
From: Ossi, Joseph (FTA)
To: Sukys, Raymond (FTA)
CC: Carranza, Edward (FTA); VanWyk, Christopher (FTA); Matley, Ted (FTA); Marler, Renee (FTA); Ryan, James (FTA); Tahir, Nadeem (FTA); Luu, Catherine (FTA); Day, Elizabeth (FTA); Barr, James (FTA)
Sent: 10/26/2009 10:57:46 AM
Subject: FW: Honolulu Draft Letter -- Sukys Issues

You asked me, as the originator of the draft letter to Honolulu:

1. Why we are relying on the PPP Pilot Notice of 1/19/2007 as the statement of FTA policy when this Honolulu project is not a PPP pilot; and

2. How we reconcile what is in the PPP Pilot Notice with the excerpt below from **Additional Final Guidance on New Starts/Small Starts Policies and Procedures**, published in the FR on 9/2/2009.

On your first point, I agree with you but TCC said that the PPP Pilot Notice is the document that we should quote and on which we should take our stand.

On your second point, I would say that refusing to pay for an activity (e.g., by not granting pre-award authority) is not the same as disallowing the activity at all. My understanding is that FTA allows a design-build contract to be signed prior to NEPA completion because FTA accepts the position that many of the benefits of design-build contracting can only be realized if the contractor is brought in during PE and prior to completion of the NEPA process. The PPP notice says that bringing in the D-B contractor prior to NEPA completion is allowed (with certain conditions). The September 2nd notice says that we are not going to pay for anything the D-B contractor does prior to FD approval. I don't know why we would refuse to pay for the PE work done by the D-B contractor before FD approval, but I see no inconsistency between the two notices.

Joe Ossi
FTA Office of Planning and Environment
(202) 366-1613

From: Sukys, Raymond (FTA)
Sent: Monday, October 26, 2009 3:35 PM
To: Ossi, Joseph (FTA)
Subject:

About half a page beyond 45513:

FTA does not believe that allowing pre-award authority for the procurement of design-build and construction management/general contractor contracts prior to final design will expedite project delivery. These activities are not generally considered to have "long lead times."