

## Henry Fuller Task Team Meeting

October 27<sup>th</sup> and 28<sup>th</sup>, 2016

### Agenda Items:

Attendees: Andy Clark, Bob Schafer, George Russell, Pete Kelley, Tim Lattner, Tim Ruelke, Ed Hudec, Brian Blanchard, Chuck Roberts, Gene Strickland, Mark Minnich, Bob Pereira, John Coxwell, Carolyn Gish, Rammy Cone, Jim Warren, Jamal Hassouneh, Bob Burleson, Bob Graham, Ignacio Halley, Albert Lopez, Jon Sands, Gus Quesada, Randy Prescott, John Morris, John Tyler, Brian McKishnie, Jeff Nelson, Pete Nissen, Jim Wolfe, AJ De Moya, Mel Pollock, Ben Seawright, Carrie Stanbridge, JC Miseroy

1. **Past business** – Recapped issues from last year's meeting.
2. **Specifications, Plans, and Design Standards:**
  - a. Specification 102-7 Traffic Control Officers. I would like to see it revised to include payment for officers when you are paving on an interstate and a lane needs to be closed. (Ignacio Halley)

This issue was raised last year at HFTT. There are several things to take into account with this – availability of officers (if make a requirement and can't get an ODLEO, can't work), benefit of the stationary blue light (research has shown limited value in use of stationary officer – reaction is short term if at all). Bob thinks it would be good to have opinion of the contractors if they think it would be beneficial to have an officer. Thoughts of industry was if they're willing to take the risk without officer, let them. That is something FDOT is not willing to do – we don't accept the argument that it's a safety issue and must have ODLEO but if can't get them the contractor should be allowed to work. SCDOT model was a suggested as a good (JB Coxwell will send language). It's the competitive nature of this that contractors want direct payment. Some want 2 officers. Contractors say they're not having issues with availability of getting officers. FDOT view is that use of ODLEO would be the same as any other subcontractors and Contractors would not get day if couldn't get an officer. If have it as a condition of working, could not work without them. Night time use with lane closures only with 2 officers? FTBA would be amenable FDOT setting the price for the officers. Could use local PD or Sheriff or FHP? FDOT asked consider trying this on a project – do it as a research project. Jeff Nelson referenced an I-275 slab replacement job in Tampa where half had officers and other half didn't and results were different. A do not bid item was suggested. Industry wants to draft a spec and send it for FDOT consideration. I asked if FTBA would be willing to propose legislative change to allow stationary construction vehicles to have blue lights. Try a variety of issues. Look at spec from 1990s for night time operations. Will make decision on implementation timeframe based on how long it will take for the research to happen.

**Action Items for FDOT:** FDOT will pilot through a research contract the use of ODLEO in stationary deployed law enforcement vehicles provide acceptable benefits. UPDATE ON THIS ISSUE – FDOT has met with Research Office (11/9/16) and will be meeting again

week of 11/14/16 to develop fast-tracked scope for the research. Intent is to have this research completed by the end of 2016.

**Action Items for FTBA:** John Coxwell will provide language from SCDOT model for Traffic Control. FTBA will draft specification for FDOT consideration.

- b. Specification 102-7 Traffic Control Officers. I would like to see it revised to include payment for officers when you are paving on an interstate and a lane needs to be closed. (Ignacio Halley) Same as 2.a. Got carried away cutting and pasting.
- c. Does the CSI spec need to be further reinforced to address what constitutes a CSI vs. a reduction of the work? There seems to many opportunities for disagreements over the end result of collaborative discussions that end in a reduction of the work directed by the Engineer. It's a good problem to have, but one of the most common disagreements is whether something is a CSI or not. (John Tyler)

This appears to be a fairly common occurrence and needs discussion. Mark Minnich thinks the spec is clear on this that the only time it is not a CSI. Equal or better is the threshold for the Department based on a proposal by the Contractor. Deletion of work is not on its own considered a CSI. AJ thinks FDOT is better off without the CSI spec in a DB contract. Pete N. discussed and Ben Seawright discussed a trigger is based on who produces the plans revisions. George Russell commented on the design feature as a trigger. The districts/contractors need a decision point of what is or isn't a CSI – the contractor proposal and development of the idea is the decider. It is a case by case decision. Iggy discussed that on DBB jobs, they don't have control or contract with the EOR so the relationship is part of the issue. Iggy suggesting that industry would forgo the engineer deduction if FDOT EOR did the design effort.

**ACTION item for FDOT:** Review CSI specification for any need of revision.

- d. Plan notes and conduit for lighting on bridges. We are bidding another project with the same type of notes. I still can't understand why the conduits, junction boxes, etc for new lighting (under deck or deck mounted) are inclusive in the superstructure concrete (or any other structure item). It makes absolutely no sense. I would think that the Department would rather actually know the cost of the work and not have it hidden in other items. The only way that it will ever be corrected is if a Design Bulletin is issued. (Bob Burluson/Keith Waugh)

FDOT design is looking into making this change. Industry is fine with breaking this item(s) out for separate payment.

**ACTION item for FDOT:** State Design Office will make the revision to allow for this change.

- e. What is the drop-off tolerance for Index 105, Treatment 1? D-1 has said it's 1" with no tolerance. (Bob Schafer)

There is no published tolerance for this edge of pavement dropoff. This 1 inch requirement is reinforced several times in index 105. Note 3. Special attention is to be directed to the construction of the required 1" drop-off at the edge of pavement. Industry would like to see a tolerance published. Design stated that max is 1" and could be as little as ½."

**ACTION item for FDOT:** Tim Lattner will issue a change to this effect.

- f. Why is the Notice of Intent to Claim process so contentious? FDOT Specifications state that contractors have no other recourse to protect our ability to evaluate potential claims for time and money. It's rare for most CEI to not be offended by the simple submission of an NOI. It can lead to a difficult project. (Bob Schafer)

It's an education and maturity issue with lots of new people. Pete discussed the conversation he's had with some of his young staff, did ask contractors remove/retract them when no longer an issue.

- g. We're seeing a lot of sole sourcing in the plans and/or developmental specs. Why? For example: (Bob Schafer) Some are likely commitments made, others for compatibility of the system.

- i. D-5 plans for SR-400 (I-4) and the Wavetronix Detector Units

Bob discussed that there is a \$20k difference in price that is buried in the spec language. Make it more prevalent/obvious. FDOT's comment was that it is not that we're sole sourcing more, it is that sometimes this is the only product available at the time.

- ii. D-5 Developmental Specs for NB SR-417 Ramp to I-4 EB and the installer of the High Friction Surface Treatment

The requirements are that the contractor apply the epoxy and HFST in one operation. This is to prevent an entire project being applied by squeegee and applying rock on the surface. Although a bit more method spec than FDOT prefers, these projects are typically done as some safety countermeasure to combat road departure or skid related crashes. As such the quality of the project is extremely important and past projects where materials were applied by hand had loss of surface issues and raveling areas where material was missing and these were on projects constructed by hand. Thus the more automated equipment provides more consistent application of epoxy and high friction aggregate.

Industry expressed concerns about DBI and asked FDOT to look into b because there is a belief that there is something going on with this company getting CO involvement to get what DBI wants. FDOT stated it is a developmental spec and is a method spec. The performance of the product has been very good.

**ACTION Item for FDOT: Tim Ruelke will review the spec with these comments in mind.**

- h. ITS hardware should be considered like Landscaping. Let the prime contractors install the infrastructure (pull boxes, conduit, poles, etc.) but let the ITS professionals have their own contract for devices, software implementation and testing. ITS is so specialized, and evolves quicker than the larger design-build jobs can be built, that FDOT should consider separate contracts. (Bob Schafer)

Bob S said this comment was from ITS contractors. Brian mentioned that FDOT desire is to get work done quickly for safety so does it make sense to separate. Gus discussed the (integrator contract) where involvement of designer and owner to cooperate with the contractor for installation. Coordination is the benefit of the group working together.

**ACTION Item for FDOT: FDOT will bring this question to Trey Tillander for his comments/response.**

- i. In the embankment general specifications 120–8.2 .1, it restricts the compacted thickness of the last embankment lift to 6 inches maximum.

Under the roadbed the top 6 inches of embankment falls within the 1 foot stabilize subgrade, which is allowed to be compacted in a 1 foot layers per specifications 120-8.2.1.1 and 120–8.2.1.2. I think this need clarification. (Ignacio Halley)

FDOT agrees that a change is needed to clarify this – Tim Ruelke addressed. 8-2.1.1 is for A-3 and A-2-4 with fines <15% and limits lifts to 12 inches. 8-2.1.2 is for A-1, Plastic Materials, and A-2-4 w/ fines >15% and limits to 6 inch lift unless can demonstrate get compaction in 12 inch lift. In either case, the last lift of embankment is still required to be a 6" lift. Given that the top 6" lift will be mixed as part of the stabilized subgrade operation and recompacted after testing, we'll take another look at this spec. **120-9.2.4 Compaction of Material To Be Used In Base, Pavement, or Stabilized Areas: Do not compact embankment material which will be incorporated into a pavement, base course, or stabilized subgrade, to be constructed as a part of the same Contract. Iggy discussed that the payment of stabilized subgrade material is paid as embankment. The stabilizing material, the mixing, the sampling and compacting is the payment by SY. The soil material is embankment.**

- j. Also, in specification 120-8.4.2, it states do not mix RAP in the upper 12 inches in order to comply with 120–8.2.1. Again in the Stabilization specification 160–2.2.1 RAP is allowed. Which falls within the top foot of embankment. (Ignacio Halley)

See response to item i.

**ACTION Item for FDOT: Tim Ruelke will take lead on reviewing specs for changes.**

Iggy asked about limitations of use of RAP by DERM based on some research by UF which says keep it out of water or elsewhere on the risks of use of RAP. DERM defines RAP as a solid waste and can't be used in fills, etc.

**ACTION Item for FDOT:** Tim Ruelke will review information provided by Albert Lopez and Iggy Halley regarding DERM and RAP use.

- k. Natural Gas Index (Bob Pereira) Add this to index along with liquid AC and other fuels (Gas, Diesel)

Bob discussed that there are a lot of asphalt plants that use NGI. Jim Warren confirmed that there are more plants using this. Industry says there is an index source and Jim Warren will provide information. How many items of work are utilizing materials produced by NGI fueled equipment? How volatile is the price of NGI compared to gas/diesel? Industry (Albert) says that there are some fuel factor adjustments that seem inappropriate. Gene mentioned fuel factors for embankments. Gene mentioned Alabama contracts require contractors to "bid" a quantity(gallons)/consumption – check with Alabama DOT.

**ACTION Item for Industry:** Jim Warren will provide information about an index for NGI.

**ACTION Item for FDOT:** SCO will contact Alabama DOT about its bidding fuel consumption specs.

- l. FDOT proposed spec change for revenue generating projects adjust to LD rate. (Bob Burleson)

Bob explained to the group the purpose for the spec change. Industry asked if they could get the revenue amount, or a portion of it, if the job finishes the revenue section earlier – FDOT will look at a revision to that effect. The proposed spec change is for use only on revenue generating projects that end up going beyond allowable contract time and would be added to the contract LD rate. The recovery of lost revenue is a statutory requirement that has not been included in the spec table for LD rates. From 337.18 F.S., the department shall establish a schedule of daily liquidated damage charges, based on original contract amounts, for construction contracts entered into by the department, which schedule shall be incorporated by reference into the contract. The department shall update the schedule of liquidated damages at least once every 2 years, but no more often than once a year. The schedule shall, at a minimum, be based on the average construction, engineering, and inspection costs experienced by the department on contracts over the 2 preceding fiscal years. The schedule shall also include anticipated costs of project-related delays and inconveniences to the department and traveling public. Anticipated costs may include, but are not limited to, road user costs, a portion of the projected revenues that will be lost due to failure to timely open a project to revenue-producing traffic, costs resulting from retaining detours for an extended time, and other similar costs.

**ACTION Item for FDOT:** FDOT will consider the concept of allowing a sharing or payment of revenue amount to the contractor on tolled facilities if the work completes early.

### 3. Asphalt Issues:

- a. Failed mix and CPF (Bob Pereira) When asphalt is deemed deficient through plant testing or density and has to be removed, the Composite Pay Factor is still evaluated using the original test data included in the calculated factor. It seems that since that material represented by that failed test was removed and replaced, then that test data should also be removed from the calculation. We may have to remove 50 tons as determined through delineation or EAR, but CPF is still affected for entire 2,000 ton LOT. If EAR determines a leave in place is acceptable, then I agree that use of that test data is appropriate.

Tim Ruelke discussed that the one subplot test represents the entire subplot so removing only part of the subplot, the remaining material is still represented by the test that was taken. If the entire subplot was removed, we could see adjusting. Ben weighed in on the discussion that the replacement material does not represent the remaining subplot material. FDOT not willing to change but willing to listen to industry ideas to resolve. **ACTION Item for Industry:** Jim Warren will discuss with his members.

- b. D-1 and 5 are requiring managers to watch a Segregation Video at either the pre-con or pre-paving meeting. Several comments: not all Districts are requiring this (CPR), it is a colossal waste of time especially after one viewing, what's FDOT's goal, the managers are the wrong audience. (Bob Schafer)

Tim Ruelke and Jim Warren discussed that there is a segregation task team that was supposed to meet but was cancelled due to hurricane Matthew. Jim discussed what they were working on to identify what is or is not segregation. Jim said that the end of load segregation is their issue to fix but the issue has morphed into somewhat of a witch hunt because of lack of understanding what is or isn't segregation. The group is developing a standardized video for training/development purposes. Tim discussed that the industry was in agreement with the use of density cores, Jim concurred they were in general. The timing of identifying to the contractor the segregated areas. Need to be timely in notifying segregation concerns to the contractor. Albert discussed the impact this has on I/D jobs or jobs nearly out of time and that FDOT construction used to defer to the District Bituminous Engineer but that DBE would defer/acquiesce to the maintenance unit. Albert also discussed a punchlist issue of 60 locations that were reduced to 3 after construction engaged DBE. FDOT view is that should be done before a list of segregated locations goes to contractor. What are your suggestions? Please forward them to Jim Warren so they can be discussed with the Segregation Task Team. **ACTION Item for all:** Send any suggestions about ways to improve on segregation to Jim Warren so it can be discussed with the Segregation Task Team.

- c. Segregation for asphalt paving: In the field, contractors are hearing, "If we can't call THAT segregation, I'll call it a texture problem so you have to remove and replace. I don't want any handwork on my project." When did Florida's roads go from #1 or #2 in the Country to this perceived quality nightmare? Joints have handwork. Gores and tapers will have handwork. More shuttle buggies are in use than ever before. It's

almost as if folks are trying to justify their job. Should texture issues be part of the value-added spec and wait until the end of the warranty? (Bob Schafer)

We still see segregation on projects. This is segregation not as stated “someone justifying their job.” If there are cases where you don’t feel it is segregation, bubble it up the chain of command as you would with any other issue. Keep in mind every district has a District Bituminous Engineer (DBE) and all are capable of providing an accurate assessment. If it truly isn’t segregated and is quality asphalt, we’ll address that with the District.

- d. FC-5 spread rates need to be increased. The CEI’s are checking every 4<sup>th</sup> load to keep the spread rate down, we used to place 78 lbs/sy, and now it’s 73 lbs. Why? You can see the structural course through the gaps in the FC at 73 lbs/sy. And then we’re getting the comments about texture... (Bob Schafer)

Tim Ruelke discussed potential causes for this, particle shape/size can affect this, SMO is involved with FC mix design approval. Tim open to reviewing. Thickness should be the same. There is no effort within the FDOT to lower the spreadrate of FC. The lower the spreadrate the greater segregation/texture issues according to industry. Industry would like to see FC increased thickness by 5 #/sy.

- e. Revisit the straightedging requirements 330-12.4.5.2 that allows as exceptions, areas that are less than 250 feet in length: turn lanes, accelerate/deceleration lanes and side streets. I want to also include even a mainline less than 250 feet such as a bridge approach. (Ignacio Halley)

Tim Ruelke asked what is the issue with this? Industry issue is that it is mainline areas are we want smoothest possible. Iggy asked about the penalty assessment that each deficiency is measured as 100 feet each the way the spec reads now. FDOT will look at this language. Asked if the industry was ready for smoothness spec to go mainstream rather than developmental spec – industry doesn’t think ready yet since not enough jobs have been done in south Florida. RN does not directly correlate to IRI data. The processing is different and the IRI looks at much longer wavelengths.

**ACTION Item for FDOT:** FDOT (SCO/SMO) will review the standard spec language regarding straightedging requirements and removal/replacement limits.

- f. Training opportunity available: <http://tc3.transportation.org/> Above is the link to the AASHTO web site. It has a new Asphalt Pavement Rehabilitation Series that is free right now.
- g. FDOT asked if on AMG jobs contractors needed to reduce density to 92% and use static compaction due to vibrations affecting AMG equipment. Mark M. says they’re using on one of their jobs. Bob P. mentioned contacting Ben Dreiling of CFX about their specs. **ACTION Item for FDOT:** SCO to contact Ben Dreiling about CFX specs for AMG.

4. Design Build Issues: All of these issues will be taken to the DB Steering Committee and Task team.

- a. Some issues with the DB process are happening with greater frequency; the following are two that are negatively impacting the process for the contracting community (Bob Pereira)
  - i. ATC Process – FDOT needs to provide more clarity and clearly define those items that cannot be changed or that will not be considered as an ATC. The impacts of not doing this are;

Agree, should be clear in the RFP.

- 1. -We spend significant money, time, and devote resources to items that are quickly denied despite adding significant value and cost savings.

Should be discussing at one-on-one ATC meetings to determine/vet the viability of the idea and willingness of the FDOT to accept it.

- 2. -There is a fixed amount of time to assemble our tech proposal; by not clearly communicating those items that cannot be changed by an ATC, we waste valuable time working on ATC's that will be rejected instead of the tech proposal, potentially detracting from its quality
- 3. Solution: provide better language in the RFP that clearly states what cannot be changed by ATC.

Agree. The Department should be clear in defining the scope of the work as well as any project specific requirements or commitments. Once those issues are addressed, the RFP should contain as much flexibility as possible and promote the use of innovative approaches from the Contracting Industry. Industry has proven its ability to provide innovation and value to the Department through the ATC process so why would FDOT want to stifle the process by limiting ATCs? We also don't want to put ourselves in the position of restricting ATCs in the beginning of the procurement only to find ourselves lifting those same restrictions later in the process due to changes in the project.

AJ addressed that seeing more and more items being added to the list and making it more difficult for development. Bob B mentioned that we've discussed this often and we're not in disagreement but the message doesn't seem to be getting down to folks that prepare and develop RFPs. Procurement group develop RFPs but don't participate in these forums where these issues are discussed. Carrie discussed how D2 handles ATC meetings and discuss/vet potential ATCs before development costs incurred. AJ reiterated the D2 process worked well that allowed the discussion. Pete discussed that FTE implementing a similar discussion process, FTE is struggling some with reviews of the plans, expect that the plans would look like PPM DBB plans – they

won't. Carolyn discussed that they are finding a variety of issues submitted/discussed as ATC that are not. John T mentioned that his group rely heavily on Carla/Suzannah teleconferences for direction/guidance. Discussed that he sees lots of ATCs and average 30-50% approved. Has to get Executive level approval of the can/can't have identified in the RFP. John sits in on ATC process as an observer since a TRC member and has seen how much effort/cost teams are putting into the ATC presentations – much like CEI presentations.

Bob P asked that if things like pedestrian access is key/important, state so in the RFP.

Jon S indicated that they try not to restrict much in the RFP and are trying to encourage submittals by DB teams to be less. Try to give answers quickly.

Ed discussed the upfront work D3 does to communicate clearly.

John Morris mentioned that call for changes in horizontal/vertical geometry more than 2', have to get ATC for approval. AJ mentioned that they've found errors in the original concept drawings and have corrected them in the submittal only to be dinged on the scoring. JC indicated that restrictions like this generate more restrictions. Industry wants the RFP to say why these restrictions in geometry are included.

John T indicated that if FDOT included the reason for the geometric limitations, might not like the reasoning. Ben S discussed that some to the requirements/restrictions come from R/W, political, commitments. AJ says that overall the ATC process works well, however too many things listed and when FDOT makes a change that would need to open up to everyone with addenda.

Iggy asked why FDOT doesn't allow an ATC process for all LB DB projects – FDOT will consider, some have included ATCs in schedule. Nine out of 10 times probably won't have any ATCs submitted.

Pete asked about included a note in the plans that CSI won't accept for certain work.

- b. Additional RFQ or RFP Phase Submissions – We are seeing additional interim submission requirements, such as Aesthetics and Constructability.
  - i. -These take away time that can be better applied to the design and tech proposal, particularly in the case of the Wekiva Aesthetic submittal – the aesthetics are clearly defined in the BTC and must be matched – why have

multiple contractors put together a major submittal to tell FDOT that we're going to match what they've already told us they want ?

John T mentioned that Wekiva submittal requirements were to make sure the DB teams were going down a path that wouldn't lead teams to a non-responsive result, intended to be a safeguard and not an expense. Agree but these have been used on a limited basis on specific projects where the Department had made commitments to involve local representatives. JC discussed the costs of these types of submittal.

- ii. Assembling these submittals is expensive, yet there is no commensurate increase in the stipend.

Stipend amounts just recently went up in 2014.

- iii. -These submittals take time away from the fixed period allotted to assemble our technical proposal, impacting our ability to put together a high-quality proposal.

Every team is faced with the same limitation so the playing field should be level.

- iv. -The decision on accepting these interim submittals is not always made by the TRC but by those who may/may not be totally familiar with process.

TRC is involved in the process of these decisions.

- v. Potential Solutions: Aesthetics - a small aesthetic submittal, with a simple rendering and a write-up of materials and/or products to be used should suffice. Alternatively, amend the tech proposal to add a page or two of additional text and/or drawings to cover the aesthetic component.

In general yes, but on "special" projects there have been commitments made. This may warrant additional stipends for these. FDOT will review and consider. Brian B mentioned that maybe the better way to go in the future is for the FDOT to identify which structure requires the aesthetic submittal.

- vi. Constructability – we were scored based on our qualifications and our perceived ability to construct the project. There should be no need for a Constructability Submittal. We're responsible for employing means and methods that comply with the RFP – that should be enough.

- c. Please explain the concerns of the industry that led to the removal of the option for DB Teams to propose contract time and earn up to five points on their technical proposal score. Is there an opportunity to address these concerns to bring this option back? (John Tyler)

John T mentioned that D5 thought this was a good tool for contractors to set their time without an A+B, I/D arrangement but could get credit for being aggressive on time. Asked concerns of the industry – reasons provided were that all contractors were going for the 5 points so became meaningless, sometimes the times for the range were not reasonable and too risky to pursue. Industry asked if the jobs actually completed in the time bid? John described that the 0 point would be the base time to build the job and increasing points to shorten the time. Industry would prefer just the standard A+B I/D approach. Industry asked if would prefer we just set the contract time shorter and not give the point option? Some said yes, others think there is some value to go with the points in scoring. Iggy indicated that industry likes in some cases for the Department to police the industry and protect them from themselves.

- d. Design-Build general comments: Why is d-b used when there are signature items that limit a Team's ability to provide products that perform the same but at a cheaper price? Projects, for example, that have signature bridges are the perfect example. Technical merit is a thing of the past, multiple contractors/engineers are expending a lot of money in the pursuit for minimal return, all of the risk is shifted to the Team, and the Department should be able to design them just as fast as the D-B Teams (the reduced design time argument is false). It appears as though the Department is using design-build as a tool to risk shift and minimize claims. That's wrong. (Bob Schafer)

Bob mentioned that in general, smaller jobs should not be DB. Gave an example of a \$20-\$30M. Carrie mentioned that the funding sometimes drives some projects to go as DB. FDOT has made concerted effort to reduce the numbers as evidenced by the small numbers of DB projects this FY. Design Build is used on signature items for the same benefits found on other DB jobs – shortened procurement schedule and the potential for innovation and cost saving measures from Industry. The Department must provide specific criteria for the DB firms to meet while still allowing room for innovation in either materials or delivery, even on projects with "signature" items. If the Department is specific in the type of structure desired or has outlined specific materials, there may still be opportunities for innovation or cost savings in construction or other aspects of the project.

- e. In most RFP's, a list of Technical Proposal Requirements is provided. This lists items required to be included in Volume 1 (written section) and other Volumes of the Proposal. In another section of the RFP we are provided the Evaluation Criteria. The issue is that most of the time the Requirements for Volume 1 and the Evaluation Criteria do not match. The Requirements will list items to be included in the Proposal that are not included in the Evaluation Criteria. I cannot tell you how much time teams waste trying to figure out how to handle this. We are always tight for space, but do not want to leave out a Requirement, even though there is no score associated with the item, for fear of being found non-responsive. Could we please ensure that these two section match? Better yet, why not combine Requirements with the Evaluation Criteria to one section? (JC Miseroy – Friday)

JC discussed that minimum described in Tech Proposal must include..... but there is nowhere identified in the evaluation criteria that matches that criteria. Happens on most jobs, thinks the matrix in the RFP should match requirements to criteria. The Evaluation criteria found in the RFP are really categories that the RFP developer should fit their Technical Proposal submittal requirements under. The Department will review the sections to determine where improvements can be made and will look at using a developer note stating that requirements should match at least one of the evaluation criteria listed in the RFP. The current RFP Boilerplate contains 30 separate bullets under Evaluation Criteria.

**ACTION Item for FDOT:** FDOT will review this in the RFP and discuss with the DB Steering Committee.

- f. Changes to Design Requirements late in the Proposal Phase. We have been working on a large D-B project for many months. The Draft RFP that was published more than a year ago included restrictions of bridge type (closed boxes) on many of project structures. We had several meetings with Department personnel before the project was advertised and discussed the restrictions on the bridge types. We were assured that these restrictions were not going to change and there were only minor changes in the Final RFP. The Department is well aware of the premium for certain types of structure and considers that when establishing restrictions that are required for consistency, aesthetics, etc. Five months after shortlisting and less than three months before Proposals are due, these restrictions have now been lifted. Now we are allowed to offer almost any type of bridge structure. Major changes like this cost a lot of time and dollars for the teams pursuing these projects. At a minimum, this change impacts the cost of our design work, the schedule for our design deliverables, utility impacts, MOT and our proposal write-up. This is not the first time we have experienced this issue – hopefully it will be the last. Can the Department please consider this very carefully on future projects? If you have to restrict the type of bridge structure or other similar restriction (e.g. pavement type), don't change your mind late in the proposal phase. (JC Miseroy – Friday)

JC example is on an active procurement. Asked if additional time and stipend could be considered – yes to time, no to stipend change. Suggested that RFP state that structures changes must be via ATC. FDOT makes every effort to limit Design changes late in the Proposal Phase but we are aware it has happened. We already have a developer note that says we shouldn't issue addendums at least 72 hours before Technical Proposals or Price Proposals are due. We might be able to look at a similar note. We can look into preparing guidance for RFP Developers to limit this activity to the greatest extent practicable.

- g. Requirements for ELOI. The Standard Pre-ambule for ELOI submittals includes a list of 9 Key Staff to be included in the ELOI. The issue we have experienced is that these 9 do not fit every project. This is an issue for larger projects (and probably small projects too). For instance, the list of Key Staff includes Construction Roadway Superintendent, Construction Structures Superintendent and Construction Superintendent – Specialty.

On larger projects we may have many superintendents in each of these categories, so who do we include? On larger projects we may have Segment Managers, Construction Managers, etc., but there is no allowance for including these resumes in the ELOI. If we do include them, there is no assurance they will be considered/evaluated. The 9 Key Staff listed do not allow for much flexibility for project size and type. We suggest changing this list to one that is more generic, where these three Key Staff are termed Key Construction Staff, and leave it to the DB Teams to determine the most important staff. (JC Miseroy – Friday)

Queried DCEs for their thoughts on how the list should be done – should focus on key staff. Some districts doing the resume/org charts differently. DCEs willing to allow the DB team to identify the key staff. Suggested that we set a max number (scalable by job type/size) and have the DB team identify who they consider key players. Would identify if there are special/significant persons on the job, we'd identify in the RFP that a resume is required. Discussed change in staff after awarded the project, industry needs the fluidity of the personnel shifting.

- h. Discussion regarding unforeseen / differing site conditions on Design-Build projects. (John Morris)

John Morris said that DB teams can't take the risk of all differing site conditions such as underground obstructions, doesn't think FDOT wants several different firms spending the money for investigations. The risk shifting of DB is a major concern of industry. Industry understands that the DB contract is clear that the risk of differing site conditions is on the DB teams. Carolyn explained that 4-3.7 of the specs sets 3 conditions for differing site conditions that if a contractor meets, there may be some responsibility of the department. Also, Gene S discussed risks/impacts due to utilities and impacts to DB projects and how DB teams have no leverage with the utilities – Ben discussed his experiences with utility/DB team negotiations. Carrie reiterated the concerns with utility impacts. Utilities saying they have no authority or obligation to enter into contracts with DB contractors.

**ACTION Item for FDOT:** Brian B. and I will meet with Legal on Utility issues on DB contracts.

Bob B asked if FDOT is willing to change contracts to take on more risk of differing site conditions. No at this time but FDOT can and does take additional boring information of variable sites. Carolyn reiterated 4-3.7 language and the conditions that have to be met. Discussed underground obstructions that are found. Industry believes that the FDOT is fair with this issue which begs to ask the question of whether a change is needed in the specs? Ed discussed Choctawhatchee Bridge project and the 20 borings on the 3 mile project site that contractor took no additional borings and filed differing site condition claim, Contractor took 3 or 4 issues to DRB and lost at DRBs.

From last year, "John discussed the challenges they are having with the division 1 specs for differing site conditions. What is reasonable level of investigation that should be done prior to submitted bid? The expectation of the Department is that the DB firm do

its own site investigation into any/all information available about the site. FDOT knows that teams form early, sometimes years before a project advertisement, to start reviewing information for a project. There is a shift of responsibility to the DB firm for differing site conditions and it is expected that the DB firm include in its bid the perceived level of risk.” The Department’s view on differing site conditions on DB projects is that the DB teams need to take whatever level of investigation they feel necessary to minimize their risk and bid it accordingly. The Department is going to handle these issues, when they come up, that the DB team did consider and price their risk in the bid.

- i. Discussion on price negotiations on Design-Build projects for extra work, and a reduction in the work. (John Morris)

John gave background of a member of his staff saying that FDOT/CEI not accepting Blue Book rates for costing of equipment. The challenge on DB jobs is lack of bid items. FDOT CEI engineer’s estimate should be done in advance of price submittal from the contractor. AJ asked if Risk shift/extra warranty included in FDOT/CEI pricing. Should be handled the same way as DBB projects. Difference is the schedule of values would not be used as the basis of comparing pricing.

- j. Design review comments on RFC plan sets - The Department gets another 15 days review time every time any new comments are added in a review. This is becoming a consistent, time consuming, and frustrating issue on Design-Build projects, and is significantly magnified for ITS design submittals. Also there have been many instances whereby plan reviewers are directing us to utilize current governing regulations, and even possible "future" specs under development, and not what was required in the RFP at the time of the bid. (John Morris)

Seeming increasing issue on DB jobs. Worse on ITS jobs and how the RFP written doesn’t keep pace with the changes in technology. Pete discussed that this has occurred with ITS and they’ve had to pull back because a change in the RFP. If FDOT/CEI responding “we have 15 days to respond,” escalate the issue to the next higher level within FDOT. Ben S discussed a reasonable approach to resolve review comments in meeting setting to determine which comments are window dressing vs substantive comments that need addressing. The Department works to expedite reviews and comments back to contractors and this works well when the contractor team and FDOT teams are communicating openly about schedule and turnaround time needs.

## 5. Safety:

- a. The Department has considered requiring back-up cameras and dump bed alarms (audible warning when the bed is raised) but has decided to leave it to the industry to address. With the fatalities and property damage caused by dump trucks, what steps does the industry foresee in the future to utilize straightforward, off-the-shelf technology to address these problems? (John Tyler)

John T gave information on how FDOT has been using backup cameras on our dump trucks for years. We're looking at idea of alarms for trucks when dump body is up. We've discussed internally but have not decided to direct the contractors to deploy. John Coxwell explained that their trucks are used mostly offroad so cameras would be at risk. Have backup alarms on trucks and have alarm for trucks that engage in forward direction with the dump body in up position, horn goes off. John Morris discussed that they use them on their asphalt trucks. Group thinks there is more of a need in asphalt operations. Mark M mentioned they are using hands free telephone in their trucks. Set a 10mph within work zones. Increased worker reflectivity. John T mentioned that many rely on independent truckers and if safety features like these became mandatory, would it hurt industry? Most think yes. Doesn't sound like industry intending to move that way universally. FDOT not intending to mandate this kind of change.

- b. What is the latest outlook for how the industry will address the new Federal silica standards? In addition to impacting contractor's staff, CEI and Department staff are interested in protective measures to reduce exposure. (John Tyler)

Jim Warren discussed that his industry has been working with NAPA to evaluate standards and determine what best practices are to meet OSHA requirements. Contractors will be required to comply with OSHA requirements. Looking at longer term issues as well. Some changes will be coming on this. Jim will forward best practices when they come from NAPA. There are several groups that have filed lawsuits on this since there are some requirements can be met. FDOT is dealing with this internally with our own maintenance units.

- c. A little free discussion on work zone safety (Jim Warren)

addressed in other discussions

- d. Specification 102-7 Traffic Control Officers. I would like to see it revised to include payment for officers when you are paving on an interstate and a lane needs to be closed. (Ignacio Halley)

Same as 2.a. Really, really got carried away cutting and pasting.

- e. Safety (Bob Pereira)

- i. SAFETY FIRST. Lots of discussion through ACAF and FTBA with regard to safety in the work zone.

Discussed during morning discussion, Bob P. discussed the precautions they take in supplying their jobs with ODLEO.

- ii. Industry would like to see reduced speed limits through construction work areas, especially when lane closure in place. FDOT disagrees, citing some study showing increased accidents because not everyone abides by the reduced speed

causing more accidents as some people slow down and others don't. So in order to be accommodating to those individuals that violate the reduced speed and cause accidents the FDOT believes it best to just not reduce the speed, rather than make an effort to enforce the reduced speed (not exactly their words, but my take on it).

The "some study" was a comprehensive NCHRP study of workzones across the country. We're not looking to accommodate the individuals that don't slow to the posted speed by not reducing speed, we're looking to only reduce speed where it is warranted (confinement, geometry) and to gain greater compliance/adherence to the posted speed limit. Index 670 (MAS) allows for the reduction of posted speed if 65mph or greater by 10mph. By virtue of **Florida Statute 316.187**, all regulatory speeds must be established on the basis of a traffic and engineering investigation. Designers must only reduce speed when the temporary geometry requires it. The justification for establishing work zone regulatory speeds different from normal speed limits must be included in the project file. Mark M described that the disconnect is whether we're looking at the motorists or at the construction workers. FDOT looks at both. Mark M discussed that the entry of the trucks into the workzone sets up many conflict points. Industry reprised the discussion of the offduty officers and payment for safety issue.

- iii. Further to this, FDOT keeps citing this study on interstate. However, majority of Middlesex Paving FDOT work is not interstate. On other state roads, such as SR 50, this is travelled mostly by locals. So once they know speed is reduced they either find alternate routes, or they abide by the reduce speed limit (assuming they see the reduced speed being enforced). I understand on travel corridors with primarily public passing through may be different consideration.

Industry asking for there to be a requirement for offduty officers on non-interstate. As mentioned in response to 2a above, FDOT is working with Research Office to do a quick study of the impacts of stationary blue lights in work zones.

- iv. Industry and FDOT agree that police (blue light) presence helps.

There is disagreement between industry and FDOT as to how much stationary blue lights help in a work zone.

Middlesex experience on I-75 is that two officers, one at lane closure transition and then another moving with the paving work zone has been more effective. The single officer at lane closure is often ignored once motorist passes him, however, the 2nd set of blue lights further ahead keeps them in check at more appropriate speed and with better attention until they have exited the work

zone. However, FDOT is not very considerate when paying for off-duty police through the contract pay item. They may argue only 1 is covered or they may argue that officer only required when within distance of signalized intersection, or whatever. If everyone agrees off-duty police presence helps provide safety to the workers, to FDOT inspection personnel, and to the public, then the FDOT should be more willing to participate in the use of the pay item in the contract.

FDOT up until late 90s did pay for stationary officers in an almost unlimited amount on projects and it was found that once the public learned that these stationary officers were not going to give pursuit, they became ignored. FDOT is not going back to that way of handling. As discussed earlier this morning, FDOT will look at these specs. Industry happy to hear of any increased safety measures required by FDOT that could be deployed, regardless of how these get paid. Refer to item 2a response for ACTION.

- v. FDOT keeps talking about increase use of the hire-back program. Essentially the FDOT reimburses FHP to provide on-duty officer to provide more patrols in area of construction. However, this may or may not occur during actual construction, and I personally believe the off-duty with blue light flashing at beginning and middle of work zone is more effective than officer with someone pulled over ½ mile past the work zone because that's where he caught up with them. I do agree that enforcement of speed (hopefully reduced speed) can also be effective...both are needed...increased blue-light presence and increased enforcement.

The hireback contract is to provide patrolling during the construction operations. FDOT directs when they are to be deployed. Industry asked if Lora Hollingsworth could research what other states are doing with regards to safety?

**ACTION Item for FDOT:** SCO will discuss with Lora Hollingsworth of the Safety Office. Link to FDOT Hireback data:  
<http://www.fdot.gov/construction/CONSTADM/reports/qtrFHP/FHPHireMain.shtm>

## 6. Global industry Issues:

- a. Construction industry trade employment/training needs. (Jim Warren)

Jim W mentioned that legislature required the development of a safety coalition. Jim trying to get a sense from contractors here how employment training needs are affecting contractors. It is affecting them but it is not critical. Industry is not getting the farmer children or next generation road builders in many cases so they're not getting the same skill levels that they used to. JB mentioned some of the disabled requirements affecting hiring. Also, thinks there are too many federal regulations regarding training. Rich Hewitt mentioned this in his ACAF presentation that he thought training will be one of the great challenges we face. People have to move around more in order to make more money. Some even leave the industry and we are constantly

getting new folks into the industry. Getting folks up to speed quickly is a great challenge in all areas (Department, Contractors, CEI's). D7 created a drilled shaft training video and SCO is working with D7 and D5 on creating other training videos, namely asphalt. Plan is to have a 5-10 minute videos covering all aspects of paving that could provide a person new to asphalt an overview. Next we'd make 5 minute or so videos on each subtopic (milling, tacking, paving, compacting) to cover things more in-depth including the inspection activities. Industry needs to be aware that we'll be shooting some video of your operations on jobs, we'll let you know in advance that we're videoing work operations.

- b. Discuss the use of GPS surveying and automated machine control. Most of us have been doing this for years with no issues but we still occasionally have a problematic CEI ask/demand that we put survey stakes on the job even though they are of no use. (Pete Kelley)

Pete asked to see where FDOT is with regard to specs are for use of AMG and staking requirements. Gus discussed his involvement on the FICE 3D team and FDOT is not ready for CEI/measurements. Industry is ahead of FDOT on use of AMG and FDOT is working to catch up. CEIs have done over the shoulder checks as well as use of contractor provided rovers. Final Estimates records requirements will need to be adjusted for AMG jobs. Told FDOT folks to bring up final records requirements for AMG jobs to CO FE office for clarification/needs. Tim Lattner discussed 3D models and industry use of AMG on pavers, looking to advance use for paving and models. Discussed pilot project on FTE that requires use of AMG for the paving project. Industry commented that the format of the data provided can present conversion issues, Tim L said we can provide in whatever format industry wants. Industry doesn't want Microstation format since have to reformat for use. FDOT modified the Standard Specs in Jan 2016 to eliminate unnecessary staking, when AMG is used. 1. See Section 5-7.4 Specific Staking Requirements, it says if Automated Machine Guidance is used, set stakes as needed. 2. Section 5-7.6 does require a GNSS work plan which basically talks about some of the equipment checks and what the contractor will do for survey control. This is required as we want to make sure the contractor is constructing the project in the correct vertical and horizontal location.

- c. Feedback from group on MAC thus far. Go live date was October 10<sup>th</sup>. (Tim Ruelke)

Tim asked industry for their initial impression of the roll out and implementation. General feedback – Mark M said they'd gotten a DWL over a job guide schedule for a LS jobs. This is necessary for quantities and for LS jobs don't load automatically. Gus asked about "converting" jobs into MAC. There is no converting over, MAC live date shut off LIMS. Ed mentioned some issues with resolution samples and notification. Albert mentioned that there is a need for a backup QC Manager to be input. Also, some asphalt suppliers have not been successful in getting registered into MAC. Also, asked if as prime they hire out the testing to a sub, would global access be exposed to the sub

for all of their jobs. Also, processing a DDM within MAC is different and needs to get a better idea.

- d. Workers Compensation increase now that it is official and discuss impact on longer projects. (Bob Burleson)

Bob mentioned that this is mostly a Brian issue – WC rates went up 15% across the board. FTBA asking FDOT to consider a one-time adjustment on contracts that are a year or more that were ongoing prior to the WC rate adjustment. Brian discussed that legislation may pass law to affect this, Bob thinks if they do, it will only slow the issue, not stay it. Bob doesn't think the cost would be hard to determine and would only be for longer duration jobs and the larger dollar value projects (thresholds would have to be determined). Brian thinks it is a little premature to make a change now, particularly if legislation to make a change. Pete K mentioned that for his company, the rate is not going up based on this change. If it were to go up, it would be due to unsafe work by his company. Rammy mentioned the sales tax increases from many years back, FDOT made the adjustments to any/all jobs awarded prior to the law change (back in the 80s). Contractors could/would be required to certify their payment of this 15% increase. **ACTION Item for FDOT:** FDOT will look into this further and will pull report of higher dollar, longer duration projects.

- e. CPPR - CEI's are being directed to charge non-pursuit days anytime a critical activity on the schedule is late to finish, despite the fact that we are actively working on the activity. This does not make sense, and in my opinion does not correspond with the intent of this CPPR category. (John Morris)

John M mentioned that one of his staff said FDOT CEI says getting charged for every day. Carolyn clarified this since it was from her district. Industry asked that there be discussions on the project level prior to the non-pursuit days being charged. I described that the direction Carolyn issued was consistent with the CPPR guidance that is posted on the SCO website.

Definition of CPPR "**Pursuit of The Work** - Contractor diligently and systematically pursues the work with sufficient labor, materials and equipment at all times. **Active progress is made on critical path items each day in accordance with the approved schedule.** The contractor schedules the subcontractors so that they are pursuing their work as well. Contractor worked five (5) days a week unless the contract states otherwise, excluding weather days. Percent is based on allowable contract time (minus weather days) and on a five (5) workday week unless otherwise stated in the contract." There is some discretion that the districts have for this and I believe you'll find most willing to work with a contractor on a job, to a certain degree. AJ discussed that there seem to be more and more schedule rejections and an almost direction of the CEI needed to use a consultant rather than schedule with his team. Dictating too much. Three of 4 projects he has are requiring this kind of involvement. Carolyn thinks some of the comments coming may be due to the CPM training that emphasized the spec

which does state 20 day durations of activities. Industry doesn't think this issue is CPR in its application.

**7. DRB Issues:**

- a. The National DRBF is moving towards facilitation. What are the feelings of FDOT and the Industry with regard to this? (Rammy Cone)

By facilitation, DRBF means leading discussions on projects at drb meetings.

- b. More and more states and agencies are allowing informal recommendations from DRBs. Is this of interest to the industry. (Rammy Cone)

Nationally, more informal hearings and recommendations. Discuss at regular drb meetings and give a verbal recommendation followed up by one page written statement of how the recommendation/decision derived. Discussed one he did in ND DOT. Essentially a streamlined approach and can follow up with a full blown hearing if disagree. AJ thinks there is a value in using the drb expertise that is available.

- c. Meeting frequency – many projects are not following the 3 Party Agreement and CPAM when there are still unresolved issues, i.e. monthly meetings. What to do when 1 party wants monthly meetings and the other does not. DRBF believes that if the 2 parties cannot agree on meeting frequency then monthly meetings (in most cases) should be held as this is usually an indication that there are bigger problems hidden in the weeds. 3 Party Agreement states: "...as mutually agreed by the Department and the Contractor." CPAM states: "...not to be a unilateral decision by the Department." [paraphrase]. (Rammy Cone)

Rammy discussed that this is becoming more an issue in that if contractor wants monthly and FDOT wants quarterly – clarified that direction to districts is that if the contractor/FDOT can't agree, the meetings are monthly. The issue that is really the subject is the TPA statement of having a monthly meeting if unresolved issues. FDOT knows what the TPA states but if the contractor and FDOT are working to resolve the issue, its view is the DRB should sit on the sidelines. If we (the Contractor and FDOT) reach an impasse, then we'd engage the DRB. The same language is in the Regional DRB TPAs and those only get activated when FDOT and Contractor reach that impasse. Bob B agreed with the FDOT position.

- d. Expert Testimony at Hearings – DRBF believes that expert testimony should be allowed in hearings. The spec does not currently allow this. What is the position of the Department and Industry? (Rammy Cone)

The more expert testimony is allowed, the closer a DRB gets to becoming more like a court case. The current requirements were done so in order to avoid this so that we create a less confrontational venue for resolving disputes. DRB hearings are supposed

to be informal and the more that attorneys and expert testimony gets involved, the higher the costs and the more legalistic they become.

- e. DRB Compensation – Compensation has been stagnant since 2004 (12 years). What is the position of FDOT and Industry? (Rammy Cone)

The DRB compensation rate for hearing was raised on July 1, 2011 from \$3,300 to \$8,000 per hearing. Normal regular scheduled meetings are \$3,300 per meeting. FDOT will look at what other states are paying for meetings.

- f. FDOT asked that DRBs accept electronic submittals from both contractor and FDOT. It's also a deadline issue. Rammy agreed he take this back to Florida Chapter of DRBF. ACTION Item for Industry: Rammy will take back to DRBF.

#### **8. Contract Administration and Compliance Issues:**

- a. OJT requirements should be reduced on simple mill and resurface projects. FDOT wants, and deserves, a quality finished product. We can't do that with half the crew as new trainees. Is this possible (a reduction)? (Bob Schafer)

The spec was changed to only require Trainees when the contract is \$2M or 275 days versus the previous requirement of \$1M and 225 days. FTBA asked if we could check on where the OJT target numbers came from. Mark M asked if Value Added works could be looked at closely for OJT because of the risk. Asphalt jobs have higher dollars and greater risk and harder to come up with trainees. Minimum numbers. ACTION Item for FDOT: Provide history of the changes to the trainee table from 7-25 of the standard specifications.

- b. OJT, On-Job-Training (Bob Pereira) OJT requirements are driven by total contract amount with FDOT. A project with a large amount of asphalt paving can cause a high contract value, but there are very few opportunities to provide for OJT on paving project given that the majority of the contract value is material-driven, not labor driven. The FDOT SR 50 project we completed was \$5.6M contract with \$4.3M associated with milling/paving. This contract amount required 3 trainees. Very limited work outside of paving for opportunity for training. Eventually, we are going to have all of our personnel available to be trained to have gone through program and then we will be stuck hiring extra people just to train and then fire...okay, a bit extreme. Turnpike does not require OJT, but if it did that paving project we have would require 5 trainees.

We don't want to lose sight of the purpose of the program which is to train and develop women, minorities, and economically disadvantaged construction employees into journeyman level positions. The actual number of trainees required on a project is finalized at a Post-Preconstruction Conference Training Evaluation Meeting so there is some room to change the number of trainees given project specific work that is conducive to graduating trainees. The "Estimated Contract Amount" as it is used in the EEO Construction Contract Compliance Workbook is determined after the elimination of

non-trainable pay items. Iggy asked if non-FA jobs with trainees could be banked and counted towards OJT requirements – would have to track and would likely have to submit certified payrolls. George asked if contractors think the OJT program is meeting the requirements. Most think there is pretty good success, some administrative effort. Most think at the end of the training requirements, don't have operators at journeyman level. Chuck brought up issue of truck drivers that must have CDL but won't be accepted for OJT since have CDL – could this be reviewed again. Review requirements for Trainees moved from job to job – Mark M.

**ACTION Items for FDOT:** Meet with EEO Office to get answers to questions of banking trainees from non-FA jobs, discuss commercial truckers having to have CDL and not being allowed as trainee.

- c. How are weather days added at the end of the contract? One-for-one? Does that mean that after contract time expires, a contractor must work 7 days a week to overcome losing time on the added weather days while working a normal 5-day work week? (Bob Schafer)

Weather days are added monthly and a letter provided to the contractor each month stated the number of weather days to be granted for the previous month – this allows for a contractor time to challenge the number of days being granted monthly. Weather days are granted one for one. After allowable contract elapses, there are no more weather days, holidays, special event days granted.

- d. Hurricane Preparations: The Department is not reacting quick enough to secure projects and forcing contractors to do it at their own risk. Especially on larger, more complex projects, FDOT needs to re-evaluate their timelines. (Bob Schafer)

Bob S addressed that direction to districts came within the 48 hours. Should FDOT move to a 72 hour notice. This is all a function of forecasts and expected impact areas. We target 2 days in advance of a storm impact for a contractor to safe-up the project. Bob S raised the concerns of contractor employees having to secure FDOT projects and having to secure their own homes – presents a real challenge.

- e. Response times on Pre-Bid Questions. Can we establish some timelines for responding to questions? Delays in response to questions causes Design/Build teams major issues with finalizing plans and proposals. (JC Miseroy – hold to Friday)

Asked DCEs for turnaround times on getting answers for DB questions – Districts say striving to respond in 3 days. JC gave example of some taking 6-8 weeks. Industry would like 2 things – acknowledgement of question and estimated time to response, and responses within 2 weeks. Could be response that would be addressed in future addenda. Alan Autry email addressed statistics on this for DBB jobs. Numbers (for CO lets only) are:

August lets: 60 day ads avg 50 days until question asked, 2 days to answer  
30 day ads avg 18 days until question asked, 5 days to answer

September lets: 90 day ads avg 41 days to question, 4 to answer  
60 day ads avg 37 days to question, 6 to answer  
30 day ads avg 22 days to question, 3 to answer  
October lets: 60 day ads avg 52 days to question, 1.4 to answer  
30 day ads avg 22 days to question, 2 to answer

**ACTION Item for FDOT:** Provide guidance to districts to acknowledge posted questions within 2 days and strive for responses in 2 weeks or less.

- f. Adding non-DBE matching truckers into FDOT system. On a recent project, we were told we had to wait until the end of the project to enter our non-DBE trucking information. The system had to be re-opened, caused delays to finalizing DBE participation and caused a lot of extra work. Why can't these hours be added monthly? (JC Miseroy – hold to Friday)

Trucking is kept up with by the RCS on a tracking form that is found in the Forms Library. The form tracks DBE credit as well as OBE (Other Business Enterprise, i.e., non-DBE) credit. The EOC system allows for DBE credits to be entered by the contractor into the system on a monthly basis but non-DBE or OBE trucks would have to be placed in there as a subcontractor and the system would not match the credits for DBE until the end of the project. 49 CFR allows contractors to match DBE trucking dollars with non-DBE trucking dollars at the end of a project. In some areas the Compliance Specialist finds it easier to put in these non-DBE dollars into the system for a match at the end of the project.

**ACTION Item for FDOT:** SCO get message out to District Compliance Managers that Trucking Form (an Excel spreadsheet) is to be kept up as the work is done and not held to the end of the project. The actual matching that is allowed will take place at the end of the project for accurate crediting of the numbers.

- g. Lump Sum bids (Bob Pereira) We are expected to bid a project as lump sum by verifying quantities of work to be performed and sign contract acknowledging lump sum agreement. However, on these type roads it is not accessible and is not safe to have someone verify quantities furnished by FDOT with actual measure. These projects may fit all the other criteria to meet determination for Lump Sum alternative bidding, but safety and opportunity of verifying information should also be considered. These projects should be bid unit price and verification measurements for pay can then be determined during construction while lane closures are in place.

Bob discussed I-4 lump sum, asking for alternative ways to get compensated if the quantities are wrong. Presently a claim of plan error is the contract mechanism to address. Bob asked about verification of cross-slope and overbuild for the project. FTBA asking FDOT to publish a list of projects intended to be let as Lump Sum.

**ACTION Item for FDOT:** Tim Lattner and SCO will discuss further for the criteria.

- h. Time (Bob Pereira)

- i. We have addressed this several times at various meetings with no change. The FDOT used to provide for 1.4 days of time extension for each day of weather delay to account for 5-day work-week versus 7-day contract calendar week. However, many years ago they changed that to a day-for-day. With 1 or 2 days, not really issue. However, 3 weeks of rain (or 3 weeks of temperatures) is only granted 15 days, not the 21 needed as equivalent. FC-5 temperature is more of an issue than rain because it can often be somewhat prolonged, but all weather is issue at the day-for-day.

SCO has a pending DCE memo to address this. Issue has been handling temperature more so than rain events. Not going back to 1.4 factor or accrued time. FDOT is still working on this issue. Industry asking for FDOT to go back to 1.4 factor for weather days. Industry suggested going to work day contracts. Recovering lost days due to weather on a weekend day, could affect the hours the driver could put in. Also, other impacts to employees missing child's event because having to work on the weekend.

**ACTION Item for FDOT:** SCO to complete and issue DCE memo.

- ii. Don't know how FDOT can address this, but the reality is that there are only a limited number of specialty contractors performing certain work items, with asphalt paving being one of those. With recent series of storm systems running across Florida we lost an entire week, and South Florida lost about 3 weeks straight. FDOT will grant 3 weeks time for whatever job the paving crew was sitting on, but the reality is that paving crew is now delayed by 3 weeks getting to all subsequent projects that may or may not be granted time.

Understand the issue. Asked for suggestions from the group.

- i. DBE (Bob Pereira) FDOT continues to declare a certain DBE availability on milling/paving projects in the 8%-9% range, but I don't know where they come up with these numbers. In our market there are no DBE milling contractors (plus we mill ourselves), there are limited DBE striping contractors that do FDOT work, etc. Usually left with trucking, and maybe sod or signalization if there is some of that on the job. This also affects our overall DBE CPPR grade if we fail to meet the FDOT determined availability. I think projects that include a lot of "specialty" work should be excluded from DBE considerations. I would count milling and paving (along with guardrail, signals, etc.) as specialty work.

Bob asked if there is a way that FDOT could show how the percentage is determined for contracts. The overall goal for the Florida Department of Transportation's (FDOT) Disadvantaged Business Enterprise (DBE) program for FHWA assisted contracts and for FTA assisted contracts are established on a triennial basis. The overall goal for federal fiscal years 2015 -2017 has been set at 9.91% for FHWA assisted contracts and 8.72% for FTA assisted contracts utilizing the methodologies described in 49 CFR Part 26. FDOT looks at available DBEs in the location of the project and the available work types in the

contract for all contracts. FDOT won't set the percentage below the minimum 9.91%. Concern is not getting DBE bonus points on the CPPR. Carolyn addressed that D4 is looking at the availability of DBE and have let with a percentage less than the minimum. Discussed BDI and whether material suppliers have to be Small Business – FDOT needs to research this further.

**ACTION Item for FDOT:** SCO to confirm that materials suppliers on BDI projects are required to be small businesses also.

9. Walkon items:

a. Tim Lattner – Index 105 change submitted for comments – none

b. Tim Lattner – Conduit change discussed in item 2d will take about a year. Tim will remind Bob to add to LESS committee meeting to discuss as a separate pay item or include with other conduit item. **ACTION Item:** Tim Lattner to remind Bob Burleson to add to LESS agenda.

c. Carolyn discussed the sublets not including pay item numbers – industry will correct.

d. Carolyn brought to contractor's attention that there have been issues in D4 with thermo measuring equipment not getting calibration correctly or getting accurate results.

e. Iggy brought up a couple points from Daniel Halley related to the revenue language added to the LD specs - Loss of toll revenue in addition to the LD rate – how would existing facilities that have improvements or have limitations on lane closures be determined for the rate to be applied? Does this account for the full amount of revenue or the impact value? Discuss with FTE – Nissen. Make sure the application of the additional impact is only applied to jobs that go into LDs. **ACTION Item:** SCO to discuss with FTE the methods used to determine revenue component of the spec.