

**DETERMINATION DECISION MEMO**

**Miller Pond Dam Rehab**

**Project Number: 199-91**

**Location: Wayne County**

**Project Allocation: \$1,700,000**


**Est. Construction Duration: 365 CD**

**DETERMINATION REGARDING THE USE OF THE  
REQUEST FOR PROPOSAL (RFP) METHOD OF PROCUREMENT**

The use of the standard competitive sealed bid process for the rehabilitation of the Miller Pond Dam is not practical or advantageous to the Commonwealth. The scope of renovating this 25-foot high, 260 foot long dam requires a contractor with dam-specific construction experience. Specifically, the project scope:

- Includes construction of a new embankment, box-inlet spillway structure and culvert upstream of the existing dam and removal of a portion of the existing dam structure.
- Requires a contractor with extensive experience with safety and water control plan to prevent catastrophic failure since the dam impounds a 55 acre lake about 3 miles upstream from the confluence of the West Branch of the Lackawaxen River.
- Requires a contractor with extensive experience in understanding how varying rainfall events may impact the job site and dam structure, including 24-hour surveillance of the work site and dam structure in order to comply with the mandatory DEP Emergency Action Plan.
- Will span several months of work, including a winter shut down, which will require scheduling expertise to incorporate the shut down within the contractual duration.

The above factors demonstrate the unique construction considerations on this project, which requires specific contractor knowledge, skill and experience to safely and successfully complete the renovations to this dam. Consequently, it is not practical or advantageous to use the competitive sealed bidding process because the low bid approach does not allow the Commonwealth to consider the specific factors presented herein and cost in the award process in a timely manner.

  
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**Deputy Secretary for Public Works**

6-16-21  
**Date**