

# **FHWA/MoDOT Partnering Agreement**

## **Design-Build Program**

### **Roles and Responsibilities of FHWA and MoDOT:**

The following activities require coordination between FHWA and MoDOT in order to attain reviews/approvals within the agreed timeframes. In this agreement, all reference to days denotes business days. FHWA and MoDOT agree to work as true partners to ensure the success of the Design-Build Program.

The following table identifies the various approval/review activities.

<b>REQUEST FOR QUALIFICATIONS (RFQ)</b> Design-Build procurement process begins with short-listing the most highly qualified submitters based on qualifications submitted in response to a Request for Qualifications (RFQ).				
<b>Activities</b>		<b>MoDOT/FHWA Responsibilities</b>		
<b>Activity</b>	<b>REQUIRED / PoDI SELECTED</b>	<b>Description of Actions and Responsibilities</b>	<b>Expected Timeframe (MoDOT)</b>	<b>Expected Timeframe (FHWA)</b>
RFQ Review	<b>PoDI SELECTED</b>	MoDOT will provide the entire RFQ to FHWA for review.	Will submit 7 days prior to expected approval.	Will review the RFQ document and will provide concurrence of acceptability or comments within 7 days of receipt.
RFQ/SOQ Evaluation and Selection Process	<b>PoDI SELECTED</b>	FHWA will monitor the selection and scoring process but will not be part of the scoring team and will not provide formal approval of the shortlisted teams.	Will provide FHWA with a minimum of 10 days notice for meetings.	Will be available on an as-needed basis.  No FHWA approval of the short list of selected teams is required.

RFQ/SOQ Summary Report	<b>PoDI SELECTED</b>	The Statement of Qualifications will be evaluated by a prequalification review/short listing team, known as the Executive Selection Committee. The Project Director will meet with the Executive Selection Committee to present details of all SOQs received, as well as the ratings each team received. RFQ/SOQ Summary report will be provided at the Executive Selection Committee Meeting.	Will provide RFQ/SOQ Summary Report presented to the Executive Selection Committee.	n/a
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### REQUEST FOR PROPOSALS (RFP)

The second phase of a Design-Build procurement process consists of the submission of technical proposals, and sometimes contract price, in response to a Request for Proposals (RFP).

Activities		MoDOT/FHWA Responsibilities		
Activity	REQUIRED / PoDI SELECTED	Description of Actions and Responsibilities	Expected Timeframe (MoDOT)	Expected Timeframe (FHWA) *
Draft Books (all) & Instruction to Proposers (ITP)	<b>PoDI SELECTED</b>	Individual Chapters or Entire Book	Will submit 5 days prior to expected approval. Will submit 7 days prior if submitted in its entirety.	Will provide concurrence of acceptability or comments within 5 days of receipt for individual chapters or section submittals, and 7 days of receipt if submitted in its entirety.
Final Draft RFP	<b>REQUIRED</b>	23 CFR 635.112(i) Entire Request for Proposal	Will submit 10 days prior to expected approval.	Will provide concurrence of acceptability or comments within 10 days of receipt.

				<p>FHWA approval of the final RFP will be provided after all review comments have been satisfactorily resolved.</p> <p>Written approval of the final RFP must be given by FHWA prior to its release to the shortlisted firms, and before project authorization can be given. A sample of the FHWA Approval of Final Request for Proposal Letter can be found in Appendix D.</p>
Request for Authorization (Certification of RFP)	<b>REQUIRED</b>	23 CFR 635.309(p)	<p>Will submit 10 days prior to expected approval.</p> <p>Will require a formal, written certification that the conditions of 23 CFR 635.309(p) have been met. A sample of MoDOT Request for Authorization Letter can be found in Appendix E.</p>	<p>Will provide concurrence of acceptability or comments within 10 days of receipt.</p> <p>Following FHWA's approval of the RFP and submittal of the written certification, the project must be approved by FHWA in the Fiscal Management Information</p>

				<p>System (FMIS).</p> <p>The FMIS approval/ authorization will constitute FHWA approval to release the RFP.</p> <p>A sample of the MoDOT Request for Authorization Letter can be found in Appendix E.</p>
Addendums to RFP	<b>REQUIRED</b>	23 CFR 635.112(i) As needed	Will submit 3 days prior to expected approval.	Will provide concurrence of acceptability, comments or deny within 3 days of receipt.

\* If significant issues are noted, additional time may be required. Significant issues may require coordination with the FHWA Headquarters Office and/or any resources to resolve and may prolong the review period.

## PROPOSAL PHASE

Activities		MoDOT/FHWA Responsibilities		
Activity	REQUIRED / PoDI SELECTED	Description of Actions and Responsibilities	Expected Timeframe (MoDOT)	Expected Timeframe (FHWA)*
Technical Discussion Phase	<b>PoDI SELECTED</b>	The project team may conduct one-on-one confidential meetings with each of the shortlisted design-build proposers.	Will schedule the meetings with each team and provide dates/times to FHWA.	Will be available on an as-needed basis.
Design Exceptions+	<b>PoDI SELECTED</b>	Reviewed concurrently with MoDOT. Project Director will discuss design exceptions with FHWA TE prior to submittal so that complete and descriptive	Will submit 10 days prior to expected concurrence of acceptability.	Will provide concurrence of acceptability, or provide comments within 10 days of receipt.

		<p>justification is provided.</p> <p>FHWA will review and provide comments or request additional information, to concur with the acceptability of design exceptions.</p>		<p>Final approval will be granted after the project is awarded.</p>
Alternative Applicable Standards (AAS)	<b>PoDI SELECTED</b>	<p>Proposers shall be responsible for submitting enough information about the AAS, so that it can be adequately evaluated. MoDOT will provide the backup information and recommendations for approval to FHWA for concurrence.</p>	Will submit 5 days prior to expected approval.	<p>Will provide concurrence of acceptability, comments or deny within 5 days of receipt.</p> <p>Final approval will be granted after the project is awarded.</p>
<p>NEPA Re-Evaluation review / Supplemental NEPA document</p> <p>++ Special Circumstances for NEPA Approval After Award may be needed based upon the specific needs of a project.</p>	<b>REQUIRED</b>	<p>23 CFR 771 and 774 Proposals submitted as part of the Design-Build process may include modifications or changes to the project engineering, location, traffic handling, or other project impacts from those that were evaluated in a NEPA document.</p> <p>FHWA will maintain close coordination throughout the proposal stage of the Design-Build process to assist MoDOT in providing feedback and guidance regarding the NEPA process.</p>	Will submit 7 days prior to expected approval.	Will provide concurrence of acceptability, or provide comments within 7 days of receipt.
Right of Way Conditional Clearance (ROW)	<b>PoDI SELECTED</b>	<p>23 CFR 635.309 All right-of-way (ROW) actions must be in conformance with the</p>	Will submit 5 days prior to expected approval.	Will provide concurrence of acceptability and approve all

		Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing 49 CFR Part 24 Regulations.	Will ensure that EPG Section 236.3.4.3 and 236.3.7.8 of the EPG are followed to correspond with the Design-Build process.	conditional clearances within 5 days of receipt.
<p>+++Modified or New Conceptual Access Justification Report (AJR)</p> <p>+++Modifications or New proposals proposed by the shortlisted teams (if applicable)</p>	<b>REQUIRED</b>	<p>23 USC 111 Modified or New Conceptual AJR – see the policy on FHWA Missouri website</p> <p>23 CFR 624 FHWA Policy and Procedures for Interstate System Access</p>	<p>Will follow the process outlined in the AJR Guide and the general steps outlined in the FHWA Missouri website to provide the best results and FHWA Division responses on AJR proposals. Will submit modified AJRs 10 days prior to expected approval.</p> <p>Allow additional time if HQ review is needed.</p>	<p>Will provide concurrence of acceptability, or provide comments within 10 days of receipt of the AJR.</p> <p>Will provide comments within 40 days of receipt of the AJR.</p>
Proposal Evaluation Process	<b>PoDI SELECTED</b>	FHWA will observe and provide assistance.	Will schedule the meetings and provide dates/times to FHWA.	Will be available on an as-needed basis.
Proposal Evaluation Summary Report	<b>PoDI SELECTED</b>	Provided at the Executive Recommendation Committee Meeting	Will schedule the meeting and provide date/time to FHWA.	Will be available on an as-needed basis.

Executive Selection Committee Meeting	<b>PoDI SELECTED</b>	FHWA will observe the Executive Selection Committee Meeting and discussion	Will schedule the meeting and provide date/time to FHWA.	Will be available on an as-needed basis.
FHWA Concurrence of Contract Award	<b>REQUIRED</b>	Upon approval from the Commission, and before the award is announced publicly, MoDOT will request in writing that FHWA concur in the final award of the contract to the apparent best-value proposer.	Will submit Approval from the Commission 1 day after Approval.  A sample of MoDOT Request for Concurrence in Award Letter can be found in Appendix F.	Will provide approval or comments within 1 day of receipt.  A sample of FHWA Concur in Award Letter can be found in Appendix G.
<p>* If significant issues are noted, additional time may be required. Significant issues may require coordination with the FHWA Headquarters Office and/or any resources to resolve, and may prolong the review period.</p> <p>+Non-PoDI projects - Design Exception will require FHWA concurrence of acceptability if an AJR is needed. FHWA will provide concurrence of acceptability, or provide comments within 10 days of receipt.</p> <p>++NEPA Special Circumstances – FHWA and MoDOT will evaluate the NEPA approval process after award on a case-by-case basis.</p> <p>+++Access Justification Report (AJR) - see the policy on FHWA Missouri website at <a href="https://www.fhwa.dot.gov/modiv/programs/intersta/">https://www.fhwa.dot.gov/modiv/programs/intersta/</a> and Appendix B: AJR Guidance in Design-Build projects.</p>				

## DESIGN AND CONSTRUCTION PHASE

The design and construction phase of the project will include all actions and activities from contract award through project completion. This phase will include design reviews and meetings, design plan reviews, quality assurance plan review/approval, construction inspections, change orders, design exceptions, status/scheduling meetings, etc.

Activities		MoDOT/FHWA Responsibilities		
Activity	REQUIRED / PoDI SELECTED	Description of Actions and Responsibilities	Expected Timeframe (MoDOT)	Expected Timeframe (FHWA)*
+++Final Access Justification Report (AJR)  ++NEPA Re-Evaluation Approval (if applicable)	REQUIRED	Prepared by best-value proposer during final design - see the policy on FHWA Missouri website.  23 USC 111 and 23 CFR 624 FHWA Policy and Procedures for Interstate System Access.  23 CFR 771 & 774 Environmental Impact and Related Procedures (NEPA) & SECTION 4(f)	Will follow the process outlined in the AJR Guide and the general steps outlined in the FHWA Missouri website to provide the best results and FHWA Division responses on AJR proposals. Will submit final AJR version 10 days prior to expected approval.  Allow additional time if HQ review is needed.	Will provide approval, comments or deny within 10 days of receipt.  Will provide comments within 40 days of receipt.
Quality Assurance Plan	REQUIRED	The QA program must meet all the requirements of 23 CFR 637.207.  FHWA approval of the QA program to be utilized on each project must be received prior to the start of construction.	Will submit 10 days prior to expected approval.	Will provide approval, comments or deny within 10 day of receipt.



Design Exceptions+	<b>PoDI SELECTED</b>	<p>Following Award of the Project to the Best Value Proposer, the Contracting Team will finalize the formal Design Exception for Approval in accordance with the MoDOT EPG 131.1.</p> <p>FHWA will review and provide comments or request additional information, to approve or deny the design exceptions.</p>	Will submit 10 days prior to expected approval.	Will provide approval, comments or deny within 10 days of receipt.
Plans Review	<b>PoDI SELECTED</b>	<p>Plan sets that require FHWA review will be performed concurrent with the MoDOT review, to expedite the review and concurrence/approval process.</p>	<p>Will submit 5 days prior to expected approval.</p> <p>Allow additional time if HQ review is needed.</p>	Will provide comments within 5 days of receipt.
Change Orders	<b>PoDI SELECTED</b>	<p>Change orders that require FHWA review will be performed concurrent with the MoDOT review, to expedite the review and approval process. All change orders must be adequately documented, and include an independent MoDOT estimate of costs.</p>	Will submit 10 days prior to expected approval.	Will provide approval, comments or deny within 10 days of receipt.

Construction and Focus Areas Inspection Reports	<b>PoDI SELECTED</b>	FHWA will conduct periodic on-site construction inspections of on-going construction operations based on FHWA's risk based oversight program. Inspections will be documented on a standard FHWA inspection report.	MoDOT project staff will be available on an as-needed basis to join FHWA TE during the field review.	Will schedule the field review and provide dates/times to MoDOT.  Copies of the FHWA inspection report will be transmitted to MoDOT in accordance with the FHWA/MoDOT Construction & Materials Partnering Agreement.
<p>* If significant issues are noted, additional time may be required. Significant issues may require coordination with the FHWA Headquarters Office and/or any resources to resolve, and may prolong the review period.</p> <p>+Non-PoDI projects - Design Exception will require FHWA concurrence of acceptability if an AJR is needed. FHWA will provide concurrence of acceptability, or provide comments within 10 days of receipt.</p> <p>++NEPA Special Circumstances – FHWA and MoDOT will evaluate the NEPA approval process after award on a case-by-case basis.</p> <p>+++Access Justification Report (AJR) - see the policy on FHWA Missouri website at <a href="https://www.fhwa.dot.gov/modiv/programs/intersta/">https://www.fhwa.dot.gov/modiv/programs/intersta/</a> and Appendix B: AJR Guidance in Design-Build projects.</p>				

This agreement will be reviewed and updated, as needed, on an annual basis.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

FEDERAL HIGHWAY ADMINISTRATION:

Natalie Roark, P.E.

Projects Team Leader

MISSOURI DEPARTMENT OF TRANSPORTATION:

David J. Simmons, P.E.

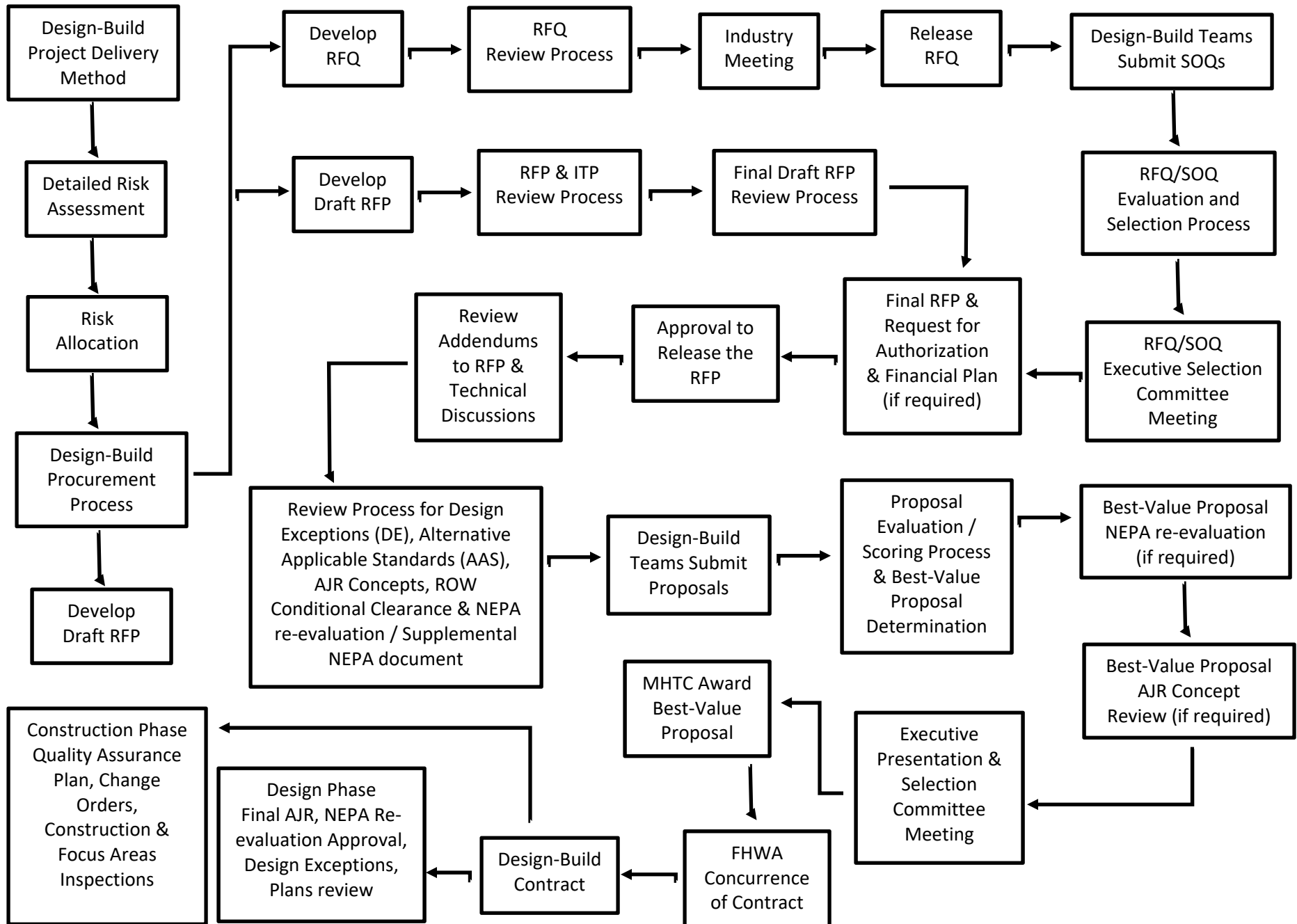
MoDOT Design-Build Coordinator

## **APPENDIX A**

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### **DESIGN-BUILD PROCESS FLOW CHART**

# FHWA-MODOT DESIGN-BUILD PROCESS FLOW CHART



## **APPENDIX B**

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### **AJR GUIDANCE IN DESIGN-BUILD PROJECTS**

FHWA – MoDOT Design-Build Agreement  
Access Justification Guidance in Design-Build Projects

The goal for both MoDOT and FHWA is to identify the most efficient and cost-effective process for appropriately processing modification of access to an interstate in the Design-Build procurement. The Project Director and FHWA TE should collaborate on the appropriate path forward using this guidance.

**Risk Analysis**

Analyzing risk in projects is paramount to the success of delivering quality projects. MoDOT performs risk assessments on projects as part of the Project Delivery Determination process, preparation of the Request for Proposal, and at the beginning of the Design-Build Contract. The risk associated with obtaining an Access Justification Report approval should be considered when analyzing risk in the project.

**Risk Mitigation:**

**Projects of High Risk** – Projects with major impacts to interstate access, interchange reconfigurations, corridors, high volumes, etc.

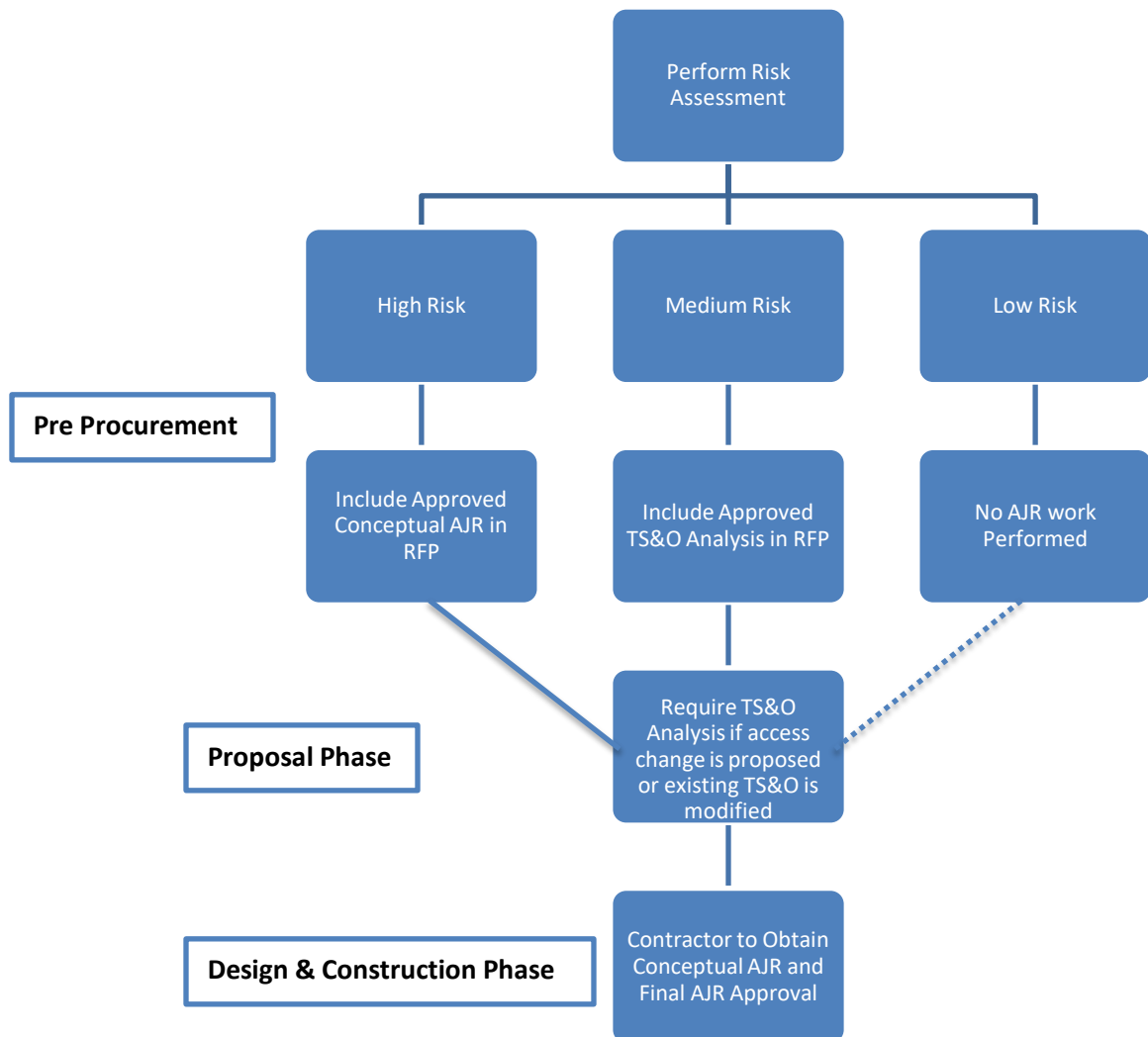
- Pre-Procurement – Conceptual AJR approval shall be prepared and included in the RFP.
- Proposal - The Instructions to Proposers shall include the requirement of a Traffic & Safety Operational Analysis (Policy Point 3) and a Conceptual Signing Plan as part of the proposal if the proposal includes modifications to an existing Conceptual AJR.
- Design and Construction Phase – The Contractor shall be responsible for preparing any modification to an existing Conceptual AJR for Approval and the Final AJR Approval.

**Projects of Medium Risk** - Projects with impacts to an interchange that enhance the interchange like adding movements, medium to high volumes, etc.

- Pre-Procurement – A Traffic and Safety Operational Analysis (TS&O) should be prepared and included in the RFP.
- Proposal – The Instructions to Proposers shall include the requirement of a Traffic & Safety Operational Analysis (Policy Point 3) and a Conceptual Signing Plan as part of the proposal if the proposal includes modifications to an existing, or requires a new TS&O.
- Design and Construction Phase – The Contractor should be responsible for preparing any modification to or any new Conceptual AJR for Approval and the Final AJR Approval.

**Projects of Low Risk** – Projects with no anticipated impacts to access to the interstate, but there is a potential as part of the Design-Build process.

- Pre-Procurement – No preliminary AJR work is prepared.
- Proposal – The Instructions to Proposers should include the requirement of a Traffic & Safety Operational Analysis (Policy Point 3) and a Conceptual Signing Plan as part of the proposal if the proposal includes any impacts to interstate access if required.
- Design and Construction Phase – The Contractor should be responsible for preparing the required Conceptual AJR for Approval and the Final AJR Approval.





## **APPENDIX C**

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### **FHWA & MoDOT CONFIDENTIALITY AGREEMENT**



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Missouri Division**

8/7/2013

3220 W. Edgewood, Suite H  
Jefferson City, Missouri 65109  
(573) 636-7104  
Fax (573) 636-9283  
Missouri.FHWA@fhwa.dot.gov

In Reply Refer To:  
HDA-MO

Mrs. Kathy Harvey, State Design Engineer  
Missouri Department of Transportation, Central Office  
105 W. Capitol Avenue  
Jefferson City, MO 65102

Subject: Confidentiality on Design Build Projects

Dear Mrs. Harvey,

On occasion, FHWA employees have been requested to sign State Confidentiality Statements related to Federally-assisted procurement actions, consultant negotiations, design build contracts, or development of environmental documents. Based on guidance provided by our Office of Chief Counsel, please be advised that *such action is beyond the regulatory authority of FHWA employees*. However, FHWA staff may elect to participate as an observer and/or technical resource under 23 CFR 1.5 for any project funded or eligible for funding as part of the Federal-aid Highway program.

Regarding confidentiality, all employees of the US Department of Transportation including FHWA are bound by 18 U.S.C. § 1905 which carries a criminal penalty if any employee discloses confidential commercial information. In accordance with these regulations:

1. FHWA employees who need to view the confidential commercial information will use the same degree of care to protect the information as used to protect FHWA information of similar nature, but in any event not less than reasonable care under the circumstances.
2. FHWA employees will withhold confidential commercial information authorized to be withheld under 5 U.S.C. § 552(b)(4), which is co-extensive with 18 U.S.C. § 1905.
3. Under a FOIA request for records that includes confidential commercial information which may be releasable under FOIA, FHWA will promptly notify MoDOT and provide an opportunity to object to the disclosure of the information and to state the basis for the objection. The burden of proof to

justify nondisclosure resides with MoDOT. The MoDOT has the right to file in the District Court to prevent the disclosure of information that it considers confidential; in the event such a filing is made, the process to disclose such information would be stopped and the matter referred to legal counsel.

4. If taken to court on our decision to withhold confidential commercial information under FOIA, FHWA will forcefully argue to the Department of Justice the validity of that decision and urge it to defend that decision by all appropriate means.

In summary, FHWA Missouri Division employees cannot execute confidentiality agreements but will use the best efforts at our disposal to protect confidential information submitted by MoDOT for review or as requested by FHWA for projects funded or eligible for Federal-aid highway funding.

If you should have any further questions please do not hesitate to contact Mr. Scott Bowles at (573) 638-2610.

Sincerely yours,



Scott Bowles  
Program Implementation  
Team Leader

## **APPENDIX D**

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### **FHWA APPROVAL OF FINAL REQUEST FOR PROPOSAL LETTER**

Missouri Division



U.S. Department  
of Transportation

**Federal Highway  
Administration**

October 5, 2023

3220 W. Edgewood, Suite H  
Jefferson City, Missouri 65109  
(573) 636-7104  
Fax (573) 636-9283  
Missouri.FHWA@fhwa.dot.gov

In Reply Refer To: Charles Pursley  
HDA-MO

**Attention: Mr. Eric Kopinski—Improve I-70 Program Director  
Missouri Department of Transportation**

**Subject: Improve I-70 – Columbia to Kingdom City Design-Build Project  
Rte. I-70, Boone and Callaway Counties  
Job No. JST0021  
Approval of Request for Proposals (RFP)**

Mr. Patrick McKenna, Director  
Missouri Department of Transportation  
Jefferson City, Missouri 65102

Dear Mr. Kopinski:

This letter is in response to the October 5, 2023, request from the Missouri Department of Transportation (MoDOT) for our review and approval of the Final RFP document of the Improve I-70 – Columbia to Kingdom City Design-Build Project in Boone & Callaway Counties.

The Federal Highway Administration (FHWA) Missouri Division has reviewed and commented on the Final RFP. FHWA comments have been adequately addressed and the associated changes to the RFP document are satisfactory.

Construction authorization and obligation of federal funds for construction (FMIS approval/authorization) will not occur until MoDOT certifies that the conditions of 23 CFR 635.309(p) have been met. FHWA concurs in this deviation from the process outlined in MoDOT's Engineering Policy Guide, 139.8.2.4.

This letter provides FHWA's approval of the Final RFP and authorization to release the RFP to the short list of proposers.

Modifications to the RFP, or any other Governmental Approvals which have been provided for this project are subject to FHWA review and approval.

If you have any questions, you can contact me at (573) 638-2611 or at [Charles.pursley@dot.gov](mailto:Charles.pursley@dot.gov)

Sincerely yours,

Charles Pursley  
Transportation Engineer

Copies: Jennifer Becker -MoDOT Design Liaison  
Vershun Tolliver – FHWA MO Division Deputy Division Administrator  
Kevin Irving – FHWA MO Division Acting Program Implementation Team Leader  
Pete Clogston – FHWA Major Projects Engineer

## **APPENDIX E**

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### **MoDOT REQUEST FOR AUTHORIZATION LETTER**



**Michael Marriott, P.E.**  
Project Director  
Northwest Bridge Bundle

**Missouri Department of Transportation**

1303 S. Mitchell Ave.  
Chillicothe, MO 64601  
Office: (660) 646-3218  
Cell: (816) 262-1797

May 10, 2023

Scott Stotlemeyer, P.E.  
Federal Highway Administration  
3220 W. Edgewood, Suite H  
Jefferson City, MO 65109

RE: Northwest Bridge Bundle – Request for Project Authorization

Dear Mr. Stotlemeyer,

This letter is to request approval of the Northwest Bridge Bundle RFP and authorization to release the RFP to the short-listed submitters. I certify that all the requirements listed in 23 CFR 635.309(p) have been met. Each item below details the compliance.

The planning process that was followed conforms to the statewide transportation planning requirements (23 CFR part 450). The project has already been added to the Statewide Transportation Improvement Program (STIP) and was approved by the Missouri Highway and Transportation Commission at their July 6, 2022 meeting.

The NEPA process has been completed per 23 CFR 636.109. The NEPA process concluded with the issuance of a Programmatic Categorical Exclusion (PCE) by the Federal Highway Administration (FHWA) for one location on March 30, 2023, and thirty-three locations on April 17, 2023. If the contractor proposes an alternative or modification to the cleared environmental footprint provided, the contractor will be responsible for performing a new environmental evaluation for the additionally impacted area. The contractor will be responsible for obtaining any additional clearance and for complying with the required National Environmental Policy Act (NEPA) regulations, documentation requirement and approvals for the additionally impacted area.

Utilities have been identified and located along the corridor. MoDOT has discussed relocation with each utility company. The cost obligations and the process will follow MoDOT policies. Impacts, if any, are unknown and the relocation process will not begin until the Contractor has established their design and the extent of the required relocations and adjustments have been identified. This information is included in the RFP.

MoDOT is overseeing the purchase of any necessary realty interest for the project. If the Contractors plans should require any additional realty interests outside of the area obtained by MoDOT, the cost will be the contractors. All purchases shall be in compliance with the Uniform Relocation and Real Properties



**Michael Marriott, P.E.**  
Project Director  
Northwest Bridge Bundle

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**Missouri Department of Transportation**

1303 S. Mitchell Ave.  
Chillicothe, MO 64601  
Office: (660) 646-3218  
Cell: (816) 262-1797

Acquisition Policies Act, as amended (Uniform Act), 49 CFR part 24. This information is included in the RFP.

No railroads will be impacted by this project.

The project is authorized by 227.107 RSMO.

MoDOT understands that changes to the design-build project concept and scope may require a modification of the Statewide Transportation Improvement Program and transportation improvement program. Compliance will be in accordance with the metropolitan and statewide transportation planning requirements in 23 CFR part 450. MoDOT will provide appropriate approval notification to the design builder for such changes.

Thank you for your review of this request for approval of the Northwest Bridge Bundle RFP and authorization to release the RFP to the short-listed submitters.

If you should have any questions or comments, please feel free to contact me at (816) 262-1797 or [Michael.Marriott@modot.mo.gov](mailto:Michael.Marriott@modot.mo.gov)

Sincerely,

Michael Marriott  
Project Director



## **APPENDIX F**

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### **MoDOT REQUEST FOR CONCURRENCE IN AWARD LETTER**



**Improve I-70 Program**  
Eric Kopinski, Program Director  
Missouri Department of Transportation  
830 MoDOT Drive  
Jefferson City, MO 65109

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November 12, 2024

Mr. Jim Smith, P.E.  
Federal Highway Administration  
3220 West Edgewood, Suite H  
Jefferson City, Missouri 65109

Subject: Concurrence in Award to Best Apparent Value Proposer  
Job Number: JST0020/J6I3033  
Warren and St. Charles Counties, Missouri  
Improve I-70: Warrenton to Wentzville Design-Build Project

Dear Mr. Smith,

Please find the Final Recommendation Report for Job Number JST0020/J6I3033, Improve I-70: Warrenton to Wentzville Design-Build Project. We respectfully request a Concurrence in Award to the Joint Venture of Emery Sapp & Sons and Clarkson Construction Company in association with HNTB and Bartlett & West. This report is consistent with the recommendation to the MoDOT Executive Committee on November 5, 2024. The Missouri Highways and Transportation Commission approved this recommendation at the November Commission meeting on November 8, 2024.

Sincerely,

Kimberly M. Trainor, P.E.  
Improve I-70 East Project Director  
[Kimberly.Trainor@modot.mo.gov](mailto:Kimberly.Trainor@modot.mo.gov)  
573-231-2786



*Our mission is to provide a world-class transportation system that is safe, innovative, reliable and dedicated to a prosperous Missouri.*

[www.modot.org](http://www.modot.org)

## **APPENDIX G**

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### **SAMPLE OF FHWA CONCUR IN AWARD LETTER**



U.S. Department  
of Transportation

**Federal Highway  
Administration**

11/14/2024

**Missouri Division**

3220 W. Edgewood, Suite H  
Jefferson City, Missouri 65109  
(573) 636-7104  
Fax (573) 636-9283  
Missouri.FHWA@dot.gov

Ms. Kimberly M. Trainor  
Improve I-70 East Project Director  
Missouri Department of Transportation

Subject: Improve I-70 – Warrenton to Wentzville Design-Build Project  
Rte. I-70, Warren, and St. Charles Counties  
Job No. JST0020/J6I3033  
Concurrence in Award to Apparent Best Value Proposer

Dear Ms. Trainor:

This letter is provided in response to the November 12, 2024, submittal of the Final Recommendation Report (FRR) for the subject Design-Build project and request for FHWA's concurrence in award of the project to the apparent best value proposer. Based on our review of the FRR, the approval of the FRR provided by the MoDOT Executive Selection Committee on November 5, 2024, and the award of the contract provided by the Missouri Highways and Transportation Commission on November 8, 2024, FHWA offers concurrence in the award of the project to the Improve 70 Alliance Joint Venture of Emery Sapp & Sons and Clarkson Construction in association with HNTB and Bartlett & West.

We understand that there may be negotiations of final contract details prior to the signing of the executed contract with the Improve I-70 Alliance Joint Venture Team. Please keep FHWA updated on the progress of the contract negotiations. FHWA asks that any significant changes to terms of the contract be coordinated with FHWA staff, and that an electronic copy of the final executed contract be submitted to our office.

I look forward to my continued work with your staff during the design and construction phases of this project. If you have any questions or concerns, please contact me at 573-638-2613 or at [james.e.smith@dot.gov](mailto:james.e.smith@dot.gov).

Sincerely yours,

James E. Smith, P.E.  
Transportation Engineer  
Federal Highway Administration

cc: Kevin Ward, FHWA Missouri Division Administrator

Dawn Perkins, FHWA Missouri Deputy Division Administrator  
Natalie Roark, Projects Team Leader  
Pete Clogston, Major Projects Engineer  
Eric Kopinski, Improve I-70 Program Director  
Jennifer Becker, Design Liaison-MoDOT  
Chris Kelly, Deputy East Project Director-MoDOT  
David Simmons, MoDOT Design-Build Coordinator