
From: Day, Elizabeth (FTA)
To: VanWyk, Christopher (FTA); Sukys, Raymond (FTA); Ossi, Joseph (FTA)
CC: Carranza, Edward (FTA); Matley, Ted (FTA); Marler, Renee (FTA); Ryan, James (FTA); Tahir, Nadeem (FTA); Luu, Catherine (FTA); Barr, James (FTA)
Sent: 10/27/2009 3:13:23 AM
Subject: RE: Honolulu Draft Letter -- Sukys Issues

Hi everyone – Please hold off from discussing further. The write up in the Sept 2nd New Starts policy guidance was a mistake on our part. It was written while I was on leave and I'm not sure it was checked as thoroughly as it needed to be. The write-up in the Penta P notice is the only write up on the issue of awarding design-build in relation to NEPA that FTA has ever prepared as far as I know. Thus, even though it is in a notice that is for a specialized purpose, it is still FTA's latest thinking on the entire issue of design-build for New Starts projects not yet completed with NEPA. I know Scott feels this way.

Please note that since 2006 FTA has allowed as much engineering/design during PE as the grantee wants to perform in order to feel confident in the cost estimate and locking in the NS share at the point of requesting entry into FD. Thus, pre-award authority is essentially granted at PE approval for as much engineering/design as they would like to do.

From: VanWyk, Christopher (FTA)
Sent: Tuesday, October 27, 2009 9:01 AM
To: Sukys, Raymond (FTA); Ossi, Joseph (FTA)
Cc: Carranza, Edward (FTA); Matley, Ted (FTA); Marler, Renee (FTA); Ryan, James (FTA); Tahir, Nadeem (FTA); Luu, Catherine (FTA); Day, Elizabeth (FTA); Barr, James (FTA)
Subject: RE: Honolulu Draft Letter -- Sukys Issues

I'll confirm this with Scott.

Chris

From: Sukys, Raymond (FTA)
Sent: Monday, October 26, 2009 5:17 PM
To: Ossi, Joseph (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)
Subject: RE: Honolulu Draft Letter -- Sukys Issues

On September 2, 2009, FTA announced that it does not believe there are benefits to awarding a design-build contract prior to FTA's approval for entry into final design. Why would FTA rely on something from 2007 that is oriented to a pilot program for private sector partnerships?

The New Starts program has always had its approval steps and the pilot guidance is inconsistent with the New Starts program since the New Starts program does limit activities as the sponsor moves through PE, FD and FFGA.

Ray

From: Ossi, Joseph (FTA)
Sent: Monday, October 26, 2009 1:58 PM
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)
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."