

**District Construction Engineer's Meeting**  
**October 28, 2011 9:00 AM**  
**Videoconference Bridge 3 - 850-414-4660**

**Attendees:**

*FHWA – Chad Thompson  
D1 – Jon Sands, Terry Muse, Paul Barnes, Barbara Beacham  
D2 – Carrie Stanbridge, Allan Moyle, Michael Sandow, Stephen Sedwick, Mark Toigo  
D3 – Steve Benak, Keith Hinson, Ranae Sanders, Eddy Wilson  
D4 – Pete Nissen, Pat McCann, Henry Pico  
D5 – Lorie Matthews, Roger Schmidt  
D6 – Mark Croft, Dari Vorce, Mario Cabrera, Max Pearlstein  
D7 – Brian McKishnie, Brian Pickard  
TP – Matt Price, Karen Aker, Kurt Stone, Bill Sears  
CO – David Sadler, Yvonne Collins, Tim Ruelke, Ken Cox, John Shoucair, Jason Watts, Nancy Aliff, Alan Autry*

**New/Follow-up Business:**

- 1) Introductions
- 2) CTQP Process Improvements (Joint discussion with DCE's DMRE's and DCTA's) (*Follow-up from September meeting*) – (David Sadler/Yvonne Collins)

*Group continued discussions of proposed process improvements related to CTQP. Tim reviewed and discussed the data in the [attached spreadsheet](#). The proposal would be related to "active" technicians which would need to be defined. This would be a "performance driven" modification to current processes. Concerns discussed relate to "rewarding" active technicians and "penalizing" those technicians who are not "active" for reasons beyond their control (i.e. not working on FDOT projects) and the percentage of active technicians reviewed in the IA process as opposed to the total number of qualified technicians. Yvonne will be scheduling a future meeting to review & discuss this proposal and the NICET proposal with the DCE's, DMRE's and DCTA's.*

- 3) Payment of Streamline Contracts via EED (*Follow-up from September meeting*) – (David Sadler/Alan Autry)

*Raised awareness of the DCE memo 12-11 issued to address payment of Streamline Contracts via EED.*

- 4) Project Limit Extensions ([See attached example](#)) (Follow-up from September meeting) – (David Sadler/Alan Autry)
  - a.) Construction Bulletin 01-11  
([http://www.dot.state.fl.us/construction/memos/bulletins/CY1011/CBull\\_01-11.pdf](http://www.dot.state.fl.us/construction/memos/bulletins/CY1011/CBull_01-11.pdf))

*Discussed the changes related to CB 01-11 which allow project limit extensions meeting specific criteria to be approved at the DCE level. The attached graphic was provided to clarify which types of extensions can be approved by the DCE and which require approval of SCO. Regardless of the approval level, the financial limitations of F.S.337.11.9(b) apply.*

- 5) Performance Evaluations (Plans Quality & Constructability) on Design-Build Projects (Follow-up from September meeting) – (Alan Autry)

*The group was reminded that performance evaluations on D-B projects should be completed upon Final Acceptance of the Contract (using the appropriate version form 700-011-30) and sent to SCO. A summary of these evaluations will be made available for proposal evaluators to use in evaluating LOI's on future D-B projects. It was suggested to post this information on the SCO website.*

- 6) Credits on Lump Sum Projects Issue and General Lump Sum Credit Discussion (Follow-up from September meeting) – (Jon Sands/David Sadler)

*Several proposed specification changes which are currently posted for Industry Review were discussed. These changes are a result of previous discussions at the September DCE meeting and were sent to the DCE group prior to being submitted to the Industry Review site. A concern was expressed that as written the specification is limited to "invoice prices for materials" only. This is not the intent of the specification change. It was discussed that on LS projects, only department directed deleted work would be subject to a "credit".*

- 7) DBE Ledger (Follow-up from September meeting) – (OGC)

*OGC indicated that the EEO office has received several complaints from Industry related to the DBE Ledger. The EEO office is reviewing the current process in place and will be issuing a less complex ledger through coordination with FHWA.*

- 8) Proposal to lower Insurance Requirements on Streamline Contracts (Follow-up from September meeting) – (OGC)

*The group continued discussion from the September meeting related to a proposal to lower insurance requirements on Streamline projects to match those of maintenance contracts and construction contracts with an original value of less than \$250K. SCO will coordinate specification changes with the State Specifications Office.*

9) Subcontractor Mark-ups – (David Sadler/Alan Autry)

*The group discussed a proposed specification change addressing payment of subcontractor markups vs. markups paid to prime contractors using the 8% overhead formula of specification 4-3.2. The proposed specification change will be sent to the DCE group for review and comment prior to submittal for Industry Review.*

10) Schedule of Values on LS and D-B projects – (David Sadler/Alan Autry)

*The group discussed specification and RFP requirements related to the preparation and submittal of a Schedule of Values on LS and D-B projects. Beginning with the January 2012 specifications workbook, LS contracts will require the submittal of a SoV, post award. SoV's for D-B contracts should be submitted prior to "invoicing" per the boilerplate RFP, not as part of the bid proposal. SoV's on D-B Finance contracts should be submitted as part of the bid price proposal per the boilerplate RFP governing those contracts. The format, as posted on the SCO website, should be followed unless modified by the contractor. FDOT (or its consultants) should not be requiring SoV's with "CES" level of detail.*

11) District Specific Practices, Preferences, Policies, Procedures, etc. & CPR Website – (David Sadler)

*SCO has completed a review of the district specific practices, policies, procedures, etc. submitted. A compilation spreadsheet has been developed and will be sent to the DCE group. SCO's Specialty Engineers will be working with each district to reconcile those district specific requirements with statewide requirements. SCO is developing a CPR (Consistent, Predictable & Repeatable) website which will address inconsistency issues identified by Industry along with responses which include direction to statewide requirements specific to the issue being addressed.*

12) Design-Build Industry Concerns – (David Sadler)

*The group discussed recent concerns raised by Industry related to D-B projects (i.e. RFP's specifically prohibiting certain pipe types). These types of prohibitions should only be included as allowed/required by the PPM. Also discussed were contract requirements as included by Technical Proposals developed by D-B firms and ensuring the bid price proposal is based on the requirements of the Technical Proposal (aka Book of Promises) and those items clarified via the Q&A process.*

13) Insurance Endorsements – (Conrad Campbell/Alan Autry)

*Discussed specification requirements related to Insurance endorsements and policies. Contract Managers should ensure that Insurance policies required by the specifications remain in effect for the entire duration of the contract. OGC is currently reviewing specifications related to insurance requirements.*

14) Contract Bond Status Query ([See attached example](#)) – (Pat McCann/Alan Autry)

*Reviewed and discussed Bond Status queries frequently submitted to the department for review and completion. When responding to these requests, only factual data related to the project status should be provided (i.e. current contract status, final acceptance date, CPPR score, remaining allowable contract days, etc.). SCO will coordinate with OGC to develop boilerplate responses and disclaimers to be included when responding.*

15) Office of Construction review of Contract Changes more than \$500K per CPAM 7.3.14(2)(c) – (Alan Autry/Terry Muse)

**7.3.14 Executing and Processing Supplemental Agreement and Unilateral Payment Documents**

**District Level Responsibilities**

(2) Only the Secretary of Transportation can delegate authority for approval and execution of **Supplemental Agreements** and **Unilateral Payments**. That authority is delegated as follows:

a. For contract changes up to \$150,000, all **Supplemental Agreement** and **Unilateral Payment documents** shall be approved by the Resident Engineer and shall be executed by the District Construction Engineer;

b. For contract changes more than \$150,000 and up to \$500,000, all **Supplemental Agreement and Unilateral Payment** documents shall be approved and executed by the District Construction Engineer; and

c. For contract changes more than \$500,000.00, all **Supplemental Agreement** and **Unilateral Payment** documents shall be approved and executed by the Director of Transportation Operations, except as follows, the District Construction Engineer may execute these **Supplemental Agreement** and **Unilateral Payment** documents after the Director of Transportation Operations has approved a draft copy of that **Supplemental Agreement** or **Unilateral Payment** showing the language and terms to be used. For contract changes more than \$500,000 the District Construction Engineer or Director of Transportation Operations, as appropriate, may execute these documents after the Director, Office of Construction has approved a draft copy of the document showing the language and terms to be used. Director, Office of Construction approval may be obtained via e-mail provided all electronic correspondence documenting said approval is maintained in the contract change file.

*The group was reminded of the requirement highlighted above. SCO should review and approve all contract changes in excess of \$500K regardless of the level of approval or execution of the document.*

16) Initial Contingencies & Contingency SA's on Push-button Contracts – (David Sadler/Alan Autry)

*Discussed Comptrollers concerns related to including ICPI and CSA's on Push-button Contracts. It has been determined that ICPI's and CSA's should not be utilized on these types of contracts. If additional work is needed, subsequent*

*Task Work Orders should be issued to address the additional work. If additional work is needed which requires additional pay items which were not included as part of the original contract, then those items may be added to the contract via Supplemental Agreements then Task Work Orders should be issued to address the additional work required using the items added by SA. Districts expressed concerns of this approach. SCO will review Work Orders and CSA's issued against Push-button contracts.*

17) Delegating Signature Authority for Weather Letters – (David Sadler)

*Discussed a proposal to allow signature delegation for weather letters to the position within an Operations Center “responsible” for Construction. Varying differences between those districts using the Operations Center structure were noted which may lead to inconsistencies. For consistency, weather letters should be issued by the Operations Center Engineer in those districts structured as such. Weather letters should be issued by the Resident Engineer in those districts not structured as Operations Centers.*

18) Fast Response Contracts – (David Sadler)

*The group was reminded that Fast Response contracts are limited to \$120K per Statutes.*

19) 2012 DCE Meeting Schedule – (Alan Autry)

A. Tentative Schedule:

1. Face to Face Meetings:

- March 2012 (following Construction Conference)
- September 2012 (following Asphalt Conference)

2. Video Conference or GoTo Meeting:

- 4<sup>th</sup> Monday of all remaining months

*Discussed the tentative schedule shown above. DCE group prefers video conferences for monthly meetings as opposed to GoToMeetings. Invitations for 2012 meetings will be sent in coming weeks.*

**Walk-On Items:**

1) “DRAFT” documents and Public Record Requests – (Nancy Aliff)

*Reiterated to the group that draft documents are subject to Public Record Requests.*

2) D-B Procurement Process – *Brian Blanchard discussed proposed changes to the procurement process related to Adjusted Score Design-Build projects.*

3) CPR Issues – *David Sadler indicated that this will be a standing topic on future DCE meeting agendas.*

- 4) Local Agencies performing CEI services by utilizing In-house forces – *Pete Nissen discussed a memorandum being developed by the LAP Administrator and LAP Community of Practice. DCE should review the [attached document](#) and submit any comments/concerns to the district LAP CoP representative.*

**NEXT DCE MONTHLY MEETING – November 28, 2011 GoToMeeting®**

Submit agenda items to Alan Autry by Monday November 14, 2011