



## Letter of Determination

May 8<sup>th</sup>, 2026

Mayor James Gray  
Vice Mayor Steven Brown  
Councilman Randy Bowman  
Councilwoman Carolyn Campbell  
Councilwoman Michelle Ferebee  
Councilwoman Hope Harper  
Councilwoman Martha Mugler  
City Manager Mary Bunting  
22 Lincoln St  
8<sup>th</sup> Floor, City Hall  
Hampton VA, 23669

Re: Request to Use the Construction Manager at Risk Method to Procure Services for the Construction of Multiple Sanitary Sewer Force Main Replacement Projects

Dear Mayor Gray, City Manager Bunting, and Councilmembers:

The Wastewater Division of the Public Works Department requests authorization from City Council to utilize the Construction Manager At Risk (CMAR) method to procure services to replace, extend, or relocate the sewer force main (the "Project") at the following locations:

- PS-113 / PS-114 Sewer Force Main Replacement (Aberdeen Road)
- PS-022 Sewer Force Main Extension (Gilbert Street)
- PS-026 Sewer Force Main Relocation (Markham Drive)

Virginia Code §2.2-4382 and Hampton City Code Section 2-336.1 allows a city to enter into a contract on a fixed-price, or not-to-exceed construction management basis, provided that the requesting city department (i) has received City Council approval by resolution or motion, in a public forum, for each project for which a city department is requesting to use that method, prior to the issuance of a request for qualifications; (ii) complies with the requirements of Title 2.2, Subtitle II, Chapter 43.1, Article 4 of the Code of Virginia, as it may be amended from time to time; and (iii) complies with procedures implemented by City Council by ordinance or resolution that are consistent with the procedures adopted by the Secretary of Administration of Virginia for utilizing construction management or design-build contracts. In addition, prior to making a determination as to the use of design-build or construction management for a specific construction project, the city shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate for the project who shall (i) advise the city regarding the use of design-build or construction management for that project; and (ii) assist the city with the preparation of the request for proposal and the evaluation of such proposals.

On May 13, 2026, the City Council is anticipated to amend and update Hampton City §2-336.1 to comply with Code of Virginia §2.2-4382 and adopt and implement the procedures required by that statute. In addition, Woolpert, Inc., a licensed engineering firm, currently under contract with the City to design the new pipelines and to advise the City on the suitability of using construction management services. Woolpert has previously completed the preliminary engineering report, survey, and conceptual plan to begin the process of replacing this high-risk infrastructure.

After the Woolpert team met with the Hampton Wastewater Division to review the Aberdeen Force main replacement project, they reached the conclusion that the use of CMAR would be the most practical and fiscally advantageous method to use due to this project's unique constraints - namely its critical timeline, complex phasing, and site access constraints. In addition to these constraints, current construction market challenges must also be taken into consideration, as the construction industry continues to experience significant subcontractor and supply chain challenges. Woolpert has many years of significant experience with alternative project delivery methods, including CMAR, and is currently involved in multiple construction management at risk projects here in Hampton Roads. They are also active in the Design-Build Institute of America.

Outlined below are additional points consistent with the procedures approved for construction management at risk specifically related to the Aberdeen Road Sewer Force Main Package.

- The project has a unique complexity due to the regulatory- and condition-driven accelerated schedule, potentially high level of disruption to large arterial roads, and potentially difficult alignment/location.
- Currently the construction pricing market is volatile. General contractors and subcontractors are in high demand. This reduces the competitiveness of pricing with the design-bid-build process. Many of Public Works' recent invitations to bid have received a limited number of proposals. The construction management at risk process allows the construction manager to develop subcontractor teams and solicit bids over a longer period of time, which should be more fiscally advantageous. The construction manager's ability to have a guaranteed maximum price early in the process (and prior to the final completion of detailed construction documents) will help avoid both the costly delay and negotiation needed for a high bid, as well as the high change order costs which may be generated through the traditional design-bid-build delivery method.
- Streamlined processes like early contractor input will allow the project to be performed more efficiently than traditional design-bid-build. The design-bid-build method can inadvertently constrain contractors' means and methods, due to assumptions of constructability made during design. Bringing the contractor and their subcontractors into the team early will ensure practical, quality solutions for complex needs. This also allows for risks to be managed up front, providing for a more fiscally advantageous approach since contractors have more time to become aware of site conditions and risk.
- Overlapping phases will speed up the overall completion of the project, lessening the disruption to residents, businesses, and the traveling public. Unlike sealed bidding's slow,

sequential steps, alternative methods accelerate timelines which are key for regulatory compliance.

- While the primary driver for this project is the replacement of the sewer force main under/along Aberdeen Road serving Pump Stations 113 and 114, there are other smaller sanitary sewer force mains in need of work. These smaller projects have similar project drivers but are not individually expected to garner much interest or attract cost-effective pricing. Bundling these smaller projects together into a single CMAR package enables economies of scale and coordinated construction sequencing while increasing contractor interest.
- Cumulatively, there are three force mains serving four sanitary sewer pumping stations (113/ 114, 22, and 26) slated to be addressed by this project.
- The construction management at risk process integrates the entity responsible for construction into the design process. This is advantageous to the City through advising cost savings, constructability review, preliminary guaranteed maximum price opinions, the inclusion of critical construction trade subcontractors and suppliers in an advisory capacity during the design process, and the management of possible early construction and procurement packages.

Along with the recommendation from Woolpert, both the Office of Procurement, and the City Attorney's Office have reviewed this approach, and confirm that the project aligns with both state and local CMAR procedures. We hereby request City Council approve the revised ordinance, Guidelines, and this request to use the CMAR method of procurement for the replacement of force mains in the pump station areas listed, in lieu of the traditional design-bid-build process.

Sincerely,



Michael Bowry  
Interim Director of Public Works

