

**Testimony: PA House Transportation Committee's Public  
Hearing on  
House Bill 2747**

**By**

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Commission**

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Good morning, Chairman Hennessey, Chairman Carroll, and members of the House Transportation Committee. I am Brad Heigel the Chief Engineer at the PA Turnpike Commission, and I would like to thank you for allowing me to offer testimony on behalf of the Pennsylvania Turnpike Commission in reference to this piece of legislation. By expressly authorizing state agencies to use the Design Build Best Value (DBBV) Process, the Commonwealth has a unique opportunity to assist agencies in streamlining projects and significantly reducing project timelines while ensuring we are contracting with contractors that are innovative and efficient in their means and methods and competitive with their project bids.

As you all know, the DBBV procurement method streamlines the project delivery process through one single contract between 2 entities; in this case a state agency, and the contractor that the agency awards the project to. Throughout the country, this procurement process is being used by private companies, other state governments and agencies, and other major project owners. By legislatively including DBBV as a method of source selection for use by the PTC and PennDOT, Pennsylvania will be able to significantly streamline the process of project delivery and reduce project times.

I would first like to underscore the PTC's support for this legislation. On behalf of the Commission, I would like to offer some comments and potential changes to the language.

First, it is important to note that the size and scale of the PTC pales in comparison to PennDOT, both in terms of manpower and budgetary constraints. We just do not have the resources to create an innovative contracting division, which the legislation calls for. We propose that the language be amended to permit the PTC Contract Management team to operate as the Innovative Contracting Division described within the legislation. By doing so, the Commission is confident that our staff and our budgetary needs will not be stretched too far.

Additionally, the PTC values the contractors that it has worked with in past years to achieve projects that benefit all Pennsylvania motorists. The requirement to make public technical and price proposals that the Commission would receive may deter contractors from participating in the process altogether. Such requested information is considered proprietary information by these prospective contractors and would disclose their intellectual property and innovative competitive advantage.

As you all are aware, state agencies such as the PTC can be bogged down with hundreds of projects throughout the Commonwealth while simultaneously responding to thousands of Pennsylvanians' inquires, concerns, and comments. Depending on the size of a project, agencies may receive a large number of proposals from contractors. The proposed 15-day debriefing window coupled with the 45-day window to award stipends to "short-listed companies" would prove to be cumbersome and difficult for us to meet. We ask that you consider extending the windows to give our partners more time to meet these requirements.

Additional amendments that the PTC recommends include:

- Revising the public notice section to eliminate the requirement to include the nonbinding cost estimate and instead include an estimated project cost range, similar what the PTC uses in its advertisements
- Clarity and provide guidance on what information is to be included in the Design Build Advisory Committee's annual report
- Changing debriefing conferences from mandatory to "as requested by a responsive proposer" for short-listed companies that were not awarded a contract
- Waiving the requirement that agencies use a scoring system when evaluating contracts. Currently, the PTC categorizes or rates teams as Highly Recommended, Recommended, and Not Recommended

As I mentioned above, House Bill 2747 provides a unique opportunity to equip the Commonwealth's transportation agencies with another tool in our toolbox when delivering vital transportation projects effectively and expeditiously. We believe that our proposed changes to the bill will make this legislation more practical and effective for our agency.

Again, we thank you for the opportunity to be here today in support of this bill.

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