Design-Build Programmatic Process

Alternative Delivery Program

Texas Department of Transportation

Rev. 01
Released: 11/20/2024

Design-Build Programmatic Process

This is a self-directed overview of Design-Build programmatic process used in the development and maintenance of the Programmatic Documents

The object shown below on a slide provides reference to the Section of the Programmatic Documents

Sample

Contract Reference: DBA GC, Section XXX

Training Goals

1. Review the history & purpose of the programmatic documents.
2. Provide an understanding of the programmatic procedural governance documents.
3. Become familiar with the programmatic document change process.

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1 Design-Build Programmatic History

Request for qualifications phase (RFQ)

Request for Qualifications

DBC & CMC Term Sheets

Request for qualifications phase (RFP)

DBC Documents

Design-Build Specifications

CMC Documents

Design-Build Programmatic History

New Programmatic Versions:

- Prepared by ALD at least annually.
- Incorporate all Approved revisions.
- Reviewed by external stakeholders, such as AGC, FHWA, at the discretion of the ALD Director.

Design-Build Programmatic History

Improves design-build contracts and consistency in implementing contracts across the program

- Developed contract templates in collaboration with the construction industry and FHWA
- Incorporates lessons learned

State Auditor's Office Audit

Final Sunset Report

2016 2017 2018 2019 2020 2021 2022 2023 2024

Version 1
Developed contract templates

Version 2
Developed procurement & maintenance contract templates

Provides additional consistency

Version 3
Addressed industry feedback on risk sharing & contract relief terms

Version 4
Further adjusted relief provisions through industry collaboration

Increases industry participation

Version 5
Complex bridge structure requirements

Enhanced safety requirements

Added interview process

Version 6
Complex bridge structure requirements

Enhanced safety requirements

Added interview process

Version 7
Under development

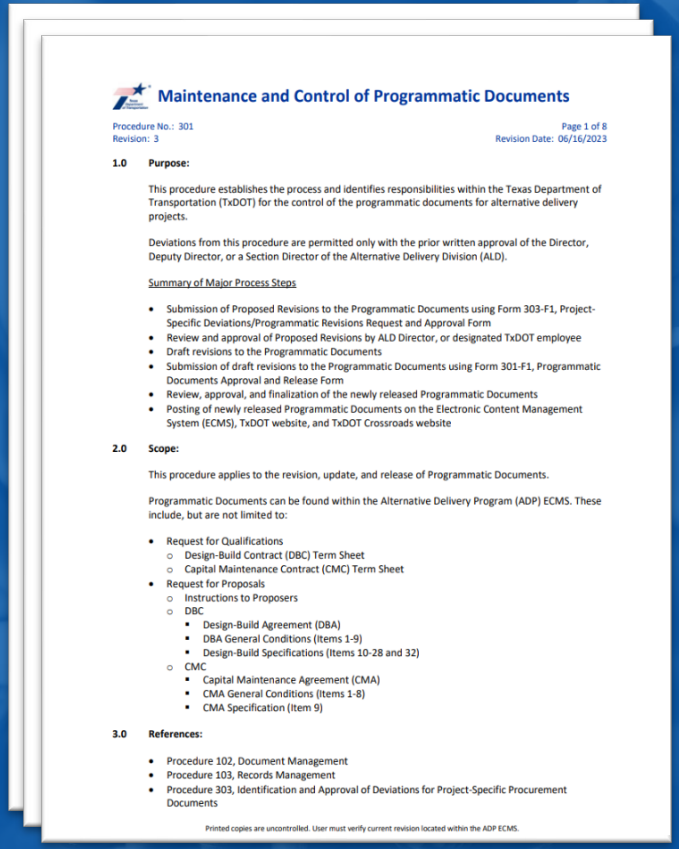
Insurance Requirements

Build America, Buy America

Tangible Net Worth

2 Programmatic Procedural Governance

Maintenance & Control of Programmatic Documents



Maintenance and Control of Programmatic Documents

Procedure No.: 301 Page 1 of 8
Revision: 3 Revision Date: 06/16/2023

1.0 Purpose:

This procedure establishes the process and identifies responsibilities within the Texas Department of Transportation (TxDOT) for the control of the programmatic documents for alternative delivery projects.

Deviations from this procedure are permitted only with the prior written approval of the Director, Deputy Director, or a Section Director of the Alternative Delivery Division (ALD).

Summary of Major Process Steps

- Submission of Proposed Revisions to the Programmatic Documents using Form 303-F1, Project-Specific Deviations/Programmatic Revisions Request and Approval Form
- Review and approval of Proposed Revisions by ALD Director, or designated TxDOT employee
- Draft revisions to the Programmatic Documents
- Submission of draft revisions to the Programmatic Documents using Form 301-F1, Programmatic Documents Approval and Release Form
- Review, approval, and finalization of the newly released Programmatic Documents
- Posting of newly released Programmatic Documents on the Electronic Content Management System (ECMS), TxDOT website, and TxDOT Crossroads website

2.0 Scope:

This procedure applies to the revision, update, and release of Programmatic Documents.

Programmatic Documents can be found within the Alternative Delivery Program (ADP) ECMS. These include, but are not limited to:

- Request for Qualifications
  - Design-Build Contract (DBC) Term Sheet
  - Capital Maintenance Contract (CMC) Term Sheet
- Request for Proposals
  - Instructions to Proposers
  - DBC
    - Design-Build Agreement (DBA)
    - DBA General Conditions (Items 1-9)
    - Design-Build Specifications (Items 10-28 and 32)
  - CMC
    - Capital Maintenance Agreement (CMA)
    - CMA General Conditions (Items 1-8)
    - CMA Specification (Item 9)

3.0 References:

- Procedure 102, Document Management
- Procedure 103, Records Management
- Procedure 303, Identification and Approval of Deviations for Project-Specific Procurement Documents

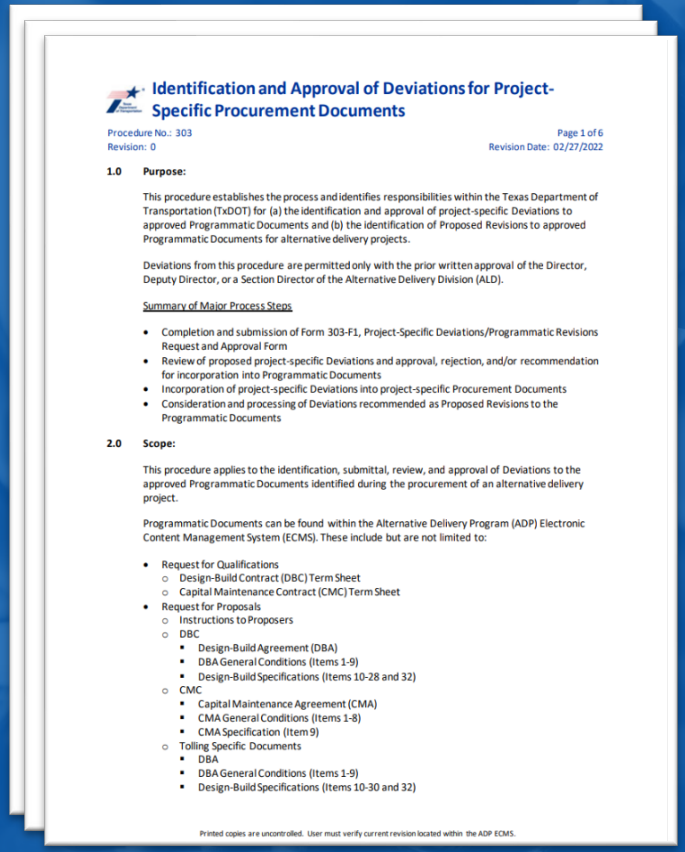
Printed copies are uncontrolled. User must verify current revision located within the ADP ECMS.

Programmatic Procedure - 301

- Review and approval of Revisions to Programmatic Documents:
  - Preparation and submittal of Revisions
  - Review and approval of Revisions
  - ALD Director Approval
- Release of a new version of Programmatic Documents.

QRG: Revisions and Updates to Programmatic Documents

Identification & Approval of Deviations for Project Specific Procurement Documents



Identification and Approval of Deviations for Project-Specific Procurement Documents

Procedure No.: 303 — Page 1 of 6
Revision: 0 — Revision Date: 02/27/2022

1.0 Purpose:

This procedure establishes the process and identifies responsibilities within the Texas Department of Transportation (TxDOT) for (a) the identification and approval of project-specific Deviations to approved Programmatic Documents and (b) the identification of Proposed Revisions to approved Programmatic Documents for alternative delivery projects.

Deviations from this procedure are permitted only with the prior written approval of the Director, Deputy Director, or a Section Director of the Alternative Delivery Division (ALD).

Summary of Major Process Steps

- Completion and submission of Form 303-F1, Project-Specific Deviations/Programmatic Revisions Request and Approval Form
- Review of proposed project-specific Deviations and approval, rejection, and/or recommendation for incorporation into Programmatic Documents
- Incorporation of project-specific Deviations into project-specific Procurement Documents
- Consideration and processing of Deviations recommended as Proposed Revisions to the Programmatic Documents

2.0 Scope:

This procedure applies to the identification, submittal, review, and approval of Deviations to the approved Programmatic Documents identified during the procurement of an alternative delivery project.

Programmatic Documents can be found within the Alternative Delivery Program (ADP) Electronic Content Management System (ECMS). These include but are not limited to:

- Request for Qualifications
  - Design-Build Contract (DBC) Term Sheet
  - Capital Maintenance Contract (CMC) Term Sheet
- Request for Proposals
  - Instructions to Proposers
  - DBC
    - Design-Build Agreement (DBA)
    - DBA General Conditions (Items 1-9)
    - Design-Build Specifications (Items 10-28 and 32)
  - CMC
    - Capital Maintenance Agreement (CMA)
    - CMA General Conditions (Items 1-8)
    - CMA Specification (Item 9)
  - Tolling Specific Documents
    - DBA
    - DBA General Conditions (Items 1-9)
    - Design-Build Specifications (Items 10-30 and 32)

Printed copies are uncontrolled. User must verify current revision located within the ADP ECMS.

Programmatic Procedure - 303

- Review and approval of Proposed Deviations and Revisions
  - Incorporation and processing of Deviations into Project-specific Procurement Documents
  - Incorporation and processing of Revisions into Programmatic Documents
- Form 303-F1: Project-Specific Deviations /Programmatic Revisions Request and Approval Form

QRG: Deviations and Revisions to Procurement and Programmatic Documents

3 Deviations and Discretionary Changes

Deviations vs Discretionary Changes

During the procurement phase, the working group reviews each programmatic template.

- Proposed **Deviations** must be captured on the 303-F1 form.
- **Discretionary Changes** are changes made as needed.

Deviations

Any change to text that **is not** in brackets or italicized:

- These ARE deviations.
- These require a Form 303-F1.
- These must follow the Deviation process.

Discretionary Changes

Any change to text that **is** in brackets or italicized:

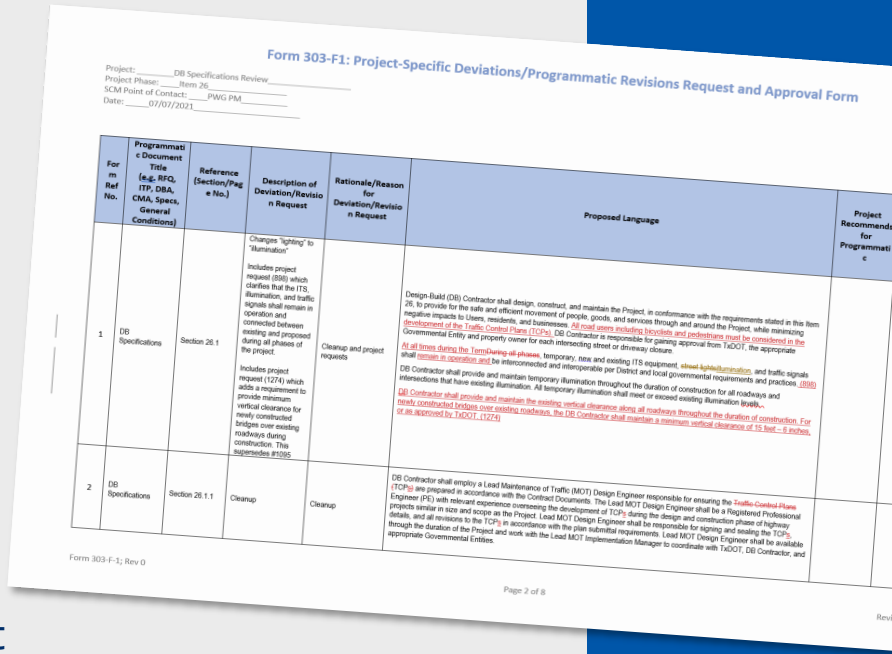
- These **ARE NOT** deviations.
- The Procurement PM can update these in the development of the Procurement Documents.
- They are not subject to Deviation process.
- These do not require a Form 303-F1.

4 Form 303-F1

Submission of Deviations and Revisions using Form 303-F1

Form 303-F1 is the official form used to track and submit "Project-specific" Deviations and Proposed Revisions

- Submitted two weeks prior to release of Procurement Documents.
- Procurement Project Manager submits Project-specific Deviations.
- Submitted to the ALD Division Director and the Pre-Procurement & Procurement Section Director.



Form 303-F1: Project-Specific Deviations/Programmatic Revisions Request and Approval Form

Project: _____DB Specifications Review_____
Project Phase: _____Item 26_____
SCM Point of Contact: _____PWG PM_____
Date: _____07/07/2021_____

Form Ref No.	Programmatic Document Title (e.g., RFQ, ITP, DBA, CMA, Specs, General Conditions)	Reference (Section/Page No.)	Description of Deviation/Revision Request	Rationale/Reason for Deviation/Revision Request	Proposed Language	Project Recommended for Programmatic
1	DB Specifications	Section 26.1	Changes "lighting" to "illumination" Includes project request (898) which clarifies that the ITS, illumination, and traffic signals shall remain in operation and connected between existing and proposed during all phases of the project. Includes project request (1274) which adds a requirement to provide minimum vertical clearance for newly constructed bridges over existing roadways during construction. This supersedes #1095	Cleanup and project requests	Design-Build (DB) Contractor shall design, construct, and maintain the Project, in conformance with the requirements stated in this Item 26, to provide for the safe and efficient movement of people, goods, and services through and around the Project, while minimizing negative impacts to Users, residents, and businesses. All road users including bicyclists and pedestrians must be considered in the development of the Traffic Control Plans (TCPs). DB Contractor is responsible for gaining approval from TxDOT, the appropriate Governmental Entity and property owner for each intersecting street or driveway closure. At all times during the TermDuring all phases, temporary, new and existing ITS equipment, street lightsillumination, and traffic signals shall remain in operation and be interconnected and interoperable per District and local governmental requirements and practices. (898) DB Contractor shall provide and maintain temporary illumination throughout the duration of construction for all roadways and intersections that have existing illumination. All temporary illumination shall meet or exceed existing illumination levels... DB Contractor shall provide and maintain the existing vertical clearance along all roadways throughout the duration of construction. For newly constructed bridges over existing roadways, the DB Contractor shall maintain a minimum vertical clearance of 15 feet – 6 inches, or as approved by TxDOT. (1274)	
2	DB Specifications	Section 26.1.1	Cleanup	Cleanup	DB Contractor shall employ a Lead Maintenance of Traffic (MOT) Design Engineer responsible for ensuring the Traffic Control Plans (TCPs) are prepared in accordance with the Contract Documents. The Lead MOT Design Engineer shall be a Registered Professional Engineer (PE) with relevant experience overseeing the development of TCPs during the design and construction phase of highway projects similar in size and scope as the Project. Lead MOT Design Engineer shall be responsible for signing and sealing the TCPs details, and all revisions to the TCPs in accordance with the plan submittal requirements. Lead MOT Design Engineer shall be available through the duration of the Project and work with the Lead MOT Implementation Manager to coordinate with TxDOT, DB Contractor, and appropriate Governmental Entities.	

Form 303-F-1; Rev 0

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							Yes	No	
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Form 303-F1

Not all project-specific Deviations get referred to Programmatic as Proposed Revisions.

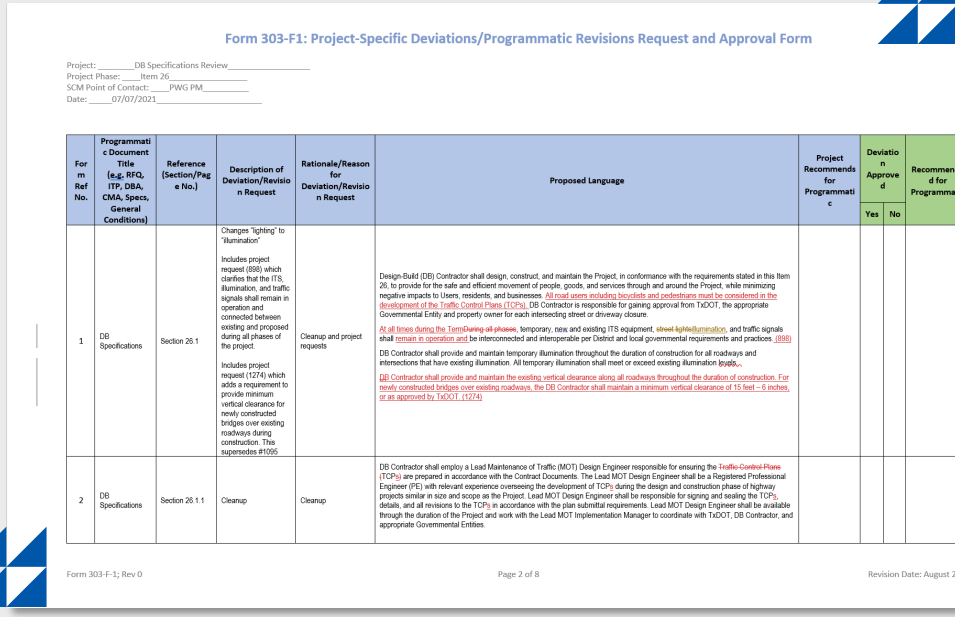
- Identify the Programmatic Document being modified.
- Identify the section or page number.
- Provide a short description of what is being requested.
- Statement of problem being addressed.
- Copy and paste the proposed language (showing edits to the existing language)

Form Ref No.	Programmatic Document Title (e.g., RFQ, ITP, DBA, CMA, Specs, General Conditions)	Reference (Section/Page No.)	Description of Deviation/Revision Request	Rationale/Reason for Deviation/Revision Request	Proposed Language	Project Recommends for Programmatic	Not Approved
1							

5 Review and Approval of Revisions

Submission of Proposed Revisions using Form 303-F1

- Sources for proposed revisions:
  - TxDOT Leadership
  - General Counsels Division (GCD)
  - Procurement Projects
  - ALD Staff
  - TxDOT Divisions and Districts
  - Lessons Learned



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Form 303-F-1; Rev 0 Page 2 of 8 Revision Date: August 2

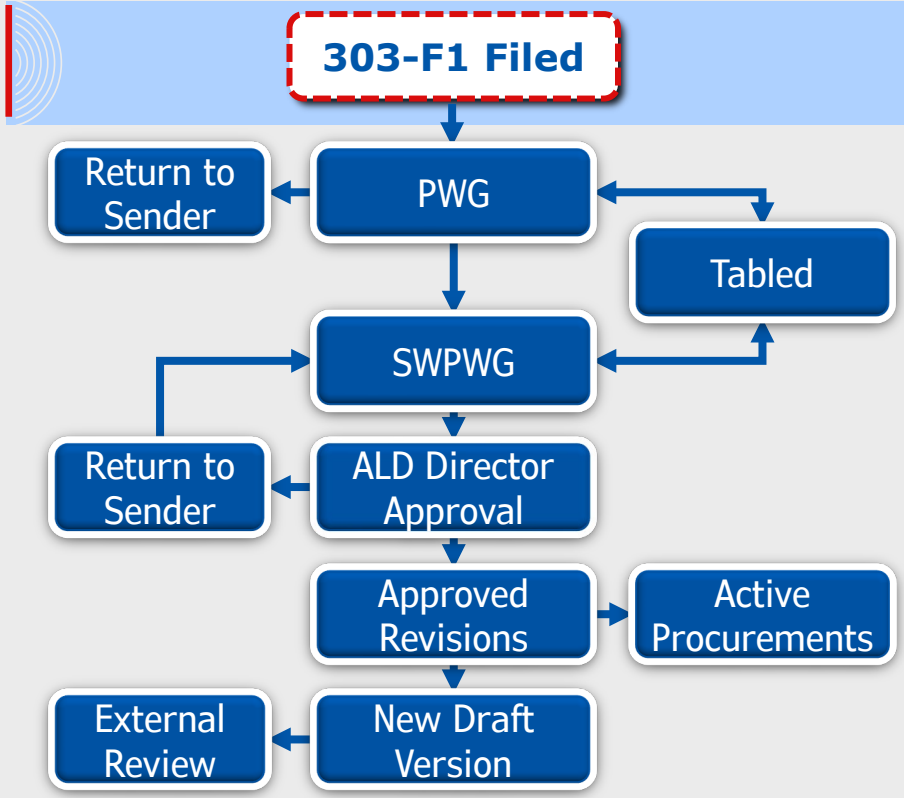
303-F1 forms are submitted to altdeliveryprogram@txdot.gov and managed by the programmatic core team.

Review and Approval of Proposed Revisions

After a Form 303-F1 is submitted, the Core Team:

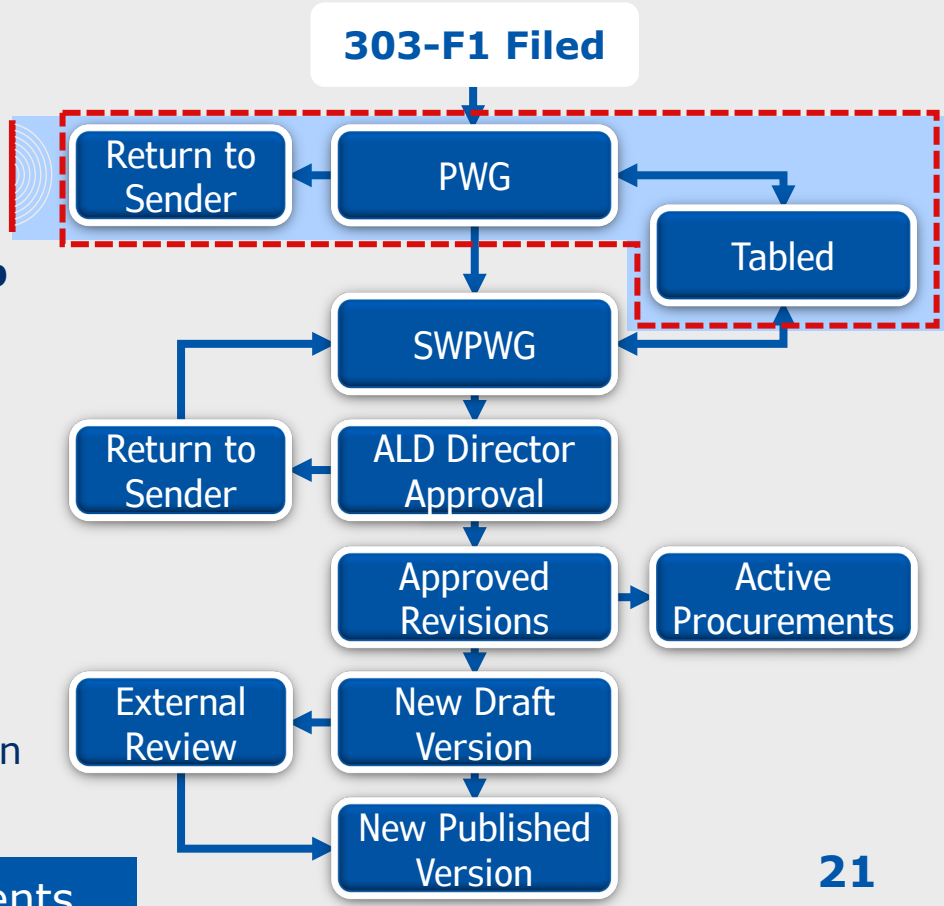
- Reviews for completeness.
- Populates the Programmatic Database:
  - Assigns a unique Record ID
  - Assigns a classification/status**

****Classification/status categories include: Suspended, Ready for PWG, Superseded**



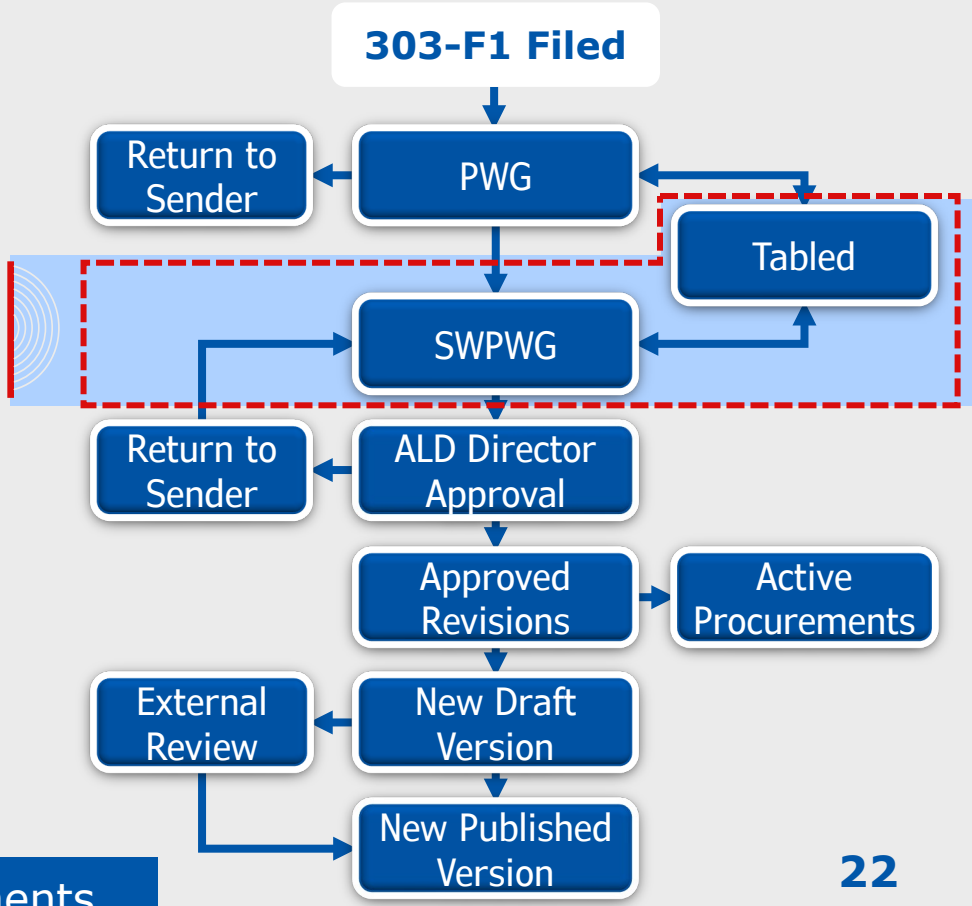
Review and Approval of Proposed Revisions

- Once Proposed Revisions are ready, they go before the **Programmatic Working Group (PWG).**
- The PWG reviews each record and determines if it is:
  - Approved: Recommended for inclusion into Programmatic Documents for immediate incorporation into Procurement Projects
  - Tabled: To be re-reviewed at a future meeting once more information has been obtained
  - Rejected



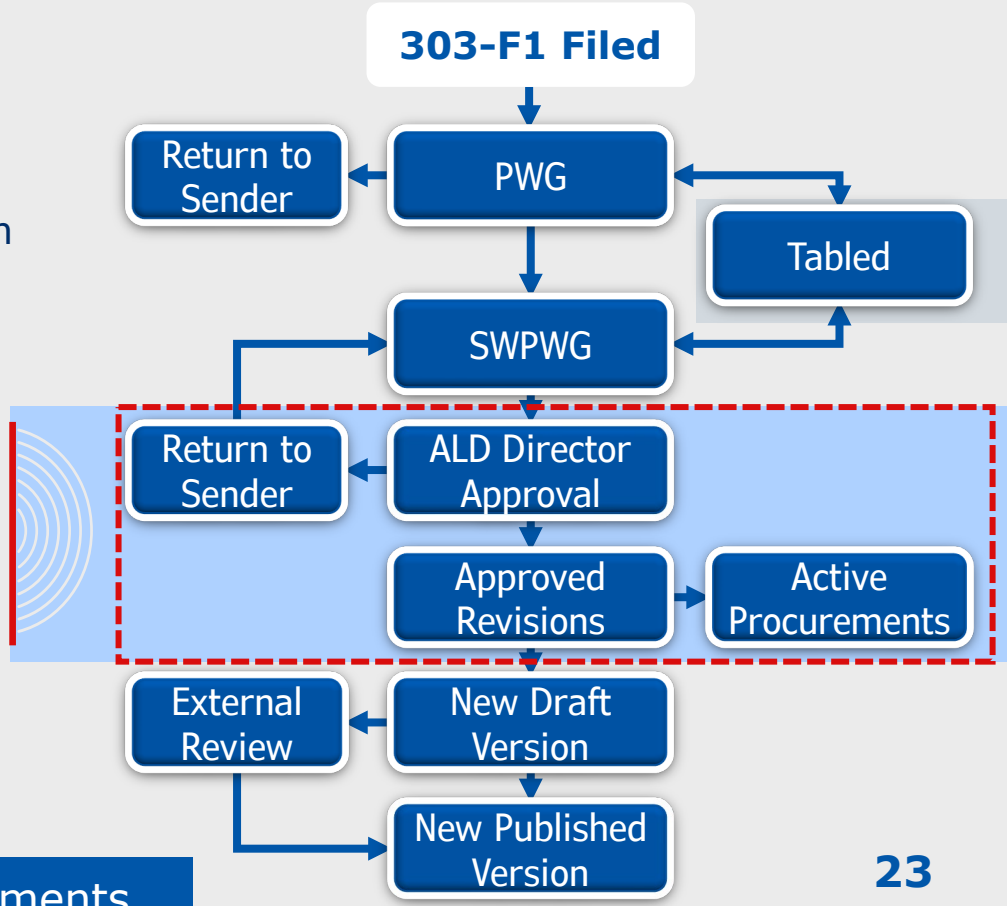
Review and Approval of Proposed Revisions

- All Proposed Revisions Approved in the PWG will then go before the **Statewide PWG (SWPWG).**
- The SWPWG will then also review each record and determine if it is Approved, Tabled, or Rejected.
- Approved revisions are incorporated into ongoing Procurement Documents only after approval by SWPWG and the ALD Division Director.



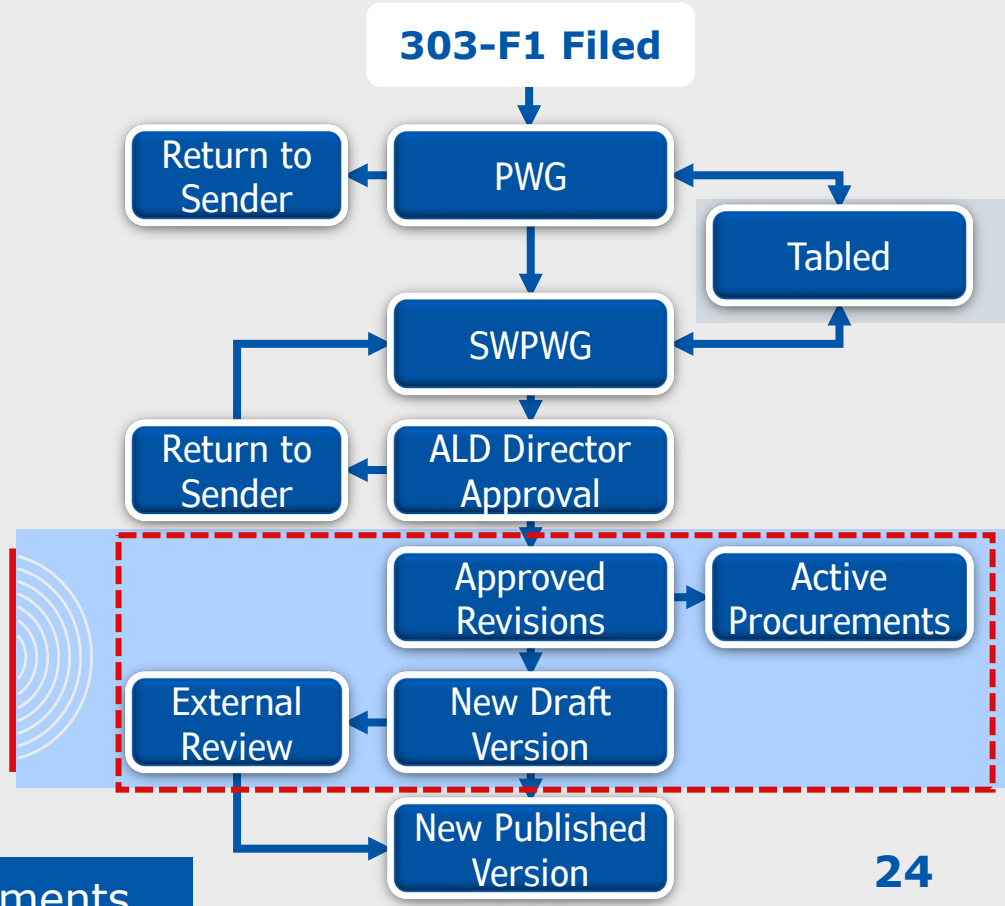
Review and Approval of Proposed Revisions

- All Approved Proposed Revisions are then reviewed by the ALD Division Director.
- All Approved Revisions will then be classified as:
  - Approved – incorporated into active procurements
  - Returned – further discussion required



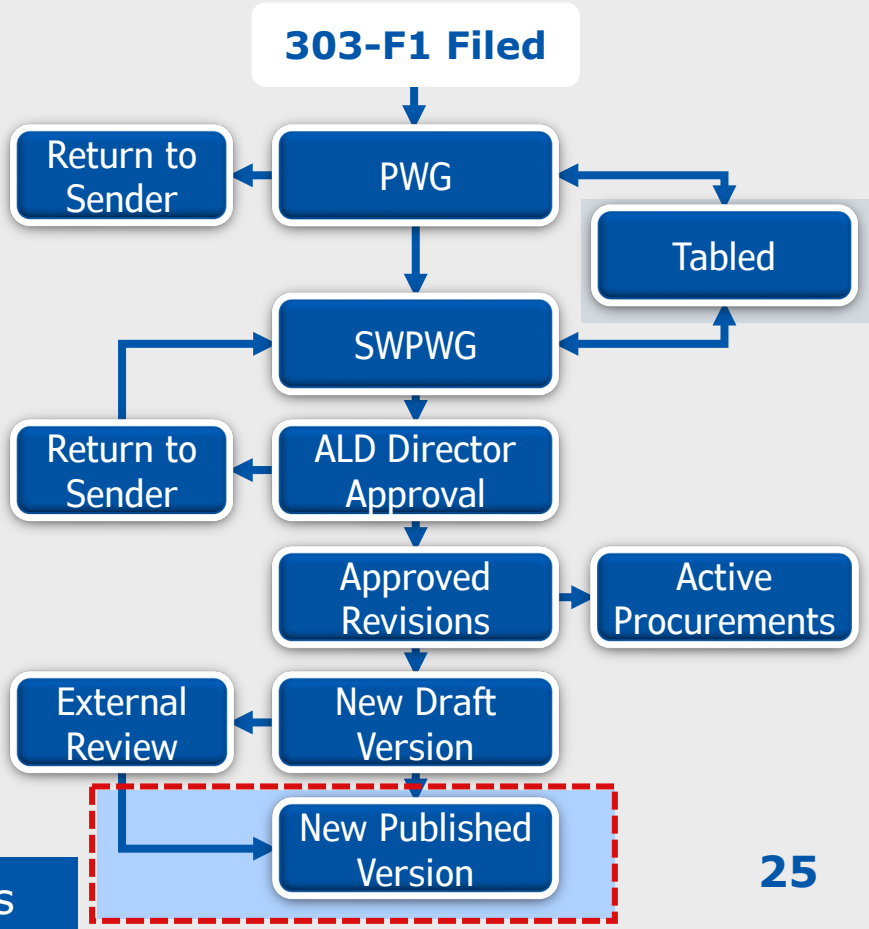
Review and Approval of Proposed Revisions

- All Approved Revisions are then incorporated in a draft version of the programmatic documents.
- The draft version is distributed for external review:
  - FHWA – review/comment/resolve
  - AGC – review/comment/resolve



Review and Approval of Proposed Revisions

- Once all external comments have been resolved, the ALD Director approves the final revisions, and a New Version is approved and published.



6 Review and Approval of Deviations

Review and Approval of Proposed Deviations

- All procurements must use the current version of the programmatic documents as their baseline documents.
  - Supplemented by interim Revisions approved in writing by the ALD Director.
- All proposed deviations must be recorded on a 303-F1 form.
- All proposed deviations are reviewed/approved
  - Procurement working group (ALD & District)
  - ALD Pre-procurement Procurement Section Director
  - Proposed deviations may be recommended as a programmatic revision (follows programmatic process)
- Approved deviations are incorporated into the procurement documents.

1. **Baseline Current Programmatic Version**
2. **303-F1 Proposed Deviations**
3. **Deviation review and approval**
4. **Approved deviations incorporated**

QRG: Deviations to Procurement Documents

6 Resources

Resources

Resources – Alternative Delivery Projects

- Programmatic Procedure 301
- QRG: Revisions and Updates to Programmatic Documents
- Programmatic Procedure 303
- QRG: Project-Specific Changes to Procurement Documents
- Programmatic Form 303-F1

Questions & Discussion

TxDOT Website:
(https://www.txdot.gov/business/road-bridge-maintenance/alternative-delivery/resources.html)

Texas Department of Transportation

Connecting you with Texas.

HELP

#EndTheStreakTX

End the streak of daily deaths on Texas roadways.

TxDOT.gov (Keyword: #EndTheStreakTX)

#EndTheStreakTX Toolkit