

Alternative Contracting Task Team Notes

Date: March 25, 2010

Place: Turnpike Headquarters (Turkey Lake Plaza)
Auditorium A
Video Conference Bridge No. 3 (Central Office Room 348)

Time: 9:30 am until 1:30 pm

Agenda items:

Introductions

Old Business:

No items of old business were discussed.

New Business:

1. Utility Concerns - Paul Steinman, Tom Bane, David Kuhlman
 - a. Invite all impacted Utility Agency/Owners (UA/O) to the Pre-proposal meeting

Notes: Mr. Bane provided the team with a brief history of Utility Agency/Owner concerns relevant to Design-Build (D-B) projects. Mr. Kuhlman, representing the Fucc Design-Build subcommittee, presented the following initiatives to the team which the subcommittee believes will improve coordination of utility identification and relocation efforts on D-B projects.

Initiative #1:

Current Situation: The current Design-Build Agreement contemplates that existing utility locate information be provided separately, to each of the short listed firms.

Proposed Improvement: Standardize the process to require utility "locate" information to be gathered by FDOT and included on the concept plans provided to each of the short listed firms.

Benefits: Utilities would have to provide the information only once (to FDOT, as done in the conventional process), all the Short Listed Firms would receive the same information and in the same format, and the existing utility information would have to be compiled only once; ultimately, improving process efficiency for all.

Initiative #2:

Current Situation: Each of the Short Listed Firms separately contact each utility (concerning utility locations and potential conflicts), or jointly, through meetings in which all affected utilities and short listed firms attend to collectively discuss the potential impacts.

Proposed Improvement: Replicate the one meeting concept, where all shortlisted firms and affected utilities meet collectively to discuss existing utilities and potential impacts.

Benefits: Reduce time and effort required for utilities to repeatedly share the information, with multiple short listed firms, and help to ensure all short listed firms are hearing the same thing. Furthermore, less time and effort required of the utilities here should enable the utilities to better attend to other projects requiring prompt and immediate attention.

Industry expressed concerns with initiative number 2 due to the fact that each D-B firm may approach each project in a different manner thus resulting in potentially different impacts to the effected UA/O facilities.

It was suggested that the department coordinate meetings established at specific timeframes identified in the Request for Proposal (RFP) for each effected UA/O to meet with each shortlisted D-B team. Additionally all effected UA/O's should be invited to the pre-proposal meetings. Central Office (State Construction) will continue to evaluate these initiatives, as well as, current D-B procedures and guidelines to identify and establish improvements in the processes.

2. Level of development of the contract drawings – Paul Steinman

Notes: The level of detail provided as part of the concept drawings (plans) should be sufficient to establish that the project can be constructed using at least one approach to the project. The team discussed specific examples of Right of Way concerns.

3. Maintenance of Traffic (MOT) development and guidance – Paul Steinman

Notes: The level of detail provided as part of the concept drawings (plans) should be sufficient to establish that the project can be constructed using at least one MOT approach to the project. Restrictions should be clearly defined in the RFP document. The team discussed specific examples of MOT concerns.

4. Review comments provided by FDOT – Paul Steinman

Notes: Industry expressed concerns with receiving redundant and excessive review comments from the Department derived from design submittal reviews. It was suggested that review/submittal meetings be conducted between the D-B firm and the reviewers to establish review/comment protocol. Reviewers should not be providing restrictive or preferential comments. Each reviewer should be provided a copy of the RFP, technical proposal and other documents which establish project criteria.

Central Office (SCO) will review current D-B procedures and guidelines to insure review/comment criteria is clearly defined.

The team discussed method to address occurrences when a D-B firm presents Technical Proposals which include features above/beyond minimum requirements and later propose to adhere to the minimum requirements. When those instances occur, the department should be entitled to a credit. Technical Proposal and scope commitments should be provided to reviewers, who should insure those commitments are met.

5. Responsibility of As Built plans – Paul Steinman

Notes: The group reviewed the boilerplate RFP requirements of Section V. Project Requirements and Provisions for Work subsection H. Submittals. No concerns were expressed regarding the requirements of this section.

6. Electronic PEDDS – Paul Steinman

Notes: This item was tabled until the next meeting.

7. Alternative Technical Concepts – Ananth Prasad

Notes: Mr. Prasad discussed proposed changes to the ATC process related to public meeting requirements and addendums to the RFP issued by the department as a result of ATC meeting and/or ATC submittals. The team discussed each districts approach to the ATC process. Central Office (SCO) will discuss these proposed changes and implement any modifications to the ATC process as appropriate.

8. Time Value Cost on D/B when no I/D is used – Paul Steinman, Alan Autry

Notes: The team reviewed a district approach to establishing grading criteria directly related and proportional to the D-B firms proposed contract time on a project. Specific examples will be provided by Amy Scales and shared with the ACTT members. It was discussed that the use of Time Value Costs should not be included in the final selection formula when I/D provisions are not included as part of the D-B project requirements. Central Office (SCO) will evaluate district approaches to using TVC w/out I/D on a case by case basis. When submitting such requests, the districts should provide documentation which supports the TVC and in no case should the TVC exceed the liquidated damage rate established by the contract.

9. RFP Section VI. Design and Construction Criteria subsection D. Roadway Plans (subpart 3. Drainage Analysis requires the following “*The*

Design/Build Firm shall check all existing cross drains to determine capacity and design life. Flood flow requirements will be determined in accordance with the Department's procedures." Questions posed – What is to be done with this information? Is the D/B firm responsible for replacing the cross drains?

Notes: D-B project managers should evaluate this information to determine effects to existing drainage facilities and patterns which may be caused by the D-b firms approach to the project. If the D-B firms approach to the project adversely impacts existing drainage facilities or existing drainage patterns, the D-B firm should be required to address those impacts by replacing those facilities.

- 10.** RFP Section VI. Design and Construction Criteria subsection M. Environmental Services/Permits/Mitigation includes the following *"The installation of any "Optional Facility" identified within this RFP is not a requirement of this RFP, nor is the Design/Build Firm responsible for any permitting or commenting agency coordination or other impacts to the permit processes that would be associated with such an "Optional Facility", unless the Design/Build Firm chooses to include the "Optional Facility" in its Proposal.* – Questions posed what is the intent of an "Optional Facility" and should this be defined in the RFP?

Notes: The team discussed history of the term "optional facility" as it relates to the Environmental Services section of the RFP. An optional facility is intended to be used on projects which include specific project miscellaneous options when one or more of the options may require a specific environmental permit and/or mitigation plan.

- 11.** Proposed changes to boilerplate RFP documents posted on SCO website– Paul Steinman, Alan Autry

- a. Section VI. Design and Construction Criteria subsection C. Utility Coordination

The Design/Build Firm's Utility Coordination Manager shall be responsible for, but not limited to, the following:

1. Ensuring that Utility Coordination and design is conducted in accordance with the Department's standards, policies, procedures, and design criteria.
2. Assisting the engineer of record in identifying all existing utilities and coordinating any new installations.
3. Scheduling utility meetings, keeping and distribution of minutes of all utility meetings, and ensuring expedient follow-up on all unresolved

- issues.
4. Distributing all plans, conflict matrixes and changes to affected utility owners and making sure this information is properly coordinated.
 5. Identifying and coordinating the completion of any Department or utility owner agreement that is required for reimbursement, or accommodation of the utility facilities associated with the Design/Build project.
 6. Assisting the Engineer of Record and the contractor with resolving utility conflicts.
 7. **Reviewing, approving, signing and coordination of all Utility Work Schedules.**
 8. Handling reimbursable issues inclusive of betterment and salvage determination.
 9. Obtaining and maintaining Sunshine State One Call Design to Dig Tickets.
 10. QA Review of construction plans prior to construction activities for completeness
 11. Acquisition/procurement of any required easements when stated in RFP and as required by design
 12. Periodic project updates to the district utility office as needed
 13. **Reviewing proposed utility permit application packages and recommend approval/disapproval of each permit application based on the compatibility of the permit as related to the Design/Build firm's plans.**

Notes: The team discussed proposed changes to the boilerplate RFP document in Section VI Design and Construction Criteria subsection C. Utility Coordination as shown above. It was decided to modify items 2 and 5 so as to incorporate the modifications to item 7 and proposed item 13. Central Office (SCO) has updated the boilerplate RFP documents posted on the SCO website to incorporate these changes as follows:

1. Ensuring that Utility Coordination and design is conducted in accordance with the Department's standards, policies, procedures, and design criteria.
2. Assisting the engineer of record in identifying all existing utilities and coordinating any new installations. **Reviewing proposed utility permit application packages and recommending approval/disapproval of each permit application based on the compatibility of the permit as related to the Design/Build firm's plans.**
3. Scheduling utility meetings, keeping and distribution of minutes of all utility meetings, and ensuring expedient follow-up on all unresolved issues.
4. Distributing all plans, conflict matrixes and changes to affected utility owners and making sure this information is properly coordinated.
5. **Identifying and coordinating the completion of any Department or utility owner agreement that is required for reimbursement, or accommodation of the utility facilities associated with the Design/Build project. Reviewing, approving, signing and coordination of all Utility Work Schedules.**
6. Assisting the Engineer Of Record and the contractor with resolving utility conflicts.

7. Handling reimbursable issues inclusive of betterment and salvage determination.
8. Obtaining and maintaining Sunshine State One Call Design to Dig Tickets.
9. QA Review of construction plans prior to construction activities for completeness
10. Acquisition/procurement of any required easements when stated in RFP and as required by design
11. Periodic project updates to the district utility office as needed.

**12. Recent changes to SCO boilerplate RFP documents – Paul Steinman/
Alan Autry**

- a. 2009 MUTCD – added to Section V. Project Requirements and Provisions for Work subsection A. Governing Regulations
- b. Division II & III Standard Specifications– added to Section V. Project Requirements and Provisions for Work subsection A. Governing Regulations
- c. Electronic Data Collectors – added to Section V. Project Requirements and Provisions for Work subsection C. Geotechnical Services (subpart 2. Pile Foundations) and Section VI. Design and Construction Criteria subsection B. Geotechnical Services
- d. Removed the Schedule of Values from Section V. Project Requirements and Provisions for Work subsection H. Submittals (subpart 1. Plans) since the SoV submittal requirement is outlined in Section V. Project Requirements and Provisions for Work subsection P. Schedule of Values.
- e. Removed the following sentence from the Section V. Project Requirements and Provisions for Work subsection J. Project Schedule – *“The proposed schedule should allow 15 calendar days (excluding Holidays as defined in Section 1-3 of the Specifications) for Department/FHWA (concurrent) review of design submittals”* – since this requirement is outlined in the last sentence of this section.
- f. Moved the following sentence from Section V. Project Requirements and Provisions for Work subsection J. Project Schedule to Section V. Project Requirements and Provisions for Work subsection H. Submittals (subpart 1. Plans) *“Final signed and sealed plans will be delivered to the Department’s Project Manager a minimum of 5 working days prior to construction of that component. The Department’s Project Manager will send a copy of*

a final signed and sealed plans to the appropriate office for review and stamping "Released for Construction". Only stamped signed and sealed plans are valid and all work that the Design/Build Firm performs in advance of the Department's release of Plans will be at the Design/Build Firm's risk." since this requirement is related to the plan submittals rather than the project schedule.

Notes: The team reviewed the changes made to the boilerplate RFP document as shown above. No concerns with any of these changes were raised. Central Office (SCO) has updated the boilerplate RFP documents posted on the SCO website to incorporate these changes.

13. Proposed changes to Alternative Technical Concept Review language – Paul Steinman/Alan Autry

- a. After the ATC meetings, the Contracting Unit, along with the Project Manager, will update the RFP criteria or issue an Addendum **if the ATC deviates from the RFP and is approved by the Department (FHWA must approve such change as applicable).** Approved Design Exceptions or Design Variances will require an update to the RFP. ~~if the accepted ATC requires a Design Exception or Variance or a critical omission has been left out of the RFP. The short listed Firms should be provided the updated criteria or any changes occurring in the RFP (FHWA must approve such change as applicable).~~

Notes: The team reviewed the proposed changes to the ATC language as shown above. This change has been implemented into the ATC boilerplate document posted on the SCO website.

14. Open Floor – Lesson's learned?

- A. Bob Burleson shared comments with the team in regard to the impacts caused on D-B processes as a result of the federal ARRA projects and stressed that the department and industry should utilize established standard operating procedures on state and federally funded projects which are not related to ARRA.
- B. Tom Boyle provided a list of items which will be discussed at the next ACTT meeting.
- C. Tim Brock shared comments with the team in regard to D-B firms utilizing State and Federal Park property as staging areas adjacent to D-B projects.

15. Date, time and place for next meeting? TBD

The following were present at the 03/25/2010 ACTT meeting either in person, attending via teleconference or attending via videoconference:

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