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**From:** Dye, Dave  
**Sent:** Monday, April 20, 2009 12:48 PM  
**To:** 'Clibborn, Rep. Judy'  
**Cc:** 'Fleckenstein, Mary'; Ziegler, Jennifer; Paananen, Ron  
**Subject:** RE: Dickerson AWW Amendment

Representative Clibborn - Mary asked me to review the proposed amendment and comment on two points, the first being the selection of the three likely bidders, and the second being the requirement for a fixed price contract for the bored tunnel...here are my initial thoughts...

With regard to the "pre-determination" of the three likely bidders, we believe that WSDOT cannot legally make such a selection because we would be circumventing the legally mandated requirements under our design-build law. We would need to go through a formal selection process, first through a Request for Qualifications step where we would short list the bidders, and then proceed with the formal issuance of a Request for Proposal, where we would then review the specific proposals from the short-listed teams. It is worth noting that our experience indicates a high level of proprietary information comes in these proposals and firms are not anxious to share specifics for fear of losing the competitive edge. I suggest we keep the tunnel expert panel review currently included.

With regard to the fixed price contract requirement, we believe that the best contracting tool should be used for the right reasons...obviously, cost certainly is a high priority, but best value for the taxpayers remains the overarching goal -- it may be other types of contracts for the various portions of the tunnel project are better suited to meet that purpose, while providing the protection we want. I would suggest we could include some language that requires the department to prepare a construction management and contracting plan and present it to the leg next session as a way to help move this along - alternatively, we could add it to the JTC things to do list for this summer.

-dave

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**From:** Fleckenstein, Mary [mailto:Fleckenstein.Mary@leg.wa.gov]  
**Sent:** Monday, April 20, 2009 12:21 PM  
**To:** Dye, Dave  
**Subject:** Dickerson

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