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Contracting options give THEA greater speed, agility

Transfered risks, quick contracting, increased access to expertise and a competitive edge are among benefits

The Tampa Hillsborough Expressway Authority is an independent state agency that maintains and operates one toll facility, two feeder roads and a greenway within Hillsborough County, Florida. As a public agency, we are responsible for delivering affordable solutions that meet the needs of our community. We have found that, in most cases, design-build delivery allows us to achieve those goals for conventional projects.

As stakeholder and customer expectations increase, projects are becoming larger and more complex. Resources and budgets must go further. Agencies need contracting tools that help them conduct business efficiently and effectively in this new and often uncertain environment.

To address that need, we developed the following alternative contracting methods that have given us the ability, when appropriate, to transfer risks, streamline procurements, increase our access to expertise and gain a competitive advantage when applying for federal grants.

Design-build provides risk-transfer opportunities

When determining whether to let a project with an alternative delivery method, the owner must be aware of and willing to accept the risks involved. Before each procurement, we conduct a risk assessment to help us determine the delivery method best suited for the project's needs.

Sometimes, after reviewing the time and cost benefits, we discover alternative delivery isn’t our best option. When the risk is not worth the benefit, we rely on the traditional and safer design-bid-build method as our go-to.

To deliver the $230 million Selmon Expressway Extension Project, THEA’s largest project in a decade, we are using design-build. Design-build delivery assumes the owner will pay a premium for the benefits of an accelerated schedule, risk transfer and innovation. These attributes often are inherent when designer and contractor team up to deliver a complex project.

On the Selmon Extension Project, accelerating construction, while producing a quality product, is critical. The project includes a significant interchange development and 1.5 miles of elevated structure, carrying one lane in each direction. Piers for the elevated section are being constructed in the median of an existing and busy four-lane arterial roadway, which serves business on both sides. We were sensitive to the needs of these stakeholders, as well as our customers, by accelerating construction of the piers, minimizing detours during construction and keeping business driveways open.

Design-build gave us a way to structure and fine tune the contract to reflect those goals in our request for proposals:

- We examined the cost.
- We established a minimum construction schedule.
- We weighted heavily the importance of maintaining traffic.
Design-build delivery also allowed us to transfer to the design-build team the risk of budget overage. In my experience, major design-bid-build contracts run 10 percent over budget, on average. For us, the anticipated time savings on the Selmon Extension Project was worth paying the extra bid price. If the contracting team fails to meet the timeline because they have to correct a mistake, go over budget or exceed the agreed upon schedule, it is their risk to bear, and they will be penalized.

Not all of our design-build projects are as large and high-profile as the Selmon Extension. We delivered a 1-mile section of the greenway adjacent to the Selmon Expressway via design-build. We chose the alternative delivery method because the nature of the project demanded we access different expertise than we typically procure. The design-build process was a more efficient way to bring together a contractor and designer to develop the project.

Piggybacking streamlines procurement

Piggyback contracts allow us to leverage other public agency procurements. If a particular good or service we need has been procured by another public agency, we can accelerate our procurement process by entering into an agreement with their vendor, provided the vendor agrees to the same terms and conditions.

For example, THEA has piggybacked on Florida Department of Transportation contracts to clean out and video all drainage lines, procure utility coordination services and purchase intelligent transportation systems equipment.

Push-button contracts provide greater access to resources

There are times, after a project is underway, when we realize we need a particular skill or expertise the contractor does not possess. That’s when we activate push-button contracts. Some of our pocket parks in the Selmon Greenway, including a trail and THEA’s first dog park, were delivered under push-button contracts. Using this option for that project made sense because it allowed us to access the niche design services required.

The process is relatively simple. It works like this: THEA issues an RFP for three years of planning services in exchange for a specific fee, and we receive four proposals. We rank the vendors from one to four and award the contract to the No. 1-ranked vendor. We then may sign push-button contracts with the second-, third-ranked vendors for the same terms, conditions and rates but with no guarantee of work. If, after implementing the planning project, we determine we need expertise the winning vendor cannot provide, THEA can issue a task order to vendor No. 2 or No. 3 under the push-button option.

We instantly access the resources necessary to advance the project, and the on-call vendors have an opportunity to get to know THEA and possibly demonstrate their capabilities.

THEA procurement policy for projects that are experimental or for trial testing allows us to increase agency competitiveness

THEA’s experimental projects policy gives us the ability to directly enter into contracts with vendors when the scope of a project is determined to be of an experimental or trial testing nature.

One of our goals is to be a leader in bringing emerging technologies to bear to solve real issues. For example, THEA operates and maintains the world’s first all electronically tolled reversible express lanes. We were the first agency in Florida to use image-based tolling, and we have expanded our vision to include being a leader in connected-vehicle technology integration.

Experimental projects contracting enabled us to pursue our vision, and, most recently, made possible the award of a $17 million grant from the U.S. Department of Transportation to execute a Connected Vehicle Pilot Program.

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THEA’s management and technical approach for the pilot project was to use internal staff for overall program management, key communications and control of contractual issues, while drawing upon our extensive network of consultant subject-matter experts for the technical specialty areas.

We had 60 days to assemble an internal team, build our network of experts, including cutting-edge technology services, and submit our proposal. The experimental projects contracting policy allowed us to quickly assemble the team and components necessary for a competitive proposal. The result was THEA winning one of three awards from the 48 applications submitted to the U.S. DOT.

Experimental projects contracting enhanced the agency’s competitiveness and advanced our goal to be a leader in the field of connected-vehicle technology for the region and the state.

Options hone business model

Like the private sector, public agencies want to reduce and control project time and costs. Delivery options that allow us to accomplish those goals and to be agile and responsive are important, especially for toll agencies. We identify with the private sector’s methodology of delivering work, and alternative delivery methods help us align our business models accordingly to meet expectations, stretch resources and deliver large, complex infrastructure projects on budget and on schedule.

ABOUT THE AUTHOR

Joe Waggoner is the executive director of the Tampa Hillsborough Expressway Authority. Under his leadership, THEA’s maintenance, operation and financial positions have significantly improved. Conversion of THEA’s Lee Roy Selmon Expressway to all-electronic tolling in 2010 made it Florida’s first expressway to be completely electronic. In 2014, THEA became a member of the Affiliated Test Beds under the U.S. DOT’s Office of the Assistant Secretary for Research and Technology, offering its facilities for use in the advancement of automated- and connected-vehicle technologies. In 2015, THEA was selected by the U.S. DOT to develop a Connected Vehicle Pilot Project. Waggoner’s education and more than 35 years of experience in the development of a variety of transportation modes give him a broad perspective on transportation issues. Contact him at (813) 276-2113 or joe@tampa-xway.com.

“We were the first agency in Florida to use image-based tolling, and we have expanded our vision to include being a leader in connected vehicle technology integration.”
How NYSDOT took design-build from minor pilot to major procurement in three years

New processes bridge the knowledge gap and become best practices

In 2011, the New York State Department of Transportation received legislative authority to let design-build contracts. Three years later, we selected design-build to deliver the largest project in state history: the $555 million first phase of the Kosciuszko Bridge Replacement Project, the largest single contract ever awarded by our department and the first major bridge crossing to be constructed in New York City in 50 years.

A critical link in New York City’s transportation network, the Kosciuszko Bridge carries Interstate 278, the only north-south directional interstate in western Brooklyn and Queens, and more than 160,000 vehicles a day over Newtown Creek. Replacing the existing 1939 combined through-truss and deck-truss bridge was a high-profile job that would impact thousands of motorists, surrounding businesses and neighborhoods. The new replacement bridge spans are being constructed in two separate phases to minimize impact to the traveling public. Once complete, the new Kosciuszko Bridge will improve traffic flow by improving travel speeds on the highway and eliminating recurring delays on this segment of Interstate 278.

Letting a project of that scale when our design-build program still was in its infancy was a risk, but the potential rewards were too compelling to ignore. We had to seize the opportunity. Originally, the bridge was slated as a design-bid-build job. Due to fiscal constraints, the estimated total cost of the project would far exceed what the New York City regional office could anticipate in its total annual funding program. To allow the department the opportunity to advance this critical project and other projects that would address the New York City region’s deteriorated bridges, we chose to divide the project into several smaller, more manageable contracts that would be let individually two to three years apart. As a result, the project was estimated to take 10 years to complete. Design-build could accelerate delivery by as much as four years.

In May 2014, we awarded the phase 1 contract, which included construction of the Queens-bound span of the new bridge and the demolition of the old bridge.

Three years later, in April 2017, the Queens-bound span of the new bridge opened to traffic, becoming the first cable-stayed structure in New York City. At the writing of this article, the Brooklyn-bound span of the new bridge, under construction as part of the phase 2 contract, is anticipated to be complete in 2019.

When completed, the twin cable-stayed structures will create a signature skyline between Brooklyn and Queens and will provide a dramatic visual experience for bridge users and for the local communities. The entire project is expected to be delivered on schedule and on budget.

Processes become best practices

Growing design-build from adoption to advanced application in three years required wholesale shifts in thinking and processes within our DOT that since have become the standards for delivering large, complex design-build projects in New York state. Following are some of them:

- **Operated out of our Albany office.** Naming the NYSDOT Commissioner’s Albany, New York, office as project headquarters sent a message about the project’s priority, urgency and executive staff’s all-in commitment. There could be no failure on the largest project in state history, and DOT staff at the highest levels would ensure it.

- **Educated staff.** We provided multiple day-long workshops that helped shift the department’s mindset from how we’ve always delivered projects to thinking about delivery in a new way. Our workshop covered — among other things — project initiation, request for qualification, draft/final request for proposal and proposal technical evaluation. Today, we offer the same training for other New York state agencies interested in adding design-build to their delivery toolboxes.

- **Retained subject-matter experts.** We sought the help of structures, environmental and geotechnical specialists and others to ensure consistency in developing the RFP and procuring a contractor.

- **Developed a high-quality request for proposals.** We chose design-build not only for its accelerated pace but also for its innovative nature. Designer and contractor collaboration often results in innovations that save money and time. Plus, we benefitted from design-build’s promise of cost certainty at award.

To reap those benefits, however, the DOT had to be willing to give up the long-time practice of providing detailed specifications. To ensure we received the product we envisioned, we invested significant time and energy to create an RFP that clearly communicated not only a clear scope but also described what we wanted and, more importantly, what we didn’t want. Detailed specifications make the RFP too prescriptive and stifle innovation.

- **Emphasized multiple one-on-one, confidential meetings.** We introduced two-way, confidential dialogue with bidders to improve RFP requirements, risks and contingency costs. We also discussed early alternative technical concepts as innovative solutions.

During these one-on-one meetings, design-build teams often will propose an innovation that could improve quality, accelerate schedule or lower the construction cost. For example, the winning team for Route 17 at Route 32, Exit 131, Woodbury Commons Reconstruction Project proposed a diverging diamond in place of a cloverleaf interchange because of the diamond’s smaller footprint and better traffic flow.

After hearing a team’s idea, we internally discuss risks and contingency costs, and, if we find the concept to be supported by facts, we allow the specific design-build team to include the innovation in its proposal, while keeping their idea confidential.
We approved two innovations or alternative technical concepts for the Kosciuszko Bridge:

1. The phase 1 design-builder proposed fusion welding the circular hoop bars used to confine the vertical reinforcement for the main span pylon drilled shafts, which created a cage that could be lifted and inserted into the foundation shafts. At the time, our department had limited experience with fusion welding, and the method was not identified in our specifications. With a large number of hoop bars required for the eight drilled shafts supporting the main span pylon, the phase 1 design-builder noted that to use conventional welding methods to connect the hoop bars would be both costly and time-consuming. Further, because they had experience using fusion welding on other projects outside of New York state, they proposed its use on the phase 1 project. After performing the necessary testing that confirmed its durability and quality, we approved the use of fusion welding. As it turned out, the technique was a cost-effective solution that provided a high-quality connection and allowed the phase 1 design-builder to quickly complete the work.

2. By welding a tapered end section to a conventional steel pipe pile, the phase 1 design-builder proposed a solution for the approach structure foundations that avoided impact to an environmentally sensitive clay layer in Brooklyn. Due to the historic use of the project site as an industrial area since the early 1900s, contaminated soil and groundwater were present throughout the project limits. The project’s RFP requirements restricted the design-builder from penetrating the clay layer, which existed 50 to 60 feet below ground, because it could lead to cross contamination. Due to its unique tapered shape, this pile system allowed the design-builder to develop significantly greater capacities at much shallower depths than similar-sized conventional pipe or H-piles, thus allowing them to avoid the clay layer. The tapered piles densify the soil as they are driven. By increasing pile capacity, they reduced the number of piles required and reduced the pile cap size, which also reduced the amount of contaminated soil to be excavated. In addition, the phase 1 design-builder had a very high productivity rate, as they were able to drive the tapered piles quickly and efficiently, keeping this activity on schedule and reducing risk of schedule delay.

Because the Queens-bound span (Phase 1) was completed first, it was possible to complete the design-build of the Brooklyn-bound span (Phase 2) through a negotiated contract. Negotiated contracts allow for the contract to be let to the lowest qualified bidder that can perform the work efficiently, keeping this activity on schedule and reducing risk of schedule delay. That preliminary design served as the basis for the final engineering design completed for the Brooklyn-bound span in phase 2. In addition, all the aesthetic elements and features needed to be consistent on both structures.

The twin-span design dictated the Brooklyn-bound span (phase 2) of the Kosciuszko Bridge be identical to the Queens-bound span (phase 1). In fact, part of the phase 1 scope required the design-builder to develop the preliminary design of the Brooklyn-bound span to a meaningful level to ensure it could be constructed with the new Queens-bound span already in place. That preliminary design served as the basis for the final engineering design completed for the Brooklyn-bound span in phase 2. In addition, all the aesthetic elements and features needed to be consistent on both structures.

The Kosciuszko Bridge Replacement Project is proof that with the right processes, we can move visionary projects from traditional design-bid-build to design-build as the design-build program continues to be refined.

The Kosciuszko Bridge undoubtedly will rank among the most successful infrastructure projects in modern state history, largely because of design-build and the best practices that supported its smooth implementation.

Since then, we have added 37 more design-build projects to our portfolio, totaling more than $3 billion. On average, more than a quarter of our annual budget uses the design-build delivery method.

Design-build is not always appropriate, but when speed and innovation are paramount to delivering a critical mobility project, NYSDOT will use alternative delivery methods.

Hunts Point Project Record of Decision and Request for Proposals in parallel

In hopes of further collapsing the design-build delivery approach, NYSDOT plans to overlap the environmental process with procurement on the Hunts Point Interstate Access Improvement Project, valued at $555 million.

The federally funded project will construct interstate ramps, taking more than 13,000 commercial vehicles a day off local streets by connecting them directly to the Hunts Point Food Distribution Center, the largest food distribution center of its kind in the world.

Typically, Federal Highway Administration requires a DOT to have a Record of Decision before releasing a Request for Proposals. In this case, the RFP was released prior to having a NEPA ROD, which was signed on April 9, 2019. Had the process not been overlapped, the project would have been approximately five months behind schedule.

The project currently is on track to meet the target best-value designation date. The request for proposals is being finalized via addendums, and the confidential one-on-one meetings with the shortlisted design-build teams have concluded.

ABOUT THE AUTHOR
Wahid Albert is assistant commissioner and chief engineer for the New York State Department of Transportation. He oversees more than $4.6 billion in annual ongoing design and construction projects, assuring the safety of more than 17,450 publicly owned bridges and the maintenance and operation of more than 38,000 lane miles of state-owned highways in New York.

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Diverse contracting program drives GDOT’s historic initiative

Eleven projects valued at $11 billion will be delivered by 2030 under multiple delivery models

Georgia’s ballooning population and aging transportation system have precipitated an unprecedented $11 billion investment to reduce congestion along key freight and passenger corridors. Branded as the Major Mobility Investment Program, 11 critical mobility projects statewide will be delivered using only alternative contracting methods, marking a first for the Georgia Department of Transportation.

Back in the early 2000s, when we asked ourselves how we would deliver an ever-growing list of major projects, it became evident we needed new approaches that would accelerate schedules and invite innovation. In 2003 and 2004, the Georgia General Assembly gave us authority to use public-private partnerships and design-build delivery.

Instead of assigning designer and contractor to their respective stages, alternative delivery brings both parties together in a collaborative environment that leads to innovation and powerful results, such as:

- **Improved quality**
- **Earlier schedule certainty**
- **Time and money savings**

These innovative delivery methods contrasted sharply with our traditional delivery approach and forced us to change our 100-year-old way of conducting business.

**Research leads to best practices**

We began our investigation into alternative delivery by first considering our objectives and industry trends. We then launched an extensive research phase to become more knowledgeable and proficient in next-generation best practices. Below are some of the processes we identified and adopted from our research:

- **Take a total-project delivery approach.** Early agency due diligence, procurement method selection and varied contract management approaches foster a competitive environment that ultimately saves our department time and money.

- **Conduct objective assessments.** We examine a project’s characteristics to determine its fitness for alternative delivery. This practice forces us to identify the true goals for any infrastructure project, a step that otherwise takes a backseat to routine bid activities.

- **Emphasize innovation.** We consider not only the bid but also the technical merits of the bidder’s proposal, which encourages bidders to present new design or construction methods that save time and money and deliver a quality asset.

- **Designate a department.** Ultimately, GDOT created a special unit within our department to house, procure and manage our alternative delivery program, allowing us to focus on this new way of doing business for our agency.

- **Collaborate with industry groups.** In addition to speaking with other DOTs that had made inroads in alternative delivery, we collaborated with other practitioners through the Transportation Research Board’s Standing Committee on Project Delivery Methods and a project oversight panel for the second Strategic Highway Research Program (SHRP 2). Tapping into this knowledge brought value and maturity to our approach at a time when there was little practical information to go by in the industry.

We developed a Design-Build Manual to capture this intelligence and transparently documented our lessons learned on experimental projects. The manual provides guidelines for identifying, selecting, procuring and administering design-build projects.

**Design-build best-value invites innovation**

Another best practice is how Georgia systematically evolved its alternative delivery program. We rolled it out in increments. Each step allowed us to retain a level of comfort while adding a degree of difficulty or complexity.

When GDOT was first granted authority to enter into design-build procurements, we could award contracts only to the lowest bidder. Further, the number of design-build projects could not exceed 15 percent of the total amount of construction projects awarded in the previous fiscal year.

During the next 14 years, we built a track record of successful design-build projects and, based on that track record, we expanded our practice to include variations of the contracting method. By 2013, we were letting design-build best-value contracts, the most common design-build award methodology and one that emphasizes (and incentivizes) innovation. By then, the General Assembly had increased the dollar amount of allowable design-build projects from 15 percent to 50 percent of the previous year program amount.

In the procurement phase of a design-build best-value contract, we entertain alternative technical concepts. ATCs are, by definition, proposed ideas that demonstrate concepts equal to or better than the baseline requirement but are not otherwise compliant with the request for proposals. Alternative Technical Concepts typically target and propose confidential solutions for reducing high-cost items, such as the square footage of a bridge or the number of foundation footings. We consider each concept and, before the procurement ends, provide an answer of yes, no, or yes with conditions. The combination of ATCs and contractor innovations on our Northwest Corridor Express Lanes Project and Transform 285/400 Interchange Improvement Project saved taxpayers more than $500 million.

A prime example is the use of Florida I-beams on the Northwest Corridor project, a reversible express lanes facility along I-75 and I-575 that required multiple structures built with multiple beams. Florida prestressed I-beams are longer than we typically allowed on a bridge, but by permitting the contractor to use them, we reduced the number of foundation footings and saved a significant amount of money: Florida I-beams have since become an acceptable practice in our design-build program.

"Alternative delivery brings both parties together in a collaborative environment that leads to innovation and powerful results ..."
Design-build multiyear commitment avoids encumbering budget

Georgia’s state constitution requires GDOT have enough money in the bank to cover the entire cost of a design-build project before we can sign the contract. Encumbering the cost of a large design-build project, say $230 million, for example, would consume a significant portion of our annual budget and force us to delay other vital projects.

Our solution was to enlist a public-public partnership with Georgia’s State Road and Tollway Authority to leverage a multiyear commitment. SRTA has legal authority to sign contracts without having the total cost of the project upfront. In a design-build multiyear contract, SRTA acts as signatory, allowing us to expend money on an annual basis instead of all at once. Plus, our annual transportation program budget remains intact.

Under the design-build multiyear approach, we forecast our expenditures over several years, verify that each year we will have enough money to cover those expenses and then enter into the agreement.

Adding a financial component creates first P3

Our department viewed P3s as a natural progression of design-build. Many of the processes we use in design-build translate to P3 delivery; thus, our growth and proficiency in design-build facilitated our entry into the P3 market.

For example, we originally envisioned procuring the Northwest Corridor under a full concession model. In a concession model, the private-sector partner assumes the obligation to design, build, finance, operate and maintain a facility for a specified term in exchange for compensation (e.g., toll revenues).

After further consideration, we decided to advertise the express lanes as a design-build-finance contract, our first competitively procured P3. Choosing design-build-finance gave us a level of comfort and familiarity we didn’t have with the concession model. It allowed us to crystallize the financing component of a P3 and identify the appropriate delivery methods to advance the MMIP.

The Northwest Corridor Express Lanes’ P3 provided the best opportunity for delivery, using the lowest amount of public funds. It also helped set the precedent for future use of P3s to deliver needed capital improvements in a financially constrained environment.

Because of the P3, we delivered the facility years earlier than we would have using conventional means. Construction began in 2014, and the toll lanes opened in 2018.

Today, we have nine more P3 contracts underway.

Greater mobility and safety sooner

We could not deliver a historic program, such as the MMIP, without using alternative delivery methods. It would be impossible; we would be building forever. Instead, we are addressing these challenges head-on with innovative solutions.

We have awarded two MMIP projects under design-build multiyear contracts: the $115 million I-85 widening in Gwinnett, Barrow and Jackson counties, now under construction, and the $250 million I-16/I-95 Interchange Improvement Project in Savannah, which will begin construction this year.

Two more MMIP projects will be contracted under design-build; four projects are contemplated to be design-build-finance; and three projects will be let by a full design-build-finance-operate-maintain/availability.

Once the projects are completed, they will lead to a 5 percent reduction in delays and travel-time savings in the year 2030, making a transformational difference in safety and mobility in the Atlanta area.

ABOUT THE AUTHOR

Darryl VanMeter leads the Office of Innovative Delivery for the Georgia Department of Transportation. His group is responsible for incorporating innovative financing techniques into select projects and implementing GDOT’s managed lanes system, as well as providing procurement, technical, project management and construction management services to GDOT’s P3 and design-build program. His office has more than $2 billion (total value) in construction projects underway and has let 39 design-build contracts and two design-build-finance contracts since 2006. The office is charged with implementing the $1 billion Major Mobility Improvement Program, including several P3 contracts along with a robust program of design-build projects, including statewide bridge replacements.

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U.S. Department of Transportation
transportation.gov
The U.S. DOT serves the nation by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets vital national interests and enhances quality of life.

International Bridge, Tunnel and Turnpike Association
ibtta.org
IBTTA is the worldwide association for the owners and operators of toll facilities and the businesses that serve them.

American Association of State Highway and Transportation Officials
transportation.org
AASHTO advocates for transportation-related policies and provides technical services to support states in their efforts to efficiently and safely move people and goods.

American Road and Transportation Builders
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