

Minutes for July DCE Meeting

July 20th – 12 pm to 5 pm

Attendees: Ernest Garcia, Tim Ruelke, Pat McCann, Mark Croft, Rudy Garcia, Ron Chin, Brian McKishnie, Jon Sands, Terry Muse, Alan Autry, Calvin Johnson, Keith Hinson, Steve Benak, Nancy Aliff, Brian Blanchard, John Burnette, Frank O’Dea, Lorie Wilson, David Chason, Joe Chinelly, Paul Wai, Peter Nissen, Jackson Maynard

Started at 12:15 pm by discussing the HFTT meeting and PPI possibility.

1. CM@Risk update from D2 & 6 – Tim and Mark -
D2 has three CM@Risk projects, all 3 buildings, going well. CM can’t self perform work. Have had some issues with trying to build a building using FDOT roadway and bridge specs. Costs comparison to conventional lets is difficult to assess. Benefits to FDOT are CEI cost reductions. Have some contingency remaining on the project.
D6 has MIC. Did some of the work CM (foundations primarily). Have decided not to continue with the remainder of the MIC with CM. CM makes sense for some types of work (where FDOT does not have expertise) but this comes at a premium. For our typical types of work, there is not an advantage. Once contract is signed, the CM becomes a contractor from that point forward. CM@Risk does not protect FDOT from changes or differing site conditions.
2. W/H update from D5 – Frank
D5 with W/H project. US27 project bridge replacement. Overall have reduced CEI costs but have had to maintain a fulltime inspector on the project. Fortunate the did get a good contractor. Still had to administer the contract as normal so did not realize the full benefit. Still had to do measurements for estimates even though everything was plan quantity concept items.
Turnpike did a sign installation project that worked very well since work was lump sum and the work could be inspected after completion of the work.
D1, 2, and 7 will be trying these as well on some state funded projects.
D5 discussed R3 (really remove restrictions) and drafted spec for this. Brian asked for each DCE to review and give him feedback by July 28th.
3. Update on DCE meetings with contractors – DCE’s – followup on focus group meetings with contractors.
D1 – Met with contractors (Better Roads, AJAX). They liked FDOT coming to their offices. Asked about the trust and went to free flowing dialogue. CEI inconsistencies, rigid in interpretations, unwilling to make call where engineer has judgement. Didn’t like the way we selected CEIs. Thought qualification process was good ole boy. BRI had problem with way we set contract time, thought FDOT lack of experience was a problem, thought issues should be settled as we go, thought punchlists were a problem (thought should limit numbers of people), thought some CEI vindictive, thought there should be a standard non-partner matrix (possible CPAM item), both contractors said they saw FDOT inexperience. Both saw CEI

conservatism in decision making. Number one problem stated was contract time. CQC lite or R2 was issue to them, did not want to ramp down. Issue with embankment and underground contractors availability. Inconsistencies between ops centers and districts. Don't think FDOT has gotten efficiency with CQC as was expected. Would rather see I/D instead of drop dead bonus.

D2 – met with AC and Archer Western, Tsengas and Ruelke. AC - Lack of common sense is costing industry millions. For example, remove and replace materials with air voids of 2.27% when minimum is 2.3% (target is 4%). Both thought lane closure restrictions costing money, thought materials restrictions too tight, liked flex start. AW didn't want bids exposed if the job is not awarded (statutes now protect this), asphalt prices are issue to AW, electrical projects becoming very expensive, labor is issue, AW spends time/\$ to develop workforce (interview 400 to get 100 – drug testing), will hire non-skilled in order to train, not satisfied with current fuel/bit, thinks Florida is getting bad reputation as tough market, environmental regulations costing more here than elsewhere, suppliers have enough work outside FDOT so don't need it so price going up, CPPR (not thrilled with it) – concerned with inconsistencies, AW does full CPM prior to and as part of bid.

D3 – CWR, AC were visited, went over 14 items with each, contract time, consistencies, db e participation, emergency work during hurricanes, CPPR, CQC and lite were some. Discussed communications with ops center and manager, talked about calculations of contract time (took back contract time calculations from full service consultant contracts), innovative bidding – one liked, one didn't, discussed bid options – both had reservations, db e participation – hard to find folks, emergency work – one liked, other didn't – would like to see payments faster, CEI performance and agents of the state – slower decisions and levels of authority, partnering – one thought waste of time, other partnered all the time, CQC – one liked, other thought we were bailing out, CPPR – CWR attaches bonuses for his people to the CPPR grade, poor performance by sub and prime suffers (AC issue), trainees on projects, both wanted closer CTQP classes.

D4 – Jennifer met with Community and will share information at next meeting.

D5 – met with Leware, Superior, DAB – trust issues and pressures they face and requirements for justifications of time extension requests, CEI decision process and not making them, impression that FDOT relying too much on DRB – asserting that FDOT not making decisions – reality is contractor doesn't like the decisions.

D6 – met with Kiewit Southern and DeMoya, do something about estimates, like working in districts where CEI's empowered to make decisions, liked working in areas where when EOR is called they recognize importance and make quick decisions, felt incentive times were tight due to labor and materials availability issues.

D7 – met with APAC, DAB, and Cone & Graham, discussed trust, experience, when meet with contractor individually quickly goes to personnel, CPPR working well – went through learning curve and don't like fact subs impact grade, CQC – one liked, one thought should only apply to asphalt, one wanted to go back to way used to do, materials availability and documentation requirements by FDOT,

survey on design jobs, spec books constantly changing – lots of re-education, posting of bids from rejected bids.

TP – Bill Sears met with APAC, Granite and Gilbert. Got some general comments from these contractors and what was discussed by other districts.

1:00 pm

4. Discussion with District Final Estimates Offices and DCE's via teleconference. Certified Final Estimates and offer of final payment was discussed. Question is how is this going since implementation?

D1 – lagging behind since was late with training. Have yet to get any actual experience with this. There is an issue of having enough inhouse staff to perform checks during the project.

D2 – have had training and there are no issues. Working fine. About 90% of the projects get final offer without any issue. For jobs that get qualified acceptance, will send out resolution. The majority of the D2 jobs were LS so far. There are some bid item jobs coming. Both seem to be working well. The process of issuance of strikes has been per procedure. Have issued probably 2 to 3 strikes. D2 does provide support to CEI and inhouse folks as IA.

D3 – process is working fine. Have issued a few strikes due to late submittals (3 CEI, 1 inhouse). Of the 30 or so jobs so far, only 3 have been unacceptable. Should continue process.

D4 – Similar to D3. Improvement has been delivery of final offer package. Losing control of general process. There are some process errors. Offer letter is half the time incomplete, missing required documents, have called to the attention of the PA. Missing or late submittal, quality of the letters have been substandard. Training has been provided and is available on the web for refresher. Have seen an increasing number of overpayments that indicates levels of checking is not satisfactory. D4 has offered to help CEI's with drafting of letters. Doesn't have exact number of strikes issued so far. Feels direction from Chason is too general.

D5 – continued training of new personnel is consuming a large amount of time because of the turnover of people. Time between offers of final payments by inhouse folks is long so there is a loss of efficiency. Because of timeframes, 25 to 30% of offers have had to have re-offers which leads to a credibility issue with contractors. District Final Estimates folks used to do these offers daily which built skill and efficiency. D5 has issued about 7 strikes. When District FE staff was doing this, there were few revised offers going out.

D6 – Agree with D5 assessment of process. Support the CEI's, train, review letters, but still have about 70% of the letters go out with errors. Thinks that the letters should be by Final Estimates. Thinks errors in letters lead to loss of credibility. Not helping any. Have overpayment issues. Not saving time. Don't see what is being gained by change in process. Changes and correction of errors still have to be handled by inhouse Final Estimates. Fact that CEI's only do this process every few years leads to increases of errors.

D7 – had formal training, have had about 70-80% of the letters have to be corrected. Costing FDOT more time. Time between the processing of estimates is

big problem. Costs time in training, time to overview. Previously, their admin staff too about 15 minutes to do. Review all the letters but still have letters go out wrong. D7 have issued 10 to 15 (approximately) and mostly to CEI's. 30 day target timeframe causes concern and potential for strikes.

TP – given 4 strikes for real screwups on jobs. Offers have been going well. All of their work is CEI and process is working. Folks have been trained and letters are going out accurately. Re-offers have been limited to late settled SA's. Qualified Acceptance have been few. Feel that CEI making offer makes them more accountable. Don't wait until get box in the office to begin process. Don't really like the process since the individual is impacted, not the Consultant. **Consultant should be reflected in the CEI grade.**

Chason stated that they have given training on issuance of strikes and that there should not be strikes for general errors if they are attempting to do it correctly (follow procedure but make mistake). Regarding strikes for late submittals, Chason stated to use judgement.

IA process misses or targets the wrong group. Unless process is giving entirely to the CEI, there is no savings as FDOT District FE will have to get involved in the review and correction of the project records.

Most of the strikes issued are coming on the smaller projects since there are more projects. Larger volumes of projects and final estimates lend to more potential for strikes, even though the letter of final offers are better.

Thinks there should be more reviews (30, 60, 90). Majority of DFEO would be to go back to the way it was. CEI's are required to perform a QC of its work.

Trying to accomplish timely, complete, accurate offers of final payment.

5. QC Manual/Plans – inconsistencies between districts, comment from industry – See lots of rejections of project specific plans for personnel qualifications, try to carry forward previous project QC issues into new QC plans, quality of QC Managers is sometimes a problem – leads to material production problems, other districts are keeping the documents current to necessary changes.
6. Language on SA's and WO's – obtain legal/SCO input for consistency – Affects on SW database of reasons for SA's – issue came up as result of use of “statewide aggregate shortage” on SA. Discussed language used on SA's.
7. Payment of Unilaterals on disputed work – pay only amount FDOT considers contractor entitled to, not amounts that may have been considered during settlement negotiations.
8. Whose interpretation is correct? FTBA comment on when a contractor and Department disagree on the interpretation of a contract requirement, how do you determine whose interpretation is the right one? Interpretations of specifications come from Director per specs.
9. Timely responses to contractor requests – “death by a thousand cuts,” industry comments – responses from EOR or FDOT should be within 24 hours stating as least a plan for providing an answer to the issue.

10. CPPR as a weapon – “threat of DL,” industry comments. Districts have been talking about the DL so that the contractor will not be surprised.
11. Partnering – industry does not see FDOT acting as a partner – not following partnering matrix – suggest that FDOT on non-partnered jobs should establish a decision matrix. Establish lines of authority at precon to define decision matrix (cover in CPAM).
12. Shaded areas on scanned documents – legibility issue when retrieving.
13. Data requests – recent fire drills about materials used, retrieving information. Thanks for the quick responses.
14. Direction needed for acceptance of non-spec materials – extended warranty, etc. Get approval from SCO for these prior to agreement with contractor. As rule, policy of SCO is to remove and replace. Under certain circumstances, it makes sense to get extended warranty and leave in place. These need to be considered case by case and with SCO concurrence. Discussed rut/ride/crack criterion. Designer changes in confidence factor and design life – Brian, Bruce Dietrich and Musselman need to discuss.
15. SMO request that materials certifications reference QPL number and include this in LIMS entries. DCE’s will get with their folks to find out difficulties and let me know.
16. Discuss delinquency of contractors and review report of contractor work on hand and status of ongoing projects. Spreadsheet was reviewed and discussed. Pay attention to progress of the contractors in your district.
17. Plans notes to “work around” spec requirements and affect on performance specs – Landscaping notes as example. If have issues with spec, work with SCO to address spec concerns.
18. Unpaid bills issues and notification to prime – how are these being handled and any issues in your district? Sporadic notices, following CPAM. For DRB’s not being paid, paying with CIT and deduct from contractor payment. Seeing more second tier requests – Districts are notifying the prime as fyi.
19. Portable, temporary sign supports – ensure your contractors are using QPL products – still seeing lots of signs on barricades. Need to make sure QPL devices used and not barricades.
20. Drilled shafts for miscellaneous structures and other geotechnical matters – show pictures of discovered shafts, discuss bolts extension at top of shaft, discuss pile hammer performance, and discuss involvement of the District Geotechnical Engineer – escalate project issues to DME/DCE if can not be resolved at project level. Discussed need for increased emphasis on inspection of these items. Discussed grout pads, bolts extensions, drilled shaft holes. D5 doing a pre-pour meetings for drilled shafts for miscellaneous structures – seeing more failures of these shafts.

General Topics

1. Barney book spec on holidays – Department will not consider holidays in calculations of contract time. Need to make sure that performance measures account for this change. Also, districts need to make sure that projects that were designed prior to this spec change are accounted for.

2. Signing and sealing as-builts – CEI should be s/s minor changes – shifting inlet location few feet or extending curb a few feet, DPBE issue about successor engineer, should continue doing what we're doing.
3. Discussed training workforce – begin training of incarcerated inmates for roadway construction work. Agency for workforce training spearheading in cooperation with FDOT and FTBA.
4. Reduced paperwork for asphalt production – Frank discussed changes that they are making in paperwork. Asked group about FDOT taking back asphalt roadway report? When FDOT did the paperwork, we did not get it 100% correct the first time. D6 spends lots of time reviewing and correcting the paperwork. Generally, group does not see value in the certification received from the Contractor. Not worth the effort being placed on this. Certification should account for actual quantity placed and accepted on the road. Contract requires certification of quantity produced and accepted. Certification was intended to reduce the checking by estimates personnel.
5. Asphalt QC sampling from the mix on the road -

July 21st – 7:30 am to 12 pm

Jon Sands discussed proposal to tweak the clearing and grubbing spec to address thick lift asphalt since this issue has been brought up by contractors at DRBs and FDOT has lost this. This has occurred in several of the districts. D1 has redline spec revision proposal. D1 also intends to include in their plans a table indicating the known thicknesses of existing asphalt. Jon will email this redline to me for review.

Mark Croft circulated a memo addressing certifying EEO compliance of their subs. EEO self-analysis form circulated is based on Nebraska form. The EEO self-analysis is done by subs and provided to primes to provide primes assurances that subs complying with EEO 1273 requirements. Mark will email this to me so that Mark Wright and Art Wright can review. This is given to Primes as an optional tool. Industry has reservations with certifying the FDOT form and this EEO self-analysis for subs is offered as a tool. Mark will also send this to Mark and Art.

Ernest discussed wage rates and on bridge project over river where county line with different wage rates occur. Should follow wage rates in county on which bridge pay items are being paid. Mark Wright will verify with FHWA.

21. Contractor recognition for a job well done – letters need to come from higher level, not project folks. NS Marine example - point to be made is that if a contractor is asking for letter of recommendation, these should come from Central Office. Letters of commendation from the districts should be specific to the project(s) – details in the letter. D1 wants to start a contractor award/recognition program. D2 triple crown award (on time, on budget, no exceptions to certification) certificate to PA/CEI/Contractor.
22. RS1 or RS2 problems at night? Restriction to use liquid ac for tack at night. Tim – based on some pavement slippage problems so letter was sent to

contractors stating that RS1/RS2 would not be allowed at night. Spec supports this. D2 called all paving contractors in their area and all were ok with this. Later some were vocal to FTBA about this. D2 will be implementing this change this month in bids.

23. FDOT facilities not on Sunshine One-call – reiterated this issue from last meeting. Any current issues in the Districts? Is a problem with all of the ITS being buried. Broward and Palm Beach County are putting interconnect facilities on Sunshine One-call. For FDOT to be part of One-call, we would have to identify all of our facilities. TP SunNav ITS fiber is part of Sunshine One-call.
24. Traffic Signals not in use – Frank DRB issue – “not in use” was debate at DRB. Issue arose on a LS project when contractor milling/paving through intersection. Index 604 addresses work in intersection. MOTC is going to discuss this issue. Question came up about whether any municipalities requiring off-duty law enforcement for lane closures. Some are having this
25. Utility relocation schedules and contractor including this information in its schedule – are we seeing this being done? General consensus is that this is being done and has not been a problem. Revised utility relocation schedules have been helpful and districts are seeing. Contractors are working/coordinating with utilities.
26. Changed conditions that are not FDOT’s responsibility – ensure FDOT not paying for. Example is project where local municipality restricted road to through trucks causing a contractor to have a longer haul distant to get to the project – requested FDOT pay for this increased haul distance and haul time. Would the contractor have provided a credit to FDOT if the route had shortened or closer borrow site found? Reason this was paid was that this considered a condition which the contractor could not have anticipated. In retrospect, District should have only considered time which is supported by spec, not costs. Typically, owner will participate in time but the contractor assumes cost. Brian Mck will draft revision and submit to me.
27. 4-3 specification certification from contractor need to be included in SA/WO backup – Discussed DCE memo 08-06 and requirements for certifications. Issues of quantum can/should be the DRB when entitlement has been established. Reviewed
28. LD’s rates on projects that have all lanes open to traffic and no remaining lane closures. Discussed effects of reducing LD rates on jobs that have had all work requiring lane closures completed. Group opposed to making a change or allowing a reduction of the LD rates. Legal, SCO, and Ananth need to meet to discuss this.
29. Contractually right???? Frank on minor pay item that overruns significantly.
5-4 Errors or Omissions in Contract Documents.
Do not take advantage of any apparent error or omission discovered in the Contract Documents, but immediately notify the Engineer of such discovery. The Engineer will then make such corrections and interpretations as necessary to reflect the actual spirit and intent of the Contract Documents.

Frank discussed minor item with bid quantity bust and overrun to cost to tune of +\$1.5M. Debated the impacts to final amounts paid and how to handle these. D5 has asked for the contractor/subcontractor quotes and bid documents to support the bid price. State Estimates Office has been alerted to this to start looking at this in bid reviews.

30. Bid Options spec – Districts have seen and are aware of this proposal and will handle on jobs selected for this type of contracting. Time reduction is also in play on options for bids.

31. ACAF meeting topics – Brian –
addressed concerns expressed at the ACAF meeting and our agreement to try to standardize documentation requirements needed to support time extension requests. Documentation standardization would help but think the bigger issue is what is a reasonable expectation for the contractor to get materials.

Liquid asphalt and contractors desire for FDOT to pay for the delta if their haul distance is greater than what is was planned at bid time.

Discussed alternative pavement bid contracting and what is being done in Missouri. Also, discussed multipliers being used for evaluation of bids. Central Office will be meeting with Missouri to see what they are doing. Industry has concerns over life-cycle costs and justification for use of concrete. Given the current climate with bid costs, industry also questioning the timing.

R2 was presented at meeting by Malerk.

HIPR and CIPR options – D3 doing HIPR in Panama City, D7 has plan to try on a project, D1 completed a project on US471.

32. Bond calculations – still seeing a lot of contract modifications showing 1.5% bond/insurance applied to the change. Need to follow instructions of DCE Memo 32-05. The spec change went into affect for contracts being let July 2004 and thereafter. Discussed memo and calculations of bond premium.

33. Landscaping on LS contracts – track amount and enter into SiteManager. Schedule of Values, DCE email. **Need to confirm that grassing is landscaping and let DCE's know.** Also, need to account for \$ given to local agencies. Schedule of values as spec requirement for contractor to complete schedule of values after award on form provided by the Department.

Alternative would be to require contractor to submit invoices. Keith will draft a proposed spec to address. Do MOB costs get included? Hardscape items?

34. Utility work on FDOT Rights-of-Way and materials requirements – Backfill has been an issue to the utility companies, many don't want compaction to begin until 1 foot about their utility. Utility companies required to comply with FDOT compaction requirements. Materials meeting QPL not required of utility industry, just that their products carry the required loads and comply with UAM. Discussed the utility requirements for compliance with FDOT standard indexes vs. MUTCD. Comply with FDOT indexes.

35. Tier 3 plans – Brian

D1 – done

D2 – done

D3 – done

D4 – done

D5 – done

D6 – working on

D7 – done

TP – done

36. Pilot Projects for temporary rumble strips and automated flaggers – Brian asked for some pilot projects to try this out before implement. Brian sent out spec to the districts.

D1 – have project piloting temporary rumble strips.

D2 – have done some temporary rumble strips.

D3 – have identified some projects.

D5 – have identified two projects.

37. Customer Surveys (Ysela) – Brian discussed surveys conducted on construction projects that are on-going and recently completed. What's working, what's not?

D1 – have reviewed results and for most part have operated business as usual. Have responded to some individual issues (paved instead of using commercial materials). Last two years surveys were conducted door to door.

D2 – targeted a project near UF that had high potential for business and residential impacts – paying approximately \$21k/month to allow motorists to make a left turn into locations where businesses had difficulty getting into. Of approximately 1000 surveys sent out, got poor number of responses (14%) and those that replied were mostly negative. Surveys were conducted via mail.

D3 – business as usual. Concentrating on business access. Tried to go door to door and let people know who to contact, other than the Governor.

D4 – will be trying information sign to notify public of project contract information. Will continue to trying Access Accommodation spec but thinks that bonus too low. Dust control (sawing concrete generating dust) and requiring vacuum attachments. Pedestrian/bike access question should be reworded since it asked if ped/bikes were accommodated and many of the jobs didn't have this prior to the job. D4 asked for project specific information reported back to them so they can determine which jobs affected the results.

D5 – did complete one project with Access Accommodation project and have suggestions for improvements that will be forwarded to SCO. Over the informational signs since they just add to the sign clutter on projects. D5 purchased bus tokens for use in area where project impacting access to the shopping center. Good PR but weren't used. Types of driveway materials being addressed instead of rap, rock, etc. Working with contractors on storage of equipment and materials. Working with their folks on index for barrels on driveways indexes.

D6 – increased frequency of surveys to try to get grip on what is going on. Have added informational signs to their projects. Putting time into Community Awareness Plans prior to construction. Have PIO person fulltime and have consultant PIO for assistance to the PIO. Conduct door to door surveys and wait on responses. Tried Access Accommodation spec on one job – after the first survey results were so low that contractor stopped using fulltime position since didn't see it as a cost effective proposition. Be realistic with expectations during door to door surveys.

D7 – have added thermo back into contracts as result of surveys.

General comments

- expressed concerns over the small numbers of projects (2 to 4) out of over 60 to 80 active projects ongoing. Others expressed similar sentiment. General discussion of the survey. Discussed transition zones – requiring overlay in these areas. Discussed sand/seal spec – worked on painted areas but not on thermo.
- discussed the extinguish the torch meetings.
- discussed business information signs.

Around the table

D6 – sweeping – have issues with sweeping and would like to see a pay item included in the contract. Sweeping being discussed is for that debris accumulated from spillage from rock trucks, sand, small debris. Some districts have done this with defined frequency.

DB project and markups allowed to Prime markups on Designers added work on DB project. Recommendation is that the DB Division 1 boilerplate should be modified. Look into changing.

D1 – added non-critical work to projects that are in LD's. Asked legal what has to happen with this. Is time required to be granted to eliminate LDs?

Legal – have been asked by some districts how quickly they can close out a project after the 820 days. Recommending that they not be closed until at least 120 days after the 820 days since the contractor can file the suit but still have 120 days to serve notice of the lawsuit.

Fast Response Contracting – District Contracts Procedure Manual Chapter 3. Need to look at procedure.

Request from Randy Borgersen – failing coatings on mast arms.

Traffic shifted onto rumble strips – fill in.