

District Construction Engineers Meeting
September 10 & 11, 2003 in Tampa, FL

Meeting Minutes

Meeting began approximately at 8:00 am with introductions of all in attendance. Members of the State Materials Office, State Pavement Design Office, General Counsel's Office, State Construction Office, District Construction Offices, and Resident Construction Offices were in attendance.

Topics and summaries of discussions are as follows:

Value Added Pavement Specification Process – Starting January 04 letting, all asphalt projects will have Specification 338, Value Added Asphalt Pavement, and Specification 355, Value Added Portland Cement Concrete Pavement, included in the contracts. Particular points of defining the Warranty period, Responsible Party, use of Statewide Disputes Review Board, pavement evaluation criteria, use of the Flexible Pavement Condition Survey for determining magnitude of pavement distress, tables of distress indicators, and the consequences of Responsible Party inaction on remedial work were discussed. Also, the flowchart process for the managing of the specification 338 warranty tracking was reviewed. The specification 355 was quickly reviewed and the similarity in structure and process to the 338 were discussed.

Value Added Warranty Tracking – the use of SiteManager for the tracking of warranty periods discussed and handouts showing the input fields and printouts available in SiteManager were provided. Briefly, SiteManager will

- Upon acceptance of the final offer, the Contractor will be paid and closed out in the normal manner but the contract will be kept open in SM for the duration of the Value Added period. Remaining funds will be unencumbered. If funds are necessary at a later time, those will be re-encumbered.
- SM has a screen for entry of a Checklist of Scheduled Events. The warranty will be shown on this screen as an event with an annual frequency and a number of occurrences equaling the years of the warranty period.
- SM will notify the District Warranty Coordinator (DWC) and anyone else included on the distribution list for the project. If the projected date of event passes without action being taken, SM will notify the persons on the distribution list.
- If remedial work is necessary on the warranted project, Daily Work Reports will be entered in the usual manner, however, no time will be charged.
- Any payments that need to be made to a DRB will be handled as a progress payment.

Latent Defects – one of the successes in using the Latent Defect language in the Contract was discussed and how the DCE's and their project personnel need to aware of potential latent defects on recently completed projects.

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GPR Tomography – a presentation was given showing this technology and how it could be used on FDOT projects to detect underground obstructions and other unknowns. Information was provided in the handout that gives contact information should any of the Districts consider this to be something they want to try on a project. It has potential in many facets of the Department's work – not just Construction.

As-Built Data – State Pavement Design Office gave a presentation on Pavement Management Online Reports and its access to As-Built Data on their website. The showed how the data provided from Construction was used in their database.

CQC Issues – General Discussion

QC Plans – consistency in approval vs. disapproval – all of the districts were polled to see if were consistent in the approval/disapproval of the QCPs. Districts 1, 2, 3, 5, and 7 have had the most cause to pull a contractor, supplier, or producer QCP. Districts 4, 6, and Turnpike have had less cause to pull a QCP.

There was much discussion about IV testing and the collecting of enough material to run two tests in the event that the first test failed. This was discussed to point where it was left with Materials that they would determine the course of action regarding collection of additional material and whether or not a second test should/would be run if the first fails.

Asphalt Issues – having just completed the annual ACAF Asphalt Conference, there were many issues to discuss. The most common theme heard from industry this year was that they needed help with the paperwork. Contractor's that work regularly in D6 were very complementary of Igor Dubrovsky and how he goes around to each of the plants and helps the contractors learn the Department's paperwork process for asphalt. It was suggested that each of the districts have a representative meet with Igor to see what he does and come up with the best practice that will help the contractor's overcome this concern.

QC Manager – limit on projects? – this was a subject brought up by District Two wondering if there should be a limit set on the number of projects to which a QC Manager should be assigned. General consensus was that Department should not impose a limitation as it was considered that industry would regulate itself if Department complies with its current specifications and policies. For example, if Department enforces CPPR, pulling of QCP's, strikes against the QC Manager, and/or impacting the Contractor's prequalification status due to poor performance that the industry will regulate the number of projects to which a QC Manager is assigned.

QC Manager qualification suspension – the subject of the three strike rule for QC Managers was discussed and adoption of the procedure was voted upon. Result of the vote was 14 to 2 with Turnpike Construction and Materials voting against.

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LIMS Implementation – Mayur Patel updated the group on the status of LIMS implementation. Mayur reminded DCE's to review previously sent Susan Blazo email asking each office to review the security levels needed for their personnel and to let SMO know these requirements.

CQC Issues – General Discussion, continued

Monthly Certification – who signs them? – discussed and consensus was that it needs to be the Prime Contractor who continues to sign this certification. It was pointed out that the language of the form will be modified to require a contractor representative with the authority to bind the contractor be the one to sign this document. This has been the intent all along but the form language did not match the specification language.

Conflict of Interest – the draft language that was circulated to the districts previously was adopted unanimously.

Shell Rock, Bank Run Shell, and Coquina base problems – all of the districts were asked to let the SMO know if they are having problems with any of these types of materials used as base on their projects.

Roundtable discussions in the Fall QCM – Ananth reminded all of the districts that the Secretary committed to industry that we would have a roundtable meeting with QC Managers on the day of the District's scheduled Quarterly Contractor's Meeting – either before or after the QCM.

At approximately 2:30 pm, the Materials and Pavement Design personnel left this meeting as the joint Materials/Construction issues had concluded.

Annual MRP Update – Sharon Holmes presented to the DCE's the results of last years MRP findings. The MRP Elements reviewed (Roadway, Roadside, Vegetation/Aesthetics, Traffic Services, and Drainage) all either remained essentially the same or improved. The MRP Characteristics of Interest chosen by Construction to work towards improvement (Front slope, turf, striping, guardrail, small signs, large signs, and object markers) all showed increases over last year and some significant increases over two years ago. Sharon was very complementary of Construction for focusing on these issues and showing the tremendous improvements.

Sharon also presented letters to the Construction group regarding FHWA's concerns over bridge load ratings after completion of construction not being conducted within the 90 day time limit and the Department's response that we will work together jointly with Design, Construction and Maintenance to improve this entry of information into the National Bridge Inventory Database. The requirement is for the load rating of a completed bridge to be performed and results entered within 90 days of Final Acceptance of the project. Many times this load rating could be done based on as-built information

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well before Final Estimates. It was decided that this as-built load rating needs to become part of the normal as-built process. It was decided that the function of determining the as-built load rating should be done by the EOR as a post-design service instead of an optional service. It was also decided that the participation of the District Structures and Facility Engineer's representative at 90% walkthroughs trigger notification by the Project Administrator to the EOR that the as-built load rating needs to be performed. To add redundancy in this system, the Final Estimates Checklist will be revised to include this as an item for Construction.

Specification Issues

Removal of Contractor personnel – Ananth reminded the DCEs to notify him in the event that Contractor personnel have to be removed from the project by the Department.

Timely Notice requirements – discussion about some recent court successes dealing with the timely notification requirements was had. Discussion then centered around who certifies claims. If the claim is a pass through claim from a subcontractor on which the Prime does not apply any allowed markups, he would be required to certify that he has reviewed the claim package and finds it in compliance with Section 5-12.3 of the Standard Specifications. If the Prime contractor applies markups, he would be required to certify the claim pursuant to Section 5-12.3 of the Specifications.

When does a contractor certify a claim was the next topic. Discussion centered on Section 5-12 and how it has changed what the Department considers a claim. There was a time in the Department that any request for additional compensation or time was considered a claim. Now the Department considers claims to be disputed issues that are certified and submitted pursuant to Section 5-12.3 after an impasse has developed during negotiations. Routine requests for additional compensation are not claims and should be evaluated for the merits of the issue at the time they are submitted. If we find no merit and the reject the request, it would become a claim only if the contractor resubmitted the request as a certified claim per Section 5-12.3.

The future changes to the requests for additional compensation specification was discussed. It was noted that the future version for projects let July '04 will require the contractor to certify requests for additional compensation if the contractor initiates the request. If the Department makes the request for the contractor to price additional work, this Department initiated request does not require certification.

A question was asked about if the Department receives the certified request for additional compensation from a contractor is it to be accepted without negotiation. If the Department and the contractor ultimately agree to a price that is lower than the certified submittal, will this constitute a falsification? The answer was not necessarily. It is still

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incumbent upon the Engineer/Administrator to evaluate the certified submittal and ensure that it was properly prepared and the request can still be negotiated.

Weather Letter language – the statement of contractor acceptance of the granted weather days was considered not necessary. It was agreed that this statement would be deleted from the letter and the CPAM revised to reflect this change.

DRB Issues – a list showing the numbers of projects on which the DRB members are serving was distributed. It showed that there is a much more even distribution of projects than last year.

Contract Performance Bond vs. Signalization Warranty – after discussion about the reasoning behind receiving this on contracts was discussed and it was decided that we would leave the specification as written and continue to require the 90 day warranty bond for signalization work.

Delinquency – all of the districts were asked how they were handling delinquency on projects in their districts. Typically, the districts are not pursuing contractor delinquency on contractors that have run out of contract time and not completed the work. The districts are enforcing the Liquidated Damages specifications and collected these when the contractor finishes late on a project. This was considered a step in the right direction. It was suggested that a due diligence evaluation be performed before proceeding with delinquency. The districts should evaluate any outstanding time or money issues and clean these up, unilaterally if necessary, before considering proceeding with delinquency.

MOT Issues

K-wall – a presentation of crash testing of temporary barrier wall was shown and handouts of the language of the new Structures Standard Index 715 K-wall was provided. The language and requirements for the K-wall utilization on bridges for all projects let after January 2004 and how that language requires the manufacturer to be prequalified as a prestressed manufacturer and the concrete strength requirement of Class III concrete. This requirement is changing for the July 2004 lets to allow precasters that comply with Section 6-8 of the Standard Specifications and the concrete class changed to Class IV and strength minimum of 5000 psi. The SCO will be issuing a DCE memo requesting that the Districts execute a \$0.00 Supplemental Agreement to change to the prequalification and strength requirements to that of the July 2004 version.

Alternate Traffic Control Plan Changes – the allowance of contractors to submit alternate TCP's was discussed and it was decided that Developmental Specification language would be developed with the help of General Counsel's Office allowing the districts add the language to restrict the submission of alternate TCP's.

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Concluded Wednesday's meeting at approximately 5:40 pm.

Thursday, September 11, 2003 – Reconvened meeting at 7:30 am.

Internal Customer Survey – How are we doing in the SCO? This survey will be submitted by September 22 asking for input from the Districts. Looking for good and bad.

On-duty LEO contracts and use of Off-duty LEO – the use of off-duty and on-duty law enforcement was discussed and districts were encouraged to try to enter into agreements with local law enforcement agencies.

MOT in rural areas – temporary rumble strips can be tried. Let Ananth know. Temporary speed limit reduced when flashing signs. Will be looking at this as a possibility for reducing the speed when the workers are present. This can be tried as well. Also, start looking for more on-duty law enforcement for the MOT workzones. Seek contracts with local agencies to get on-duty contracts. Will be exploring the possibility of getting the off-duty law enforcement under contract with us but the scheduling of the officers to remain with the Contractor. Can Motor Carrier Compliance be used?

Having Contractors return after Final Acceptance to repair/redo work – D6 has been having success with having contractors come back within the 2 year latent defect period and repair defects (deficient paint thickness, clogged pipes, etc.). D5 has also been having some success with this. Just have to ask. D2 is beginning to have success as well. If you ask and the contractor does not respond or react, let SCO know so that this can be considered with contractor prequalification.

Workzone Workshop – reminder to DCE's to have representation at this meeting.

Environmental Awareness on Projects – be vigilant on this. Must be watchful, aware, and proactive on this. We have examples of lawsuits towards to contractor, consultant, and Department. If you have copies of citations to Contractor's, give SCO copies so that this can be considered at time or prequalification. Any environmental issues on your projects should be brought to the attention of the Environmental Coordinator in your District and/or the Central Office (legal and SCO). Enforce the contract provisions as it relates to these issues.

ADA Requirements – truncated domes and compliance with standard indexes was discussed. Meeting in Tallahassee in next week with industry about this.

Issue from ACAF Conference – 1-mile limitation for lane closures. Industry would like longer lane closures and would like to have at least 2-miles. Also question on running traffic on milled surfaces, benefits of running on milled surface versus public concern and

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outcry. DCEs need to reevaluate the 1-mile limitation and consider going to a 2-mile restriction.

Flexible Start times – industry was not seeing this on paving projects. Can be used on FA projects and should be considered. There are pros and cons about this. Also, industry has some issue with delaying the notice to proceed as altering/skewing the bidding process. DCEs need to consider more use of Flexible Start Time concept.

Pave Smart with Cross-slope surveys – this may be of some value to use on some projects. Consider running this on lump sum projects and including information in the plans as information to the bidders. D4 looking at several different alternatives and will be forwarding this information to SCO.

Videoing Final pipe – the requirement in the specifications for the pipe to be videoed after the completion of all paving operations. Polled all districts and each have some that are getting videos and some projects that are not. Will emphasize this with their personnel. Discussed that French Drains systems do not fall into the requirement of videoing. The timing of videoing this after the placement of asphalt was discussed. It was suggested that the format be submitted in DVD format instead of VHS. It was suggested that this video be submitted to District Maintenance with part of as-builts. Currently these are being kept at the resident office in most cases.

CTQP Audit Issues – Douglas reported on the most recent audit of the costs of the CTQP courses. The report findings were briefly discussed. The question was asked why these courses were sole sourced from UF. It was considered that opening the courses up to competition might deflect some of the criticisms that were reported in the OIG report. It was also thought that opening up this to competition might lower the cost. It is thought that some of the things being done, Computer Based Training, testing at Sylvan Learning Centers, will help lower the costs. Douglas discussed the costs of CTQP courses. Asked if districts want the courses at UF or CMEC. Districts can send their employees to CMEC for ACI training if they want – this has been an option.

OSHA Training Update – deferred discussion on this.

Final Estimate Training and Qualification – David Chason passed out criteria for level 1 and level 2 Final Estimates and the grandfathering of personnel that have taken FDOT training. Anyone that has taken the FDOT internal training will be grandfathered in without any fee. Submit registration to UF for tracking purposes. All personnel that have taken the Statewide Seminar between 7/1/2000 through 7/31/2003 will be grandfathered. Refresher and associated examination will be required for requalification to be extended for another 5 years. Discussed the procedure for evaluating the performance of the person performing the preparation of the Final Estimates. Trying to get away from the checker checking the checker checking the checker. This is to be done by evaluating the performance proficiency on the individual preparing the estimates. It

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was suggested that we not conduct checks on certified estimates from Consultants since we are spending our efforts and resources and find errors made by consultants. We should be making offer of final payment immediately upon receipt of certified estimates from consultants and if errors are found, the Department would pursue recovery from the Consultant. We can pursue recovery from the contractor within the 820 days limitation. The Consultant needs to be the one making offer of final payment to the Contractor.

January 2003 Specification Changes to 102 and January 2004 to 710 – the requirements for the contractor submittal of certified quantities for MOT devices. We should not be out on the projects counting these for estimates and progress payments. Discussed the changes in 710 regarding the application of final surface painted pavement markings, retroreflectivity checks on applied markings, contractor requirements for certified measurements of quantities, and lump sum payment for two applications of final pavement marking on FC.

Thermo as part of Construction Contract - Discussed that SCO will be working on a striping specification that will be a performance specification for final striping that will be all encompassing. This is possible with newer non-track thermoplastic. Other things to be considered in new specification is performance of the stripes during wet weather. DCE's were polled about adding thermoplastic striping back into the construction contract. Results of poll was 4 yes's, 2 no's, and 2 no's with comments.

District Issues

Contractor Surveys – the districts were asked if they were giving out any of the Contractor surveys and if they were getting results. D5 has gotten about 30 back so far, D6 has 10 –15, D1 5 to 6. Each of these districts received mostly favorable results and were working on the negative comments. All districts were encouraged to give these to the contractors at their Quarterly Contractor's Conferences.

Commercial Materials for Driveways – this subject asked as a result of questions from the Roadway Design office wanting to know how the districts wanted to pay for this work since it can greatly affect the opinion of the traveling public. Most of the districts had different methods for paying for the driveway maintenance during construction. The poll of the DCE's reached a consensus that we would pay for this work as miscellaneous asphalt with the understanding that designers will need to do a good job of quantifying the amount estimated for the driveways on the projects, taking into account the MOT phasing on a project.

Performance Measures

Current Measures and District's Performance – the Construction Office Performance Measures report was reviewed and showed that most of the categories the average of the districts was below the target thresholds. Two that exceeded the targets

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were Avoidable Time % of Original Days and Days from Final Acceptance to Project Passed. Districts were encouraged to work to bring these limits to within the targets. All districts were encouraged to continue their efforts at improving their numbers. D6 provided insight into how they are able to maintain such good numbers in time and cost overruns. D6 informed participants that they use incentives on 80-90% of their projects and have 6-7 people in construction working full time performing constructability reviews. These steps appear to be paying dividends.

The new performance measure of Contractor Performance Grading Completion was reviewed for the first time and found that 63.5% of project grades are input into the CPPR system within the required 45 day time period. These results were based on projects from as far back as 1996 and many jobs that were not under the current grading system. SCO agreed to produce a report of more current projects that are using the new grading system. This report will be for projects completed in the last six months and over the last two years. After review of this new report, performance goals will be determined.

As part of the Materials Certification program and a strategic measure of the State Materials Office, the SMO has set as a goal to have the construction projects materials certification completed within 25 days of final acceptance. Present results for August 2003 are as follows:

District	Average Days	Number of Jobs
1	90	5
2	234	2
3	123	3
4	44	1
5	43	11
6	50	3
7	88	9
TP	35	1

The districts were asked to focus more attention on reaching the 25 day goal set by SMO.

The meeting was concluded with discussion of the Role of the Construction Project Manager and how more emphasis is being placed on managing the CEI contract and not the Construction Contract. It is expected that the qualification-based selection of Consultants will yield qualified personnel to run the projects and the Consultant is to be given the authority to administer the construction contract within the framework of Department procedures and policies. The Construction Project Managers are to monitor and evaluate the performance of the Consultant and take the necessary actions if the Consultant is not performing. The Scope of Services will be revised to reflect these changes.

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The meeting was adjourned at 12:15 pm.

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Polling Results Table

Topic	D1	D2	D3	D4	D5	D6	D7	TP	Comments
QC Manager strikes on books for one year from date of second strike	Y	Y	Y	Y	Y	Y	Y	N	Results include Materials
Language on Conflict of Interest	Y	Y	Y	Y	Y	Y	Y	Y	Results include Materials
Is Final Estimates Training Needed	N	Y	Y	Y*	Y*	N	Y	Y/N	D4 agrees depending on content of course D5 doesn't agree with the mandatory requirement D6 doesn't agree that this training should be CTQP TP on the fence
Certification of Final Estimates by In-house personnel – holding RE/PA responsible for Final Estimate	Y	Y	Y	Y*	Y	Y/N	Y	N/A	D4 requested a lag in this implementation. D6 doesn't think it hurts anything to have this. Feels they're already responsible for the Final.
Put Thermoplastic back in Construction Contracts	Y	N	Y	N*	Y	Y	N*	N	D4 prefers keeping out of Construction as gets better prices. Would agree if had performance specification. D7 no until we can get product that can be applied immediately after paving and specs to govern.
Commercial Material for Driveways – Miscellaneous Asphalt	Y	Y	Y	Y	Y	Y	Y	Y	All agreed in the end to the use of miscellaneous asphalt for temp driveway maintenance.