

Alternative Contracting Task Team Notes

Date: April 2, 2012

Place: Turnpike Headquarters (Turkey Lake Plaza)
Auditorium A – Bldg. 5315

Time: 9:30 am – 1:30 pm

Agenda items:

Introductions & Opening Remarks – (Bob Burleson & David Sadler)

Introductions were made. Opening remarks and greetings were made by Mr. Sadler and Mr. Burleson.

New Business:

1. Overview of the Two Phase Adjusted Score Design-Build Procurement Process – (Alan Autry)

Alan Autry gave a presentation on the Two Phase Adjusted Score Design-Build Procurement process. Refer to the [attached presentation](#) for additional details.

2. Turnpike Pilot Design-Build Project – (Jennifer Olson)

Jennifer Olson gave a presentation on an upcoming Turnpike Design-Build project. Refer to the [attached presentation](#) for additional details.

3. Concessionaire/Contractor/Department arrangements on P3 Projects – (Bob Burleson)

Bob Burleson presented a concept related to the procurement and administration of future P3 projects. Under the proposed concept, the Department would enter into separate and distinct contracts for the finance portion (with lenders / concessionaires) and the contractors. This is a departure from the current P3 model. It was decided that a separate group would be established to further discuss, review and potentially implement this process. Greg Schiess will take the lead on this issue.

4. Design-Build Task Force Update – (David Sadler)

- a) Standardize Technical Proposal Requirements
- b) Design Support documentation requirements (what is needed? number of copies required? etc.)

David Sadler gave an update on the work undertaken by the Design-Build Task Force (a group lead by David O'Hagan). To date, the group has implemented changes which streamlined the Technical Proposal requirements and Design-Build support documentation requirements of the RFP. The group continues to focus on the Low Bid Design-Build RFP and is exploring the implementation of a streamlined set of Plans Preparation Manual requirements specific to Design-Build projects.

5. Future Use of Low Bid Design-Build – (David Sadler)

The group discussed previous and future use of Low Bid Design-Build as a method of contracting. The department is looking to reduce or eliminate the use of LBDB and deliver those projects typically identified for LBDB procurements via the SMART Plans method of delivery. Currently, there is only 1 LBDB project programmed for FY 2013 and no other LBDB projects are programmed in outer years (FY 2014 and beyond). Any future use of LBDB by the districts will require pre-approval of the Chief Engineer.

6. Alternative Contracting Steering Committee – (David Sadler)

A proposal was discussed to create an Alternative Contracting Steering Committee which would ultimately decide those issues to be addressed by the ACTT. The steering committee would be made up of 3 representatives from FDOT, FTBA and FICE respectively. Joe Gomez (FICE), Bob Burleson (FTBA) and David Sadler (FDOT) will nominate 3 steering committee members from their respective organizations for consideration. A suggestion was made to implement a process wherein quarterly design-build meetings were conducted throughout the state (rotating between various districts).

7. Electronic submittal of the ELOI – (Alan Autry)

A proposal was discussed to require Expanded Letters of Interest be submitted via email (electronically). This concept was received relatively well and will be implemented. Districts currently not receiving ELOI's electronically would be required to request a special email address be established. Carla Perry, Manager Office of Procurement, will take the lead on implementing this procurement process change.

8. Cost Savings Initiative Proposal Specifications – (Alan Autry)

The CSI specification will be implemented into the July 2012 D-B Division I specifications. A DCE Memorandum was issued which allows the specification to be incorporated into active D-B contracts and those D-B contracts which are currently being procured. Refer to DCE memo 08-12 for additional information.

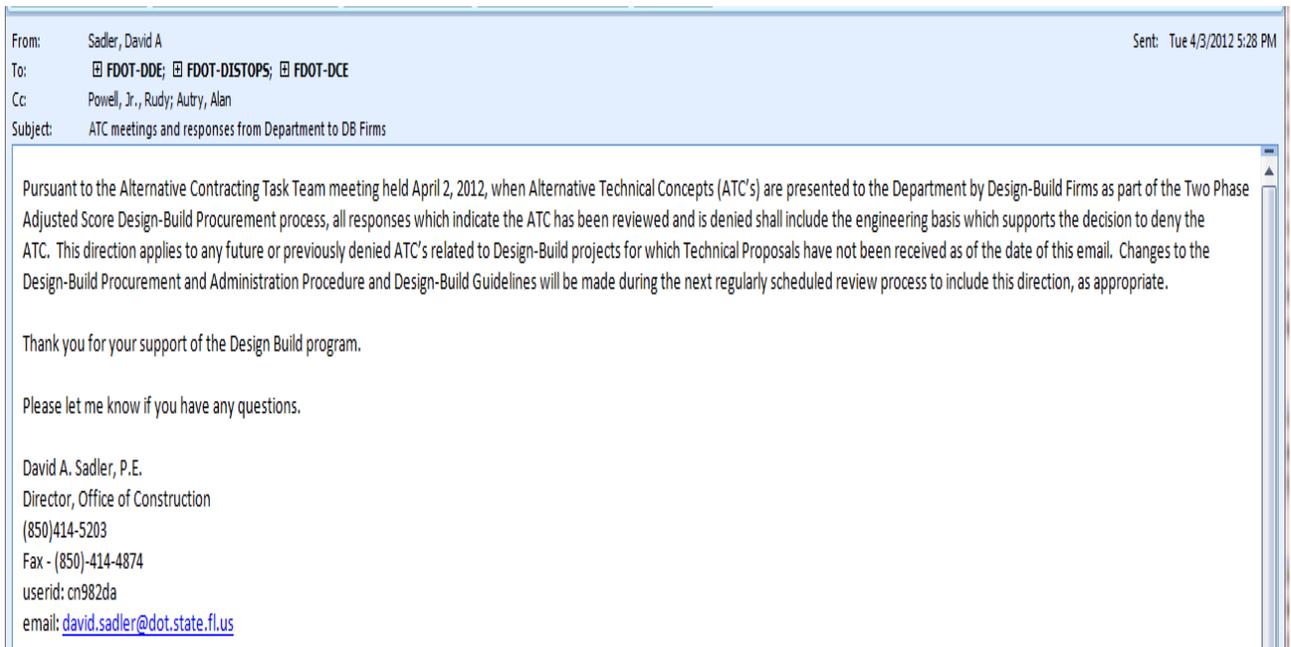
<http://www.dot.state.fl.us/construction/memos/2012/DCE08-12.pdf>

9. Alternative Technical Concept (ATC) Process – (Alan Autry)

- a) *What qualifies as an ATC?*
- b) *Is “pre-vetting” of ideas via the ATC meetings appropriate?*
- c) *Should ATC meetings be used to “guide” Proposers to the Departments “preferred” Technical Proposal?*
- d) *Should Proposers be required to submit a list of all ATC’s to be presented when requesting an ATC meeting?*
- e) *Should ATC meetings be limited to 2 per D-B Firm regardless of the length of the Procurement Schedule?*
- f) *Department personnel & Consultant personnel attendance?*

The items shown above were reviewed and discussed. Specifically, ATC’s are those approaches proposed by D-B firms which deviate from current RFP requirements or prohibitions. It was noted that all accepted ATC’s will always result in the issuance of an addendum to the RFP which allows the alternate approach to be utilized on the project. Flexibility of “pre-vetting” of ideas or approaches via the ATC meeting should be allowed and is encouraged. It was determined that ATC meetings should not be used by the department to “guide” the D-B firm to the preferred technical proposal. It was determined that Proposers should be required to submit a non-comprehensive list of potential ATC proposals to the department when requesting an ATC meeting. This will allow the department the opportunity to identify appropriate personnel who should attend the ATC meetings. It was noted that Proposal Evaluators are to attend the ATC meetings. It was determined that any ATC which is denied by the department should include a statement of said denial and include the engineering basis or justification for said denial. Refer to the email below for additional information on this matter. The group discussed the appropriate number of ATC meetings which should be allowed. It was determined not to make a change in this area. The department will continue to allow 2 ATC meetings per firm on a standard procurement. As part of the discussion of

these items, it was noted that the department is currently exploring the concept of requiring a standard procurement schedule for ASDB projects. Regarding department consultants attendance at ATC meetings, it was decided that those consultants should be required to execute a confidentiality agreement prior to the meeting. Carla Perry, Manager Office of Procurement, will take the lead on implementing this procurement process change. A discussion occurred as to whether or not D-B firms should be given additional technical points for submitting ATC's related to Innovation. It was noted that the RFP includes evaluation criteria for the category of Innovation and that category should be used to address this if the D-B firm elects to include the ATC as part of the Technical Proposal. Industry raised a concern over previously approved ATC, being scored poorly when included in the Technical Proposal.



10. Post Selection (Pre-Award) “in-depth” review of the successful D-B Firms Technical Proposal – (Alan Autry)

Polled districts indicated that the practice described above is not occurring. It was noted that this practice should not be occurring.

11. Plan & Specification Submittal Requirements – (Alan Autry)

- a) *Should there ever be a need for the Department to require a 30% and 60% (as defined by PPM) submittal?*
- b) *Should the D-B Firm be required to submit a list of Pay Items along with the Specification Package so the Department can confirm through review*

of the Specifications Package that all appropriate specifications are included based on Work Book usage notes?

The items shown above were reviewed and discussed. It was determined that the boilerplate RFP requirement of submitting 90% and 100% plans should not be modified by RFP developers without prior approval of the Chief Engineer with the request to deviate being made to the Office of Construction. Districts were asked if it was deemed necessary to require the D-B firm submit a list of pay items to facilitate the review of the specification package. Polled districts reported this as a non-issue and did not see where this additional requirement would be necessary nor would it bring any additional value to the process. It was determined that this suggested change will not be implemented. It was noted that the D-B guidelines specifically state this is not a requirement.

12. Open Floor

The group discussed “outliers” relevant to Proposal Evaluator scores and how those “outliers” should be addressed. Also discussed was the disposition of Technical Proposals of the unsuccessful D-B firms submitting proposals on LBDB procurements. The suggestion was to return the unopened Technical Proposal to the unsuccessful firms. Since these documents are a matter of public record, it was determined that this suggestion was not a viable option. Technical Proposals of unsuccessful firms will be retained unopened by the department.

13. Date, time and place for next meeting – October 2012

ALTERNATIVE CONTRACTING TASK TEAM

April 2, 2012

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