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APPENDIX 25-A  
EXAMPLE SUPPLEMENTAL GEOTECHNICAL BORING PROGRAM ITP LANGUAGE

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December 10, 2013
25.1 OVERVIEW

Past experience has demonstrated that an inadequate project geotechnical investigation can lead to excessive risk both in terms of schedule and cost. Therefore, it is important to do the right amount of geotechnical investigation to provide the subsurface information needed to mitigate those risks. This data can then be used to develop contract information that will provide potential Proposers with a consistent understanding of the site geotechnical conditions and the impact those conditions may have on the project design and the constructability of that design. NYSDOT GDM Chapter 1 describes the project development in the Design-Build (DB) process.

This chapter summarizes the level of geotechnical investigation and analysis for Design-Build projects that should be considered prior to contract advertisement and includes descriptions of the geotechnical reports which may be developed. Once the contract is awarded, geotechnical oversight is required to ensure that the final design and its construction meet the contract requirements. This geotechnical oversight is also needed to address unanticipated site conditions (Differing Site Conditions clause of the RFP) and potential ambiguities in the contract specifications, if such problems occur.

25.2 DEFINITIONS

Geotechnical documents provided as part of or in support of a Design-Build project include the Geotechnical Data Report (GDR), the Geotechnical Baseline Report (GBR), and Geotechnical Memoranda (GM), and other related Reference Documents.

- **Geotechnical Data Report** - A GDR presents only factual geotechnical and geological information obtained through site and subsurface investigation, and laboratory testing, and should not include interpretive information. The GDR is usually included in the RFP.

- **Geotechnical Baseline Report** – A GBR is a document that provides the primary contractually binding interpretation of geotechnical conditions for Proposers to use as the basis for their proposals. The engineering values and properties defined in the GBR are developed between a consensus between the Owner and the Proposed Bidders. This GBR should not incorporate any part of the GDR by reference, nor repeat or paraphrase the factual information in the GDR. However, the GBR should use the factual information in the GDR as part of the basis for the creation of the GBR.

- **Geotechnical Memoranda** and other reference documents include other geotechnical information, interpretations, and preliminary designs that were used as the basis for evaluating the feasibility of the project design concept, and possibly alternatives to the final project design concept, and to assess areas of geotechnical risk for the project. The Geotechnical Memoranda are not included as Contract Documents, but are made available to Proposers in an appendix to the RFP for information only, not to be used as the basis for their proposal.
In addition to the geotechnical documents, the following are definitions of some key terms used in the Design-Build process which may incorporate their use:

- **Alternative Technical Concepts (ATC)** – An ATC is a procedure where the Design-Builders are asked to furnish alternative design solutions for features of work designated by the agency in its DB Request for Proposals (RFP). Under Alternate Proposals, the RFP requires that a Proposer submitting an Alternate Proposal must also submit a baseline proposal. Under ATC, a Proposer can submit an ATC to the NYSDOT for consideration during the proposal preparation period (much the same as with technical concepts review), and if accepted, can elect to concentrate on and submit only the accepted ATC. Again, if accepted, the details of the accepted ATC are not shared with the other Proposers.

- **Informational Meetings** – One or more informational meetings for the potential Design-Builders or members of DB Teams are typically held to disseminate more detailed information about the Project and the procurement process as the Project progresses. Informational meetings normally provide for a question and answer period at the end of any presentation to foster the open communication and set the stage for partnering which is critical to the success of DB Projects. This represents the first opportunity to convey trust and the “different way of doing business” inherent in the DB delivery method.
  - **One-On-One Meetings** – Depending on the risks, complexities, or need for creativity regarding a project, the NYSDOT, during the RFP preparation phase, may elect to invite Proposers on the Short-List to One-On-One meetings to gain further insight from the Proposers regarding major challenges and keys for success. The individual Proposer meetings provide a confidential forum allowing each Proposer on the Short-List to provide input and comments to the NYSDOT regarding the Project. Individual Proposer meetings are most beneficial when combined with a request for the Proposers on the Short-List to review and comment on drafts of the RFP. These One-On-One meetings are primarily intended to allow the NYSDOT to gain information from the Proposers rather than to disseminate information to the teams.

- **Best Value** – The selection of a DB Team from the Short List of Proposers will be based on a Best Value determination, thus providing the best opportunity to obtain the right Design-Builder to assure a successful Project. Although price is an important factor, time and quality are also major factors in determining the Project’s success. The NYSDOT’s procedures for the evaluation and selection of Proposals were designed to provide a comprehensive evaluation of quality, that when combined with price, will result in the selection of the appropriate Design-Builder.
  
  A Selection Committee will perform an integrated assessment including Tradeoffs (developed through evaluation factors (including subfactors)) and Price, with the overall quality rating and price having the relative importance specified in the Instructions to Proposers (ITP). Based on review of the recommendation and professional judgment, the Selection Official will select the responsive Proposer providing a fully compliant Proposal that represents the best value to the NYSDOT.
• Over-The-Shoulder Reviews – Over-the-shoulder reviews are termed as such to indicate that the design process will not stop to wait for comments from the informal review process. The purpose of such reviews is to not provide design QC or technical direction to the Design-Builder, but simply to work in a cooperative manner with the Design-Builder to head off geotechnical related problems in the design before they get too far along. These reviews allow the NYSDOT to provide more frequent input to ensure that the final design will meet the contract requirements.

• Released-For-Construction – Released-for-construction term is used to state that the Design-Builder’s Engineer-of-Record has reviewed and approved the design and is certifying it as ready for final review by NYSDOT. The NYSDOT’s Project Manager will provide consultation and written comment on the design product before the review is considered complete and the design released for construction. This consultation and written comment does not constitute approval of the design. Design Acceptance is not given until the end of the Project, after all As-Built Plans have been reviewed and accepted.

Design documents may be developed and released for construction in incremental stages, allowing the Design-Builder to initiate construction at its own risk prior to completion of final design document.

• Differing Site Conditions (DSC) Clause – A DSC is a contract clause designed to give a Contractor cost and time relief for (1) subsurface or latent physical conditions encountered at the site differing materially from those indicated in the contract; or (2) unknown physical conditions at the site of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inherent in the work provided for in the contract. Under 23 CFR 635.109 Standardized Changed Condition Clause, the FHWA mandates the use of a differing site condition clause for Design-Bid-Build (DBB) projects on federal-aid highway projects. However, the FHWA does not have the same mandate for Design-Build projects. Instead, it encourages state DOT’s to use the clause when appropriate for the risk and responsibilities that are shared with the Design-Builder.

Since the information provided in a DB RFP is substantially less than that provided in DBB contract plans, the RFP needs to specifically spell out the responsibilities and risks associated with site conditions. In a risk sharing approach, the NYSDOT would clearly state that it assures the accuracy of site information only at the specific locations where investigations and tests were taken and to the degree of accuracy indicated in the Contract Documents, and that any interpolation between those points is the responsibility of the Design-Builder.

Under DB and as stated in NYSDOT GDM Chapter 1, the issues associated with site conditions are addressed in the risk identification, assessment and allocation portion of procurement strategy process. The results of which provide a decision on: (1) how risk will be shared between the Department and the Design-Builder on different site conditions, and therefore (2), what and how much preliminary or supplemental preliminary engineering/investigations need to be performed.

Geotechnical information is almost always identified as a high-risk issue. In most cases, this will result in the NYSDOT performing a thorough geotechnical investigation, providing the results of the investigation to the Design-Builder, and warranting the data
for use by the Design-Builder. This risk sharing approach is a compromise between the extremes of:

- warranting all site conditions (as with DBB), or
- holding the Design-Builder responsible for all site conditions (the consequence of this uncertainty results in a price contingency in the Proposal price and schedule impacts after award to provide time to conduct the investigations.)

In order to hold the Design-Builder responsible for all site conditions, the contract may state:

“The Design-Build Team acknowledges that project documents furnished by the Department are preliminary and provided solely to assist the Design-Build Team in the development of the project design. Unless otherwise noted herein, the Department does not warrant or guarantee the sufficiency or accuracy of any information furnished by the Department.

The Department does not warrant or guarantee the sufficiency or accuracy of any investigations made, nor the interpretations made or opinions of the Department as to the type of materials and conditions to be encountered at the project site. The Design-Build Team is advised to make such independent investigations, as they deem necessary to satisfy their self as to conditions to be encountered on this project. The Design-Build Team shall have no claim for additional compensation or for an extension of contract time for any reason resulting from the actual conditions encountered at the site differing from those indicated in any of the information or documents furnished by the Department except as may be allowed under the provisions of the Standard Specifications.”

In order to warrant the data for use by the Design-Builder, the contract may state:

“The Department represents that, to the best of its knowledge, the information represented by the borings and tests taken by the Department are accurate at the location of the tests. Any extrapolation of such information to other locations by the Design-Builder shall be at Design-Builder’s risk. Furthermore, the Design-Builder is responsible to determine what additional geotechnical information is required to support its design and is responsible for obtaining such information and is responsible for the accuracy of such information”.

In such circumstances, the Design-Builder is only able to rely on the information shown in the contract at the specific locations of the investigations or tests.

25.3 FIELD INVESTIGATION REQUIREMENTS FOR THE GDR AND GBR

The level of geotechnical field investigation necessary for preparation of the GDR and GBR will be determined and approved by the Departmental Geotechnical Engineer, or an approved designee, with input from the Regional office. The Departmental Geotechnical Engineer, Project Management, and the Regional Project Team will review and agree upon the short-term (i.e.,
during the contract) and long-term (i.e., after the contract is completed to the end of the design life of the facility) project performance risks when determining the initial level of investigation required. During the execution of the field exploration program, field findings may significantly alter those risks and require changes to the field investigation program. The level of geotechnical investigation shall consider the amount of information necessary to develop the Concept Design for the Design-Build project and also to provide the appropriate level of confidence in baseline statements and thereby reduce the risk of differing site condition claims. The amount of geotechnical investigation needed is project specific, and shall be determined based on the guidelines provided herein.

The goals of the typical geotechnical investigation for design-build projects are to:

1. Identify the distribution of soil and rock types for the Concept Design, and assess how the material properties will affect the design and construction of the project elements.
2. Define the ground water and surface water regimes for the project concept design. It is especially important to determine the depth, and seasonal and spatial variability, of groundwater or surface water. The locations of confined water bearing zones, artesian pressures, and seasonal or tidal variations should also be identified.
3. Identify and consider any impacts to adjacent facilities that could be caused by the construction of the Concept Design.
4. Identify and characterize any geologic hazards that are present within or adjacent to the project limits (e.g., landslides, rockfall, debris flows, liquefaction, soft ground or otherwise unstable soils, seismic hazards) that could affect the Concept Design as well as adjacent facilities that could be impacted by the construction of the Concept Design.
5. Assess the feasibility of the proposed alignments, including the feasibility and conceptual evaluation of retaining walls and slope angles for cuts and fills, and the effect the construction of the Concept Design could have on adjacent facilities.
6. Assess potential project stormwater infiltration or detention sites with regard to their feasibility, and to gather at least one year of ground water data in accordance with stormwater regulations if possible within the project development schedule.
7. Identify potential suitability of on-site materials as fill (or, if “unsuitable”, as topsoil for reuse in landscape areas), and/or the usability of nearby materials sources.
8. For structures including, but not limited to, bridges and cut-and-cover tunnels, large culverts, walls, bored tunnels, trenchless technology, provide adequate subsurface information to assess feasibility of the design concept and to help quantify risks.
9. For projects that may include ground improvement to achieve the project Concept Design, provide adequate information to assess feasibility and to assess the potential impacts to adjacent facilities due to the ground improvement.
10. For projects that may include landslides, rockfall areas, and debris flows, provide adequate information to evaluate the feasibility of various stabilization or containment techniques.

To accomplish these goals, the typical geotechnical investigation should consist of the following:

- A review of historical records of previous investigations and construction of existing facilities.
• A geological site reconnaissance of the proposed alignment, focusing on all key project features, and identification of potential hazards within and adjacent to the alignment.
• A subsurface investigation consisting of an appropriate combination of borings, cone probes, field testing, field instrumentation (such as piezometers or inclinometers), geophysical surveys, and laboratory testing.

As a starting point, utilize existing subsurface information from records and augment that information with additional borings, cone probes and/or geophysical surveys to fill in gaps in the existing information.

Any logs produced shall be consistent with the requirements in NYSDOT GDM Chapter 5.

The geotechnical investigation may also include an assessment of the potential to encounter hazardous waste, since that potential and its location may be strongly tied to the subsurface stratigraphy and ground water regime. However, Environmental Sciences Bureau, and/or the Region or their Consultants, have the lead in such investigations. From a contract standpoint, it is desirable to “baseline” the hazardous/contaminated materials/water in the same manner that the geotechnical project attributes are baselined. It is also desirable from a contract standpoint that this hazardous/contaminated materials/water information be consolidated in one place in the contract. The decision of whether this is captured in the GBR or an Environmental hazardous/contaminated materials/water baseline report should be coordinated with Environmental Sciences Bureau.

Regarding archaeological investigations to locate and identify subsurface cultural deposits, such investigations are conducted by qualified professional archaeologists through the Office of Environment, the Region or their Consultants. In some cases, the results of planned geotechnical testing may be requested to assist archaeologists in the identification of buried landforms with the potential for culture-bearing deposits. The results of archeological investigations will not be included in the GDR, GBR, and Geotechnical Memoranda for NYSDOT Design-Build projects, but are contained in a separate report.

It should be recognized that at the time of the field exploration many of the project Concept Design features investigated may not be defined. The Departmental Geotechnical Engineer developing the GBR will have to utilize professional judgment in addition to assistance from the NYSDOT Regional Project Manager and Design Team to assess what project elements for the Concept Design are to be investigated and where they will likely be located in order to perform an adequate field investigation. When developing the exploration plan to investigate the project Concept Design, or other specific concept alternatives requested by the NYSDOT Regional Project Design Team, ensure that the plan is sufficient to develop an overall characterization of the project corridor, and also sufficient as a basis for pricing the final design concept portrayed in the Request for Proposals. However, the overall geotechnical characterization of the project corridor shall not be considered sufficient to assess geotechnical design and construction risks for potential Alternative Technical Concepts (ATCs) that may be proposed by potential bidders.
Typically, a geotechnical subsurface investigation to produce a GDR and GBR targets a 70% level field investigation relative to a full PS&E level investigation for final design as defined elsewhere in the NYSDOT GDM and referenced documents. The actual subsurface investigation conducted for a specific project may vary significantly from this target, however, depending on the uncertainty in the details of the design concept, the potential for variations in alignments and structure locations, the complexity of the site and project, the availability of preexisting subsurface information, and the potential for risk.

Where specific structure or other project feature locations are known with certainty, and the Design-Builder will have no option to relocate or resize the structure, the field investigation program for the GBR should be extended to include all borings needed to meet state and national standards for final geotechnical design of the structure(s) or other features, at the state’s discretion.

Risks to be considered that could require a more detailed investigation than what may be considered typical shall include, but not be limited to, the following:

- Liquefaction and other seismic hazards.
- Very soft soils.
- Areas of previous or potential instability (e.g., Landslides, rockfall, severe erosion).
- Site and soil conditions that may affect constructability.
- High groundwater.

The degree of investigation necessary to properly define and allocate these risks depends on the nature of the risk, the amount of detailed geotechnical information needed to mitigate that risk, and the impact such risks have on the potential project costs. To determine the amount of additional investigation required, consider the impact of such conditions on the ability of Proposers to adequately estimate project costs and project staging/scheduling.

25.4 PURPOSE AND CONTENT OF THE GEOTECHNICAL REPORTS INCLUDED IN THE DOCUMENTS

In general, this section follows the guidelines provided in Essex, et al. (2007) as published by the American Society of Civil Engineers. As specifically applied to NYSDOT Design-Build projects, the geotechnical reports shall be as described in this section.

Geotechnical Data Report (GDR) – The GDR contains all the factual geotechnical data gathered for the project. The GDR should contain the following information:

- A description of the geotechnical site exploration program, including any explanatory information needed to understand the boring logs and in-situ field test logs.
- The logs of all borings, test pits, and other site investigations, including any existing subsurface geotechnical data.
- Ground water measurements.
• A description of the geologic and seismic setting for the project corridor (at a regional level).
• Results of all field tests conducted.
• Installation details, logs, and measurements results of all geotechnical field instrumentation installed for the project or existing geotechnical instrumentation and measurement results usable for the project.
• A description of all laboratory tests conducted and the test results, as well as any previous geotechnical laboratory test results that are relevant for the project.

Existing borings and other subsurface data that are available within the project corridor should not be included in the GDR unless their level of accuracy is consistent with the new subsurface data obtained for the project. This older, potentially less accurate data should be included in a separate appendix to the RFP as an historical geotechnical reference document that is available to proposers as background information only. See NYSDOT GDM Section 25.5 Geotechnical Memoranda and Other Reference Documents.

The GDR may also include subsurface profiles and cross-sections at key locations within the project limits, provided that subsurface data interpretations such as interpolation between borings to develop stratigraphy, as well as the geologic interpretation of the strata, are not done. In this case, boring logs are presented in a way that shows spatial relationships between the borings, but no stratigraphic interpretation of the factual data (i.e., the boring logs) is done. This also applies to the boring logs themselves – the boring logs should not contain geological interpretations of the soil and rock units encountered, but should only present the factual observations and test data.

Alternatively, these subsurface profiles and cross-sections that include the stratigraphic and geological interpretations could be included in a separate geotechnical interpretive report (a Geotechnical Memorandum) included in an Appendix to the RFP for information only, not to be used as the basis for bidding.

Regarding specialized geotechnical field tests reports (e.g., pressuremeter test results or geophysical test reports), even though the test report will likely contain an interpretation of the test results rather than just raw test data, such test reports should still be included with the GDR. These specialized test interpretations are fairly standardized and are customarily considered to be factual design data in geotechnical practice. Most Engineers do not have the skills and experience necessary to interpret the raw data for these specialized tests. Therefore, they would use data interpretations such as the pressuremeter results without further modification or analysis.

If there is historical information about past construction, the information should be summarized and included in the GDR, especially, for example, if there were geotechnical impacts such as boulders, high groundwater, soft soils, or documented changed conditions.
Geotechnical Baseline Report (GBR) – The GBR is an interpretive geotechnical document used to establish a common understanding between the Contractor and the Owner (NYSDOT) of the subsurface conditions and their potential impact and effect of risk on the design and construction of the project design concept. The GBR should be considered to be the primary contractual interpretation of the project geotechnical subsurface conditions and their potential effect on design and construction of the project design concept as portrayed in the RFP.

The primary focus of the GBR is to establish baselines regarding geotechnical subsurface conditions present within the project, but specifically focused on the project design concept as portrayed in the RFP. These baselines should clearly define the specific geotechnical conditions the Design-Build Contractor should consider as the basis for developing their price proposal. These baselines are also used to allocate risk between the owner (NYSDOT) and the Contractor. The GBR baselines are not intended to be used for final design. The GDR and geotechnical data generated by the Design-Builder are used as the basis for final design.

When establishing baselines in the GBR, it must be recognized that subsurface conditions are inherently variable, and that variability can translate to design and construction risk. The baseline, however, must be as clear and concise as possible, conveying to potential Proposers what to assume about the condition being baselined (i.e., essentially, a “line in the sand”). Baselines are engineering interpretations or assumptions about geotechnical conditions that can affect the design of a project feature or its constructability, expressed as contractual representations of anticipated geotechnical conditions (Essex, et al., 2007). The baseline is intended to resolve, at least contractually, the uncertainty in the geotechnical data or its interpretation.

The baselines provided in the GBR are primarily focused on conditions that affect construction risk, or possibly how conditions are interpreted for design purposes that may affect project cost.

As mentioned above, subsurface stratigraphic information does not fit within the GDR, nor does it fit well in the GBR. In the GBR, the focus of the stratigraphy should be based on engineering behavior that can be used directly to help establish baselines. However, the engineering geologic interpretation of the stratigraphy is important background information for making those engineering baseline interpretations. Therefore, a stratigraphy of the subsurface conditions focused on the engineering geology interpretation of the site conditions should be included in an interpretive geotechnical reference document that is not part of the contract.

The baselines may draw upon data in the GDR as well as in geotechnical reference documents (see NYSDOT GDM Section 25.5 Geotechnical Memoranda and Other Reference Documents). However, the GBR should not specifically reference Geotechnical Memoranda and other related Reference Documents that are informational (not part of the contract).
In general, geotechnical design parameters (e.g., soil friction angles, earth pressures, permeability values) should not be baselined, though exceptions to this rule may be considered depending on the situation. If there is a significant risk issue associated with the selection of a geotechnical design parameter that NYS DOT cannot afford to be determined by the Design-Build er, the specification of such design parameters shall be approved by the Departmental Geotechnical Engineer and the NYS DOT Project Manager. Examples of this include the seismic ground response parameters for a given site, what soils are to be considered liquefiable, etc. This may be especially important for situations where the geotechnical designer has to use considerable judgment in establishing the design parameters, or where the design procedures and standards of practice are poorly defined.

See Essex, et al. (2007) for additional guidance on developing GBRs, and their contents.

25.5 GEOTECHNICAL MEMORANDA AND OTHER REFERENCE DOCUMENTS

The Reference Documents listed in the RFP are provided for informational purposes only. No undertaking as to the accuracy of the information in any Reference Document is made by the Owner, or its representatives and Consultants, which are defined as follows:

- Reference Documents - The documents provided with and so designated in the RFP. The Reference Documents, including plans contained therein and/or so designated, are not Contract Documents and were provided to Design-Build er for informational purposes only and are relied upon at the Design-Build er’s own risk.

Geotechnical reference documents include interpretive or informational documents that should be made available to bidders, but that should not be considered part of the contract documents unless specifically referenced to be incorporated into the contract documents. Such documents include, but are not limited to, the following:

- Geotechnical interpretive reports containing results of preliminary geotechnical design used to establish the feasibility of the project design concept and to help quantify geotechnical risks.
- Interpretive geotechnical background information that was used to assess the feasibility of the project Concept Design or which could be used by Design-Build ers as background information in support of their geotechnical design activities (e.g., geologic stratigraphy).
- As-Built information for existing facilities within or adjacent to the project corridor that may or may not be directly affected by the project.
- Detailed construction records for existing facilities within the project corridor.
- Historical information about the project corridor.

The RFP could include As-Built information and detailed construction records for existing facilities within the project corridor. In general it has been NYS DOT policy to place the risk for the accuracy of As-Built documents on the Design-Build er. Therefore, it is important from a contract interpretation standpoint where the As-Built information is included in the RFP (e.g., in
an appendix), and how it is identified in the RFP. As-Built information should not be included in the GBR or GDR, because doing so would place the risk of their accuracy and completeness on NYSDOT.

Preliminary geotechnical engineering to develop the design concept and evaluate its feasibility during the contact development phase should be conducted. Since this is interpretive information developed for the purpose of developing the design-build project documents, this information should not be included as part of the contract, but should be made available to Proposers as informational via a reference document.

The focus of any geotechnical analysis or design conducted to develop a Design-Build project should be to evaluate feasibility, and to assess the risk of bidders having wide swings in their bids due to geotechnical issues that have not been adequately defined. For example, if shafts or piles are proposed as foundations for a bridge, the specific foundation loads will not be known accurately enough during GBR and RFP development to determine foundation depths and sizes. Therefore, detailed analysis of foundation skin friction and end bearing resistance would be of little use. The Design-Builder would have to redo such calculations during final design anyway. What is of more use is whether or not shaft or pile foundations are feasible to install, considering impacts to adjacent facilities, ability for equipment of sufficient size to access potential pier locations, etc. Enough information must be provided to Proposers so that they can determine what foundation types are feasible and what construction problems they may encounter due to difficult ground conditions.

Typically, preliminary geotechnical design to assess feasibility and risk associated with the project design concept will consist of one or more of the following preliminary geotechnical design activities:

- Feasibility of proposed alignments with consideration to feasible slopes or need for walls, and the potential impact of those fill or cut slopes and walls on adjacent facilities.
- Structure foundation feasibility, including any associated constructability issues that could contribute to risk, and potential impacts to adjacent facilities.
- Seismic hazard assessment, including site specific ground motion studies (if appropriate for the site and project scope) and the potential for liquefaction and associated seismic hazards caused by liquefaction.
- Preliminary assessment of other existing or potential geologic hazards such as landslides, rockfall, debris flows, etc., as well as the feasibility of mitigation strategies.
- Need for ground improvement to stabilize unstable ground, liquefaction, and excessive settlement, including the feasibility of various ground improvement techniques and their potential impact on adjacent facilities.
- Feasibility of site conditions present to infiltrate runoff water.
- Need for dewatering, its feasibility, and its potential impact to adjacent facilities.
- Any other preliminary geotechnical design activities needed to assess risks, to help establish baselines that will be included in the GBR, to ensure feasibility of the project.
design concept, and to assist the NYSDOT Regional office to develop an Engineer’s Estimate for the project.

If there is potential for soil liquefaction at the site, a preliminary assessment of the depth and extent of the liquefiable soils should be provided. A preliminary assessment of the feasibility of potential mitigation schemes may also be required, as well as an assessment of the impact of liquefaction on the proposed project features, depending on the impact to project feasibility.

A complete liquefaction investigation and hazard assessment may need to be included in the contract documents to ensure bidding consistency if one or more of the following is true:

- The liquefaction hazard could affect the decision on whether to widen or replace an existing bridge or similar structure.
- The design assumptions and parameters needed to make that liquefaction assessment could vary significantly between proposers such that the project scope could vary significantly (e.g., some proposers feel no stabilization is needed, while others feel that stabilization is necessary or the bridge must be replaced rather than widened).

Similarly, for complex site conditions and large, important structures, it may be necessary to include the results of site specific seismic ground motion or seismic hazard studies in the contract documents rather than just as informational geotechnical reference documents (see NYSDOT GDM Section 25.6 Geotechnical RFP Development).

25.6 GEOTECHNICAL RFP DEVELOPMENT

The geotechnical portions of the RFP should rely heavily upon the NYSDOT GDM and the AASHTO Bridge Design Specifications. Since the NYSDOT GDM must function as both a practice manual for in-house staff and NYSDOT’s Geotechnical Consultants and as a contract document for Design-Build projects, the RFP should clarify how to interpret the NYSDOT GDM for the purposes of the Design-Build contract, to fit the NYSDOT GDM within the context of the project specific contract. Furthermore, the NYSDOT GDM may not cover every geotechnical design situation needed in the Design-Build project, and the RFP may need to include additional design provisions not covered by the NYSDOT GDM, AASHTO, or other available design specifications or manuals. The RFP essentially is contractually establishing the geotechnical engineering design requirements for the Design-Build project.

The NYSDOT GDM identifies design policy issues and options that require specific approval from the Departmental Geotechnical Engineer and/or Structures Engineer. In such cases, as it applies to Design-Build contracts, the Design-Builder should assume that design provisions requiring approval from the Departmental Geotechnical Engineer and/or the Structures Engineer are not approved, but can only be considered through the Alternative Technical Concepts (ATC) process. Since these address design policy issues, the Departmental Geotechnical Engineer and/or Structures Engineer in this context are not to be considered equivalent to the Designer of
Record for the Design-Build Contractor, as decisions on these policy issues are not within the authority of the Designer of Record.

The NYSDOT GDM is written to augment or supersede the AASHTO Bridge Design Specifications; therefore, if there is an apparent conflict between the NYSDOT GDM and the AASHTO specifications or other referenced documents, the NYSDOT GDM should be considered to be higher in the order of precedence than the AASHTO specifications or other referenced design documents.

With regard to the geotechnical conditions, the GBR should be considered to be highest in the order of precedence in the RFP.

As mentioned in NYSDOT GDM Section 25.5 Geotechnical Memoranda and Other Reference Documents, there may be specific project elements included in the design concept, or specific aspects of the project geotechnical design that are especially high risk elements. The final decision regarding how to manage this risk in the RFP should be a joint decision between the Geotechnical Engineering Bureau and the Regional Project staff. In such cases, it may be warranted to include a complete design in the RFP that the Design-Builder must use, or at least provide very tight performance requirements in the RFP to limit Owner-risk. If such features are included in the RFP, a complete geotechnical investigation and design should be completed prior to RFP advertisement to ensure that the mandatory feature is technically defensible. Examples of this include, but are not limited to, the following:

- Liquefaction effects on bridge widenings or other critical structures.
- Results of unique site specific seismic hazard and ground motions studies for major structures.
- Design of critical shoring structures, including dewatering issues, to protect existing adjacent structures in which a pre-agreement has been developed with the owner of the adjacent structure.

### 25.7 GEOTECHNICAL INVESTIGATION DURING RFP ADVERTISEMENT

In a risk sharing approach, the NYSDOT would typically perform a thorough geotechnical investigation, providing the results of the investigation to the Design-Builder, and warrant the data for use. However, specific project elements may not be reasonably defined at the time the contract documents are produced. To help minimize contingency costs in the bids and limit risk, it may be desirable to perform supplemental geotechnical investigations after the RFP has been advertised (while the bidders are preparing proposals) to augment the GDR and GBR. Whether or not supplemental geotechnical investigations should be completed during the RFP process is determined by mutual agreement between the Departmental Geotechnical Engineer and Regional Project Management prior to advertisement of the RFP. The defined term for this in the RFP is as follows:
Supplemental Geotechnical Data Report (SGDR). The Contract Document developed pursuant to ITP Section X.X.X, that contains factual subsurface data collected prior to the Proposal Date, and which is included in Appendix XX.

Should supplemental investigation occur, the short-listed Proposers should submit requests for additional information including locations and depths of borings. The State will evaluate the requests and develop an exploration program that eliminates duplication of borings in specific locations. Doing this will eliminate potential conflicts between Proposers, unwanted congestion due to the presence of multiple sets of drilling rigs and multiple crews, and to excessive costs through elimination of duplicated efforts. An example of Instructions to Proposers (ITP) language for a supplementary boring program is provided in NYSDOT GDM Appendix 25-A.

Once the supplemental boring program is completed, the new subsurface data should be included in the GDR through a contract addendum. If the supplemental borings conflict with the GBR, an amendment to the GBR should be developed by the Geotechnical Engineering Bureau, or the NYSDOT Geotechnical Consultant who developed the GBR, and included as an addendum to the contract.

### 25.8 GEOTECHNICAL SUPPORT FOR DESIGN-BUILD PROJECTS

As summarized in NYSDOT GDM Section 25.1 Overview, the geotechnical support provided by in-house geotechnical staff or the NYSDOT’s Geotechnical Consultants may include:

- A geotechnical investigation to identify site geotechnical conditions and to gather the geotechnical information needed to provide a common and consistent basis for bidding.
- Verification of the feasibility of the project design concept and identification of areas of risk, normally included as geotechnical reference document for the project which are made available to Proposers.
- The development of geotechnical contract provisions to be included in the Request for Proposals (RFP) as well as the GDR and GBR.
- Once the contract advertisement begins, a review of proposals once received, if requested by the project management; this will depend on the importance and complexity of the project geotechnical issues.
- A review of geotechnical Alternative Technical Concepts (ATCs) for consistency with the contract design requirements and NYSDOT design policy.
- Review of geotechnical designs, plans, and other geotechnical submittals.
- Project office assistance when geotechnical problems occur during the life of the project.

The first three bullets are addressed in previous sections of this chapter and are not discussed further here.

Regarding the geotechnical review of proposals, the focus of this geotechnical support is to evaluate geotechnical aspects of the Proposal in terms of the scoring criteria spelled out in the Instructions to Proposers. Whether or not geotechnical review of bidder proposals is required will depend on the importance and complexity of the geotechnical issues in the project, and if there...
are any scoring criteria focused on geotechnical issues. Alternative Technical Concepts (ATCs) may also be proposed during the bidding phase. Similarly, the geotechnical support needed includes the assessment of the technical adequacy of the ATC relative to the contract design documents, or that at least the ATC will provide a level of quality that is equal to or better than the contract design concept and that is consistent with accepted design practice which in general is defined by the RFP.

Once the contract is awarded, Owner (NYSDOT) geotechnical support is focused on review of Contractor design and construction submittals and assisting the project office with oversight to verify that the Design-Build is dealing appropriately with geotechnical design or construction problems as they come up. The geotechnical support person must become intimately familiar with the RFP and referenced contractual documents, as those documents dictate the focus of the geotechnical submittal reviews. The geotechnical support person must consider themselves to be a member of the NYSDOT project team, and the findings of their review activities are therefore provided to the NYSDOT Project Managers for implementation. The goal is to provide the NYSDOT Project Management with a technical assessment as to whether or not the Design-Build met the contract technical requirements, verifying that their Quality Control (QC) program with regard to geotechnical issues is being properly implemented and is effective in producing a geotechnical design that meets the contract requirements. The purpose of the geotechnical review is not to provide the Design-Build Contractor with QC of their design, as the Contractor is responsible for their design QC.

Ordinarily, the Design-Build Contract Technical Requirements will require the Design-Build to define a process in their Quality Management Plan for recording, logging, tracking, responding to, and resolving NYSDOT design review comments. This process is managed by the Design-Build. Geotechnical comments should be incorporated into this process. If the contract has no such requirement, the Departmental Geotechnical Engineer should work with the NYSDOT Project staff to develop a NYSDOT managed process that accomplishes the objectives of ensuring that geotechnical design-review comments are conveyed in writing to, and resolved by the Design-Build before the documents are released for construction.

Designer preferences, or differences in opinion between the reviewer’s and the Design-Build’s judgments/assumptions, etc., are generally not relevant to these reviews. The focus must be on compliance of the geotechnical design/ construction with the contract requirements.

This does not mean that the geotechnical support person is conducting these reviews only at the “30,000 foot level.” There may be times when the geotechnical support person must do a comparative design to figure out if the Contractor’s submittal does meet the contract intent. But in other cases, an evaluation based on the reviewer’s geotechnical engineering experience may be sufficient. If problems in the design start to repeat themselves, this may be an indication that either the Contractor is not interpreting the contract in a way that is consistent with how NYSDOT is interpreting it, or the Contractor’s design QC is not fully functional. In such cases an oversight review of the Design-Build’s QC process should be conducted, documenting the review in the Construction Audit Tracking System (CATS), and issuing Non-conforming Issue.
Reports (NCIs) as appropriate so that the problem can be properly addressed within the provisions of the contract.

The geotechnical support person may also be involved in over-the-shoulder reviews and design task forces of the Design-Builder’s work as it progresses. The purpose of such reviews and involvement in the task forces is to not provide design QC or technical direction to the Design-Builder, but simply to work in a cooperative manner with the Design-Builder to head off problems in the design before they get too far along, keeping in mind that the focus is on meeting the contract requirements.

There may be cases where the site conditions encountered by the Contractor through additional subsurface explorations or during construction appear to differ from those in the contract documents. Just like any other potential differing site conditions situation, the geotechnical support person should be working with the Project Management team and the Office of Construction to provide a technical assessment of the claim.

25.9 REFERENCES


Appendix 25-A  Example Supplemental Geotechnical Boring Program ITP Language

Language that may be used in the ITP regarding the availability of a supplemental boring program is provided below. Note that in the first paragraph, this example language allows up to 5 borings to be selected by each of the Proposers (typically, three Proposers), though for proposed borings that are in close proximity of one another, borings may be combined. This number of supplemental borings (up to 3 x 5 = 15 borings) would typically apply to larger, more complex projects. A smaller number of borings could be used for smaller less complex projects. Ultimately, the number of supplemental borings is a project-specific decision that is made jointly between the Geotechnical Engineering Bureau and the Regional Project team.

Supplemental Geotechnical Data Report

Each Proposer is entitled to obtain certain additional geotechnical information by means of a Supplemental Geotechnical Data Report that NYSDOT will conduct at NYSDOT’s own expense. Under the Supplemental Geotechnical Data Report, Proposers may request NYSDOT to perform up to five additional test borings and to provide an analysis of the resultant samples.

A request under the Supplemental Geotechnical Data Report must be submitted no later than the Request for Supplemental Boring Deadline set forth in this ITP. Each request shall set forth the location (by station and offset) and highest bottom elevation of the requested borings. Each request shall also include specific requests regarding the frequency and depth of field vane tests; the locations of split-spoon samples and Standard Penetration Tests; the length and diameter of rock cores; the depth of disturbed samples, undisturbed samples, and rock cores sought by the Proposer; and the tests the Proposer desires NYSDOT to conduct in relation to the sample gathered.

NYSDOT will make reasonable efforts to comply with Proposers’ requests under the Supplemental Geotechnical Data Report, but is not obligated to conduct borings at the precise locations requested. To the extent boring locations requested by one or more Proposers are within 20 feet of each other, the locations will be averaged and only one test boring will be conducted. If a Proposer’s boring is averaged with another Proposer’s boring, neither Proposer will be allowed an additional boring for this supplemental boring program. Survey personnel provided by NYSDOT will establish the boring locations and elevations. A qualified Inspector working for NYSDOT will inspect the borings. NYSDOT staff or an independent, qualified drilling Contractor will perform the borings. At the option of the Proposers, each Proposer may dispatch a maximum of one person to observe the drilling, sampling, testing, and coring, and shall coordinate transportation of the chosen observer to the drilling site with NYSDOT. The Proposers’ on-site observers shall not interfere with the operation of the surveyor, driller, or inspector.
The NYSDOT drill crew or Drilling Contractor will conduct the following sampling and testing:

- Split-spoon samples and Standard Penetration Tests at 5-foot intervals and every change in stratum.
- Minimum NQ-size rock cores.
- Minimum 10-foot rock cores with RQD.
- Conventional laboratory classification testing on disturbed soil samples.
- Conventional laboratory tests on rock samples.
- Such other tests requested by a Proposer and agreed to by NYSDOT at NYSDOT’s sole discretion.

NYSDOT will perform the test borings in whatever manner or sequence it deems appropriate at NYSDOT’s sole discretion. The Supplemental Geotechnical Data Report, including the final boring logs and laboratory test results, will be provided to all Proposers according to Section 1 of this ITP and is included as Appendix G9 of the RFP.

NYSDOT makes no representation as to whether the Supplemental Geotechnical Data Report will be sufficient for the Proposer to prepare its Proposal. Each Proposer must make this determination independently based upon its own independent judgment and experience. Failure by a Proposer to submit a request for test borings under the Supplemental Geotechnical Data Report constitutes a conclusive presumption that the Proposer has determined that it does not require any additional geotechnical data to properly design, construct, and price the Work, or that it will obtain any necessary geotechnical data at its own expense using its own forces. If permits are required for supplemental borings (in addition to those permits already required for the Project), NYSDOT may not be able to permit the borings within the deadline.