



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

# Memorandum

Subject: **ACTION:** Montana Progressive Design-Build  
Project Delivery under Special Experimental Project  
No. 14 (SEP-14)

Date: October 4, 2024

From: Brian Hogge   
Director  
Office of Preconstruction, Construction, and  
Pavements

In Reply Refer To:  
HICP-20

To: Lucia H. Olivera  
Division Administrator  
Helena, MT

This memorandum is in reference to the September 10, 18, and 27 emails from Jeff Patten of your staff which transmitted, endorsed, and recommended for approval a revised Montana Department of Transportation (MDT) Workplan (dated September 27) for the use of Progressive Design Build (PDB) Project Delivery under Special Experimental Project No. 14 (SEP-14). This project delivery method would be used for the planning, preconstruction, and construction phase services of three tied projects in the same proximity:

- **SF 179 Eagle Pass Trail Safety:** To address an identified crash trend at the intersection of US-93 and Eagle Pass Trail. The current project limits run from RP 40.8 to 41.4. This project is funded by a [Highway Safety Improvement Program](#) (HSIP) grant.
- **US-93 Wildlife Overpass:** To construct a wildlife overpass spanning US-93, including the associated roadway improvements necessary to provide safer passage for both humans and wildlife. The project limits as defined in the [Wildlife Crossings Pilot Program](#) (WCPP) grant application are RP 41.2 to 41.6.
- **US-93 North Ninepipe:** To reconstruct a 2.9-mile segment of US Highway 93. The [Neighborhood Access and Equity Grant Program](#) (NAE) application identified the project limits as RP 41.6 to 44.5. The preferred alternative includes a widened roadway typical section with improved roadside safety features, a shared use path, three new bridges, and other necessary drainage and wildlife accommodation features.

MDT is requesting that FHWA waive the requirements of [23 CFR 636.302\(a\)\(1\)](#), which requires the evaluation of price in the selection of a Design-Build Team (DBT) if the National Environmental Policy Act (NEPA) process has been completed. This waiver would allow selection of the DBT through a process that emphasizes qualifications over project costs. MDT plans to weigh the cost component of the project at 20 percent of the total proposal score. The Supplemental Environmental Impact Statement (SEIS) and Record of Decision (ROD) were approved in 2008 for the North Ninepipe project.

Additional details are contained in the SEP-14 workplan.

The SEP-14 Workplan is approved.

Thank you for the opportunity to review and comment on this SEP-14 request. If you have any questions, please contact Clayton Wellman at (202) 366-4658, or John Huyer at (720) 437-0515.