

RECORD VERSION

**STATEMENT BY
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BEFORE THE

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEE ON FEDERAL WORKFORCE, U.S. POSTAL SERVICE
AND THE CENSUS
UNITED STATES HOUSE OF REPRESENTATIVES**

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TWO-PHASE DESIGN BUILD CONTRACTS

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**NOT FOR PUBLICATION UNTIL RELEASED BY THE
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM**

Mr. Chairman and Members of the Subcommittee, I am James Dalton, Chief of Engineering and Construction for the U.S. Army Corps of Engineers (Corps). I provide engineering and construction leadership to nine divisions, 45 districts, and guide the development of engineering and construction policy for our world-wide Civil Works and Military Programs missions. Thank you for the opportunity to testify today to discuss construction contracting. My testimony will address the Corps policies regarding two-step design build contracts.

The Corps employs various acquisition strategies and contract types to perform its mission whether the effort is for construction, engineering, environmental services, or operation and maintenance of facilities. During the last ten years, the Design-Build project delivery system has been used for many of the Corps' construction requirements. The Federal Acquisition Regulation (FAR) Part 36.102 definition of Design-Build is the combination of design and construction in a single contract with one contractor responsible for the design and construction. The FAR further defines Two-Phase Design-Build, also known as Two-Step Design Build, as a source selection procedure in which a limited number of offerors (normally five or fewer) are selected during Phase One to submit detailed proposals for Phase Two. The Corps utilizes the Two-Phase Design-Build process and has developed policy implementing the Federal Acquisition Regulation. The Corps also utilizes a One-Step Design-Build or Turn-Key process as authorized by Statute 10 USC 2862. The Corps policy discourages the use of One-Step Design Build procedures for most construction requirements.

The Two-Phase selection procedure allows offerors to submit (relatively inexpensively) information related to experience and past performance in step one. Based on this information, the source selection authority selects a limited number of the most qualified offerors to advance to Phase Two of the competition, where the down-selected offerors (generally three to five) submit much more resource intensive price and technical proposals for evaluation. The offerors advancing to Phase Two have a much more favorable chance of winning the competition and are therefore incentivized to submit superior technical and price proposals, which reduces overall costs to the government and industry.

Mr. Chairman, this concludes my statement. Thank you again for allowing me to be here today to discuss the Corps construction contracting. I would be happy to answer any questions you or other Members may have.



Biography

Department of the Army



James C. Dalton

**Chief, Engineering and Construction Division
Directorate of Civil Works
Headquarters, U.S. Army Corps of Engineers
Washington, D.C.**



Mr. James C. Dalton was selected to the Senior Executive Service in January 2005. He currently serves as Chief of the Engineering and Construction Community of Practice and is responsible for policy, program, and technical expertise in the execution of over \$10 billion of design and construction programs for the U.S. Army, U.S. Air Force, Department of Defense, other Federal agencies, and over sixty foreign nations. He provides leadership to a field organization consisting of eight divisions, 41 districts, and approximately 15,000 personnel and guides the development of engineering and construction policy for the Corps world-wide Civil Works, Military, and Environmental Missions. He also serves as the Corps South Atlantic Division Regional Integration Team leader.

From July 2005 to May 2007, Mr. Dalton served as the Regional Business Director for the South Atlantic Division in Atlanta, Georgia. He led strategic initiatives, performed strategic evaluations of long-term workload trends, and promoted and managed workload sharing between the districts and other Corps of Engineers business centers. He also led the Programs and Project Management Business Process throughout the South Atlantic Division by ensuring standard business processes and policies in all programs. He was responsible for providing regional support in contracting, engineering, construction, information management, resource management, and public affairs.

Mr. Dalton served as Director of Business Management for Gulf Region Division in Baghdad, Iraq from January 2005 to July 2005. He led the Programs and Project Management Business Process to ensure standard business processes and policies to support all Districts in programs, real estate, engineering, construction, contracting, and resource management functions. He

provided executive leadership and direct supervision of the project management and technical functions in executing the Gulf Region Division construction program. Mr. Dalton managed the Regional Operating Budget and provided executive leadership in executing the financial management program.

CAREER CHRONOLOGY:

- 2001 – 2005: Deputy District Engineer for Programs and Project Management Division, Alaska District, U.S. Army Corps of Engineers, Anchorage, AK
- 1999 – 2001: Deputy District Engineer for Programs and Project Management Division; Chief, Ministry of National Defense/Host Nation Liaison, Far East District, U.S. Army Corps of Engineers, Seoul, Korea
- 1997 – 1999: Chief and Senior In-Country Representative, U.S. Army Corps of Engineer's Office, Egypt
- 1996 – 1997: Project Manager, Transatlantic Program Center, Winchester, VA
- 1981 – 1988: Office Engineer for Utilities Resident Office, Saudi Arabia
- 1978 – 1981: Cost Engineer, Wilmington District, U.S. Army Corps of Engineers, Wilmington, NC
- 1978 – 1978: Architect, Environmental Protection Agency, Atlanta GA

COLLEGE:

- MS, Civil Engineering, North Carolina State University, 1992
- BS, Architectural Engineering, North Carolina A & T State University, Greensboro, NC, 1978

CERTIFICATIONS:

- Registered Professional Engineer in Commonwealth of Virginia

AWARDS AND HONORS:

- Black Engineer of the Year in 2007 for Career Achievement
- Meritorious Civilian Service Award, 2005
- Superior Civilian Service, 2001
- Excellence in Construction Management Award, 1995

PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS:

- American Society of Civil Engineers
- Society of American Military Engineers