

FHWA Design-Build Activity Guideline

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Activity	FHWA Action	Citation
1. Request for Qualifications		
Scope and Evaluation Factors	Approval	23 CFR 636.302
RFQ Final Document	Approval	23 CFR 636
Addendums	Approval	23 635.112(c)
Shortlist	Concurrence	23 CFR 636.201
2. Environment/ROW/Utilities/ Railroad		
NEPA	Approval	23 CFR 771.113(a)(1), 23 CFR 636.109
ROW Certification	Keep for records & concurrence in award	23 CFR 635.309(b)
Utility Certification	Keep for records & concurrence in award	24 CFR 635.309(b)
Railroad Certification	Keep for records & concurrence in award	25 CFR 635.309(b)
3. Request for Proposal		
RFP Final Document	Approval	23 CFR 636
Addendums	Approval	23 635.112(c)
Liquidated Damages Rates- If project specific	Approval	23 CFR 635.127(b)
4. Technical Evaluation Committee		
Concurrence in Award	Concurrence: FHWA should be involved as non-voting member. If not possible, a recommendation summary should be provided to FHWA.	23 CFR 635(k)
5. Construction		
Change Orders	Approval	23 CFR 635.120(a)
Non-compliant work-NCR	Keep records and communicate with FHWA	49 CFR 18.42
Claims	Approval	23 CFR 635.124
6. Project Completion		
Final Acceptance	Approval	49 CFR 18.50
7. Miscellaneous		
Alternative Technical Concepts (ATCs)	Concurrence	23 CFR 636.209(b)
Public Interest Findings	Approval	23 CFR 635
Design Exceptions	Approval	23 CFR 625.3(f)
Buy America Waivers	Approval by FHWA HQ- submitted through Division Office	23 CFR 635.410(c)(1)
Additional Project Impacts (Environmental document modifications)	Approval	23 CFR 771.109
Project Records (construction, civil rights, traffic management, materials testing, submittals and acceptance)	For review and final acceptance	23 CFR 637, 49 CFR 18.42
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