

Memorandum

To: e-Distribution

From: Jake Goettle, Construction Engineer
Ryan Dahlke, Preconstruction Engineer

Date: May 10, 2023

Subject: Alternative Project Delivery, Decision Process

The focus of this memorandum is to summarize a proposed process to expedite the decision-making process associated with Alternative Delivery projects. On April 17, 2023, the following decision process was reviewed and approved by an executive committee comprised of:

- Dustin Rouse
- Rob Stapley
- Ryan Dahlke
- Tom Martin
- Andy Cullison

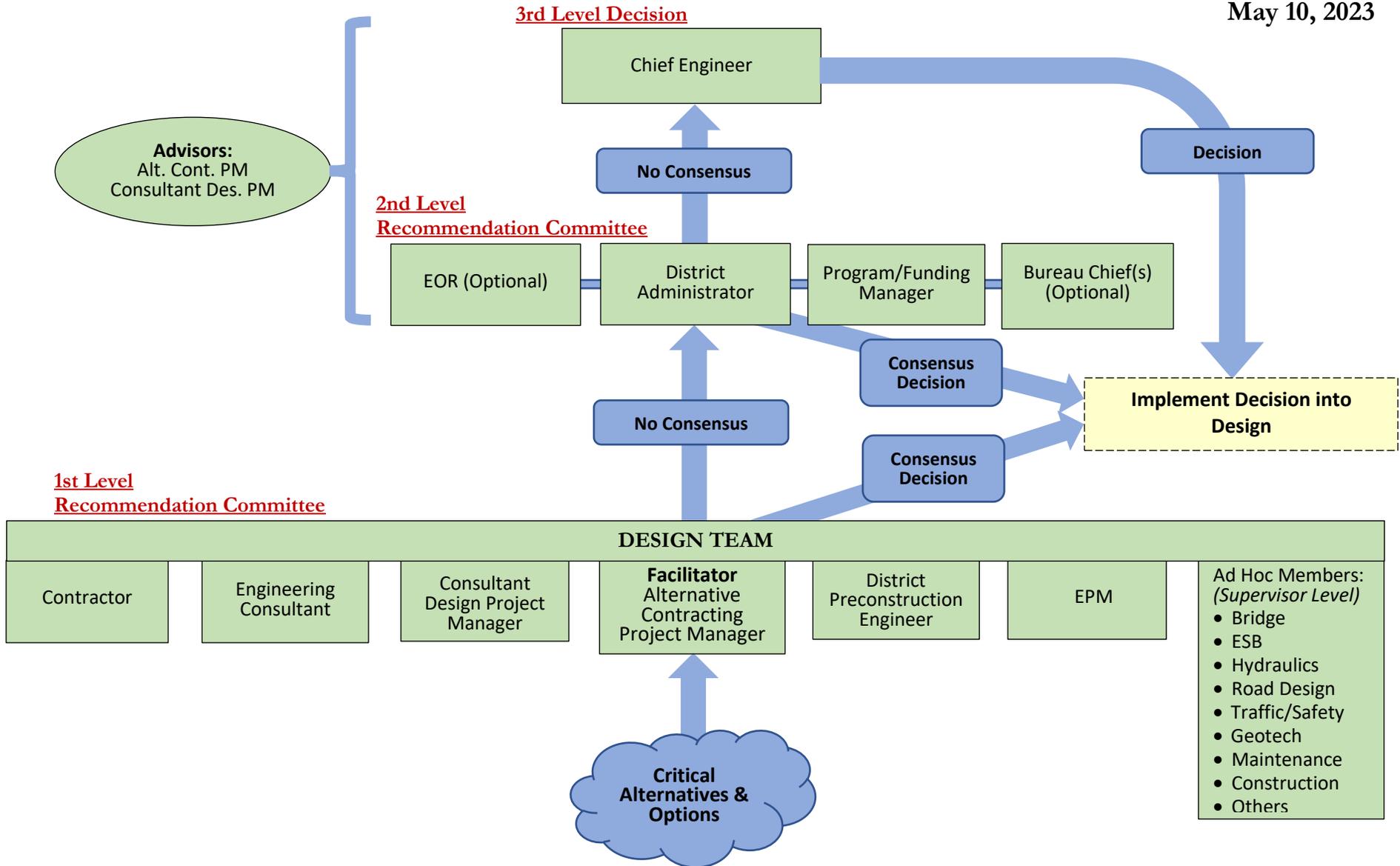
It was concluded that the expedited schedule associated with alternative contracting projects requires efficient design decision making. There are situations wherein the design team for Design-Build, Construction Manager/General Contractor, and Progressive Design-Build are unable reach a consensus related to certain features on the project, e.g., safety, wildlife connectivity, hydraulics, etc. Recent project issues dictated that MDT implement a formalized decision-making process.

The design team should try to agree on the best solution before it is elevated to this decision process. The decision process should only be used for major design-related issues; Less critical design decisions should be made during design development coordination venues.

ALTERNATIVE CONTRACTING - DECISION MAKING PROCESS FLOWCHART

APPLIES TO DESIGN-BUILD PHASE 1 ANALYSIS, PROGRESSIVE DESIGN-BUILD AND CONSTRUCTION MANAGER/GENERAL CONTRACTOR PROJECT DELIVERY

May 10, 2023



THE DECISION PROCESS

The 1st Level of Decision Making will discuss design options and alternatives. If all team members in the 1st level are all in agreement with a decision, this group will integrate the design decision into the project. If consensus is not reached, the Alternative Contracting Project Manager (AC PM) and Consultant Design PM (on CM/GC projects) will advise the 2nd Level committee.

The 2nd Level of Decision Making will receive input/recommendations from the Recommendation Committee in 1st Level. This Committee has authority to approve the design recommendations or request further information. If this 2nd Level Committee cannot reach consensus with the recommended design, the issue will be elevated to the 3rd Level for a final decision.

The 3rd Level of Decision Making will receive input/recommendations from the 1st and 2nd Level and make a final decision. The 3rd Level should be utilized as little as possible.

PROCESS AUTHORITY AND FORMAT

For alternative delivery projects, the Alternative Contracting Section manager has authority to manage the implementation of the decision process. The duties and responsibility of the AC PM are listed as follows:

- Determine if the issue/design decision is appropriate for this process. Note that the process will be used sparingly and is not intended for all design development items,
- Set time and location to facilitate a focused discussion and consensus gathering effort,
- Facilitate and manage group discussions,
- With input from the group, establish decision milestones and deadlines,
- Assist to establish decision metrics, e.g., decision matrix considering env. compliance, safety, maintenance, cost, etc.,
- Consider when to bring in subject matter experts not already included in the 1st Level Recommendation Committee,
- If consensus is not reached, formally elevate the issue to the 2nd level reviewers,
- Provide a verbal and/or written summary of the issue and background on why consensus was not reached and present it to the next level in the decision-making flowchart. It is important that the summary of the issue and background is fully captured and explained by any member of the lower level, so no pertinent information is excluded.

The format of the decision-making process will follow a systematic approach as illustrated below:

1st Level Recommendation Committee

- A meeting time and location will be scheduled wherein all members of the 1st Level Committee members must attend. It is critical that full attendance is confirmed. If a member is unable to attend, it is recommended they appoint a proxy with decision-making authority on their behalf.

- Prior to the meeting, the appropriate FMs will provide to the AC PM their recommendation including supporting data. Ideally, the recommendation data will be compiled and made available to the Committee before the meeting. The information will be forwarded to committee members for review,
- In the meeting, the FMs bringing the recommendation will state their case, respond to questions, and provide their argument for implementation of their recommended design concept,
- The AC PM and Consultant Design PM will work with the group to determine if additional information or follow up is required to decide if the support data is adequate,
- The meeting participants will consider the information and explanation and state their approval or rejection of the design concept.
- If consensus is reached, the preferred solution will be documented and will become the design approach. Note that in this instance, the committee members are not allowed to revisit the issue or change their position,
- If consensus is not immediately reached, the AC PM will encourage continued dialog until the arguments are fully vetted. Unless a follow up meeting is deemed necessary, the AC PM will determine if the group is at an impasse and will elevate the issue to the 2nd Level Recommendation Committee

2nd Level Recommendation Committee

- Attendees at this level include the funding manager and the district administrator. The appropriate bureau chiefs (one or more) directly impacted by the specific design decision will be included in the group.
- If the specific design decision is engineering-related, the Engineer of Record (the individual(s) stamping and signing the plans) must be included in this group as a full (voting) member.
- The AC PM and Consultant Design PM will summarize the issues and report why consensus could not be reached at the 1st Level Committee.
- The 2nd level Committee will discuss the issue and decide what design solution is appropriate.
- If consensus is reached, this committee will document the decision and direct the AC PM to advise the design team of the outcome.
- If consensus is not reached at this level, the issue will be elevated to the Chief Engineer for a final decision.

3rd Level Recommendation Decision

- The AC PM and Consultant Design PM will present the issue and previous efforts to the Chief Engineer.
- The Chief Engineer may request additional information. The Chief Engineer has the discretion to send the issue back to the 1st and 2nd level Committees for further discussion,
- The Chief Engineer will make a final decision and direct the Design Team to implement the appropriate solution.