

FHWA/MoDOT Partnering Agreement

Design-Build

FHWA Performance Year 2020

I. Definitions:

Projects of Division Interest (PoDIs) - are those projects that contain elements of higher risk, or present a meaningful opportunity for FHWA involvement to enhance meeting program or project objectives.

Design-Build Contract-means an agreement that provides for design and construction of improvements by a contractor or private developer. The term encompasses design-build-maintain, design-build-operate, design-build-finance and other contracts that include services in addition to design and construction. Franchise and concession agreements are included in the term if they provide for the franchisee or concessionaire to develop the project which is the subject of the agreement.

II. Document Organization:

This document is organized in a linear fashion corresponding with the timeline of the Design-Build procurement process.

Appendix A – Projects of Division Interest (PoDI) Selection Process

Appendix B – Design-Build Process Flow Chart

Appendix C – AJR Guidance in Design-Build Projects

Appendix D – FHWA and MoDOT Confidentiality Agreement

Appendix E – FHWA Approval of Final Request for Proposal Letter

Appendix F – MoDOT Request for Authorization Letter

Appendix G - MoDOT Request for Concurrence in Award Letter

Appendix H – FHWA Concur in Award Letter

III. Special Circumstances:

It is understood that this agreement is a dynamic document, and may need to be modified based upon the specific needs of the project or alternative contracting methods. Examples of special circumstances would be:

- Modified alternative contracts (i.e. [Design-Build-Finance](#) (DBF), [Design-Build-Operate-Maintain](#) (DBOM))
- Accommodation agreements with bordering states
- Local Public Agency use of alternative contracting
- Major bridges or major projects
- Special environmental processes
- Federal grant program processes
- Financial Plan (see the FHWA Guidance)
- NEPA Approval After Award

- Other project specific review requirements

Any changes, clarifications, additions or deletions to the plan will be collaboratively developed and agreed to by FHWA and MoDOT.

IV. Confidentiality:

Confidentiality is also integral to MoDOT's Design-Build process. It is understood that MoDOT and FHWA staff will hold sensitive project information in the strictest confidence. It is understood that both MoDOT and FHWA may, at times, require project involvement from respective internal and external specialist (i.e., FHWA Headquarters or Resource Center experts) for specific aspects of the project where contractual, regulatory, or engineering expertise is needed. When this occurs, both MoDOT and FHWA will insure that project confidentiality is maintained.

FHWA staff cannot sign project-specific confidentiality agreements. However, FHWA employees are bound by 18 USC 1905 which carries a criminal penalty if any employee discloses confidential information. See letter in Appendix D.

V. Roles and Responsibilities of MoDOT and FHWA:

The purpose of this Partnering Agreement is to outline MoDOT and FHWA roles and responsibilities on Design-Build projects, and to ensure MoDOT's Design-Build Program is in conformance with federal laws and regulations while adhering to the [MoDOT/FHWA 2015 Stewardship and Oversight Agreement](#).

MoDOT's Project Director will have primary responsibility for ensuring a Design-Build project is executed in accordance with state and federal laws and regulations while implementing the project goals established for their respective project. The Missouri Highways and Transportation Commission will delegate certain authorities to the Chief Engineer, who will then delegate to the Project Director, as described in the [Engineering Policy Guide \(EPG\) 139.1.4](#). The Project Director has the responsibility of conferring with MoDOT subject matter experts, such as design, bridge, environmental, financial, utilities or Right of Way (ROW) staff, to assist in the decision-making process, when appropriate. **The Project Director will serve as the main point of contact with FHWA for Design-Build projects.**

FHWA designated Transportation Engineer (TE) will have primary responsibility for ensuring a Design-Build project is executed in accordance with federal laws while implementing FHWA's PoDI Process and required project involvement. **The TE will serve as MoDOT's main point of contact for Design-Build projects.** If the FHWA TE becomes unavailable during a review period, the FHWA Program Implementation Team Leader or FHWA Deputy Division Administrator may be contacted regarding all project-related issues.

The following activities require coordination between MoDOT and FHWA to attain reviews/approvals within the agreed timeframes. In this agreement, all reference to days

and weeks denotes business days. MoDOT and FHWA agree to work as true partners to ensure the success of the Design-Build Program.

The PoDI selection process will be used to identify those elements of the Design-Build project to be reviewed by FHWA-MO Division. The following table identifies the activities, timelines, and approval actions on Design-Build projects. MoDOT will proactively coordinate and collaborate with FHWA to determine an agreed upon level of FHWA involvement in the selected activities of the project. MoDOT and FHWA will provide written responses to comments or inquiries in a timely manner, per the timelines outlined in this table. The approval authority of the activities marked as **REQUIRED** fall under FHWA-MO Division. MoDOT must submit those activities to the designated Transportation Engineer for their review and Approval. The activities marked as **PoDI SELECTED** are those areas that have been identified by the FHWA Transportation Engineer as activities that contain elements of higher risk, or present a meaningful opportunity for FHWA involvement to enhance meeting program or project objectives. The selection of these activities will be in accordance with the PoDI selection process outline in Appendix A, and MoDOT/FHWA 2015 Stewardship and Oversight Agreement.

| REQUEST FOR QUALIFICATIONS (RFQ) | | | | |
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| Design-Build procurement process begins with short-listing the most highly qualified submitters based on qualifications submitted in response to a Request for Qualifications (RFQ). | | | | |
| Activities | | MoDOT/FHWA Responsibilities | | |
| Activity | REQUIRED / PoDI SELECTED | Description of Actions and Responsibilities | Expected Timeframe (MoDOT) | Expected Timeframe (FHWA) |
| RFQ Review | PoDI SELECTED | MoDOT will provide the entire RFQ to FHWA for review. | Will submit 7 days prior to expected approval. | Will review the RFQ document and will provide concurrence of acceptability or comments within 7 days of receipt. |
| RFQ/SOQ Evaluation and Selection Process | PoDI SELECTED | FHWA will monitor the selection and scoring process but will not be part of the scoring team and will not provide formal approval of the shortlisted teams. | Will provide FHWA with a minimum of 10 days notice for meetings. | Will be available on an as-needed basis. No FHWA approval of the short list of selected teams is required. |

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| RFQ/SOQ Summary Report | PoDI SELECTED | The Statement of Qualifications will be evaluated by a prequalification review/short listing team, known as the Executive Selection Committee. The Project Director will meet with the Executive Selection Committee to present details of all SOQs received, as well as the ratings each team received. RFQ/SOQ Summary report will be provided at the Executive Selection Committee Meeting. | Will provide RFQ/SOQ Summary Report presented to the Executive Selection Committee. | n/a |
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REQUEST FOR PROPOSALS (RFP)

The second phase of a Design-Build procurement process consists of the submission of technical proposals, and sometimes contract price, in response to a Request for Proposals (RFP).

| Activities | | MoDOT/FHWA Responsibilities | | |
|--|-----------------------------|---|---|---|
| Activity | REQUIRED / PoDI SELECTED | Description of Actions and Responsibilities | Expected Timeframe (MoDOT) | Expected Timeframe (FHWA) * |
| Draft Books (all) & Instruction to Proposers (ITP) | PoDI SELECTED | Individual Chapters or Entire Book | Will submit 5 days prior to expected approval. Will submit 7 days prior if submitted in its entirety. | Will provide concurrence of acceptability or comments within 5 days of receipt for individual chapters or section submittals, and 7 days of receipt if submitted in its entirety. |
| Final Draft RFP | REQUIRED | 23 CFR 635.112(i) Entire Request for Proposal | Will submit 10 days prior to expected approval. | Will provide concurrence of acceptability or comments within 10 days of receipt. |

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| | | | | <p>FHWA approval of the final RFP will be provided after all review comments have been satisfactorily resolved.</p> <p>Written approval of the final RFP must be given by FHWA prior to its release to the shortlisted firms, and before project authorization can be given. A sample of the FHWA Approval of Final Request for Proposal Letter can be found in Appendix E.</p> |
| Request for Authorization (Certification of RFP) | REQUIRED | 23 CFR 635.309(p) | <p>Will submit 10 days prior to expected approval.</p> <p>Will require a formal, written certification that the conditions of 23 CFR 635.309(p) have been met. A sample of MoDOT Request for Authorization Letter can be found in Appendix F.</p> | <p>Will provide concurrence of acceptability or comments within 10 days of receipt.</p> <p>Following FHWA's approval of the RFP and submittal of the written certification, the project must be approved by FHWA in the Fiscal Management Information</p> |

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| | | | | System (FMIS). The FMIS approval/authorization will constitute FHWA approval to release the RFP. A sample of the MoDOT Request for Authorization Letter can be found in Appendix F. |
| Addendums to RFP | REQUIRED | 23 CFR 635.112(i) As needed | Will submit 3 days prior to expected approval. | Will provide concurrence of acceptability, comments or deny within 3 days of receipt. |

* If significant issues are noted, additional time may be required. Significant issues may require coordination with the FHWA Headquarters Office and/or any resources to resolve, and may prolong the review period.

PROPOSAL PHASE

| Activities | | MoDOT/FHWA Responsibilities | | |
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| Activity | REQUIRED / PoDI SELECTED | Description of Actions and Responsibilities | Expected Timeframe (MoDOT) | Expected Timeframe (FHWA)* |
| Technical Discussion Phase | PoDI SELECTED | The project team may conduct one-on-one confidential meetings with each of the shortlisted design-build proposers. | Will schedule the meetings with each team and provide dates/times to FHWA. | Will be available on an as-needed basis. |
| Design Exceptions+ | PoDI SELECTED | Reviewed concurrently with MoDOT. Project Director will discuss design exceptions with FHWA TE prior to submittal so that complete and descriptive | Will submit 10 days prior to expected concurrence of acceptability. | Will provide concurrence of acceptability, or provide comments within 10 days of receipt. |

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| | | <p>justification is provided.</p> <p>FHWA will review and provide comments or request additional information, to concur with the acceptability of design exceptions.</p> | | <p>Final approval will be granted after the project is awarded.</p> |
| <p>Alternative Applicable Standards (AAS)</p> | <p>PoDI SELECTED</p> | <p>Proposers shall be responsible for submitting enough information about the AAS, so that it can be adequately evaluated. MoDOT will provide the backup information and recommendations for approval to FHWA for concurrence.</p> | <p>Will submit 5 days prior to expected approval.</p> | <p>Will provide concurrence of acceptability, comments or deny within 5 days of receipt.</p> <p>Final approval will be granted after the project is awarded.</p> |
| <p>NEPA Re-Evaluation review / Supplemental NEPA document</p> <p>++ Special Circumstances for NEPA Approval After Award may be needed based upon the specific needs of a project.</p> | <p>REQUIRED</p> | <p>23 CFR 771 and 774 Proposals submitted as part of the Design-Build process may include modifications or changes to the project engineering, location, traffic handling, or other project impacts from those that were evaluated in a NEPA document.</p> <p>FHWA will maintain close coordination throughout the proposal stage of the Design-Build process to assist MoDOT in providing feedback and guidance regarding the NEPA process.</p> | <p>Will submit 7 days prior to expected approval.</p> | <p>Will provide concurrence of acceptability, or provide comments within 7 days of receipt.</p> |
| <p>Right of Way Conditional Clearance (ROW)</p> | <p>PoDI SELECTED</p> | <p>23 CFR 635.309 All right-of-way (ROW) actions must be in conformance with the</p> | <p>Will submit 5 days prior to expected approval.</p> | <p>Will provide concurrence of acceptability and approve all</p> |

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| | | Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing 49 CFR Part 24 Regulations. | Will ensure that EPG Section 236.3.4.3 and 236.3.7.8 of the EPG are followed to correspond with the Design-Build process. | conditional clearances within 5 days of receipt. |
| +++Modified or New Conceptual Access Justification Report (AJR) +++Modifications or New proposals proposed by the shortlisted teams (if applicable) | REQUIRED | 23 USC 111 Modified or New Conceptual AJR – see the policy on FHWA Missouri website 23 CFR 625 FHWA Policy and Procedures for New or Revised Interstate Access Approval in Missouri | Will follow the process outlined in the AJR Guide and the general steps outlined in the FHWA Missouri website to provide the best results and FHWA Division responses on AJR proposals. Will submit modify AJRs 10 days prior to expected approval. Allow additional time if HQ review is needed. | Will provide concurrence of acceptability, or provide comments within 10 days of receipt. Will provide comments within 40 days of receipt. |
| Proposal Evaluation Process | PoDI SELECTED | FHWA will observe and provide assistance. | Will schedule the meetings and provide dates/times to FHWA. | Will be available on an as-needed basis. |
| Proposal Evaluation Summary Report | PoDI SELECTED | Provided at the Executive Recommendation Committee Meeting | Will schedule the meeting and provide date/time to FHWA. | Will be available on an as-needed basis. |

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| Executive Selection Committee Meeting | PoDI SELECTED | FHWA will observe the Executive Selection Committee Meeting and discussion | Will schedule the meeting and provide date/time to FHWA. | Will be available on an as-needed basis. |
| FHWA Concurrence of Contract Award | REQUIRED | Upon approval from the Commission, and before the award is announced publicly, MoDOT will request in writing that FHWA concur in the final award of the contract to the apparent best-value proposer. | Will submit Approval from the Commission 1 day after Approval. A sample of MoDOT Request for Concurrence in Award Letter can be found in Appendix G. | Will provide approval or comments within 1 day of receipt. A sample of FHWA Concur in Award Letter can be found in Appendix H. |

* If significant issues are noted, additional time may be required. Significant issues may require coordination with the FHWA Headquarters Office and/or any resources to resolve, and may prolong the review period.

+Non-PoDI projects - Design Exception will require FHWA concurrence of acceptability if an AJR is needed. FHWA will provide concurrence of acceptability, or provide comments within 10 days of receipt.

++NEPA Special Circumstances – FHWA and MoDOT will evaluate the NEPA approval process after award on a case-by-case basis.

+++Access Justification Report (AJR) - see the policy on FHWA Missouri website and Appendix C: AJR Guidance in Design-Build projects.

DESIGN AND CONSTRUCTION PHASE

The design and construction phase of the project will include all actions and activities from contract award through project completion. This phase will include design reviews and meetings, design plan reviews, quality assurance plan review/approval, construction inspections, change orders, design exceptions, status/scheduling meetings, etc.

| Activities | | MoDOT/FHWA Responsibilities | | |
|------------|--------------------------|---|----------------------------|----------------------------|
| Activity | REQUIRED / PoDI SELECTED | Description of Actions and Responsibilities | Expected Timeframe (MoDOT) | Expected Timeframe (FHWA)* |

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| <p>+++Final Access Justification Report (AJR)</p> <p>++NEPA Re-Evaluation Approval (if applicable)</p> | <p>REQUIRED</p> | <p>Prepared by best-value proposer during final design - see the policy on FHWA Missouri website.</p> <p>23 USC 111 and 23 CFR 625 FHWA Policy and Procedures for New or Revised Interstate Access Approval in Missouri.</p> <p>23 CFR 771 & 774 Environmental Impact and Related Procedures (NEPA) & SECTION 4(f)</p> | <p>Will follow the process outlined in the AJR Guide and the general steps outlined in the FHWA Missouri website to provide the best results and FHWA Division responses on AJR proposals. Will submit final AJR version 10 days prior to expected approval.</p> <p>Allow additional time if HQ review is needed.</p> | <p>Will provide approval, comments or deny within 10 days of receipt.</p> <p>Will provide comments within 40 days of receipt.</p> |
| <p>Quality Assurance Plan</p> | <p>REQUIRED</p> | <p>The QA program must meet all the requirements of 23 CFR 637.207.</p> <p>FHWA approval of the QA program to be utilized on each project must be received prior to the start of construction.</p> | <p>Will submit 10 days prior to expected approval.</p> | <p>Will provide approval, comments or deny within 10 day of receipt.</p> |
| <p>Design Exceptions+</p> | <p>PoDI SELECTED</p> | <p>Following Award of the Project to the Best Value Proposer, the Contracting Team will finalize the formal Design Exception for Approval in accordance with the MoDOT EPG 131.1.</p> <p>FHWA will review and provide comments or request additional</p> | <p>Will submit 10 days prior to expected approval.</p> | <p>Will provide approval, comments or deny within 10 days of receipt.</p> |

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| | | information, to approve or deny the design exceptions. | | |
| Plans Review | PoDI SELECTED | Plan sets that require FHWA review will be performed concurrent with the MoDOT review, to expedite the review and concurrence/approval process. | Will submit 5 days prior to expected approval. Allow additional time if HQ review is needed. | Will provide comments within 5 days of receipt. |
| Change Orders | PoDI SELECTED | Change orders that require FHWA review will be performed concurrent with the MoDOT review, to expedite the review and approval process. All change orders must be adequately documented, and include an independent MoDOT estimate of costs. | Will submit 10 days prior to expected approval. | Will provide approval, comments or deny within 10 days of receipt. |
| Construction and Focus Areas Inspection Reports | PoDI SELECTED | FHWA will conduct periodic on-site construction inspections of on-going construction operations based on FHWA's risk based oversight program. Inspections will be documented on a standard FHWA inspection report. | MoDOT project staff will be available on an as-needed basis to join FHWA TE during the field review. | Will schedule the field review and provide dates/times to MoDOT. Copies of the FHWA inspection report will be transmitted to MoDOT in accordance with the FHWA/MoDOT Construction & Materials Partnering Agreement. |

* If significant issues are noted, additional time may be required. Significant issues may require coordination with the FHWA Headquarters Office and/or any resources to resolve, and may prolong the review period.

+Non-PoDI projects - Design Exception will require FHWA concurrence of acceptability if an AJR is needed. FHWA will provide concurrence of acceptability, or provide comments within 10 days of receipt.

++NEPA Special Circumstances – FHWA and MoDOT will evaluate the NEPA approval process after award on a case-by-case basis.

+++Access Justification Report (AJR) - see the policy on FHWA Missouri website and Appendix C: AJR Guidance in Design-Build projects.

VI. PoDI Selection Process:

FHWA has developed an internal process for the identification of PoDIs as required and in conformance with FHWA HQ guidance; this internal process will guide the yearly PoDI selection process.

The identification of PoDIs will involve a seven-step process including a risk-based assessment to identify the project's risks, development of the potential PoDIs, short-list of potential projects, project screening, oversight plan development, final PoDI selection, and sharing the PoDI list with MoDOT. The TEs are responsible for identifying the PoDIs and their project specific oversight plans, which incorporates those elements of the project to be reviewed. Each TE will work with the Project Director and Deputy within their respective MoDOT Districts and other MoDOT staff in the development and selection of the PoDIs for each District. The final PoDI selection decision will rest with the Program Implementation Team Leader.

FHWA will provide MoDOT's State Design Engineer, State Construction and Materials Engineer and others a copy of the PoDI Tracker Spreadsheet and Summary tab for inclusion in MoDOT's EPG.

For more information on the PoDI Selection Process see Appendix A.

VII. Ground Rules:

We agree to concentrate efforts in improving our work by following these ground rules:

- We will respect each other by valuing individual opinions and maintaining an open mind to suggestions.
- We will communicate directly with each other by telephone, mail, e-mail and more importantly in face-to-face conversations. After face-to-face conversation(s), all formal requests and/or actions discussed will be followed-up in writing.

- MoDOT Project Director and/or Deputy and FHWA Transportation Engineers will work closely together to add the most value to the project and the overall program.
- We will respond to e-mails and telephone calls within two days unless out of the office during that time.
- We will make every effort to make sure project information has the concurrence of both MoDOT District and Central Office staff.
- We will actively participate in scheduled meetings (i.e. Partnering Meetings, Quality, Materials, Progress Meetings, etc.), add value to the discussion, and refrain from personal agendas. Non-regularly scheduled meeting dates should be determined after management schedules have been considered. Other technical staff will attend as needed to discuss items of mutual interest.
- We will review projects or documents thoroughly on the first submittal. For subsequent submittals, reviews and comments will focus only on the areas commented on previously and will not usually involve a re-review of the original submittal. All changes on subsequent submittals will be clearly identified.
- Most timelines referenced are related to first submittals and are appropriate for a detailed and thorough review. Any subsequent submittals, in response to comments, will have a significantly reduced review time due to all material being a direct response to detailed and specific comments.
- All design and construction submittals will be electronic copies.
- We will revisit and revise this agreement every year and make revisions as necessary.

VIII. Conflict Resolution:

Conflicts are to be resolved at the lowest staff level possible between the FHWA Transportation Engineer and MoDOT Project Director and/or the Deputy Project Director with assistance of the District Engineer and/or MoDOT's Liaison Engineer. After exhausting all possibilities and an agreement cannot be reached, the issue will be elevated in the following manner:

- Elevate the discussion to the MoDOT State Design and/or Construction and Materials Engineers and FHWA Program Implementation Team Leader. We will make every effort to solve the conflict at our level, but no more than 2 weeks after hearing from the parties involved, we will present our cases both verbally and in writing to MoDOT's Chief Engineer and the FHWA Deputy Division Administrator. We will abide by their decision and will share that decision with staff.

- Unresolved issues between MoDOT’s Chief Engineer and the FHWA Deputy Division Administrator will be handled through senior management’s partnering agreement.

IX. Program Assessment:

The objective of FHWA’s risk management process is to establish a consistent approach to identify and prioritize program area risks. Applying the principles of risk makes it possible to identify threats and opportunities; assess and prioritize those threats and opportunities; and determine and prioritize strategies so that we can decide how to address future issues affecting the Federal-aid Highway Programs.

MoDOT Design-Build staff and FHWA agree to coordinated yearly meetings to identify Design-Build Program risk areas for the next performance year.

The Design Program Risk Assessment process identified the following top three risks for PY20 (performance year):

- ADA/Pedestrian Accommodations in Work Zones
- Staffing Levels, Experience, and Knowledge
- Environmental Commitments in PCEs

The Construction & Materials Program Risk Assessment process identified the following top three risks for PY20 (performance year):

- Value Engineering Change Proposal (VECPs)
- Time Extensions & Liquidated Damages (LDs)
- Material Sample Chain of Custody

The Highway Safety and Traffic Program Risk Assessment process identified the following top four risks for PY20 (performance year):

- Fatalities and Serious Injuries on Missouri Roadways
- Implementation of TSMO Strategies
- Workforce Development
- Policy Review and Updates in EPG

MoDOT and FHWA agree to partner together to identify strategies to help mitigate these risks.

X. Communicating with Management:

MoDOT and FHWA staff will keep management informed of their activities and how the partner agreement is working by communicating important or controversial issues to management immediately as they arise. We will use the “no surprise philosophy” by providing management with updates as needed.

Signatures page:



6-16-20

Dave J. Simmons

Date

MoDOT Statewide Alternative Project Delivery Coordinator;
Value Engineering Administrator; & Design Grant Coordinator

James Stevenson

Date

FHWA Program Implementation Team Leader

APPENDIX A

Projects of Division Interest (PoDI) Selection Process

PoDI Selection Process:

FHWA has developed an internal process for the identification of PoDIs as required and in conformance with FHWA HQ guidance; this internal process will guide the yearly PoDI selection process.

The identification of PoDIs will involve a seven-step process including a risk-based assessment to identify the project's risks, development of the potential PoDI projects, short-list of the

potential projects, project screening, oversight plan development, final PoDI selection, and sharing the PoDI list with MoDOT. The TEs are responsible for identifying the PoDIs and their project specific oversight plans, which incorporates those elements of the project to be reviewed. Each TE will work with the Design Liaison within their respective MoDOT Districts and other MoDOT staff in the development and selection of the PoDIs for each District. The final PoDI selection decision will rest with the PI Team Leader.

Risk-based Assessment:

The PI team will meet to evaluate, and assess the last performance year's focused reviews and determine if there are any outstanding risk that were identified from the focused reviews or other program or project observations. Using a risk-based approach the PI team will identify all the preconstruction and construction focused risk reviews for the next performance year.

Development of Potential PoDI Projects:

Each TE will review the preliminary list of all highway construction projects presented in MoDOT's draft STIP and will develop their list of potential PoDIs. The development of the potential PoDIs will consider what phrase or elements will be reviewed and the 10 risk areas of Complexity, Cost, Schedule, Urgency, Environmental & Stakeholders, Funding, Project Administration, Regional Significance, Corporate Actions, and Local Considerations.

Short Listing of Projects:

The TEs will meet with their respective MoDOT Districts to go over the following: 1) the risk areas to be reviewed for the next performance year; 2) go over the list of potential PoDIs developed by the TE and any suggested projects from the District, and 3) identify a suggested short list of projects and the elements to be reviewed.

The TEs will coordinate with other teams and disciplines within the Division along with the respective MoDOT Design and Construction Liaisons in the short-list development process. While there is no limitation on the number of projects that can make the short-list, there are certain project attributes and/or criteria, which need consideration in order to concentrate efforts on areas of concern and/or opportunities to add value.

Project Screening:

After the project short-list, has been developed, the TEs will perform a risk-based assessment of all projects using the Missouri's Risk Screening Tool (MRST). The MRST includes assessments in the 10 risk areas of Complexity, Cost, Schedule, Urgency, Environmental & Stakeholders, Funding, Project Administration, Regional Significance, Corporate Actions, and Local Considerations.

The TEs will evaluate all 10 risk areas for both risk and Division capacity to manage the risk areas. Risks will be assigned a value as Low, Medium, or Elevated, based upon the resulting analysis of each specific risk area. Division capacity will be assigned as Good, Moderate, or Limited, based upon the Division's experience.

Given both the rural and highly urbanized makeup of Missouri's program, some project risk

criteria may be dependent upon the specific district being reviewed. The risk tool will guide the evaluation process:

Urbanized Areas:

Project criteria to be considered as part of the evaluation process in urbanized areas may include items such as project complexity and cost, new or modified access to interstates or major NHS routes, political interest, environmental/NEPA impacts, State/regional significance, and safety and maintenance of traffic considerations.

Rural Areas:

Project criteria in rural areas may include items such as complexity and cost in relation to other projects within the respective district, new or significant modification to interstate access, environmental/NEPA impacts, regional significance in relation to other district projects, complex maintenance of traffic, and the need to maintain FHWA presence in a geographic area.

Projects identified in the STIP as Design Build are not required to be PoDIs, but the TE may want to review certain risk aspects of the Design-Build Process Project. Projects funded under the TIGER / BUILD / INFRA programs will be automatically designated as PoDIs.

Oversight Plan Development:

After the screening, evaluating, and scoring of each potential PoDI on the short list, the TE will develop a project specific oversight plan for those projects they want to move forward with as a PoDI. Based on the risk assessment process the TE will identify those elements or activities they plan to perform on each project. After the proposed PoDI list has been developed, the TE will provide the list to the Division Specialists. The Division Specialist will then determine their level of involvement with the PoDIs and inform the TE of their proposed involvement.

PoDI projects in which the “Core Team” activity is identified, are those projects that if time resources allow, the TE may choose to perform an element or activity to review. These projects will consist of review actions only, unless discussed with the MoDOT Design Liaison and MoDOT HQ staff first.

If the TE needs to modify the current PoDI list, they will notify the specific MoDOT District and appropriate MoDOT HQ staff of the project change a minimum of one month’s notice prior to the change. Only those elements/activities previously designated under the “Core Team” PoDIs will be reviewed as part of the new PoDI unless they have discussed the activity modifications with all affected MoDOT staff and the PI Team Leader in advance. Each TE may choose any number of “Core Team” PoDIs depending on their planned availability.

Final Project Selection:

The PI Team Leader will meet with each TE and discuss their PoDI selections. The PI Team Leader and TE will review and agree upon the final list of projects selected as PoDIs and their proposed focused review elements and activities. The PI Team Leader will check the PoDI spreadsheet for accuracy and consistency to ensure the minimum review requirements are met.

Upon selection of the Final PoDI List, the TEs will enter a project specific PoDI plan for each PoDI into FHWA's PoDI S&O Plan SharePoint site, in accordance with FHWA HQ guidance. The TEs will inform the PI Team Leader when they have entered all project specific PoDI plans into the PoDI S&O Plan SharePoint site. The PI Team Leader will then review and approve the project specific PoDI plans in the SharePoint site.

Provide MoDOT with the PoDI List:

After the Final PoDI selections have been made, and the PoDI Tracker Spreadsheet District Tabs have been reviewed for accuracy and consistency, the PI Team Leader will ensure that the PoDI Tracker Summary Tab is correct. The PI Team Leader will provide MoDOT's State Design Engineer, State Construction Engineer, and others a copy of the PoDI Tracker Spreadsheet and Summary Tab for inclusion in MoDOT's EPG.

Each TE will provide their MoDOT District's with a copy of the PoDI list and discuss the final project selections and focused reviews with them at that time.

APPENDIX B

DESIGN-BUILD PROCESS FLOW CHART

APPENDIX C

AJR GUIDANCE IN DESIGN-BUILD PROJECTS

APPENDIX D

FHWA & MoDOT CONFIDENTIALITY AGREEMENT

APPENDIX E

FHWA APPROVAL OF FINAL REQUEST FOR PROPOSAL LETTER

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SAMPLE OF FHWA CONCUR IN AWARD LETTER