

HFTT 11/02-03/17 Meeting Minutes

Wednesday, November 02-03, 2017

2017 Henry Fuller Task Team Agenda

Attendees: Courtney Drummond, Bob Schafer, Ignacio Halley, Brian Blanchard, Bob Pereira, JC Miseroy, Conrad Campbell, Pete Nissen, Jon Sands, Carrie Stanbridge, Paul Lampley, Jamal Hassouneh, Jim Wolfe, Tim Ruelke, John Krause, Randy Prescott, Ed Hudec, Ben Seawright, Gene Strickland, Andy Clark, Mel Pollock, Steve Martin, Eddie Greene, Craig Elmore, Albert Lopez, John Morris, Tim Lattner, Jim Warren, Jeff Nelson, Bob Burleson, Pete Kelley, AJ DeMoya, Bonnie Rimel, Gus Quesada, Mike Horan, Rammy Cone, Amy Tootle, David Sadler

General discussions and opening remarks. Attendees asked for recap of previous year's meeting topics to be standard opening for each HFTT going forward.

ACTION ITEM: FDOT will ensure meeting start with recap.

1. Utility issues – DB, DBB, strategies to mitigate the delay claims we are seeing due to utilities (many)

- ★ Brian B discussed high risk utilities, that we may be able to develop concept plan for these. How do you define high risk utilities? Talked about internally some sort of middle ground. Risk is still on contractor. Suggested having a checklist for the DUE on how to handle these projects.
- Bob B - contractor takes on risk but contractor has no ability to force utility to move. More FDOT can do the better.
- Dave S - DCEs how are district utility engineers be used?
 - D4 –
 - Gene S - no hammer for utility by contractor. Department utility folks can't make them do anything. Nothing contractual with utility.
- JC - can you with hold permitting from utility?
 - Brian B - legal not for that.
- Bob S - hearing on bid build projects that engineers aren't giving enough exploratory money to explore ahead of time
- Bob B - through ACTT can we have some small meetings with the utilities and try and discuss? Maybe get them to consider us doing some of the work?
 - ★ Dave S - think that will works. Get with Bob Burleson at first of year to start setting up meeting. Not sure of who group will look like.
- Carrie S – question about what do you consider high risk?

- Dave S - what other utilities are causing issues besides AT&T?
 - Eddie G - TECO Gas
 - Jon S - Century Link having issues
- ★ Bob B – asked Brian Blanchard if he can you get with FDOT legal to determine what needs to be changed statutorily so FTBA can pursue on their end legislatively?
- Gene S - DUE can't make utility come to precon etc., they are doing what they can but they just have no stick.
- ★ Dave S - Send Dave email with a couple bullet point of issues they are having so can categorize.
 - ★ Bottom Line: Need to compile list of issues to separate into different categories to work towards piece meal. Look to setup a meeting early next year between ACTT and various utilities to discuss issue. Look at Statute 337-403 & 404. Send specific examples to Bob Burlison and will get to the Secretary.

ACTION ITEMS: FDOT will arrange internal meeting to strategize ways to improve current results related to utilities on construction projects. FDOT asked industry participants to provide Dave S. with bullet points of current issues being experienced on projects so they can be categorized and assigned to the right people to tackle the issues. Suggestion offered to arrange meetings with industry, FDOT and utilities will follow FDOT internal meeting.

2. Update on the conversation with FDEP and DERM on the use of RAP in South Florida (Ruelke)

- Tim R - Confirmed with FDEP that DERM is enforcement authority in South Florida. Have not got DERM's list. FDEP is expecting an answer on DERM this week. If we don't get a response this week then we will be looking for a different path. Sent FDEP letter to Jason Watts and he wasn't able to make heads or tails of it either.
- Dave S - Are there still issues in South Florida?
 - Iggy - yes and same thing is happening with Muck. Requiring wells and monitoring.
 - Albert L - cities are buying the material.
- ★ Bottom Line: DERM is not responding to FDOT. There are still issues occurring in South Florida with DERM and now extending to Muck. If DERM doesn't respond this week then FDOT will have to pursue a different path.

ACTION ITEMS: Tim Ruelke will update attendees after hears back from FDEP on response from DERM which is expected in two weeks. FDOT management willing to

address the issue with FDEP management depending on outcome from FDEP/DERM responses.

3. Digital signatures and electronic documentation (Sadler)

- Dave S - Confusion between electronic and digital signatures. FDOT is requiring digital signatures. Where we go with digital signatures is with reports, certified payrolls, and correspondence. Process is simple. Going to be efficiency gain with this. All part of move to go paperless construction projects.
- Iggy - Department needs to identify what level the signatures need to go down. We just want to know what rules are so can play by those rules
 - Dave S - We are setting up forms for stylus signature for OJT. If a group meeting, the sign in sheet will wet ink sign and just be scanned.
- Gene S - Having issues in field with tablet. Believe using Galaxy tablets.
 - Jim W - Micro SD card for other devices.
 - ★ Amy - Provide guidance on how to export certificate to other devices.
- Mike H - Saying wet ink is invalid?
 - Dave – No, just can't mix and match wet ink signatures and digital signatures.

ACTION ITEMS: FDOT will work on list of documents requiring digital signatures and which will not, FDOT will post on its website "How To" slides for obtaining, applying, and general use of digital signatures.

4. Law enforcement for lane closures on roadways with speed >55 mph (Burleson/Sadler)

Proposed Spec language: FTBA proposes that, as a condition precedent to any work being performed involving a lane closure on a roadway with a speed limit of 55 MPH or greater, a uniformed law enforcement officer shall be present on the project while work is underway.

- *The law enforcement officer shall be hired, scheduled and paid by the Contractor.*
- *No claim for any entitlement for delay or damages shall be considered for failure of the law enforcement officer to be present on the project. As an exception, entitlement of a non-compensable time extension will be granted in the case of any state or local emergency requiring all area law enforcement to be on-duty and not available for off-duty hire.*
- *The Department shall pay the contractor for the law-enforcement officer on a per hour unit price. The hours worked (including up to one hour travel time each way) shall be submitted daily by the contractor to the project engineer.*

•The Department shall establish an hourly rate for each District that reflects the rate that is necessary to procure a law enforcement officer with a vehicle. This is the rate the Contractor shall be paid.

- Bob B – addressed that contractors would not get a time extension or delay claim if can't get an officer for the lane closure. Requirement would be for any nighttime lane closure on facility with 55 mph and above posted speed limit.
- Carrie S – discussed concerns with available resources, feels contractors may have trouble getting officers.
- Brian B – asked if we make this spec only nighttime requirement would we still have a resource issue?
 - Carrie – thinks yes even with FWC etc.
- Iggy - willing to take lost day. Asked for there to be a pay item so can bid. Will pay officers whatever need to, no matter what bid price says, even if pay more.
- Courtney D - discussed past meetings with FHP where they are losing FHP officers faster than replacing.
- Jamal H – asked how the EOR will establish lane closures and man hours?
- Dave – suggested making it lump sum part as part of lump sum MOT?
- Pete N – discussed that FTE gives first preference from Troop K. First right of refusal and then set rates at Troop K rates.
- Bob B – Thinks we should apply this only to night time work at first. Putting in lump sum MOT not crazy idea.

ACTION ITEMS: Dave putting together spec for greater than 55mph night time work and include in LS MOT pay item.

5. Polymer Slurry for drilled shafts – Why is this not allowed? It is more environmentally friendly than mineral clay, so easier for disposal. (Miseroy)

ACTION ITEM: FDOT is working on a spec to allow use of polymer - targeted rollout is July 2018 right now.

6. ITS/Tolling – Scope for some projects seems to be getting out of control. Everything has to have a redundant system. (Miseroy)

- Dave S discussed that FDOT is building redundancy into our systems to increase reliability and availability. We are also going back to existing systems and adding redundancy to make our systems more robust and reliable. Tolling systems must have very high up-time to provide excellent customer service to

toll payers and minimize loss of revenue. Express Lanes projects, in particular, require a high level of redundancy for both the ITS and Tolls components. As connected vehicle projects come on line, the need for redundant systems will only increase.

- a) Contractor to take over maintenance of the existing system during construction – This is very difficult for us, as we don't know condition, issues, etc.
- Dave S discussed that FDOT does need to address specifically what is to be maintained on existing systems - not treat it as AM contract. It is common in construction to not have two different contractors working in the same space within project limits. Traffic Ops is open to discussions on this if SCO is.

ACTION ITEM: FDOT SCO will meet with Traffic Operations to better define maintenance responsibilities for these contracts.

b) For tolling installation, FDOT requires 21 working days per direction per plaza. This excludes holidays, etc. This adds significant time to the end of projects.

- Pete N. - Same as the redundancy. Lots of complicated things going on that need to be tested. Communication is key and will work with the contractor.
- JC - basically need to be done 4 months ahead of time and let it sit. When have multiple locations it adds up.

c) General Tolling Requirements (GTR) – Volume I = 950 Pages; Volume II = 7,967 Pages. This is very hard to deal with.

- Pete N. - First 90 pages are design criteria rest are example calculations
- Note: Can examples be put in appendix?

7. Electrical/Signing (Miseroy)

a) Monotube structures – Why does FDOT love these so much? They are expensive, and on these interchange projects, they are very difficult to support/locate out of the way.

- Dave S mentioned that many times an area is staying with a theme. Basic reason. FDOT is willing to pay the cost of them as part of the consistent theme.
- Conrad - Environmental requirement

b) Standard details now show light pole anchor bolts imbedded in bridge decks. This is especially challenging on segmental projects. Is there an alternative?

- Dave - structures design said alternative with extensions on back side of rail.
 - JC mentioned that there was not a design detail for poles in median

ACTION ITEM: FDOT SCO will get with Structures Design Office about this.

8. Design Build: (Miseroy)

a) Technical Proposals still asking for QC Plan – Everyone has a QC Plan. Are these really reviewed?

- Dave discussed that revised RFP boilerplate requires a Quality Management Plan for Design. Construction specifications have QC Plan requirements but that doesn't have to be part of the Technical Proposal. RFP does not require DB firms to submit QC Plan as part of the Technical Proposal.

b) Technical Proposals still asking for TSP's for Tolling/ITS equipment – Why can't these be provided during design? Should only be required for innovative/new products.

- Dave discussed that current version of DB boilerplate RDP only requires submittal of TSPs at the 90% design phase.

c) Items highlighted in RFP still do not match evaluation criteria.

- Dave discussed that FDOT SCO added a developer note to the Boilerplate RFP under the Evaluation Criteria Section that tells the developer their Technical Proposal requirements should be tied to the Evaluation Criteria listed in the RFP. It'll take some time for this to change to show up in RFPs.

d) Response to ATC's sometimes come a week before the Proposal is due. This is not enough time to react and make adjustments to the Plans and Proposal.

- Dave discussed that Districts respond as timely as they can and depending on the response to some ATCs, the department may adjust schedule to allow more time for proposers to adjust based on FDOT response. The following Developer note was added to the ATC proposal section to allow DB firms to submit Draft ATCs and try to get answers/approvals earlier in the process.

Note to Developer of the RFP: On complex projects, the District may elect to allow the Design-Build Firm to submit Draft ATCs at any time beginning when the One-on-One ATC Meeting No.1 discussion topics are submitted until the date in which no other new ATC submittals are to be accepted by

the Department as defined in the Schedule of Events. If the decision is made to allow the submission of draft ATCs the following wording is to be added to this paragraph:

“The Department, will allow the submission of draft ATCs at any time beginning when the One-on-One ATC Meeting No.1 discussion topics are submitted until the date in which no other new ATC submittals are to be accepted by the Department as defined in the Schedule of Events. The submission must be clearly marked as DRAFT. The Design-Build Firm, by submitting a Draft ATC, understands that the purpose of the submission is to provide information to facilitate the discussion during ATC meetings and that the Department will discuss the concept but is not obligated to reply to the draft submission as if it were a formal ATC submittal. However, at any time prior to the formal Alternative Technical Concept Proposal submittal, the Department may provide the Design-Build Firm with a Draft written response. The draft written response should be clearly marked as DRAFT.”

The intent of this draft ATC response is to provide the Design-Build Firm with possible additional feedback beyond what is provided during the one-on-one ATC meetings, with the goal of allowing for more condensed procurement schedules, as well as potentially eliminating a one-on-one ATC meeting on complex projects.

- AJ – discussed it’s getting harder to get ATC through in Design effort. Simple variation can kill an ATC. Flip it and think if ATC was original concept, would you have provided for variation. Need to look high level. Doesn’t feel FDOT is as open as was 3 years ago
 - Conrad - Thinks we take a holistic approach.
- JC - seems like do more for ATC versus concept plans.
- Steve M. - designers are having to attend a lot of meetings. DBIA conference consensus was 4 ATC meetings was too many. There is a level of frustration within FDOT on the quality of ATCs.
 - Dave - Meetings are built into schedule, only need if proposers are bringing ATCs forward.
- Steve M. addressed that he’s seen ATCs presented as a defensive strategy to FDOT will publish response that closes the door to an issue – these can be frustrating.

ACTION ITEM: FDOT will discuss more with ACTT steering committee

e) Often there are updates provided for Division I Specifications. Approximately 127 pages. Can we get an indication of what has changed, so we don't have to try to read the whole thing and try to remember what is different?

- State Specs Office just recently published its first redline strikethrough version of the spec book to help with this effort.

9. Fuel Index (Miseroy)

a) The factors seem to be off. Some items have a huge amount of gasoline. EG Sod, ditch pavement. Inlet, DT Bot has approximately 65 gallons per each.

- Dave – gave some background on the rates and how they were derived. SCO met with Equipment Watch to discuss via teleconference and Amy will be meeting with them in person November 7th in Atlanta. They get their information for industry similar to how FDOT gets its data. FDOT suggested EW get their rates from equipment producers.
- JC - North Carolina has it as an option spec which gives bidders choice of accepting the fuel adjustment or not.
- Bob – is going to query members again about whether they'd support eliminating the fuel factors from FDOT specs.

ACTION ITEM: Contractors to send me equipment they are concerned about. Bob to query membership about whether they want to eliminate fuel factors. FDOT will get NC DOT spec for review.

b) For some District projects that are let in the middle of the month, we don't even know what the index is. Anticipate a bump in October from Irma, that really should not factored in for the long term.

- Except for June and December lettings, lettings occur after the 15th of the month. The June fuel/bit data is posted early so not an issue there. The 15th is the date by which the fuel/bituminous factors are posted to the SCO website.

10. Discuss update on Off Duty Officers Blue Light Pilot Projects, what happens moving forward. (Halley)

- Pilot ongoing, having issues finding projects on which to pilot use.
- Bob B - when working at night, doesn't see why we can't reduce speed 10mph. Need to consider on active work zones at night. Asked if Move Over law applied to off-duty officers in lane closures? Carrie S confirmed with FHP during the meeting that it does apply.

- Dave - WZ coalition have pilot with signs that display “Active Work Zone”

ACTION ITEM: FDOT will conclude the Blue Light Research since there has been an agreement reached on use of off duty enforcement use with lane closures.

11. **Digital Signatures:** Basically how far down the chain of signatures are digital signatures required.(as an example A Labor signing a EEO meeting attendance log or even the OJT training form) (Halley)

- Addressed in discussion above.

12. How are LD’s charged during storm shutdown?(Burleson)

- Dave described that LDs would be charged the same way as if the storm did not occur. If a contractor is in liquidated damages, there are no more granted weather or holidays while the work completes.
- Bob - feels LDs should be suspended during declared state of emergency.

ACTION ITEM: FDOT will discuss internally FTBA’s suggestion.

13. How do you treat off duty law enforcement on your payroll? (Burleson) - to contractors.

- Almost all contractors indicated they put the officers on their payrolls and cover their workers compensation will in use - 1099

14. **Signalization Timing:** the timings are in the construction plans. Why is it a requirement to submit the timing to District Traffic Ops for approval prior to acceptance? This appears to be a duplication of efforts. (Schafer)

- Traffic Ops is open to discussions on this if SCO is.

ACTION ITEM: FDOT SCO will meet with Traffic Operations about an alternative approach to this.

15. **Performance Turf:** The options for performance turf are seed or sod. Some contracts specifically call out one or the other. In these cases, it appears as though the EOR has done some analysis to determine the best product. In most cases, it is left up to the contractor to choose. But, there is an assumption that either/or will perform. This is similar to the Base Group options. The most cost effective is used, but ALL will work. It seems like the EOR’s aren’t doing their homework and loosely plugging in the Performance Turf Pay Item. Then, when the Contractors bid using

seed and it washes out, many Districts aren't paying for the re-application...some are? (Schafer)

- Lots of discussion on this topic – ranged from issues of designers not being consistent with which areas need sod and which don't, that by leaving areas as optional industry takes this as assurance that either option will work, that level of responsibility for turf should be limited to keeping it green – not the washout repairs.
- Bob S – discussed areas where performance turf option given and blows out three times then FDOT says should have sodded. To him Performance is it brown or green. Not if got washed out. If green and washed out, then should get paid for. That is not what performance turf should be.
 - Dave - Performance is all of it. To keep it brown or green. Protecting it until final accepted Spec 7-14
 - Bob S - How are we supposed to do that?
 - Dave - Waddles etc diversion around top of slope.
- Gene - If bid sod on entire project probably won't win job.
- Bob B - Primary concern is on slopes
- Bob S - So you have 80 miles of roadway and have to protect slopes.
- Eddie G - the cost of the erosion control features to protect is more than the sod.

ACTION ITEMS: FDOT SCO and State Design Office will discuss performance turf language of the specs, instructions to designers in Florida Design Manual (FDM), and instructions in the Basis of Estimates Manual (BOE).

16. **Notice of Intent to Claim:** While merely following the Rules, NOI are never well received by the FDOT/CEI. Even when warranted by either design or administration, they hate getting a notice. At D-4 Palm Beach Ops, they have a weekly meeting where all the PAs go over the open claims on their jobs. They hate doing it and strategize on how to get out of them. More emphatically, it needs to get out to the PA level that claims are fine. Contractors should file claims to protect themselves in the event they have an issue. The two jobs to reference are Military Trail (D-4) and Glades Road (Turnpike). Lots of notices and all met with resistance. What the FDOT needs to recognize is two things: 1) that they are paying designers to do less investigation up front (Military Trail underground) and that leads to more conflicts and notices. You get what you pay for. And 2) that engineering firms, while employing more and more technically savvy engineers, these engineers have less and less real field experience, and therefore what works on AutoCadd doesn't always work in the field. Instead of defending the design, CEI's need to evaluate the

problem. But, as long as Districts get graded on Time & Money (time past original contract time, and money over original contract), they will always have an incentive to say NO, deny, fight and get upset rather than doing what they should be doing, which is to solve the problem. FDOT has set themselves up to be combative with the Contractors with how they measure themselves and their CEI's. (Schafer)

- Dave discussed that no one within the FDOT ranks or CEIs likes getting NOIs but they all should understand (and we've stressed to DCEs) that this is just the contractor doing what they are required to do per the contract and failing to do so waives their right later to pursue the issue.
- Bob S - DCEs need to let CEIs know that NOIs are ok.
- Paul L. - getting better
- Pete N - Talk to his folks that's its part of doing business and not personal.
- Jon S - Talk about all the time with folks.
- Ben S - what about performance measures?
 - Brian B - he would look at what can we do better in design
 - Pete K - measures are outside of contract after the fact
- Steve M - seen issues where have 40+ open NOIs that aren't getting resolved.

ACTION ITEM: DCEs need to communicate with CEIs and educate new staff that it ok to receive NOIs and that it is a requirement of contract, otherwise the contractor waives their rights.

17. **Slow Roll/Pacing:** We've been told that these operations with off-duty law enforcement will not be allowed to occur to bring equip on or off the project. I don't see why SCO would not allow that, other than it is not specifically written in the Standards now. It should be added immediately and should be a rubber stamp from DOT. Or, it should be included in the permits for the project. (Schafer)

- FDOT drafted spec language to allow use of ODLEO specifically for this as part of 102-7 and 102-11.2 that will go into contracts **starting January 2018**. Language in 102-7 stated, "*Movement of equipment around the project site must not create an undue hazard to the traveling public or workers and be in accordance with requirements of the Design Standards. Cost for use of uniformed law enforcement officers, including marked law enforcement vehicles, to assist in controlling and directing traffic in the work zone during these efforts is to be included in Maintenance of Traffic, lump sum.*" and language to add to 102-11.2 stated, "*Cost for traffic control officers used for operations other than those specified in 102-7 (1) through (5) will be paid for under Maintenance of Traffic, lump sum.*"

18. **Workforce Development:** Industry, FDOT and the Consultants are suffering a labor shortage. It's at all levels but especially apparent in the field. Building projects at night served a purpose 15 years ago, but we need to start being more selfish as to our needs. It's difficult to find folks, especially the younger generation that don't want to work at night. Work Release programs don't allow night work either. Can you go back to, or at least more often, building during the day? (Schafer)

- Dave responded that it is doubtful. Traffic counts would not support this and Florida population is growing at a rate of over 1000 people per day.

19. **Checking X-Slope:** A 12-foot lane is paved with a 10-foot screed and should be checked with a 10-foot straight edge placed perpendicular to the lane. Why does FDOT check x-slope with a 4-foot smartlevel? (Schafer)

- Dave discussed that prior to 2010, FDOT used a 10' straightedge with a 4' bubble level which left the inspector having to use a tape measure to get the slope. This introduced error potential which is why we went to the smart levels that give direct cross-slope readings. Contractor personnel also use a 4' smart level for process control in most cases. When the smart level was introduced in 2010, FDOT doubled the individual tolerance from 0.2% to 0.4%. Also, use smart levels for shoulder slope measurements.
- Iggy - all paving crews carry a straight edge. Use contractor straightedge and put FDOT 4' level on top. This is acceptable.
- Iggy - your QC can use 10'

20. **Curb & Gutter:** Curb tolerance needs to match roadway tolerance. Curb gets 1" +/- and roadway gets .2%. (Schafer)

ACTION ITEM: SCO will work with Design Office to see if these tolerances can be aligned.

21. **Plan Error vs. Major Item of Work Unit Prices:** There've been instances of Districts taking the unit pricing on a major item of work and wanting to apply it to new work to accommodate plan error changes. It's rare for this work to be of similar cost and contractors are losing money due to plan errors. We can lose money all on our own. Don't double up with the EOR's errors too. Charge them!!(Schafer)

- Question/statement mentioned that FDOT wants to apply unit bid price to major item of work necessary due to a plan error. This is likely due to standard specification language 4-3.1 regarding major item of work only being adjusted in price if quantity goes over 125% of original or below 75% of the

original quantity. Only if the quantity moved outside those bounds would FDOT make an adjustment in price and then only for the amount outside the 75-125 boundary. FDOT does pursue EORs for errors they make in the plans, particularly when the error results in premium costs.

- Bob S - major item of work and less quantity and expecting same unit price

22. **Punchlist Process**: We need uniformity of the punchlist process. It's taking too long, too cumbersome, too confusing. For example, in south Florida where a particular project is dealing with FDOT Maintenance, TMC, and Broward Traffic Ops, this was the schedule given just by TMC: (Schafer)

- a. Walk through #1: 4 days
 - b. Initial deficiency report: 1-2 weeks
 - c. Walk through #2: 3 days to verify addressing initial report
 - d. Final Punchlist report: 3 days
 - e. Final walk through: 2 days
- Bob S - as projects get more complicated the punch lists are increasing from various entities. Hearing mostly from Subs.
 - Dave S - How are CEI and FDOT folks handling punch list items? Is contractor giving notice through 5-10?
 - Paul L - Trying to go out ahead of time and take pics etc but works aren't done. Need to start 2 months ahead because Spec language of 7 Days isn't enough.
 - Conrad C - have to start way early. Call items to be completed list or work list. No cookie cutter process just need good communication.
 - Ben S - try to get out there early and more and more as years go on including maintenance, asset maintenance and counties.
 - Bob S - most punch lists complicated when other agencies involved. Then the contractors don't know who to listen to.
 - Conrad - have CEIs get in there early and be proactive.
 - Carrie - a district who is engaged will know which agencies are problematic. Should be called work list.
 - Dave - Contractors do you want early list?
 - Yes
 - Pete N - On ITS have conflicts with ITS asset maintenance
 - Carrie S - Legal addressed and said it meets requirements.
 - Mike H - Have AM contractors do a punch list before start job.

ACTION ITEM: FDOT to continue to provide early work list (status of work complete) to the contractors and FDOT to be between with locals and AM contractors – will

screen lists provided by those entities to only provide contractor listed items that were part of their contract.

23. **Fuel adjustments for design-build:** The pay application and items/quantities are created at the onset of the project. These are based on preliminary quantities, which we've seen can fluctuate greatly up/down. The two CEI's on two different I-75 projects have different opinions on applying the fuel adjustment. One CEI wants to apply the specification word-for-word. This equates to applying fuel adjustments on quantity overruns. Keep in mind that we are not paid additional money on design-build...Lump Sum. The other CEI understands that fuel adjustments should only be applied on quantities that were in the original budget. The specification needs some standardized/clarified for D-B jobs? (Schafer)

- Did not discuss, asked to skip the topic.

24. Paving bids (Pereira) – **From last year**

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 or consider add/ deduct on quantities if measurements provided are incorrect or not within an agreed upon tolerance say +/- 5%

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

- Lump Sum job how verify quantities. For instance if 5' shoulder in plans but ends up being 5.5' shoulder.
 - Dave – present finding to FDOT and would make adjustment

25. FDOT provides 60-day advertisement for Construction projects but only 30-day advertisement for Resurfacing projects. Lump Sum bids should certainly be provided with 60-day advertisement. We would actually like to see all Resurfacing go to 60-day....even though 30-days is sufficient time to prepare and unit price bid, that is assuming your estimating staff can stop what they are doing and act on this immediately. 60-day notice allows better planning and flexibility on the part of the Estimating (Pereira)

- Brian B - on small jobs have been told by contractors that they don't look at bid proposals until last two weeks before letting date anyway, so FDOT will keep 60 days on more complex. Don't see a problem we need to fix.

26. Lane Closure restrictions continue to get more restricted with shorter time allowances. Our goal should be to complete jobs quicker and to reduce the number of days that workers and public are exposed to lane closures. Shortening lane closure/work hours extends job completions and potential quality issues with so many start/stops. (Pereira)

- FDOT has updated the FDM to require at least an 8 hour lane closure. See below:

240.4.2.7 Lane Closure Analysis

Lane closure analysis is a process used to calculate the peak hour traffic volume and the restricted capacity for open road and signalized intersections. The analysis will determine if a lane closure should be allowed and the time period a lane closure could occur without excessive travel delay.

Many roadways have directional peak hour traffic volumes, with inbound morning traffic, and outbound afternoon traffic. Doing a composite lane closure analysis would in many cases require night work or create very short allowable lane closure periods. If a separate lane closure analysis is calculated for inbound and outbound separately, night work may be avoided and longer lane closure periods may be allowed.

When a lane closure is necessary, provide an allowable lane closure period of at least eight hours. Allowable lane closure periods less than eight hours require approval by the State Roadway Design Engineer.

- Tim Lattner - Made the change and in Design Manual where put in requirement for 8 hour lane closure. Anything else would require CO approval.
- Gene S- Day time lane closures on 75? Could cut project times if we could.
 - Dave S - Doubtful too much traffic
- Jim Warren - Pushing friction course to cooler months. Is there a way where we can reevaluate the projects where let in work program so programmed better?
 - Brian B - Flex time? Delayed start?
 - Jim W - Yes that would help
 - Carrie S - internally production has pushed back

- Steve M - asked his district staff to look at 1) look does need to be FC5, 2) Production being told to be flexible, and 3) using flex time. Room for improvement on our side.

ACTION ITEM: FDM change to 8-hour work windows, with exceptions coming to Tallahassee, should improve overall production. FDOT will monitor to see how well this improves work.

27. OJT, On-Job-Training (Pereira) – **From last year**

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.

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. (FOLLOW UP QUESTION FROM LAST YEAR ANY MOVEMENT?)

- Dave discussed that SCO did meet with EEO and found that contractors can't bank trainees on state funded projects as we do not have Resident Compliance staff on these jobs for oversight of trainees. For truckers, getting the CDL would not be a trainee opportunity on the project. The CDL would be needed to do the job.
- Albert L - thinking outside box
 - Dave - give examples of the types of trucking operations they want to get their drivers trained in and he can bring to EEO office. Even asphalt haulers.
- Gus Q - Need to draft up proficiencies and then take up
- Courtney - Before hands on there is something to the effect of a learners permit for CDL licenses.

ACTION ITEM: Industry to provide trucker proficiencies they'd like to see made available as trainees – SCO asked that these be submitted in the format used for other OJT classifications for evaluation purposes. Link to OJT examples:

28. Time (Pereira) – **From last year**

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.

ACTION Item for FDOT: SCO to complete and issue DCE memo. (Was memo issued, don't recall seeing this?)

- Dave discussed that SCO did issue a DCE memo about holidays but not one yet on weather days. Not intending to go back to 1.4 factor per day but do understand the issue with extended days impact. Wrestling with the best approach. Impact predominately to work days impacted by weather when the contract prohibits weekend work or has other restricted work days.
- Randy P - Seems that goes along to CPM
- Ed H - DCE Memo. Have a couple drafts but not happy with what written.

ACTION ITEM: SCO will discuss with DCEs at upcoming meeting at the end of November to work on developing language to address.

29. DBE (Pereira) – **From last year**

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.

ACTION Item for FDOT: SCO to confirm that materials suppliers on BDI projects are required to be small businesses also. (FOLLOW UP QUESTION FROM LAST YEAR, NOT SURE IF THIS ACTION ITEM ADDRESSES THE QUESTION)

- Dave discussed that FDOT got rid of specialty work exceptions from its contracts in 2004 when we changed the specs on allowable markups and self-performance requirements. We do not consider milling and paving operations as specialty work, but we do not generally consider milling and paving operations as part of the potential DBE sublet percentage. We generally do

not set the DBE participation goal less than the latest identified Federal target. The goal was 9.91% for the past few years, and was actually raised to 10.6% this year. FDOT has a race neutral program, and the DBE % goal is not a contractual requirement. If the Department and Contractors fall below the federal target percentage, we could be forced to return to a mandatory DBE requirement where DBE utilization is identified during the bidding process.

A contractor's CPPR is not reduced in any way if they do not meet the DBE goal established for the project. The 4 points for achieving the DBE goal are bonus points, and only serve to increase the score if the goal is met.

a. Also, if we agreed that milling and resurfacing were specialty work and excluded a DBE goal on those projects, there would be no goal and the contractor would still have no chance to obtain the 4 bonus points for achieving the DBE goal.

b. The 4 point bonus incentive was added to the CPPR to encourage contractors to voluntarily seek to meet the defined DBE goals. A 4 point bonus is a significant incentive and can positively affect a contractor's overall CPPR average, which in turn will positively impact their bidding capacity. A significant incentive such as that, should not be unachievable, but should also not be easy to meet in all cases. The point of the bonus is for the company to strive to meet or exceed a meaningful goal

- Dave - DBE goals going up this year.
- Iggy - who is checking that number that contractors are available?
- Bob B - our DBE program is one of the best. Don't want to ask for reevaluation.

30. DESIGN BUILD (Pereira)

- Borings – adequate borings should be done and provided with the concept plan package for all projects. On Tampa Bayway, the borings were terminated at 100' at the pier locations (in the water), in poor material, offering insufficient information to do even a preliminary design. We are having to do borings, as are all prudent contractors, prebid at a significant additional cost to the pursuit of the project to be able to determine pile lengths. The potential risk on pile lengths, without having the borings, would be in excess of \$1,000,000. Providing adequate borings will save the department \$\$ by addressing contractor risks.
- Tim L - Borings from a DBB projects and wasn't meant to be DB. So on regular DB project wouldn't have had more expensive borings.

- Phasing/Staging Plans – on Wekiva Section 8 Design/Build, there are no MOT/phasing plans or concepts provided. This is a \$275 million, complex project and both the stipend and amount of time provided during the proposal process are insufficient to allow development of a full phasing plan, while also doing preliminary design on the balance of the project. At a minimum, a concept phasing/staging approach should be provided.
- Tim L - phasing we don't know how DB is going to design or build it so would be a waste of resources for FDOT to do.
- In both cases, the standard stipend does not cover the additional costs of doing what should have been done prior to the project being advertised. Please consider adding additional stipend to projects that have complexity.
- Dave - additional stipends changed two years ago.
- Bob P - Spending a lot more money
- Dave - stipends not meant to cover all costs
- Pete K - Wekiva they added extra package such as aesthetics then think it warrants additional stipends

31. Stipends for Design Build Pushbutton contracts. Not having stipends has reduced Designer and Contractor interest in pursuing these contracts. (Horan/Jaramillo)
- Dave discussed that FDOT will be reevaluating the Push-Button Contracting process altogether and will add this as a discussion point along with the rest of the evaluation.

32. Contractors should not have to assume responsibility for accuracy of Plan quantities when entering into a Cost Savings Initiative agreement. We know the quantities associated with the proposed CSI but not the remaining quantities. (Horan/Jaramillo)

- Dave discussed that part of the CSI process should be that the quantities were verified by the contractor as part of the proposal. If plan quantities appear inaccurate, expect the contractor to bring that up as part of the CSI discussion.
- Mike H - job where redesign slopes. Mike will send Dave specifics.
- Pete K - thinks spec isn't clear and needs to be cleared up. How quantities are addressed on unit price job is a lot to be desired.

ACTION ITEM: FDOT will review the CSI specification with this discussion in mind to determine if edits are warranted.

33. Contractors should be able to split the saved CEI cost when proposing a CSI or ALT MOT plan which substantially cuts construction time. (This question was inspired by the Minichs) (Horan/Jaramillo)

- Dave discussed that the CSI is a savings to the construction contract and that the CEI contracts are cost plus fixed fee so the CEIs are only compensated for the hours worked. So if the project finishes early, the CEI doesn't get paid for estimated hours not used.
- Mike H – asked if effectively CEI contract by hour?
 - Dave -essentially

34. Performance Turf - requirement to place rolled sod parallel to roadway. Industry would like to be allowed to place perpendicular. (Burleson)

- Dave discussed that FDOT's justification is always that the spec is a performance turf and therefore the contractor is responsible for the performance of the turf. Industry often argues that they're responsible for the turf so why does it matter to FDOT the orientation of the rolled sod when placed or the condition of the sod? FDOT has contractors/subs bringing to projects turf/sod that is long past the 48 hours cut time, scarcely any soil materials on the sod squares or rolls, is brown in color, and are arguing that they can make it live since it's a performance turf item. Some of these same jobs now have claims on them for efforts and costs incurred to make that turf survive.
- Dave was provided some locations where rolled sod was placed parallel to the roadway and placed perpendicular. FDOT will look at these locations to see if this there are any differences.
- Gene S – asked if performance turf, why do we specify how laid?
- Pete N – mentioned that FDOT would be willing to accept performance if not claims.

ACTION ITEM: FDOT will review locations where rolled sod placed both perpendicular and parallel to roadway.

35. Jack & Bore test requirements (Burleson)

- Discussed revisions made, by the Drainage staff, to Section 556 for the January 2015 book were intended to provide clarity for the testing requirements. Prior to the January 2015, the testing requirement fell under damaged product testing. The material chosen for J&B must be able to be tested per the specifications, i.e., pressure tested if used as the carrier pipe. The testing has been required since 2000 but seemingly unenforced throughout the years.

There is no new interpretation, if anything, it's a change in enforcement of a long standing specification. FDOT does pressure test all other pipe type joints, just not post installation like J&B. Installed J&B pipes are considered to have joints at the welded connections. Visual inspection of welds is only useful for surface imperfections and this inspection would take place before the jacking process, which is where the potential for damage to the pipe in general would occur. If certain pipe manufacturers are concerned about their product being "pressurized" to 20 psi, use of that material should be reconsidered. Finding leaks, once it is determined there is a leak, is the responsibility of the contractor. Issue comes down to J&B pipe used as the carrier pipe which puts in the realm of drainage or conveyance pipe and the need to test for leaks. The Department is not enforcing utility testing for drainage applications, utility testing is typically done at much higher pressures.

- Dave – mentioned that Turnpike has been successful at welding plate to pipe and pressure testing. This has worked well. Contractors concern was bladder test but that doesn't come into play with the welded plate approach.
- Iggy – mentioned concern that spec language says have to test casing as well not just as carrier.

ACTION ITEM: FDOT will review jack & bore spec to determine if casing required testing as well.

36. My concerns are the new specification 548-8-6 Compressible Free Draining Seal. There were many concerns as it "just appeared". Lot of humors of it being an item soul source but the Spec is very open. It "is" an added cost for material and install. The wall suppliers are using the 2"x2" foam as the material to be utilized on their quotations. I will mention that this is An old Georgia Specification using the 2"x2" foam-----but I understand they are in process of trying to get it deleted from their specification. (Rimel)

- Tim L – discussed that FDOT knows it will cost a bit more but that the seal minimizes weed growth in joints of MSE walls. We will give it a try and see how it works. Spec just says has to be compressible free draining materials. Meant to prevent vegetative growth.
- Bonnie R – expressed concerns that wall suppliers were not aware of the spec change.
 - Dave – reviewed spec background and it went out to industry review July 2016. A few suppliers provided comments.

37. Railroad Flagger newly proposed spec revision (Burluson)

- Just recently came out for review. Excerpt of spec language below:

7-11.4 Operations Within Railroad Right-of-Way:

7-11.4.1 Notification to the Railroad Company: Notify the ~~superintendent of the~~ railroad company, as shown in the Plans, District Rail Office and the Engineer at least 72 hours before beginning any operation within the limits of the railroad right-of-way; any operation requiring movement of employees, trucks, or other equipment across the tracks of the railroad company at other than an established public crossing; and any other work that may affect railroad operations or property.

Costs incurred by the railroad for Contractor caused delays that adversely impact railway operations will be forwarded to the Contractor for payment. If the Contractor fails to pay said costs, the Department will deduct the amount from payments to be made to the Contractor.

7-11.4.2 Contractor's Responsibilities: Do not perform work within or adjacent to the railroad right-of-way without a flagger present. Comply with requirements deemed necessary by the railroad company's authorized representative to safeguard the railroad's property and operations. Do not perform temporary lane closures, lane shifts or detour routes within the railroad company right-of-way without railroad approval.

7-11.4.2.3 FEC: Before conducting any operations within the limits of the right of way, submit written notification to the Engineer, District Rail Office, and the Chief FEC Engineer or authorized Railway Representative in addition to the requirements in Section 7-11.4.1. Contact the FEC Signal Office at 904-279-3182 at least 30 days prior to any traffic signal work within 500 feet of a signalized, at-grade, rail-highway crossing.

Contact FEC Railway at 1-800-342-1131, ext. 2377, to request signal locates and railroad watchmen or flagging services at least 72 hours prior to railroad right-of-way encroachments. When requesting railroad watchman or flagging services, identify the work as a Florida Department of Transportation project.

7-11.4.2.4 Department-Owned Rail Corridors: The Department will furnish protective services (i.e., watchman or flagging services) to ensure the safety of railroad operations during certain periods of the project.

7-11.4.2.4.1 Central Florida Rail Corridor (CFRC): For projects involving the CFRC, submit written advance notice to the Engineer at least 30 days prior to rail corridor right-of-way encroachments so the Department can coordinate the scheduling of flagging resources.

7-11.4.2.4.2 South Florida Rail Corridor (SFRC): For projects involving the SFRC, contact the South Florida Regional Transportation Authority (SFRTA) and the Engineer at the numbers shown in the Plans at least 30 days prior to rail corridor right-of-way encroachments so the Department can coordinate the scheduling of flagging resources.

Complete the On-Track Contractor Roadway Worker Training Course for SFRTA Railway. Contact SFRTA954-788-7920 for training information.

7-11.4.3 Watchman or Flagging Services:

The railroad company will furnish protective services (i.e., watchman or flagging services) to ensure the safety of railroad operations during certain periods of the project. The Department will reimburse the railroad company for the cost thereof. Schedule work that affects railroad operations so as to minimize the need for protective services by the railroad company.

Contact the Engineer and District Rail Office to request flagging services or access railroad right-of-way. Submit construction schedules and schedule changes to the Engineer and District Rail Office which include an estimated start date, weekly construction schedule, daily hours of operation, and the calendar day duration for which flagging services will be necessary to perform work activities within railroad right-of-way.

- Dave - spec is out for internal review - take the opportunity to comment.
- Pete K - who wrote this? CSX?
 - Dave - not sure, thinks Rail office
- Pete K - we need to look at this. Very one sided. Could be penalized. The way it's written could affect all of us.

38. Contractor's Meetings - Attendance by Prime Contractors seems to be dropping. The discussion and questions are very limited. This doesn't seem fulfill the original reason for having these meetings. What can we do to re-energize these meetings or should we adjust to a once a year format? (Tyler/Martin)

- Steve M - what can we do to get back to real meetings? Do we need to have just once a year?
- Dave - Notices differences between consultant attended versus contractor only.
- Jim W - Maybe do questions at beginning of meeting.
- Pete S - maybe submit questions ahead of time
 - DCE - we have done that but nobody offers
 - Dave - maybe have questions sent to Bob or Dave to sanitize
 - Carrie - also see more dialogue when Residents not attending
- Iggy - Districts have asked we just don't send any

- Gene S - ends up being a dog and pony and work program work ahead.
- Contractors - believe residents and CEIs attendance are beneficial.
- Bob B - District sets date - Dave/Bob set Agenda.
- Albert L - would like to have Materials involved or some smaller meetings
- Consensus of group - Need to limit DBE part of program.
 - Quest
 - DBE intro

ACTION ITEM: FDOT will schedule dates and locations, FTBA will set agendas for the meetings. Bob and Dave will collaborate on agendas.

39. Dump Truck Damage - Property damage from dump trucks driving with their beds left up continues. Bridge hits, overhead sign and traffic signal hits continue. Inexpensive technology exists for new vehicles and for retrofits that could address this problem if it were required safety equipment, like back-up alarms. With the continued problems, is it time to re-consider making this a requirement on FDOT projects or make them required equipment across the State through a change in State Law? If not, should we consider expanding damage recovery specifications to better account for all the costs incurred to the public and the agency when these incidents happen that are 100% preventable? (Tyler/Martin)

- Dave - does industry think FDOT should require in contracts that trucks have raised bed alarms?
- Bob B - Don't think it appropriate to mandate for smaller haulers.
- Steve M - John Tyler has information on cost but doesn't think that costly. Will get information.
- Jim W – googled and found retrofit alarms for about \$70.
- Dave – indicated the quickest way is effect a change on projects it to submit a spec change. FDOT has no transportation bill this year so would not be including in a Bill.
- Bob B. - Need someone else to support bill.

40. DRB Meeting Frequency - The frequency of meetings continues to be a sore spot for all three parties. We have seen correspondence and overheard that the main source of the DRB members pushing back on extending the frequency is the compensation levels are not sustainable. Is this a valid concern? Is it time for the compensation levels to be reconsidered? Bottom-line, the disputes over frequency and compensation need to be removed from the projects and taken over at the CO-FTBA-DRBF level. It is becoming an unnecessary distraction and

detrimental to project relationships. Our FDOT, CEI and Contractor front line project staff need to be working on other issues. (Tyler/Martin)

- Rammy - In some districts it is a problem. Some DRB mtgs are insisting on monthly meetings when not needed per agreement. Heard from some FDOT folks don't afraid to ask cut back because don't want to tick off DRB and vice versa. The three party agreement says outstanding issues must meet monthly and if meet less, DRB members are afraid of lawsuit if don't meet monthly.
- Steve M - no question about DRB value to process. The frequency needs to be the decision between the contractor and FDOT, not DRB.
- Dave - been asked to reevaluate the number of boards members are on. Been reluctant to do so as should manage own workload. Has asked DCEs for list of DRBs. Trends of trio of members on multiple projects is a little disconcerting.
- Rammy - most are sending electronically but if want only can do that. If have issue with a DRB member, contact Matt Michalak and that will investigated.
- Gene - are there any DBE DRB members?
 - Rammy - only one

41. Lane Closure Information System (LCIS) – have there been any issues with data inputs? (Sadler)

- Ben S - use it but not seeing value in it. If doing every night, and then having a rain night.
- Pete N - using own in PSSP and then double entry into our system. Set up GoToMeeting

ACTION ITEM: Pete N. to arrange gotomeeting to demonstrate FTW PSSP version of LCIS.

42. FDEP has recently pulled borrow pit permitting back under their umbrella as an application for a mine. They have a lengthy list of additional requirements as compared to the local Water Management Districts. Although FDEP has been timely in responding thus far, their involvement has lengthened the process and increased the costs of permitting a borrow pit. To what magnitude is uncertain at this point, as we are still going through the process. This could be an issue with delivering projects on time across the state. (Kelley)

- Thanks for bringing this up. We'll discuss with our Environmental Management Office to enlist their support in however they can.

- Pete K - FDEP stepping over WMD. Taking 30 days longer. Want people to be aware of. FDEP is responsiveness but not working well with contractor. FDEP is calling commercial pit as a mining operation.
- Tim R - If shift classification to a Mine it will have a different set of regulation. Surprised FDEP is stepping into this
- Dave - Pete send Dave examples of additional requirements FDEP is requiring
- Bob B - FDEP has said if borrow pit on single project, authority will stay with WMD. But concerns might be coming from mining industry who had concerns. Purely since when becoming commercial pit.
 - Tim R - If Pete has a pit which he is using on all of his projects is that considered Mining?
- Gene - If digging and pulling out simply a borrow pit. If wash, sort etc. then considered mining.

ACTION ITEM: SCO will discuss further with Jason Watts and Tim Ruelke. Pete K. to send Dave examples of additional requirements being asked by FDEP.

43. CSI quantities: Savings are shared with FDOT based upon the agreement and initial negotiations. During the course of the project, pay items that were part of the CSI agreement tend to overrun and underrun. Contractor's expectations were to be paid the final "plan" quantity defined in the CSI agreement. However, when a pay items in a CSI underruns, the Department has opted to pay the Contractor for the actual field quantity measured in the field. The Department not only got the benefit of the net saving under the CSI agreement but saves additional money by not paying the quantities agreed upon and included in the original CSI agreement. (Kelley)

- Pete K - More towards conversation yesterday. Related to Bid-Build
- Ben S - Foundation related issue and contractor changed from shaft to piles. The language we can be written a little better
- Paul L - If you think you have a CSI talk to FDOT up front.
- Iggy - CSIs almost treated like a Lump Sum. For instance bid low with quantities and if over run then get hit with that.
- Pete N - Can put in language up front if CSIs won't be entertained.
- Dave - would go more with Lump Sum option

ACTION ITEM: FDOT will review the CSI specification with this discussion in mind to determine if edits are warranted.

44. Compensable Overhead. Per 4-3.2.1.d, we are only entitled to either the average overhead per day or the 17.5%, whichever is greater. There are

occasions in which the compensable overhead is higher. The claim sometimes involves both General Contractor and Subcontractor work. Some CEI's interpretation is that when reading 4-3.2.2 it seems that the subs still get their 17.5%, but as the Contractor we have to subtract their original contract amounts from the formula provided in 4-3.2.1 which reduces the daily rate and turns into less amount to be paid. It's the Contractor's position that 4-3.2.2 should apply only when all the work is performed by the subcontractor but if there's a mixture of Contractor and Subcontractor work, the original formula in 4-3.2.1 should remain. (Kelley)

Current Spec language:

4-3.2.2 Subcontracted Work: Compensation for the additional or unforeseen work performed by a subcontractor shall be limited solely to that provided for in 4-3.2.1 (1), (2), (3) and (4)(a). In addition, the Contractor compensation is expressly limited to the greater of the total provided in either 4-3.2.1(4)(a) or (4)(b), except that the Average Overhead Per-Day calculation is as follows:

$$D_s = \frac{A_s \times C}{B}$$

Where A_s = Original Contract Amount minus Original Subcontract amounts(s)*

B = Original Contract Time

C = 8%

D_s = Average Overhead Per-Day

* deduct Original Subcontract Amount(s) of subcontractor(s) performing the work

- Dave - Language in 2012 proposed by Rudy Powell. Looking back at review comments the response "All subcontractors" What is triggering this?
- Pete K - Not understanding what is rationale on why it is reduced.
- Bob B - Came up because worried about subs not getting paid.

ACTION ITEM: Dave will get with Rudy Powell to review background on the change. Will decide after discussion if changes are necessary.

45. Holiday and suspension work. During suspension of contractors operations – Holidays and special events; under the 8-6.4 specification, the Contractor sometimes gets approval and opts to do some work not part of the critical

path. In these cases some CEI's deny to grant time claiming that there was work being performed regardless the work wasn't part of the critical path. This is opposed to specification 8-7.3.2 that clearly states that the Department will grant time extensions if the Contractor is unable to work at least 50% of the normal work day on a pre-determined controlling work item. FDOT should discuss and clarify. (Kelley)

- Dave - Will discuss at DCE meeting. If could work on some things that were not critical path on a normal work day, then still charging day.
- Pete K - if we get approval to work and trying to keep people working even not critical path. Intent is to keep people working.
- Carrie- always charged as trying to be transparent. Ok with it but if still have the ability to deny, depending on the location.
- Dave - Not opposed to granting day if work being done not on critical path.
- Pete N - Not opposed to giving day as long as legal is ok liability wise. If we do and if contractor violates it and interferes with traffic etc. they will charge a day.
- Bob S - Not making progress on critical path
- Paul/Ed - don't charge if doing maintenance work and maintaining pumps and equipment.
- Paul - Last Memo related to holidays (DCE Memo 17-16) had statement that not retroactive. Still getting claims from contractors that it should be.
 - Dave – Follow the Memo

ACTION ITEM: FDOT will allow contractors to work on non-critical path work during holiday shutdowns/suspensions of work provided work does not interfere in anyway with traffic. Contractors will be required to submit request to perform this work during these holidays periods and FDOT Construction staff will have authority to deny request with cause. FDOT will work with DCEs at November meeting on specification.

46. Is there a reason we can't access the Q&A DB website on weekend? Sometimes need to access if have something due on Monday.

- Courtney: Possibly system back up.

ACTION ITEM: FDOT has confirmed that Sundays are day in which OIT backs up systems. Access hours are M-F 6am to 9pm, Saturday 6am to 7pm.

47. Vibration and Settlement monitoring precision

- Gene S – discussed concerns over monitoring equipment precision requirements per spec.

ACTION ITEM: Gene will provide information specifics to Dave.

Discussion with Secretary Dew:

- The one and only objective for the upcoming Legislative session is to protect the trust fund.
- What road blocks do you have?
 - Bob B: Workforce development and FDOTs help with career days has been huge.
 - Need to figure out times where we can work through weekends or weeks to get jobs done faster. Understand we have to do night work but opportunities on projects to do different things.
 - Iggy: Overall roadblock is utilities. Didn't know nuclear option is available. Think we need to utilize this
 - Secretary - Have legal look at this and see what we can do.
 - Bob B: Utilities have big pull on legislature but be prepared for them to come back with counter legislation. Biggest concession would be for utilities to agree to let FDOTs contractors do the work for the utilities.

ACTION ITEM: Dave will coordinate internal FDOT meeting with Secretary, Assistance Secretary Blanchard, Chief Engineer, Legal, Utility Engineer to strategize for ways to improve. Refer to number 1 for more details.

- Mike H: WZ Safety. Concern is the need to get the FHP to write tickets. Meeting with FHP is really important. Need the Secretary to help us and get FHP to write tickets and change the culture.
 - Secretary: Had initial conversation with Colonel. Know priority and will come up with better options.