

May 17, 2010

ECMS Posting for I-95 Design Management/Design Review Consultant

Dear Consultant:

Based on the policy established in our Strike-Off-Letter, 430-09-08 – Design Build Consultant Agreements, which includes the Engineering Involvement Restrictions, the Department responds as follows to the general questions from the consultant community regarding the proposed Design Management Agreement:

- 1. Is a consultant firm that holds a current I-95 design contract as the prime eligible to participate either as a prime or as a subconsultant on Agreement E02109?**
 - A prime design consultant on a current I-95 design agreement is prohibited from being the prime consultant on Agreement E02109.
 - A prime design consultant on a current I-95 design agreement can be a subconsultant provided that the specific tasks it performs under Agreement E02109 as a subconsultant do not present an apparent or actual conflict of interest with reference to its work as a prime consultant under a current I-95 design agreement.

- 2. Is a subconsultant to the prime on a current I-95 design contract eligible to participate as a prime or as a subconsultant on Agreement E02109?**
 - A design subconsultant on a current I-95 design agreement is prohibited from being the prime consultant on Agreement E02109.
 - A subconsultant on a current I-95 design agreement is eligible to be a subconsultant on Agreement E02109 provided that the specific tasks it performs under Agreement E02109 as a subconsultant do not present an apparent or actual conflict of interest with reference to its work as a subconsultant under a current I-95 design agreement.

- 3. Is a consultant firm under contract with PennDOT on either a current I-95 design review agreement or a current I-95 design management agreement eligible to participate as either a prime or as a subconsultant on Agreement E02109?**
 - A prime consultant or subconsultant under contract with PennDOT on either a current I-95 design review agreement or a current I-95 design management agreement would be prohibited from being the prime consultant on Agreement E02109.
 - A prime consultant or subconsultant under contract with PennDOT on either a current I-95 design review agreement or a current I-95 design management agreement can be a subconsultant provided that the specific tasks it performs under Agreement E02109

May 17, 2010

Page 2

as a subconsultant do not present an apparent or actual conflict of interest with reference to its work under a current I-95 design review agreement or a current I-95 design management agreement.

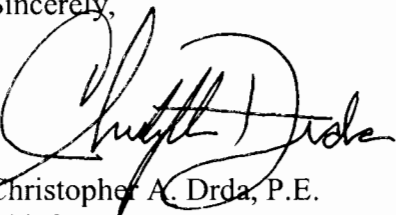
The Statement of Interest needs to address the measures the prime consultant and affected subconsultants will take to mitigate potential conflicts of interest.

It is the responsibility of the consultants on all agreements to ensure that no conflicts of interest arise over the life of a particular agreement.

Please note that involvement with the I-95 Design Coordination Agreement, E02109 may preclude involvement with future design, inspection, or construction management agreements associated with the I-95 corridor.

Should you have any questions, please contact me, at (717) 783-9309.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Drda". The signature is fluid and cursive, with a large initial "C" and "D".

Christopher A. Drda, P.E.
Chief,
Consultant Agreement Selection