Utility Relocation and Interference.
- Public Involvement.
- Railroad.
- Hazardous Materials/Environmental Compliance.
- Agency and Third-Party Coordination.
- Final Record of Support.
- Roundabout DES-02 Final Memorialized Agreement with Freight Industry.

ODOT should work in partnership and close consultation with applicable federal and local agencies when assessing risks, opportunities, and risk response strategies.

During the development of the Contract Documents, the DB Agreement and the DB General Provisions will incorporate the preliminary allocation of risks between ODOT and the Design- Builder. Common methods of contractual risk allocation include:

- Assignment of certain responsibilities to ODOT.
- Assignment of certain responsibilities to the Design-Builder, and the requirement that such responsibilities be carried out as part of the fixed price.
- Allowing relief (additional costs, time extensions) to the Design-Builder for certain events when risks materialize.

Shortlisted Proposers may request to discuss risk allocation in one-on-one meetings or through submitted Proposer questions. The Region project team should be prepared to discuss these issues. In particular, the Region project team should be prepared to understand any concerns that shortlisted Proposers may have with the risk allocation and how those concerns may be addressed in the Contract Documents. The primary concerns that shortlisted Proposers often have with the preliminary contractual risk allocation are that the shortlisted Proposers do not believe they are in the best position to control a risk or that a risk allocated to it is so unpredictable that the shortlisted Proposers cannot reasonably estimate its likely cost.

As noted above, fixed price proposals include contingencies for risks, and the inability to estimate the likelihood of a risk occurring, the extent of the impact, or the cost of mitigation can result in the shortlisted Proposers adding a larger contingency to the price.

This results in two potential issues:

1. the shortlisted Proposers might add a significant risk contingency, resulting in a higher price to complete the project, or
2. the shortlisted Proposers might decide the risk allocation is too severe and withdraw from the procurement, especially if a shortlisted Proposer believes it cannot compete on price with its risk contingency added.

The allocation of risks between the Design-Builder and ODOT must therefore be carefully balanced.

As an example, if the Contract Documents were to allocate all risk to the Design-Builder for negotiating with adjacent owner agencies to define revised conditions and off-site drainage requirements, the shortlisted Proposers would likely take issue. They would likely argue that they do not control the risk, are not well positioned to negotiate with third parties, and cannot reasonably predict the extent of negotiations needed and assign an appropriate risk contingency amount to deal with it. In this situation, ODOT is usually in a better position to manage the risk by negotiating memorandum of understanding or IGAs to develop and define off-site drainage requirements to be included in the RFP and Contract Documents.

When a shortlisted Proposer raises a concern about contractual risk allocation during procurement, the Region project team should seek to obtain the following information, at a minimum:

- What is the nature of the concern?
- What is the shortlisted Proposer’s belief as to whether ODOT or the Design-Builder is better able to control the risk?

- Does the risk entail long-term liability beyond project completion (e.g., hazardous material generation)?
- Can the shortlisted Proposers insure against the risk?
- Can the shortlisted Proposers reasonably estimate a contingency amount for the risk?

After discussing with the shortlisted Proposers, the Region project team should assess whether to adjust the contractual risk allocation by re-allocating all or some responsibility for the risk to ODOT or determining other mitigation strategies to reduce the risks allocated to the Design- Builder.

4-2 Risk Response Strategies

One of the primary goals of a risk meeting is to assess appropriate risk response strategies for project-specific risks. Common examples that may be evaluated during the risk meeting include:

- Insurance: The Design-Builder must meet insurance requirements outlined in DB170.70. The Region project team must meet with OPO Risk Compliance to help identify any risk exposures and work through risk mitigation strategies. The OPO risk compliance analysis will aid in setting the project-specific insurance amounts.
- Bonding: Types and amounts are set in the Oregon Revised Statutes. Confer with OPO for the specific bonds needed and the precise amounts for a particular project.
- Contingencies: ODOT will set aside contingency funds within the project budget to cover costs if risks materialize. The amount of contingency will be based on the quantitative risk analysis and allocation of risks.
- Project Delivery: Creating a safety management plan, establishing Quality protocols, and exercising proper oversight of design and construction.
- Project Oversight: ODOT Project Manager should staff the project with knowledgeable individuals who are aware of project risks and the responsibility for those risks in the Contract Documents.

In addition, the following are risk response strategies that may be undertaken during project development to mitigate certain risks that can have a significant impact on DB projects:

- **Utilities**: Utilities represent one of the most significant risks on a DB project for several reasons: (1) the full extent of utility impacts is not known until design is complete; (2) uncertain timing of completion when utilities self-perform relocations; (3) uncooperative utilities; and (4) the presence of unknown utilities. There are several steps the Region project team should consider to mitigate these risks:
    - Perform a utility investigation as early as possible to identify Utility Owners and facilities that may be impacted by the project and include this information in the Contract Documents with the RFP;
    - Contact Utility Owners as early as possible in the project development process to determine how to address utility conflicts. During these initial meetings, determine when the Utility Owner will perform the relocation work;

- Determine if any of the Utilities intend to request to have the Design-Builder perform utility relocation, and if so, coordinate with the ODOT State Utility Liaison to begin coordination on necessary contract language and utility agreement;
- Provide as much information as possible in the RFP concerning known utilities that may be impacted by the project. This information should include the results of any SUE conducted during project development, any utility as-built information ODOT has, and any other information gathered during early coordination meetings with Utility Owners;
- Establish a forum during the procurement process for Utility Owners to begin coordination with the shortlisted Proposers. These forums will give shortlisted Proposers more information to use when accounting for utility work in their fixed price proposals;
- Require the Design-Builder to confirm the precise location of utility facilities after Contract execution and to coordinate with Utility Owners during the project;
- Allow contractual relief for unidentified utilities; and
- Allow contractual relief for delays caused by utilities that are beyond the control of the Design-Builder.

- **Railroad**: A Railroad that is impacted by a project or is within or adjacent to the project limits creates risks for a DB project. The primary risk stems from the need to follow the Railroad's DBB process for obtaining approval to work on or near the railroad's right-of- way, they will not expedite their process. The SURL will be the lead for all communications with the railroad owners. The Region project team should consider the following to mitigate these risks:
  - Early coordination with the SURL to determine the approvals necessary and an initial timeline for such approvals;
  - Preparing an advanced design or prescriptive design specifications for railroad-related work to expedite receipt of approvals;
  - Providing information concerning Railroad approvals in the RFP;
  - Obtaining, or requiring the Design-Builder to obtain, insurance and bonding required by the railroad owner; and
  - Including agreed-upon Railroad submittal timelines in the Contract Documents.

- **Right of Way**: Delays in ROW acquisition can impact the Design-Builder's plan to perform the work once the Contract Documents have been executed. To mitigate ROW risk, the Region project team should consider the following:
  - While developing the Proof of Concept and the Basic Configuration, assess ROW needs as early as possible. This step will also be necessary in connection with environmental clearance;
  - Perform a preliminary assessment of whether any necessary ROW will require use

of eminent domain and commence the process as soon as feasible;

- For new properties that are identified for acquisition, it is critical to gain an early understanding of any structures or facilities that may require relocation and determining if hazardous materials are present;
- Prepare a document identifying the additional ROW needed and evaluate the most likely date that the ROW will be acquired. Provide this information in the RFP;
- Allow relief in the Contract Documents when the delayed acquisition of ROW impacts the Design-Builder's schedule;
- Plan to alert the Design-Builder immediately if there is a delay in ROW acquisition so that mitigation can be implemented;
- Determine whether the Contract Documents will allow the Design-Builder to request additional ROW and whether the Design-Builder assumes the risk of the timing of additional ROW; and
- Coordinate closely with Region Right-of-Way Office and ODOT Right-of-Way Management Policy Advisor to develop an overall Right-of-Way acquisition and certification schedule and approach for the project. The Region project team may need to consider a segmented certification approach to meet the Project schedule needs (if deemed to be allowable by the Region Right-of-Way Office). The Region project team will coordinate any segmented certification approach deemed allowable for the project with the ODOT Right-of-Way Management Policy Advisor for review and approval, on a case-by-case basis.

- **Geotechnical Site Conditions**: Site conditions create risks for both ODOT and the Design-Builder. The risk is different in DB than in DBB because the final design is not known when the RFP is released, meaning the exact locations at which to perform geotechnical analyses may not be entirely clear at the time the shortlisted Proposers submits their Price proposals. To mitigate this risk, the Region project team should consider the following:
  - Conduct the steps discussed in this Guide to perform preliminary surveys and topographical analyses of the project site;
  - As the Proof of Concept is developed, determine locations of structures, footings, bridge foundations, walls, overhead signs, lighting, etc. to perform geotechnical studies of the most likely and prevalent site conditions;
  - If any boring holes or similar studies are conducted, provide such information in the RFP;
  - Allow the shortlisted Proposers to rely on the provided geotechnical studies to prepare their fixed price;
  - Allow shortlisted Proposers to perform additional geotechnical studies prior to Proposal submission and facilitate this process by expediting permit issuance; and
  - Allow relief in the Contract Documents for differing site conditions.

- **Hazmat**: The presence of hazardous materials can significantly impact a project's schedule and the cost to complete a project. To mitigate this risk, the Region project team should consider whether the following is appropriate:
    - Conduct testing to determine whether there is hazardous material in the project footprint;
    - Determine whether ODOT can perform cleanup and remediation before the project starts;
    - Identify all known hazardous materials in the RFP;
    - Provide relief in the Contract Documents if the Design-Builder encounters unidentified hazardous materials;
    - Provide a process in the Contract Documents if the Design-Builder encounters hazardous materials, such as stopping work and immediately alerting ODOT; and
    - Prepare a contingency plan if hazardous materials are identified during the project, including by identifying who can perform tests and evaluate necessary clearing and remediation to minimize project delay.
- **Design and Construction Oversight**: DB is a different type of project to administer than a traditional DBB project. As a result, it is important that ODOT staff understand the differences between DB and DBB and the Contract administration characteristics that are unique to DB. Improper oversight can lead to claims by a Design-Builder that ODOT is interfering with the work, which can result in additional costs. To facilitate a greater understanding of the DB process, the Region project team should consider the following prior to start of procurement:
    - Identify staff that will administer the Contract and provide them the DB Contract Administration Manual, available on ADS' Alternative Contracting webpage: www.oregon.gov/odot/Business/Pages/ADS-Home.aspx
    - Train project staff on how to administer a DB procurement and project delivery; and
    - Adopt an approach to contract administration consistent with a DB process in which the Design-Builder, not ODOT, is responsible for completing the final design and the means and methods of construction.
- **Mobility**: Mobility pertains to moving road users efficiently through or around a work zone area with a minimum delay compared to baseline travel when no work zone is present, while not compromising the safety of highway workers or road users. The commonly used performance measures for the assessment of mobility include temporary and permanent impacts to road uses, such as; delay, speed, travel time and queue lengths. The greatest temporary impact anticipated in the work zone is an increase in the travel time through the work zone due to the reduced speed limit and the presence of temporary traffic control measures.

  Temporary and permanent work zone impacts created by the project or by another project that is within or adjacent to the project limits or within the corridor create risks for a DB project. To mitigate this risk, the Region project team should consider the following:

- Include mobility, minimize impacts and congestion to road users as a project goal and part of the scoring criteria in the ITP;
- Per Operational Notice PD-16 comply with FHWA 630 Rule for Work Zone Safety and Mobility by:
  - Considering all mobility issues and impacts and identify mobility issues in Conceptual Project MCC
  - Collaborate with key interested parties that sit on the Mobility Advisory Committee (MAC) in initial and continuing conversations about potential restrictions, permanent changes (vertical clearance, horizontal clearance, length restrictions, and weight restrictions), alternatives and mitigation requirements;
- Identify if accelerated work techniques are a good fit for the overall project or for certain project phases as road users may prefer short duration (i.e. 0-7 days) of mobility disruption to long duration (i.e. 1-4 years) moderate disruption;
- Per ORS 366.215 consider all potential reductions to vehicle-carrying capacity: (See ODOT ORS 366.215 Implementation Guidance)
  - Conduct a review process as soon as possible in order to avoid mobility conflicts and identify proposed features and locations.
  - Upon completion of Proof of Concept design, conduct Reduction of Vehicle-Carrying Capacity Stakeholder Forum discussions at a MAC meeting and inform the MAC that ODOT is seeking a Conditional Record of Support as locations and details of impacts may change based on the Design-Builder's design accepted by ODOT.

Note: If the accepted Design-Builder's design affects the reductions to vehicle-carrying capacity impacts and ODOT's proposed actions that were agreed to by the Stakeholder Forum during project development, the Design-Builder will need to work with Region's Mobility Liaison and ODOT Statewide Mobility Services Team to re-engage the Stakeholder Forum and seek an updated final Record of Support.

- Per Highway Directive DES-02 conduct a review process for any roundabouts being considered and memorialized agreements with trucking industry and ODOT Statewide Mobility Services Team:
  - Region project team presents intersection alternatives to the MAC for consideration as early as possible during project development before roundabout has been selected as the prefer alternative;
  - Ensure roundabouts can accommodate the freight movement;
  - Conduct a review process as soon as possible in order to avoid mobility conflicts and identify proposed features and locations
  - Upon completion of Proof of Concept design, conduct DES-02 roundabout discussion with the MAC and inform the MAC that ODOT is seeking a Conditional Memorialized Agreement with the trucking industry as locations

and details of impacts may change based on the Design-Builder's design accepted by ODOT

Note: If the accepted Design-Builder's design affects the roundabout details that were included in the Conditional Memorialized Agreement during project development, the Design-Builder will need to work with Region's Mobility Liaison and ODOT Statewide Mobility Services Team to re-engage the MAC and seek an updated final Memorialized Agreement.

See also ORS 366.215.

- Complete Conceptual Project MCC according to ODOT Mobility Considerations Checklist Guide, with the following difference:
  - Final Project MCC submitted with Proof of Concept design package; and
  - Develop project-specific requirements based on the project's Conditional Record of Support (if applicable) from the Stakeholder Forum, DES-02 Conditional Memorialized Agreement (if applicable) and the Conceptual Project MCC to be included in the Contract Documents.

In addition to the above, evaluate the project scope to determine whether there are any unique risks that might impact the project, including:

- Special environmental concerns.
- Third-party approvals and coordination that might cause delays.
- Public perception concerns.
- Local agency requirements.
- The presence of archeological, paleontological, or cultural resources.
- Possible litigation that may impact the project.
- Special security threats and mitigation.

If these or any other risks are present, it is important to evaluate their potential impact, determine mitigation measures as early as possible, and incorporate any necessary adjustments into the Contract Documents to control the risk.

CHAPTER 5 – PRE-PROCUREMENT ACTIVITIES

5-1 Pre-Procurement Activities

Before starting the formal solicitation process, ODOT must develop and gather all relevant materials and contractual requirements that will be issued with the RFP and will set the parameters for the Design-Builder's work on the Project. The documents and designs for a DB project are different from those needed for a traditional DBB project. While a traditional DBB procurement requires a fully completed design, a DB procurement includes only a Proof of Concept design, with the remainder of the design

work to be completed by the Design-Builder. This and other preparatory efforts are described in the following sections.

5-1.1 Project Scope Summary Development

The scope summary is a brief culmination of the completion of the pre-procurement processes described in this Chapter. After the relevant documents have been gathered and steps completed, the Region project team works with the design technical disciplines to develop the project-specific data required for the RFQ and RFP process. This information includes:

- Project descriptions, allocation of Design-Builder responsibilities, and project status.
- RFQ/RFP schedule information.
- Project goals that broadly define overall measures of success for the project and will be included in the RFQ and RFP.
- Evaluation criteria to indicate how ODOT will score responses to the RFQ and RFP and the criteria's corresponding "weighting" in the evaluation process and the weighting of the Technical proposals and the Price proposals. Note that this is subject to extensive refinement during the development of the RFQ and RFP, but the scoring criteria for the RFP should be completed before receipt of SOQs from interested Design-Builder entities.

Scope summary information is also included in Draft FFE documents. This scope will inform the RFQ and subsequent RFP that will be publicly released to potential Proposers.

Contact the Construction Section of ODOT Procurement Office (OPO) at ODOTProcurementOfficeConstruction@odot.oregon.gov for information on the DB procurement process, solicitation documents, FFE, RFQ and RFP, and schedule timelines and tasks.

5-1.2 Advanced Public Involvement and Engagement Activities

For each project, the ODOT public affairs and communications team conducts early public outreach to gather information, alert necessary interested parties, and determine the level of public involvement necessary over the life of the project. The public involvement and engagement effort will vary based on the project needs.

The advance public involvement outreach will at a minimum include the following:

1. Identification of key interested parties, including local jurisdictions and agencies, Utility Owners (with the Utilities liaison), property owners of potential ROW needed for the project, Railroads, residents and businesses impacted by construction, and primary users of the corridor;
2. A summary of any related public involvement prior to the start of the project;
3. Develop an understanding of key issues to discuss with identified interested parties. However, special consideration is required before speaking with owners of potential ROW for the Project. The Region Project Manager, in consultation with the ODOT ROW liaison, must determine the

appropriate timing for discussing the project with ROW owners. The ODOT ROW liaison must be involved in all initial conversations with property owners, Utilities, or Railroads;

4. Specific strategies to facilitate a common project understanding between ODOT and the interested parties;
5. A description of how the above strategies will be coordinated with other project developments;
6. Planned activities supporting public involvement during procurement and throughout the project; and
7. Continued assessment, based on the feedback gathered, of the allocation of public involvement responsibilities between ODOT and the Design-Builder.

These steps and plans will evolve over the life of the project and will be updated on an ongoing basis.

5-1.3 Assemble Documents for Project Basic Configuration Development

Once the elements of the Basic Configuration are identified, supporting information for the Basic Configuration must be developed. As ODOT assumes responsibility for the Basic Configuration, this is similar to a phase-gate step before further project activities can occur.

Advancing development of the Basic Configuration is the primary opportunity for both technical and non-technical Agency staff and other interested parties to review design elements according to their specific expertise and needs. This pre-procurement step is also critical to refine the project's Proof of Concept based on additional considerations about the project that impact design development.

At a minimum, this step includes the following (as required):

- Bridge Type, Size, & Location (TS&L) Preliminary Report: Evaluate existing bridges to determine whether they can stay (with or without modification) or whether they need replacement. Additionally determine needs for new bridges that are part of the project. See ODOT Bridge Design Manual.
- Other Structures TS&L Report: Inventory existing structures and determine whether they will be impacted by the project, including whether they must be demolished or can remain with adjustments. Additionally, determine needs for new structures as part of the project.
- Project Area of Potential Impact (API): Determine the API based upon a "conservative" estimate of the total area that the project may impact.
    - This is typically performed in an iterative process by the Region project team and led by the Region Environmental Coordinator.
    - The Project API includes direct impacts (e.g., ROW acquisition and easement needs), indirect impacts (e.g., changes in traffic patterns, induced growth, etc.), equipment staging areas, and sometimes material sources and/or borrow sites.
- STIP Amendment(s): Consider the impact of the project on the Statewide Transportation Improvement Program, including whether any amendments are required to align with the plan.

- Identify need for Railroad Orders, if applicable.
- Identify existing ROW boundaries and need for additional ROW to be included in the Planned ROW Exhibits.
- Required Permits/Clearances. (e.g., land use, local agency and third party)
- Environmental Permit terms and conditions and other Environmental commitments made during the NEPA process.
- Wetland Mitigation Plan (if needed).
- Stormwater report: The Design-Builder's scope will include preparation of a plan to address storm-water and identify likely sources of stormwater pollution (Temporary Stormwater Management Plan), refer to DB Performance Specifications, Section DB141.22. Prior to release of the RFP, the Region project team will prepare the following documents and other documents as applicable that will be included in the RFP.
    - Project Commitments List, that will be included in DB General Provisions, Attachment A – Engineering Data.
    - As-constructed plans detailing existing drainage patterns determinations that will be included in DB General Provisions, Attachment C –Reference Documents.
- Unsigned Final LPIFs: if LPIFs are required for the project, follow the guidance prepared by ODOT, available at the following webpage: https://www.oregon.gov/odot/Business/PCOManuals/LPIF_Guidance.pdf

5-1.4 Preparing the Project Cost Estimate

Because the level of design for a DB project is relatively low in comparison with the traditional DBB process, it can be challenging for the Region project team to prepare an estimate of quantities for the engineer's estimate. The Region project team will need to apply various adjustments to reflect differences between the DBB process and the DB process.

The Region project team shall include the following adjustments in preparing project cost estimates for DB projects. (Refer to section 8. Special considerations for Design-Build (D-B) in FHWA Guidelines on Preparing Engineer's Estimates, Bid Reviews and Evaluation for more information regarding the adjustments listed below.)

- Design work performed by the Design-Builder,
- Risks,
- Inflation,
- Coordination issues,
- Administrative costs,
- Other miscellaneous costs,
- Construction engineering and inspection costs,

- Public information and engagement,
- Performance and warranty costs; and Professional liability insurance costs; and
- Stipend costs. (Not included in the above FHWA guidelines)

Estimates are developed as early as the scoping phase of a project and are continually revised through the project development stage. The initial project estimate described in this step will be crucial to determine whether the project's expected costs stay within the established budget.

The Basic Configuration and Proof of Concept are two key components necessary for developing the preliminary project estimate. In addition to the construction costs for the Basic Configuration and Proof of Concept, the preliminary estimate must also account for other major project elements that will be included in the RFP. At a minimum, the preliminary project estimate must include the following (as required):

- Estimated amounts for design, mobilization, quality management, safety, environmental, and construction that will be listed in the RFP Schedule of Prices Form.
- Estimates of project components by work location.
- Estimates for any additional ROW acquisition, including additional parcels necessary to construct the Basic Configuration and Proof of Concept and ROW needed for Temporary Construction Easements.
- Estimates for any reimbursable utility relocations. Reimbursable utility relocations are those for which the utility owners have Prior Rights to the real property on which the utility is located. Often, Prior Rights utilities are those that preceded the roadway, but may additionally include utilities placed in accordance with an easement granted by ODOT or the owner of the ROW. Utilities without Prior Rights are required to relocate at their own expense.
- Estimates for coordination costs with third-parties, including Utility Owners, Railroads, and ROW owners.
- Consultant costs (pre-development, procurement, project management).
- Estimates for ancillary items associated with railroad work, including insurance.
- Estimates for the ODOT Project Management (i.e., contract administration and compliance monitoring).
- Contract Administration/Construction Engineering and Inspection support costs, if outsourcing part of the DB Contract administration and audit oversight processes performed by ODOT staff.
- Inspection costs for ODOT oversight of construction quality.
- Estimated ODOT costs for the following:
    - Anticipated items.
    - Adjustment allowances.
    - Statewide project charges such as Region Assurance Specialist, OECR Field Coordinator, etc.

  - Stipend allowances (for unsuccessful Proposers and the rights to their Proposals).
  - WZLE costs.
- Contingency allowances for the following:
  - Risks and unforeseen conditions. The contingency estimate should be based on the risk analysis and mitigation process described in Chapter 4 and can be developed through probabilistic risk-based estimating.
- In addition to the preliminary estimate, the following costs are pre-NTP costs and not part of the project estimating. These costs should be carried on the project estimate spreadsheet (separately) because they provide historical data on the cost of the total project:
  - Project development (also called PE costs).
  - Procurement costs.
- All future costs should be inflated to mid-point of the activity and costs should be expressed in Year-of-Expenditure (Example: final surface paving is anticipated 4 years from concept development. Inflate the final paving cost to 3.5 years from present value.). Contact ODOT Budget, Economic and Debt services for most recent inflation forecasts.
- To reflect the inherent uncertainty early in project development, it is a best practice to express future costs as a range. This can be done by either applying an agreed upon variability from a single point estimate, or by generating a probabilistic risk-based estimate.

As the preliminary cost estimate is developed, the project scope may require modifications if the cost estimate exceeds the project's funding. If this occurs, evaluate whether certain project scope items can be deferred. Another common process that can stabilize project scope and commonly reduces cost is to conduct a Value Engineering study. If the project needs cannot be met with any deferred scope items, the ODOT Project Manager must determine whether additional funding may be necessary and/or available. Use the process described above for project funding. The Region project team will need to consider outsourcing an Independent Cost Estimate (ICE) to validate or adjust ODOT's estimate of cost and to provide a detail production based estimate. Contact ODOT's project risk management program for guidance on conducting an ICE or a PRBE.

Further, it is important to note that a significant difference between DB and DBB is that the construction costs may vary from ODOT's initial estimate. DB is intentionally not a low-bid procurement. Shortlisted Proposers are encouraged to innovate through ATCs and value engineering, and this is reflected in the fact that price is only a portion of the best value evaluation process. As a result, the Region project team must anticipate that shortlisted Proposers may deviate from the preliminary construction cost estimates, and must build sufficient cushion into the project budget to allow for this. Not budgeting for potential innovation risks or stifling the innovative concepts that Design-Builders may bring to the project, can undermine the DB process.

The Region project team shall revise the project cost estimate after the apparent best value Proposer is selected to account for any cost changes associated with any approved ATCs included in the apparent best value Proposer's Proposal. A revised estimate will provide the agency with a better comparison with the Design-Builder's Price proposal and serve to supplement the agency's determination regarding

the selection of the successful firm. The project cost estimate is used to evaluate the reasonableness of price as it relates to other award criteria.

The project team should reach out to the PCO cost estimating team to update and refine the cost estimate in AASHTOWARE Estimation.

5-1.5 Assemble Engineering Data Documents

The engineering data documents are contractual documents and provide information that will support the shortlisted Proposer's Proposals and eventual design for the project. These documents build on the Basic Configuration and Proof of Concept and provide additional information for shortlisted Proposers to develop their fixed price proposals. DB General Provisions, Attachment A – Engineering Data contains a full list of the engineering documents that must be provided for a project. All documents referenced in DB General Provisions, Attachment A must be provided in the RFP for shortlisted Proposers' use in developing their Proposals and eventually to support the Design-Builder's design. The most common of these documents is listed below and the Region project team is responsible for assembling the following documents, at a minimum:

- Constraint Maps: To the extent not depicted in an Intergovernmental Agreement or elsewhere, include maps showing any constraints for work that is adjacent to, or may impact, local jurisdictions and other third parties. Constraint maps may delineate boundaries or contain other conditions with which the project work must comply, including all environmental constraints and no-work areas. Any information that will constrain the Design-Builder's operations in this manner should be provided.
- Basic Configuration Summary: Summarizes the fundamental project elements, parameters, geometric layout, requirements, constraints, and limitations provided in DB General Provisions, Attachment A and DB Performance Specifications.
- Project Environmental Applications and Permits: ODOT will obtain permits, NEPA clearance approvals, and other environmental documents deemed necessary for the project prior to and after Contract award. (See ODOT NEPA Manual (section 420)). The goal for ODOT in obtaining permits and approvals is to obtain those that might delay the project if the Design-Builder must obtain them or those that the Design-Builder cannot accurately price into their fixed price proposal. The permits that ODOT applied for and obtained will be summarized in DB141.51.

  The Design-Builder, in coordination with relevant ODOT environmental staff after Contract award, shall apply for and obtain all environmental permits and approvals necessary to complete the project that were not previously applied for and obtained by the Agency. The permits and approvals allocated to the Design-Builder include those that depend on the Design-Builder's precise design, means and methods, and construction sequencing, and that the Design-Builder can estimate to prepare their fixed price proposal. The permits and approvals to be obtained by the Design-builder will be summarized in DB141.51.
- Project Commitments List: Summarizes all environmental commitments to regulatory authorities and agencies resulting from permits or approvals applied for and obtained by ODOT. As the project progresses after Contract Award, the Design-builder shall update the commitment list to reflect any future commitments resulting from permits or approvals obtained by ODOT or the Design-Builder.

- Technical Services advisories, memos, reports (such as draft geotechnical data, hazmat, property acquisition, for hazardous substance preliminary site and surface soil investigations, and pavement design).
- Roadway geometrics documents (such as OPALs, access management methodology and approval memo, and urban design concurrence design decision documentation).
- Removal of personal property guidelines.
- Agreements (such as Utility, Railroad, ROW, and IGAs, as applicable).
- Survey documents (such as base files and primary control information).
- Railroad documents (such as draft crossing order, conceptual at-grade quiet crossing plans, and guidelines for temporary shoring).
- Utilities documents (such as preliminary assessment for adjustment, draft conflict matrix, and owner contact list).
- Plans (such as quiet crossing, structures, and aesthetic treatment).
- ROW documents (such as base files and Planned ROW limits).
- As-constructed drawings and documents.
- Agency-obtained permits and completed environmental documentation.
- Project wage rates.
- Local agency design and construction standards, manuals/handbooks, summary memos, and requirements.

5-1.6 Assemble Reference Documents

The Reference Documents are information that will be provided in the RFP for Proposers' use in developing their Proposals and eventually to support the Design-Builder's design. When the Contract Documents are compiled, the Reference Documents will be included in DB General Provisions Attachment C – Reference Documents.

Generally, the Reference Documents are for information only, and the Design-Builder is not entitled to rely on the accuracy or completeness of the information. Rather, the intent of the Reference Documents is to provide shortlisted Proposers and the Design-Builder with as much information as possible to allow them to make informed decisions about the project, to refine their Proposals, and to mitigate risk and refine their fixed price proposals. If ODOT determines to make a Reference Document binding, it must be removed from the Attachment C – Reference Documents and placed in DB General Provisions, Attachment A – Engineering Data.

The Reference Documents may consist of anything the Region project team deems relevant to shortlisted Proposers and the eventual Design-Builder. At a minimum, the Reference Documents should include the following (as required):

- Proof of Concept, which includes the following:
    - Conceptual plans and associated base and design files.

  - Preliminary Design Exceptions, Design Deviations and Operations Approvals.
- Project work locations maps.
- Technical memos and reports (such as for stormwater, traffic, noise, and bridge 50% conceptual TS&L).
- Roadway geometrics documents (such as access management strategy template, approach modification and closure letters templates).
- Pavement design summary.
- Environmental documents (such as biological assessment and review checklist templates).
- Railroad documents (such as at-grade quiet crossing base files, and contractor requirements exhibit).
- Utility conceptual conflict maps.
- Mobility/Traffic control documents (such as reference TMP, draft WZDT, Conceptual Project MCC, and traffic analysis).
- Design criteria limits maps, summaries and example check documents (such as pavement, roadway, and traffic).
- ROW temporary timeline summaries.
- Local ordinances (e.g., noise, work hours, air quality, vibration).
- DB Specifications Terminology Diagram.

5-2 Preparation of RFQ, RFP and Contract Documents

5-2.1 Design-Builder Key Personnel

Key personnel are individuals of the Design-Builder's team that are designated to fulfil experience, qualifications, licensing, certification requirements, and roles and responsibilities for key personnel positions specified in the Contract Documents.

Note: Not all of the example key personnel positions shown in the tables below are required for every project. The Region project team will need to determine the appropriate key personnel positions and which ones are included in the RFQ for shortlisting Proposers based on the project size, complexity, work types, work elements and location. Some of the example key personnel positions shown in the tables below are required for every project.

The Region Project Manager will work with OPO to develop key personnel evaluation criteria for the RFQ and RFP.

Key personnel evaluation criteria for the RFQ and RFP will be based on the key personnel positions requirements specified in Contract Documents; DB Agreement, DB General Provisions (Specifically DB180) and DB Performance Specifications.

Table 5: Design-Builder Key Personnel and Roles Example: **Project Management Personnel**

Key Personnel Position	Role	RFQ	RFP
Project Principal ***(Required for all DB projects)***	Responsible for providing executive leadership authority within the Design-Builder's organization.	-	√
Design-Build Project Manager ***(Required for all DB projects)***	Has full responsibility for the prosecution of the work, is the single point of contact in all matters, and have authority to bind the Design-Builder on all matters relating to the project. Responsible for the overall design, construction, quality management and contract administration for the project.	√	√
Construction Manager ***(Required for all DB projects)***	Responsible for ensuring the construction is managed and delivered in accordance with the Contract requirements and ensuring that the work meets or exceeds the project goals.	√	√
Design Manager (Required for all DB projects)	Responsible for all of the Design-Builder's design services and for ensuring that the overall project design is completed and design criteria requirements are met.	√	√
Diversity Lead ***(Required for all DB projects, but discuss with OECR on scalable requirements depending on project size)***	Responsible for implementing and managing the project diversity plan and working with the Agency's Office of Equity & Civil Rights to ensure that the project's small business and workforce development goals and targets are met or exceeded.	-	√
Transit Project Engineer	Responsible for ensuring that the overall project transit components are designed and constructed to satisfy the design criteria and the contract requirements.	-	√
Utility Coordinator **(Required for all DB projects)**	Responsible for coordinating project activities with each utility owner affected by the project	-	√

Key Personnel Position	Role	RFQ	RFP
Safety Manager **(Required for all DB projects)**	Responsible for ensuring that the overall project safety record meets or exceeds the project goals and safety requirements.	-	√
Environmental Compliance Manager ***(Required for all DB projects)***	Responsible for ensuring that the overall project environmental issues are completed, the environmental criteria are met, and the project environmental requirements meet or exceed the project goals.	√	√
Communications Manager	Responsible for developing and implementing the public involvement and outreach plan(s), identifying interested parties and involvement strategies, and acting as liaison with community and civic groups, local residents, motor carriers and the trucking industry and ensuring that all project engagement goals are met or exceeded.	-	√
Traffic Control Manager ***(Required for all DB projects)***	Responsible for ensuring overall project traffic management and that TCP and methods of handling traffic are designed, implemented, evaluated, revised and maintained to ensure maximum safe and efficient flow of traffic through the project area.	√	√

Table 6: Design-Builder Key Personnel and Roles Example: **Independent Quality Management Personnel**

Key Personnel Position	Role	RFQ	RFP
Project Quality Manager ***(Required for all DB projects)***	Responsible for overall project design and construction quality, implementing quality planning and training, managing the Design-Builder's quality management process, and the preparation, implementation and updating of the Design-Builder's quality plan.	√	√
Design Quality Manager ***(Required for all DB projects)***	Responsible for ensuring the overall quality of the project design and overseeing implementation of the Design-Builder's quality management process for all design services.	-	√
Construction Quality Manager ***(Required for all DB projects)***	Responsible for ensuring the overall quality of the project construction and overseeing implementation of the Design-Builder's quality management process for all construction services.	-	√

Table 7: Design-Builder Key Personnel and Roles Example: **Design Professionals**

Key Personnel Position	Role	RFQ	RFP
Structural Lead Engineer	Responsible for ensuring that the overall project bridge and structures design is completed, design criteria requirements are met, and the design meets or exceeds the project goals.	-	√
Roadway Lead Engineer	Responsible for ensuring that the overall roadway design is completed, design criteria requirements are met, and the design meets or exceeds the project goals.	√*	√
Bridge Architect	Responsible for development, documentation and description of those qualities with respect to principles, context, opportunities, and challenges for all architectural and aesthetic qualities and components of the specified Bridges.	√*	√
Traffic Signal/Sign Design Engineer	Responsible for ensuring that the overall traffic signal and permanent signage design is completed, design criteria requirements are met, and the design meets or exceeds the project goals.	-	√
Archeological Investigations Manager	Responsible for ensuring that the overall project archaeological work meets or exceeds the project goals and the Contract requirements.	-	√
Design Survey Leader	Responsible for ensuring that the overall project survey work meets or exceeds the project goals and the Contract requirements.	-	√
Geotechnical Engineer	Responsible for ensuring that the overall project geotechnical investigation and design is completed, design criteria are met, and the design meets or exceeds the project goals.	-	√
Hydraulic Design Lead Engineer	Responsible for ensuring that the overall project hydraulic design is completed, design criteria requirements are met, and the design meets or exceeds the project goals.	√*	√
Stormwater Design Engineer	Responsible for ensuring that the overall project drainage and stormwater design is completed, design criteria requirements are met, and the design meets or exceeds the project goals.	√*	√
Landscape Architect / Erosion Control Designer	Responsible for ensuring that the overall project landscape design and erosion and sediment control meets or exceeds the project goals.	-	√

Notes:

- (-) Indicates that Key Personnel Position is not applicable.
- (*) Based on project major work types and elements, Region project team will need to determine if key personnel need to be included in the RFQ for shortlisting Proposers.

5-2.2 Request for Qualifications (RFQ)

The RFQ documents are the first step in the procurement process that seeks the qualifications of interested Design-Builder entities. The Region project team coordinates with OPO to develop and finalize the RFQ documents that will be released industry-wide. OPO has prepared RFQ and forms templates that can be tailored to each project's unique requirements. The end result of the RFQ process is the shortlisting of the three to four most qualified Proposers.

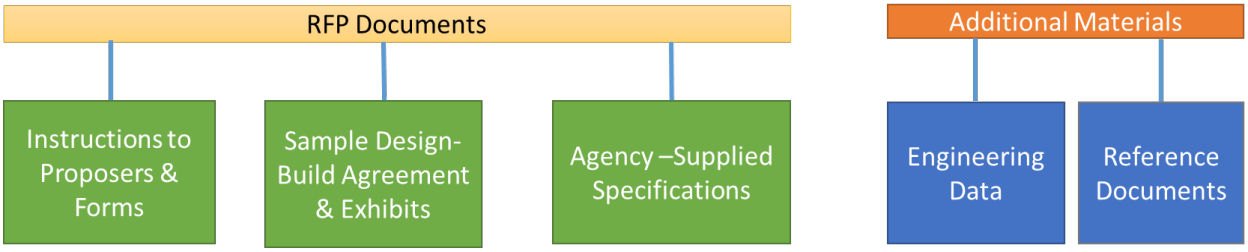
While developing and finalizing the RFQ, the Region project team must coordinate with ODOT Office of Equity & Civil Rights (OECR) to establish the DBE Contract Goals (one goal for Design Services and one goal for Construction Services) for inclusion in the RFQ for informational purposes.

5-2.3 Request for Proposals (RFP) and Attached Contract Documents

After collecting the relevant technical and contractual requirements information, the Region project team coordinates with OPO to develop and finalize the RFP documents that will be released to the shortlisted Proposers. OPO has prepared RFP and forms templates that can be tailored to each project's unique requirements. The RFP documents are illustrated below, followed by a description of the documents. Project-specific modifications to the below templates for the Instructions to Proposers and Proposal forms must be coordinated with OPO and approved by DOJ before release of the RFP. Project-specific modifications to ADS-provided Contract Document templates must be coordinated with ADS and approved by DOJ before release of the RFP.

The Project Manager is required to complete the Design-Build RFP Package Pre-advertisement Submittal QA Checklist. This completed checklist will accompany the final RFP documents and attachments. Contact OPO for specific review timelines and review process.

Figure 4: ADS DB Contract Documents Templates



- Instructions to Proposers (ITP): Contains the Proposal forms, instructions, and submission guidelines, including timing, format, and required Proposal content. The ITP additionally includes the procurement schedule, ATC process, one-on-one meeting process, Proposer clarification process, stipend information, and the evaluation criteria that will be used to score

Proposals and determine the best value Proposer, negotiations and Contract award and execution process.

- Sample DB Agreement: The DB Agreement contains the terms for the project. ADS has prepared a template for the DB Agreement that must be used for this purpose.
- DB Agreement Exhibits: The DB Agreement contains several exhibits that are specific to each project. Exhibit A contains the portions of the selected Proposer's Technical proposal that meet or exceed the contractual requirements stated in the RFP and the Proposer's Price proposal, Exhibit B contains workforce protection requirements, Exhibit C contains, if applicable, co-location requirements, Exhibit D contains Design-Builder Specifications requirements and DB Boilerplate Technical Special Provisions, and Exhibit E contains DB Special Provisions. ADS has prepared templates for the DB Agreement Exhibits that must be used for this purpose.
- Agency-Supplied Specifications: The DB Standard Technical Specifications; the DB Special Provisions; and the DB General Provisions templates requirements for the project. ADS has prepared templates for the Agency-Supplied Specifications that must be used for this purpose.
- DB General Provision Attachments: The DB General Provisions contains: (1) Attachment A – Engineering Data and (2) Attachment C – Reference Documents. (Note: Attachment B is reserved). ADS has prepared templates for the DB General Provisions that must be used for this purpose.
- Other information: In addition to the RFP documents listed above, the RFP will contain the Reference Documents described in this Guide. The Reference Documents are subject to limitations stated in the ITP and Contract Documents and are not considered part of the Contract between ODOT and the Design-Builder.

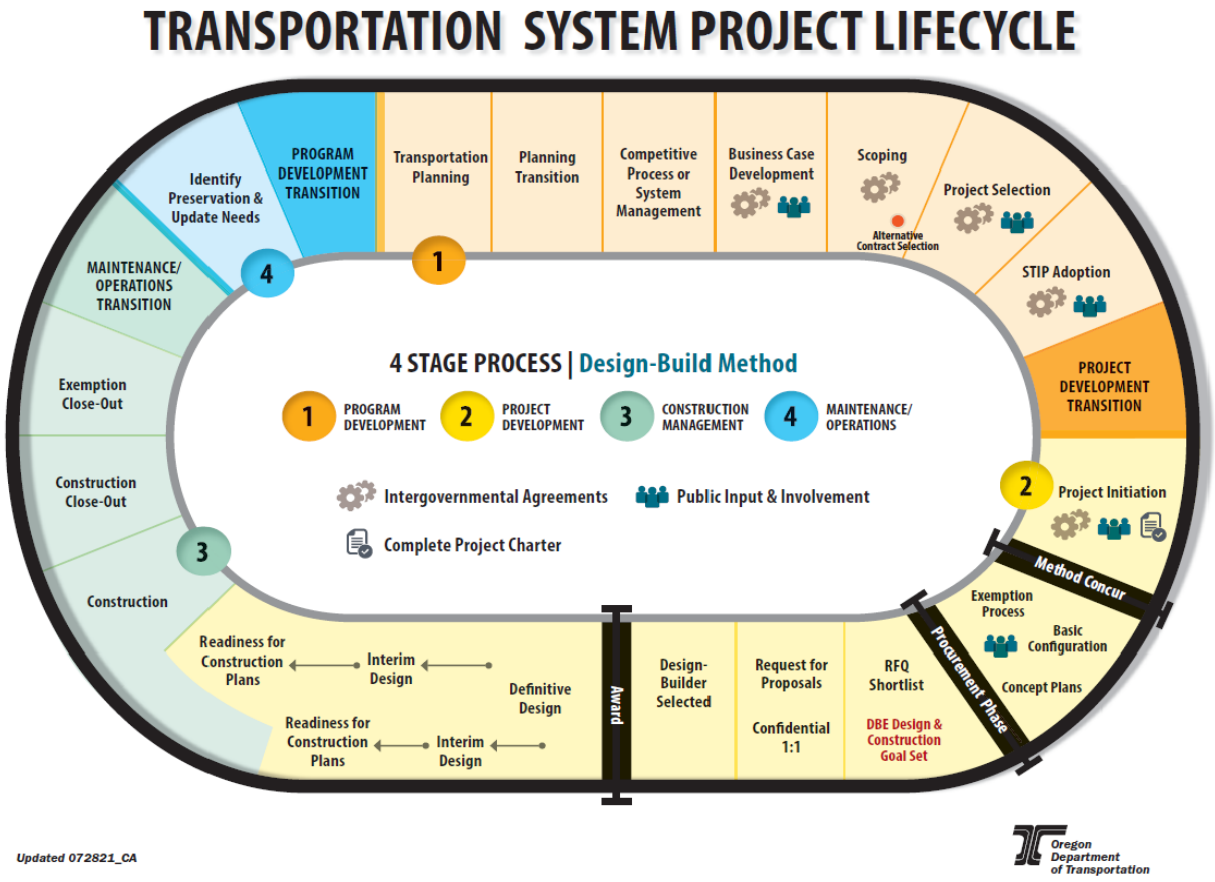
While developing and finalizing the RFP documents, the Region project team must coordinate with ODOT Office of Equity & Civil Rights (OECR) to develop project-specific workforce protection requirements for inclusion in the RFP documents, and confirm the DBE Contract Goals (one goal for Design Services and one goal for Construction Services) that were included in the RFQ. When applicable, the Region / OECR coordination will also include the establishment of Tribal Employment Rights Office (TERO) Indian preference in employment compliance requirements and preference goal(s).

When preparing any of the documents listed above, the drafters must follow the ODOT Communications Guide to Style, available at the following webpage:
https://www.oregon.gov/odot/SiteAssets/Pages/Web-toolkit/ODOT%20Style%20Guide_August2020.pdf

Appendix 1

Transportation System Project Lifecycle Race Track – Design-Build

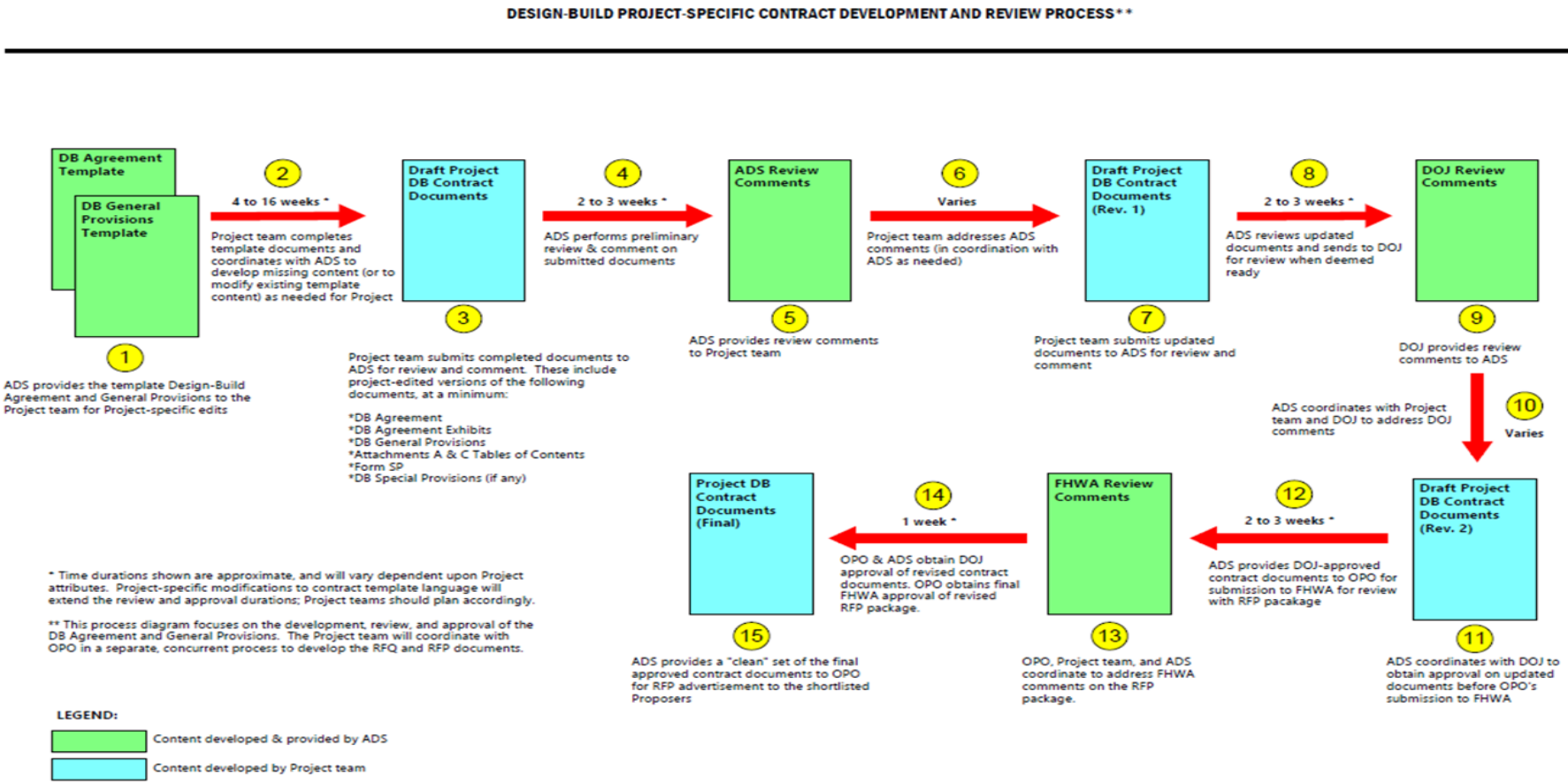
Figure 5: DB Transportation System Project Lifecycle



Appendix 2

DB Contract Development & Review Process

Figure 6: DB Contract Process Map



Appendix 3

DB Specifications Terminology

Figure 7: DB Specification Terminology Diagram