



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

Florida Division

545 John Knox Road, Suite 200
Tallahassee, Florida 32303

(850) 942-9650

April 17, 2008

In Reply Refer To: HPO-FL
RE: I-595 SEP 14

Ms. Stephanie Kopelousos
Secretary of Transportation
Florida Department of Transportation
605 Suwannee Street
Tallahassee, Florida 32399-0450

Attention: Mr. Ananth Prasad, Chief Engineer

Dear Ms. Kopelousos:

This is in response to the Florida Department of Transportation's (FDOT) letter of February 22, 2008 requesting approval for the waiver of 23 CFR 636.507(b) and allowing the technical concepts of an unsuccessful proposer to be included in the final negotiations with the successful proposer. The Federal Highway Administration (FHWA) hereby approves under the provisions of FHWA's Special Experimental Project No. 14 (SEP-14), the waiver request with the submitted work plan and draft RFP wording subject to the following:

- In addition to 23 CFR 636.507(b), this waiver includes 23 CFR 636.513 which prohibits a contracting agency from revealing a proposer's technical solutions with other firms.
- This waiver is approved on a programmatic basis for five (5) years to include the I-595 project, the First Coast Outer Beltway in Jacksonville, and future public-private partnership projects. The additional projects should be submitted to FHWA individually, with a request to add them to this experimental evaluation project.
- Reports and Measures: In addition to the initial reports, the work plan should be modified to include an annual report to track the development of each project and provide the initial data for each additional project. The following additional information must be included in the evaluation:
 - List and describe each of the Alternate Technical Concepts (ATC's) proposed and used.

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- Describe how the ATC's were changed from the initial concept by another proposer to the final concept actually incorporated into the best value bid.
- Explain why not for the ATC's not used.
- Include any changes to scope, schedule, or cost savings as a result of using another's firms ATC.

We thank you for the opportunity to review and provide comments on this SEP-14 request, and we look forward to working closely with FDOT on this innovative contracting method. If you have any questions regarding this approval, please contact Mr. Andrew DeTizio at (850) 942-9650, extension 3025.

Sincerely,

/s/ J. Chris Richter
For: David C. Gibbs
Division Administrator