





While carrying out the MDCSO Program to abate water pollution associated with CSOs, WTD is committed to local agency coordination and appropriate incorporation of King County initiatives such as Equity and Social Justice and Strategic Climate Action Plan goals.

## 3.0 Summary of Responses

Section 3 of the RFI contained eight questions addressing factors such as contract size, program packaging, delivery methods, systems integration, equity and social justice, market conditions, and joint venture (JV) considerations.

### 3.1 Construction Package/Contract Size

*The Mouth of Duwamish Combined Sewer Overflow (MDCSO) Program is planning for multiple construction packages to be delivered across the program and is seeking to right-size construction package / contract to industry preferences in terms of total U.S. dollar value of construction works.*

- a) What size of construction contracts (range in U.S. dollars) does your firm generally prefer when delivering projects as a prime contractor?*
- b) If you do not currently work in Washington State (WA), what size of a construction contract and/or package (range in U.S. dollars) is preferable to support a business decision to pursue work in WA?*

Over 40% of respondents indicated the potential capability to deliver packages ranging from a few million up to multi-billion-dollar values; however, some respondents provided preferences for the size of construction contracts, with some firms preferring packages in the \$50 million (M) to \$200M range. There were also firms interested in larger contracts, provided there were opportunities to collaborate in joint ventures. Key components from respondents include:

- Respondents specializing in heavy civil construction works indicated that they have pursued and/or constructed contracts up to \$2.5 billion (B), with bonding capacity to match. Some respondents prefer projects in the \$100M to \$500M range, which require fewer dedicated resources compared to projects over \$1B. A general preference for contracts greater than \$200M (including references to projects outside of Washington state from the respondent pool) was indicated; however, other factors such as owner reputation, procurement model, contract type, work complexity, and project schedule were part of considerations.
- Several firms indicated being adept at working under collaborative delivery methods, particularly General Contractor / Construction Manager (GC/CM) and Progressive Design-Build (PDB) delivery types for contracts ranging from \$50M to multi-billion-dollar values.



- A couple of the respondents indicated specialization in certain contracting disciplines and expressed preferences for contract sizes ranging from \$50M to \$150M. Rationales provided included the specialty nature of certain construction works; cost control, schedule management, and resource allocation; and maintaining control over risk, cost, resource availability, and schedule
- Three respondents indicated that they deliver a wide range of heavy civil infrastructure contracts, from a few million to multi-billion-dollar values, and prefer alternative delivery models for larger, more complex contract sizes that have higher risks.

### **3.2 Joint Venture Considerations**

***The MDCSO Program may involve construction packages / contracts greater than \$500 million in value of construction works and has received preliminary feedback from industry that this may trigger considerations for formation of a Joint Venture partnership.***

- a) What conditions and considerations, including scope of work, resource availability, and depth/capacity of resource needs would your firm consider a Joint Venture?***
- b) Is there a size of construction package / contract in terms of total U.S. dollar value of construction works that would make a formation of a Joint Venture necessary? If so, what is that threshold?***

Many respondents indicated a willingness to form joint ventures for larger construction packages, especially those exceeding \$500 million. Conditions that would prompt the formation of a joint venture include the scale of the project, the need for specialized expertise, resource availability, and the depth of resource needs. Key components from respondents include:

- The decision to form a joint venture is not based solely on contract value; rather, it is based on local or regional conditions, the experience of potential partners, and risk-sharing considerations.
- Some respondents noted that joint ventures may be formed for projects involving treatment plant work, Supervisory Control and Data Acquisition (SCADA), and Instrumentation and Controls (I&C).
- Respondents indicated joint ventures are favorable particularly where scope complexity or resource needs are high. Partnerships are evaluated based on project size, complexity, and required resources.
- Respondents indicating a preference towards specialized construction works (e.g., trenchless construction works) have varying preferences for



forming joint ventures based on project size and complexity. A range of \$50M to \$350M in contract size was indicated for being either a prime contractor or in a joint venture, particularly where scope complexity or resource needs are high.

- Three respondents noted that they typically do not require a joint venture partner but may consider a joint venture for specialty construction works (where warranted), including tunneling scopes or projects exceeding \$250M, due to risk and/or resource needs.

### **3.3 Program Packaging**

*The MDCSO Program is looking at packaging components that include 1) a wet weather treatment station; 2) effluent conveyance and outfall (in-water work); 3) influent conveyance, regulator station modifications, and diversion structure modifications; and 4) conveyances and a storage tank in the Chelan area. The MDCSO Program is interested in receiving feedback on organizing and efficiently packaging the work as described in the Background information contained in this RFI.*

- a) How would your firm recommend grouping the components of work into construction packages?*
- b) When does it make sense to break up components?*
- c) Would you package open cut and tunnelling conveyance work together?*

There were varied recommendations on how best to package the work components. Key themes from the RFI responses include:

- Some respondents suggested grouping the Wet Weather Treatment Station (Package 1) and Effluent Conveyance (part of Package 2) together due to similarities in construction processes.
- Some respondents indicated that separating any trenchless (i.e., tunneling) from open cut conveyance would allow for more efficient bidding by specialized contractors.
- The majority agreed that combining any Influent Conveyance (Package 3) work with regulator station modifications (also Package 3) would streamline project management.
- One respondent recommended evaluating interface risks when considering splitting contract packages and emphasized that contract scope is more important than contract size. It was also suggested that determining project schedules, construction sequencing, staging, and geographic location should guide packaging decisions.



- Recommendations were made to group components based on work types to develop and construct multiple packages concurrently, considering critical success factors, risk management strategy, and technical constraints. The industry advised evaluating risks at project interfaces, assessing how proposed infrastructure affects system operations during construction, and considering the environmental benefits of the projects.
- Additional recommendations were made to organize work packages to match industry self-perform strengths in tunneling, open cut, and treatment facility construction. It was suggested to group components such as conveyance pipelines and storage systems, including open cut and tunneling, to enhance scheduling efficiency and simplify project management.
- Recommendations for separating in-water and on-land work and creating separate contracts for specialized scopes, such as regulator stations, were also received. Industry participants suggested splitting larger packages like influent conveyance and storage tanks into smaller components to increase the competitive bidding environment.
- Recommendations were made to consider implementing a one-on-one contractor engagement process early in the pre-procurement phase to develop a packaging plan that aligns with contractor capabilities and to compartmentalize certain components for better system integration.

### **3.4 Delivery Methods**

*The MDCSO Program is considering traditional Design-Bid-Build (DBB), General Contractor / Construction Manager (GC/CM), and Progressive Design-Build (PDB) delivery methodologies for delivery of the packages as described in the Background Information for the wet weather treatment facilities, wet weather storage facilities, diversion structures, conveyance pipelines, a new outfall, system integration and SCADA.*

- a) Does your firm have a preferred delivery method (DBB, GC/CM, PDB) amongst the delivery methodologies currently under consideration? And why?*
- b) What delivery method does your firm think should be used for each of the MDCSO Program packages? And why?*

Preferences for delivery methods varied. Key remarks from respondents include:



- Progressive Design-Build (PDB) and GC/CM were preferred for complex components like the Wet Weather Treatment Station facility, while Design-Bid-Build (DBB) was seen as suitable for straightforward conveyance work. GC/CM was also recommended for managing risk in key components and facets of the delivery and interfaces.
- Respondents highlighted the benefits of collaborative delivery methods like PDB and GC/CM, including schedule savings, technical optimizations, and risk-sharing opportunities.
- One respondent recommended PDB for its integrated project team approach and suggested using delivery methods based on project-specific considerations, such as complexity, system operations, and the need for early contractor input. They offered high-level delivery method recommendations for each package, with PDB preferred for technically challenging projects and GC/CM or DBB for more straightforward work.
- Respondents indicated a strong preference for collaborative delivery models, particularly GC/CM and PDB, citing their success in delivering complex projects with greater transparency and real-time decision-making. They recommended using GC/CM or PDB for MDCSO as these methods align well with the County's goals and allow for close alignment between the County and the contractor from design through execution.
- Respondents further emphasized the benefits of alternative delivery methods such as GC/CM and PDB (while also recommending DBB for less complex projects), indicating that using GC/CM for all packages could promote more collaboration between the contractor and the County.
- Respondents generally indicated a delivery method preference for GC/CM or PDB, noting that these methods are most effective when the contractor is involved early, as it allows for collaborative risk management, cost control, and increased price certainty.

### **3.5 Systems Integration, Instrumentation & Controls (I&C), and Commissioning**

*Several components of the MDCSO Program may be constructed under separate contracts but need to be integrated, controlled, and operate together.*

- a) What has your firm seen work well in industry and practice to integrate the different components during testing, commissioning, and operational startup? Are there specific learned lessons your firm would like to share?*
- b) Does your firm have any recommendations on how best to programmatically integrate facilities, I&C, and SCADA systems across the*



***various MDCSO Program wet weather facilities that may be delivered across multiple packages and contracts?***

Respondents emphasized the importance of early planning for integration and testing to avoid delays. Key components from respondents include:

- Recommended strategies included appointing an integration manager early in the design phase and having consistent communication protocols between contractors.
- Lessons learned from previous projects include integrating SCADA system planning early and ensuring coordinated operational startup activities. Responses noted the importance of involving specialty contractors early to evaluate sole sourcing of equipment and materials, and frequent touchpoint meetings to ensure thorough interface completion.
- Recommendations included standardizing I&C devices and equipment to maintain uniformity across the program, adopting a consistent startup and commissioning framework, and ensuring clear qualifications and responsibilities for startup engineers to achieve reliable outcomes.
- Additional recommendations proposed a phased approach to commissioning to ensure that each system is thoroughly tested and integrated prior to project completion. The importance of close coordination of SCADA and I&C systems across packages to achieve reliable system integration was emphasized.
- Some responses recommended considering the use of a specialty scope contractor for commissioning certain components of the system to ensure consistency and reliability during startup. The benefits of using GC/CM or DBB to facilitate this approach were emphasized as a key delivery consideration.
- Responses suggested the use of an additional System Integrator package to provide consistent system integration across the program and proposed early involvement of operators and manufacturers in the commissioning process.

### **3.6 Pro-Equity Contracting**

***We are interested in your feedback regarding what approaches and measures we might consider that could improve opportunities for equity and social justice (ESJ), including how best to maximize pro-equity contracting opportunities for certified MBE, WBE, DBE, and SBE firms (certified as registered on <https://omwbe.wa.gov/certification>) and meet requirements and goals under the Master Community Workforce Agreement.***





- a) Are there any specific measures that you recommend we provide for in our selection and contracting that would increase participation of MBE, WBE and other certified firms? If so, please describe them and why you recommend we consider them.*
- b) Are there any specific measures that you recommend we provide for in our selection and contracting that would improve ability to meet Master Community Workforce Agreement requirements and goals? If so, please describe them and why you recommend we consider them.*

Several approaches to pro-equity contracting, including efforts to support the County's Equity and Social Justice (ESJ) strategic initiative to improve opportunities for Minority Business Enterprises (MBE), Women Business Enterprises (WBE), Small Business Enterprise (SBE), and other Disadvantaged Business Enterprises (DBE) were suggested. Key recommendations from respondents include:

- Setting clear subcontracting goals, providing pre-bid workshops for certified firms, and offering mentorship programs.
- Ensuring compliance with the Master Community Workforce Agreement (MCWA) as a critical factor, with suggestions to use workforce utilization tracking and incentives. Responses suggested packaging more scopes of work into one contract with a self-perform prime contractor, allowing for smaller scopes to be subcontracted to minority firms, thus improving participation opportunities.

In addition,

- Responses suggested accelerating opportunities for disadvantaged businesses by allowing less experienced firms to serve in key roles without penalizing competing proposers, better integrating M/WBE utilization goals with project management goals and allowing markups on subconsultant budgets to incentivize participation.
- Respondents generally highlighted their established mentorship programs and subcontracting partnerships with MBE, WBE, DBE, and SBE firms as part of their commitment to King County's Equity and Social Justice (ESJ) objectives. Emphasis was placed on fostering meaningful community engagement and increasing local contractor participation.
- Some respondents recommended utilizing GC/CM, including considerations for Alternative Subcontracting under the Revised Code of Washington (RCW) 39.10 provisions, to create more opportunities for collaboration and maximize MBE, WBE, DBE, SBE and other certified firm





participation. They also advised including a dedicated Program Inclusion Manager to oversee and promote participation.

- Respondents suggested several initiatives for improving ESJ opportunities, such as setting realistic but aggressive participation goals, ensuring prompt payments for small firms, and incentivizing contractors to include new MBE, WBE, DBE, and SBE subcontractors.

### **3.7 Market Conditions**

*Given constrained market conditions in terms of supply chain, resources, and other inputs to delivery, are there other options King County could consider to control time, cost, risk and leverage its purchasing power? If so, what are they and why do you recommend them?*

Respondents highlighted challenges with current market conditions, particularly supply chain issues. Key components from respondents include:

- Recommendations to consider phased procurement to secure key materials early and leverage County-wide contracts to control costs.
- Recommendations to establish pre-purchase agreements for long lead items as a key risk control measure. In addition, recommendations for the use of early work packages for long lead material procurement as part of collaborative delivery models were identified as a key factor contributing to an efficient project delivery timeline.
- Recommendations suggesting early procurement during design for long lead items, pre-purchasing equipment to leverage purchasing power, and considering approaches like financial incentives to attract contractors and resources.
- Suggestions surrounding early procurement of key materials and bulk purchasing to mitigate potential supply chain delays. Emphasis was placed on self-perform capabilities to stay on schedule by minimizing dependency on external subcontractors, thereby helping to control costs and manage project risks.
- Recommendations to include early procurement packages for materials under the GC/CM delivery model, indicating an opportunity to reduce escalation and improve project efficiency. Splitting packages to involve multiple contractors and reducing labor burdens was also suggested.



- Highlighting the use of early works packages within the development phase for critical path items to maintain project schedule and control costs, suggesting key early procurement activities.

### **3.8 Other Considerations**

- a) Are there any other specific measures that you recommend that the County considers including evaluation and selection; contract terms and conditions; or contract management? If so, please describe them and why your firm recommends them.*
- b) If your firm has experience working with King County delivering projects, what improvements could be made as a project partner to how the County delivers capital programs and projects such as MDCSO?*
- c) What are the characteristics your firm believes makes an “owner of choice”, or ideal owner, on large, complex capital programs and projects such as MDCSO?*

Respondents provided additional feedback on evaluation and selection criteria, recommending transparent and well-documented criteria for scoring proposals. Key components from respondents include:

- Lessons learned from working with the County, including emphasizing early communication and a collaborative approach to managing changes. Ideal owner characteristics included decisiveness, fairness in risk allocation, and a willingness to engage in open communication.
- Recommendations to use a qualifications basis to shortlist contractors, sharing conceptual contracts during the Request for Proposal (RFP) stage, and establishing a fair and collaborative risk management plan, including a shared risk and opportunity register.
- Recommendations to focus on qualifications, experience, and approach in evaluation criteria, using industry-standard contract templates, and providing contract terms early in the procurement process to ensure informed decisions.
- Emphasis on the importance of clear and continuous communication, regularly scheduled updates, and transparent decision-making processes to keep all stakeholders aligned. Respondents valued the County's commitment to partnership and collaboration, considering it critical to the success of the MDCSO Program.



- Recommendations to ensure clear communication on funding status, splitting larger packages into smaller components to reduce funding uncertainty, and providing a fair representation of project risks to set clear expectations for all parties.
- Highlighting the importance of formal partnering and dispute resolution processes for efficient project delivery.
- Recommendations for early contract review opportunities, the use of a two-step procurement process to shortlist qualified bidders, and fair risk sharing between the County and the contractor, highlighting the benefits of collaborative delivery as well as maintaining a direct line of communication with WTD staff.

## 4.0 Conclusion

The responses received for the MDCSO RFI provide a comprehensive overview of the industry's feedback on the proposed project. The responses highlight several key themes and preferences that can guide the County in developing the MDCSO Program packages and delivery methods.

Respondents expressed a strong interest in participating in the MDCSO Program, with preferences for construction packages ranging from a few million to multi-billion-dollar values. Many firms indicated their capability to handle larger contracts, including through joint ventures, which are considered for projects exceeding \$500 million due to the need for specialized expertise and resource availability.

The feedback on program packaging suggests a preference for grouping similar work components to streamline project management and enhance efficiency. Recommendations included combining the Wet Weather Treatment Station with Effluent Conveyance and separating trenchless from open cut conveyance for more efficient bidding. Additionally, respondents emphasized the importance of considering project schedules, construction sequencing, and geographic location when determining packaging decisions.

Regarding delivery methods, there was a strong preference for collaborative models such as PDB and GC/CM, particularly for complex components like the Wet Weather Treatment Station. These methods were favored for their ability to manage risk, optimize technical solutions, and facilitate early contractor involvement.

Respondents also highlighted the importance of early planning for systems integration, instrumentation, and controls to avoid delays and ensure reliable outcomes. Recommendations included a programmatic approach to SCADA and I&C, as well as appointing an integration manager early in the design phase and standardizing I&C devices and equipment.



Pro-equity contracting was another significant element, with respondents suggesting various approaches to support the County's Equity and Social Justice (ESJ) strategic initiative. These included setting clear subcontracting goals, providing pre-bid workshops, and offering mentorship programs to improve opportunities for M/WBE, Small Business Enterprise (SBE), and other DBE entities.

Respondents addressed the challenges posed by current market conditions, particularly supply chain issues. Recommendations included phased procurement to secure key materials early, leveraging County-wide contracts, and establishing pre-purchase agreements for long lead items.

Overall, the responses to the MDCSO RFI provide valuable insights into industry preferences and considerations, which can help the County develop effective and efficient program packages and delivery methods while promoting equity and addressing market challenges.