

Finding of Public Interest for the Use of Design-Build Contracting Method
U.S. Route 29 Bypass, Albemarle County
UPC: 16160

The Virginia Department of Transportation (VDOT) has a need to improve the traffic operations along the U.S. Route 29 corridor in Albemarle County and in the City of Charlottesville. The total length of the proposed improvements is approximately six and one-half miles and includes a new four lane limited access highway and two new interchanges. VDOT has determined that the use of Design-Build contracting will expedite delivery and provide an opportunity for timely obligation of available funding.

Employing the Design-Build contracting method satisfies the following transportation needs:

Expedited Project Completion: U.S. Route 29 carries approximately 56,000 vehicles per day just north of the Charlottesville city limits. U.S. Route 29 is a principal arterial route that serves not only the local Charlottesville-Albemarle County area, but is regional north-south transportation corridor. The road is part of the National Highway System and currently experiences congestion during peak hours that causes vehicles to block intersections and queue across major intersections. In addition, there are at least thirteen traffic signals along the segment to be circumvented which delay vehicles travelling through the area. VDOT has determined that the Design-Build contracting method will optimize the use of available funds and enable earlier project completion and, therefore, is in the public interest.

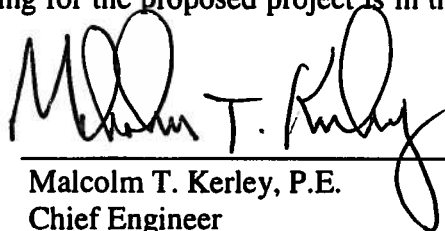
The proposed schedule is as follows:

- Issue Request for Proposals: Fall 2011
- Execute Contract: Winter/Spring 2012
- Complete Project: Fall/Winter 2015

VDOT has a clear understanding of the project scope of work. Anticipated risks include geotechnical data, re-evaluation of FSEIS, traffic data updates, ongoing right of way acquisition and utility relocations. These risks will either be mitigated or allocated to VDOT or the design-builder in the RFP.

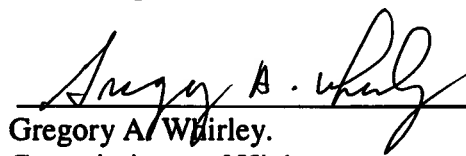
Based on review of this public interest finding and the objective criteria previously adopted by the Commonwealth Transportation Board regarding the use of design-build contracts, I find that use of design-build contracting for the proposed project is in the best interest of the Commonwealth of Virginia.

Recommended for Approval:


Malcolm T. Kerley, P.E.
Chief Engineer

8/8/11
Date

Approval:


Gregory A. Whirley
Commissioner of Highways

8/10/11
Date



**U.S. Route 29 Bypass
Albemarle County, Virginia
Risk Outline**

Railroad Impacts	The project includes replacing a bridge for CSX Railroad that carries rail traffic over U.S. Route 250.
Right of Way	Remaining Right of Way for the project will be identified and acquired by both VDOT and the Design Build firm as specified in the contract
NEPA Process	A Final Supplemental EIS for the project was approved by FHWA on May 29, 2003 and will require a re-evaluation
District Support	The Culpeper District Administrator supports advancing this project as a design-build procurement. The assigned District Project Manager is Hal Jones
Why Design-Build?	To expedite project delivery through obligation of available funds
Coordinated with Chief Engineer's Directorate	Culpeper District Project Manager to coordinate with Location & Design Division and Structures & Bridge Divisions for support of this project.



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MEMORANDUM

TO: Jeffrey A. Roby, P.E.
Design-Build Program Manager
VDOT Alternate Project Delivery Office

FROM: Jeffrey R. Allen
Assistant Attorney General 

DATE: August 5, 2011

SUBJECT: Legal Review of Finding of Public Interest (FOPI) required by § 33.1-12 (2) (b)
of the Code of Virginia

At your request I have reviewed your proposed Finding of Public Interest for the Use of the Design-Build Contracting method to accelerate the design and construction of the U.S. Route 29 Bypass in Albemarle County, Virginia. Benefits of the project include reducing traffic congestion on the existing Route 29 Seminole Trail thoroughfare and the elimination numerous traffic signal intersections along the same traffic corridor that is presently served by the existing Route 29 Seminole Trail highway. VDOT's rationale for using the design build contracting method include expedited project completion of this critical transportation improvement and the timely obligation of available funding.

§33.1-12 (2) (b) of the Code of Virginia provides that VDOT Design Build construction projects may be awarded after a written determination is made by the Commonwealth Transportation Commissioner, pursuant to objective criteria previously adopted by the CTB regarding the use of design-build procurement methods, that delivery of the projects must be expedited and that it is not in the public interest to comply with the design and construction contracting procedures normally followed. The statute further provides:

[T]hat such objective criteria will include requirements for prequalification of contractors and competitive bidding processes. These contracts shall be of such size and scope to encourage maximum competition and participation by agency prequalified and otherwise qualified contractors. Such determination shall be retained for public inspection in the official records of the Department of Transportation or the Department of Rail and Public Transportation, as the case may be, and shall include a description of

the nature and scope of the project and the reasons for the Commissioner's or Director's determination that awarding a design-build contract will best serve the public interest.

My review of the materials you forwarded indicates that the materials you forwarded for review meet the statutory and objective criteria previously adopted by the CTB, regarding the use of design-build construction projects. Accordingly, I find the materials you submitted for review legally sufficient.

Thank you for allowing us to review this matter. Please let me know if you have any further questions. I may be reached at 804-371-7763.