

**Montana Transportation Commission
Minutes
October 3, 2022**

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The Montana Transportation Commission met via Zoom on October 3rd the meeting was called to order by Commissioner Frazier at 3:00 p.m. with the following participants:

- Tammi Fisher, Commissioner (District 1)
- Shane Sanders, Commissioner (District 2)
- Loran Frazier, Commissioner (District 3)
- Noel Sansaver, Commissioner (District 4)
- Scott Aspenlieder, Commissioner (District 5)
- Chris Nygren, MDT
- Val Wilson, MDT
- Jake Goettle, MDT
- Lori Ryan, MDT
- Ryan Dahlke, MDT
- Paul Johnson, MDT
- Meghan Strahan, MDT
- Kelly Williams, MDT
- Tammy Ross, MDT
- Miki Lloyd, MDT
- Lucia Olivera, FHWA

Awards: Jake Goettle presented information regarding the staff recommendations for the following projects:

September 8, 2022 – Letting

Call No	Project Number	UPN	Project Description	Working Days	District	Bid Amount	Contractor
201	NH-MT 5-2(172)47, TA 24(61)	1744019, 9460000	RONAN - NORTH, ROUND BUTTE ROAD PATH - RONAN	260 WORKING DAYS	Missoula	\$16,947,568.30	RIVERSIDE CONTRACTING, INC. Missoula, MT
202	NH 56(101)	4199008	BBP - RR O'PASS TO YELLOWSTONE R	COMPLETION DATE	Billings	\$6,344,399.95	KNIFE RIVER CORPORATION – BLGS Billings, MT
204	NH 1-6(142)384	9952000	HAVRE - EAST	60 WORKING DAYS	Great Falls	\$5,057,503.87	SHELLINGER CONSTRUCTION CO., INC. Columbia Falls, MT
205	NHPB 113-1(4)2	9913000	MONTANA AVE OVERPASS - BILLINGS	COMPLETION DATE	Billings	\$888,888.00	THE TRUESDELL CORPORATION Tempe, AZ

Six (6) projects were advertised and a total of eleven (11) bids were received. Staff recommends awarding projects 201, 202, 204, and 205 to the responsive low bidders. Projects 203, Glendive District Bridge Pres and 206, MBTA Kalispell Area received no bids and will be readvertised at a later date.

Commissioner Sansaver moved to approve the award of projects 201, 202, 204, and 205 to the responsive low bidders, Commissioner Aspenlieder seconded the motion, all Commissioners voted aye.

2. Proposed Design Build Stipend Justification and Scoring Criteria:
Circle-Terry ADA Upgrades, CM STWD(881), UPN 1020300, Work Type BKPD – Bike and Pedestrian

Background

MDT published an updated Americans with Disabilities Act (ADA) Transition Plan in 2021 which identifies barriers in the public right of way and outlines opportunities to provide improved access and connectivity for all users in Montana. The Congestion Mitigation and Air Quality Improvement (CMAQ) program has been utilized as an eligible funding source for addressing non-compliant facilities on Montana's owned and maintained routes.

To address barrier removal across the state of Montana, MDT currently rotates ADA Upgrade projects across the 5 Districts. The Glendive District (District 4) has CMAQ funding obligated for the 2023 Fiscal Year. MDT staff from the Glendive District, Planning, Civil Rights, and Alternative Contracting evaluated 10 locations in the Glendive District. Out of the 10 locations, Circle and Terry had the largest need for upgraded facilities that fit within the project budget of \$2,500,000. The Circle-Terry ADA Upgrades project will address non-compliant ramps, approaches, and sections of midblock sidewalk on three corridors within these two communities.

A Project Delivery Selection Process (PDSP) was completed and approved by the Commission on April 21, 2022, for the use of Design-Build delivery to deliver this project.

Stipend Justification

In accordance with MCA 60-2-137 (5), the Commission has the authority to determine the stipend amount paid to unsuccessful Firms as partial compensation for costs incurred in proposing on the projects. The stipend is intended to promote competition in the procurement process, help offset the cost to prepare and submit proposals for prospective design-builders and ensure that smaller companies are not put at a competitive disadvantage. Stipends are awarded to the short-listed, unsuccessful, responsive design-builders after project award. Implementation of a stipend is also considered a best practice by the Design-Build Institute of America (DBIA).

The process of calculating the stipend amount involves MDT staff performing an independent estimate of the projected effort to prepare the Statements of Qualifications, Technical Proposal, and Bid Price Proposal. As noted in the CFR, the assigned stipend amount is generally a third to a half of the teams' estimated pursuit costs. For the subject projects, staff has estimated that the design-builders' proposal effort will be approximately 600 hours which equates to a total cost of about \$70,000 to \$80,000. Attached is the detailed estimate of the hours and probable costs for an entity to pursue the subject projects.

Selection Criteria

In accordance with MCA 60-2-137(1), the Commission has the authority to determine the selection criteria for the solicitation prior to advertisement of the Request for Qualifications. MDT's Design-Build Guidelines outline the Department's policy for awarding Design-Build contracts under an adjusted score best value selection method. The Department's procedures include an emphasis on the technical qualifications and proposed design of the Design-Builders as the foundation of the selection process. This approach helps to ensure the quality of the project and provides the greatest benefit to the taxpayer. The Design-Build Institute of America position statement on the topic of Best-Value Selection notes that "prioritizing technical, design, management, past performance and other non-cost/price qualitative factors maximizes the likelihood of project success." The subject project is low in design and construction complexity as noted in the previously approved Project Delivery Selection Process (PDSP). While being consistent with best practices and past MDT Design-Build selection efforts, the Department is suggesting a 60/40 scoring split, wherein the technical merits of the proposal submittals are emphasized over project costs.

Recommendations

Based on the above information, MDT recommends the following:

1. ***A stipend amount of \$35,000 for the Circle-Terry ADA Upgrades project be implemented for the procurement processes.***

- 2. In accordance with MDT's Design-Build procedures, the selection process will be weighted as follows: technical proposal/design at 60%, and the bid price at 40% of the total possible best value score.**

Commissioner Sansaver moved to approve the staff recommendation and stipend to the responsive bidder, Commissioner Sanders seconded the motion, all Commissioners voted aye.