

District Construction Engineers Meeting
June 28th and 29th 2005 in Tallahassee, FL

Meeting Minutes

June 28th 2005

The meeting started at 8:00 am. Present at this meeting were Ananth Prasad, Jennifer Olson, Eduardo Caballero, David Sadler, Keith Hinson, Tim Lattner, Kim Smith, Frank O'Dea, Lorie Wilson, Brian McKishnie, Bill Sears, Marnie Parry, Rick Estripeaut, Tonya Pryor, John Hess, Don Hartshome, Mark Croft, David Chason, Yvonne Collins, Wynette Williams, Tim Ruelke, Ernest Garcia, Terry Muse, Sharon Hedrick, Donald Davis (FHWA), Steve Benak, Greg Schiess (FHWA), and Jon Sands.

Dispute Review Board Issues:

- Members of Concern - General discussion ensued regarding various DRB members. Some concerns were expressed about some DRBs not ruling within the Contract.
- Retired DOT Employees serving as DRB Members – Not to serve in the same District as they worked for first year of retirement.
- Meeting frequency – Ananth reiterated that DRB is to meet monthly for first 3 to 6 months of project and then go to quarterly if project needs allow.

ACTION ITEM: Ananth asked the DCEs to review the Regional DRBs members and let him know if any changes are suggested. (DCE)

Contract Administration Issues:

- Role of Construction Accountant - Kim Smith was introduced as the newest additions to the State Construction Office. Kim comes to SCO from the Office of Inspector General. Ananth advised the group to use his expertise during negotiations and if necessary, perform audits to substantiate costs.

Kim is currently working on the closeout of the University of Florida CTQP contract and the transition to Red Vector, which is scheduled to go on-line in July, 2005. Ananth noted that additional providers are showing interest and that it may take some time to get them all on board with the new program. It was noted that providers may use DOT facilities to give training to DOT employees if a discount is given.

- Legislative Update - HB1681 was signed by the Governor which amended the following: 337.11(8)(a) to allow the use of Work Orders on contingency pay items, thus eliminating the need for FSA's and it made the surety issuing a bond under 337.18 fully liable up to 25 percent over the original contract amount regardless if surety was unaware of or did not approve of such modifications. If the cumulative amount exceeds 25 percent the approval of the surety must be obtained to bind the surety for the portion in excess of 25 percent. 337.11(8)(b) by removing the requirement to execute a supplemental agreement for overruns in excess of 5 percent. We just encumber the additional funds needed. 337.195 Liability language was

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added for the contractors and consultants. 337.107 Right of Way services may continue to be included as part of design-build contracts until July 2007. 337.11(7)(a) Any project except resurfacing or minor bridge may be design-build until July 2007.

ACTION ITEM: SCO to modify procedures to reflect these changes.
(Lattner)

- Redundant Plan Notes – Ananth stressed that we make sure we are not overdoing plan notes. Take a closer look at the plan notes and make sure that we are not repeating what is in the specifications.
- Contract Time determinations – Production felt that construction was padding the time estimate, but after a review this does not appear to be the case. When setting time make sure that considerations are taken for lane closure restrictions. It was noted that the use of Incentive/Disincentive was preferred over No-Excuse bonus because I/D allows for some recovery at end of project if date is missed. All districts are using I/D spec. and on larger projects using milestones.
- Partnering – Ananth discussed partnering. With all the changes (personnel, specifications, etc.), we need to partner more this next year especially on major contracts. D-5 stated that they were trying this but were encountering reluctance from the contractors to participate. D-1 is using and has no issues with increasing the use of partnering. Ananth will talk to Partnering Facilitators. Ananth also stressed need for the follow up partnering meetings.

ACTION ITEM: (1) It was agreed by all to partner all contracts in excess of \$ 15 million for the next year. (2) DCEs to send list of Partnering facilitators that they use to Tim Lattner. Tim will set-up a meeting with the facilitators and Ananth to reinforce what Partnering is about. (DCE)

- Hurricane Shutdowns – Ananth stated that we will try a different approach on hurricane shutdowns. SCO will schedule teleconference with the DCE prior to the storm event to coordinate what jobs to shut down. SCO will not issue blanket shutdowns unless we get into situation like last year. Ananth stressed consistency across Districts on the criteria on what jobs can be worked on and what needs to be suspended.
- Claim Certification – Ananth noted that if sub claims, the prime contractor still has to certify claim.
- Supplemental Agreement (SA) Issues

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- Processing Times – Keep track of how much time it takes to process, we need to make an effort to process the SA in 30 to 45 calendar days considering the recent change of not requiring Surety execution.
- Negotiating for Extra Work as unit price or the need for detail breakdown (Sadler) – David Sadler seeing improvement on backup. Procedure requirement is detailed summary. However, if receive a price from contractor that can be easily compared to TRNS*PORT bid prices without detailed breakdown, that is acceptable (i.e., quoted price of \$1500 for installation of inlet and bid history shows similar price, no detailed breakdown would be required).
- Lump Sum Contracts and Schedule of Values – Use form on Design Build website for all lump sum jobs. There are a few items listed on that form that are specific to DB projects so omit them for conventional let LS projects.

ACTION ITEM: Post schedule of values on website for easy retrieval.
(Lattner)

- Asphalt quantities: who best to track them – Discussed with DCEs who would be best (the Contractor or the Department) to track asphalt quantities on projects. Consensus was to leave responsibility with Contractor as improvements have been made in this area.
- Asphalt CQC
 - CEI making the decisions to resume production without obtaining input from the DBE – Schiess stressed the importance of including the DBE in the decision to resume asphalt production on projects. D5's process was highlighted as a good example of keeping DBE and Construction communicating.
 - Discussed which plan to pull when there is a problem. If the problem is related to roadway QC then suspend the QC plan for the Contract. If the problem is related to the plant QC then suspend the QC Plan for the Producer for the Contract. However, if the Contractor or the Producer has a history of poor performance and the problem indicates systematic disregard to quality, then suspend the Producer's QC plan as a whole.
 - Steve Plotkin is heading a task team to improve the QC manager requirements to put more emphasis on what our expectations are. The team is going to include Industry representatives who have it figured out.
 - Currently revising asphalt level 1 and 2 courses to address the paperwork portion of the job.

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- Specifications
 - Subarticle 5-8.3 Supervision for Emergencies (O’Dea) – The group discussed on coordination between Construction Contractor and Maintenance Contractor. More discussion is needed on this subject.
 - Holidays will be treated as weather day, no longer need to include in Time, effective Jan-06, Specifications 8-6.4 and 8-7.3.2. Special events included in Special Provisions (Bike week, Spring Break, Speed Week, Etc.) will be considered Holidays.
 - Revised specification 7-14 was discussed. It was determined that additional modifications were needed. Dave and Tim to make modifications.
 - Specification 580 Landscape – We need to ensure that we are enforcing the requirements of the specification 580-3.6 monthly certification and quarterly inspections before we complain that the specification is not working.
 - Guardrail Posts thru’ Misc. Asphalt – Discussed the revision to the specification that now allows for steel guardrail posts to be driven through the miscellaneous asphalt. Wooden posts still require cut out or block out through miscellaneous asphalt prior to driving.

ACTION ITEM: Proposed revision to Specification 7-14 needs more work.
(Sadler and Lattner)

- Compliance Reviews (Company-wide and Project) – Discussed with DCEs the need to focus on company wide reviews in lieu of the project specific reviews. We need to receive the monthly certifications and then the company wide review will cover the specific requirements to ensure the contractor is following their plan.
- Approval of Sublets – Need to review at least one subcontract per contract on Federal-Aid Contract

ACTION ITEM: Update QA section of CPAM to reflect this change.
(Borgersen)

- IMSA Certified Inspector on Signal Contracts (Sadler) - Contractor is required to have Inspector with (IMSA) certification per specification 611-2.4 and 105-5.10. DCEs to check installation and make sure they are IMSA certified.

ACTION ITEM: Find out if IMSA has a method to pull certification. After researching this issue it was determined that IMSA does not have a procedure for pulling certification for poor performance.

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- Qualified Acceptance Letter – Ananth reiterated to the group that only one Offer of Final Payment letter should be issued to the Contractor. If multiple offers of final payment are provided, it gives the contractors an opportunity to bring up additional issues that were not listed by them on their original Qualified Acceptance letter and that is contrary to the intent of the specification. Contractor should have a right to either accept or qualify the acceptance of the final quantity. Once the Contractor accepts the final quantity, the Contractor does not have the right to take exception later on when no changes (positive or negative) were made to those quantities.
- Design-Build Conflict of Interest - The Department is looking at revising Conflict of Interest Standard. Ananth advised the District to check with SCO on future Design-Build contracts until this standard is published.
- Aggregate shortage – We need to require contractors to certify impact as outlined on page 13 of handout.
- Contracts with multiple project numbers – Track quantities based on contract number then divide based on prorated portion of original CES at the end of construction. We can pilot on a few projects first.

ACTION ITEM: Send request to Ananth for pilot project. We should pick a project that is already let and a Contractor that we can work with.

- District 3's approach on Asphalt Reviews (Benak) – Steve gave handout on how his District handles. Involves construction and materials performing joint QA reviews. D2, D3, and D5 are currently doing this and it is working well. Greg Schiess suggested joint reviews, especially for D4, D6, and TPK. Other Districts 1,4,6,7 and TP felt it was a good idea and would pursue implementation.
- District 5's approach on contract documentation (O'Dea) – Frank provided group with handout of guidance provided in his district on what documentation should be kept on projects for supporting claim matters. Information and training to D5 was provided by a consultant to them.

Maintenance of Traffic (MOT) Issues

- Pilot projects (DCE)
 - Rumble Strips (D2) – D2 felt that these were very effective and stayed down. D2 tried several types. Used for approaching a lane closure on rural two lane project. MOT Committee to look at implementing this standard.
 - Sand Seal and Thin Overlay (D5) - Contract let but material has not been used yet.

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- Work Zone Fatalities – We are on record pace for this year.
 - Nighttime set-up – We should be reviewing nighttime set-up to ensure any areas for improvement. D2 felt reflective shirts are better than vests. There are some new products that will be tried on some projects. Remote control signals with gate can be tried at one lane traffic set-ups.
 - Changes to MOT Plans and VECP (Prasad) – Discussed the requirement to have signed and sealed drawings from contractor for MOT revisions. Also discussed whether we should restrict the elimination of a physical barrier (barrier wall) for wedge. Not sure if physical barrier would change outcome of fatalities. If contractor makes request review carefully before approving.
- Motorist Awareness System Implementation (Prasad) - Only use on multi lane projects, 55 mph or greater when an active lane is closed (does not apply to traffic shifts). Follow memorandum on issue or seek clarifications from Stefanie Maxwell. If projects have blanket reduction of speed, then we need to increase speed to posted speed limit, unless there are geometric reasons. Set-up costs should be \$200 to \$500 per set-up, based on actual set-up by a contractor.
- Law Enforcement Contracts for Work Zone Patrol (Prasad) – Continuing efforts to get counties and cities to participate in hireback program for use on FDOT construction projects.
- Paying for devices not needed (Prasad) - Need assurance that MOT devices provided to projects are used. For example, payment for MOT devices certified by the contractor need verification by Department. Have seen instances where contractor certified amount invoiced by device provider even though not all of the devices had been installed for use. FDOT project folks need to be diligent in their verification of installed devices (i.e., check devices upon initial MOT setup and use that count as long as that set up remains, do additional checks when set up changes).
- Total closures on rural roads (Prasad) - Upper management willing to consider closing road completely, doing the work, and getting out quickly similar to what other State have tried. Districts should be looking for opportunities to use this approach.

Role of CEI Firm and the Construction Project Manager (All)

- Lump Sum CEI (All) – One difference noted is that on jobs that are not LS CEI, the CEI personnel seem to be working OT, whereas, on LS CEI jobs, they are sending staff home when work load gets low. D1, D3, D5, and D6 like LS CEI, D2 had bad experience. Ananth encouraged D2, D4, D7 and TPK to try a few LS CEI Contracts.
- Project Manager Staffing (Prasad) – Reviewed the PM staffing breakdown provided in handout. Directed to go with the modified staffing levels shown on the handout as FHWA had concerns that the PM was in responsible charge of the project. Noted that the FICE working group is modifying the QA procedure, which will be included in the CEI scope of services, to require the consultants QA person to be qualified to perform QA.

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- Conflicts of Interest (Prasad) – Discussed Conflict of Interest language that has been drafted.

Final Estimate Issues

- Certified Final Estimates and Offer of Final Pay (Chason & Sands) – Offer of final payment by CCEI effective 1/06. Have done reviews but no one is trained. Currently providing training on this.
- Lump Sum Item w/Quantity versus Plan Quantity (O’Dea) – Much discussion. On Bridge, concrete, steel, striping, it made sense as the quantities typically do not vary. Discussed that on LS projects, certain low risk items of work would show quantities in the plans.

Pilot Projects Update

- Providing R/W for an Asphalt Plant (Prasad) – Discussed idea proposed of providing locations in our plans for contractors to set up asphalt plants. Agreement was that we would not show this in plans for many reasons but would consider allowing contractor to place a plant on the project site provided many conditions were met (FHWA approval, permits from regulatory agencies, MOT for materials deliveries, etc.).
- Performance Turf Update (DCE)
 - Discuss Spec requirement (Sadler)-Discussed that there are many proposed changes to FDOT method of specifying turf on projects.

ACTION ITEM: Send changes to DCEs. (Sadler)

- Contract Delivery (Prasad)
 - Most Qualified Contractor - Discussed concept with DCEs. D-5 and TP have tried and working well so far. D-5 suggested that amount of submittals be limited as they received large volumes.
- Asphalt Resistant Traffic Stripes (Sadler) - 3M has tape that can be put right behind the paver and four years later, is still reflective. D-5 has received bid and was very high (>\$200,000). Will keep moving forward to see how it works. Also discussed new developmental specification that is available for use. Some districts have added it to some of their contracts to pilot.
- Constructability Reviews by Contractor – D1 and D5 are trying. Do not have any results yet. If other districts want to try, contact Frank O’Dea. Link on SCO and FTBA website. D-5 is doing 60% and 90% reviews.

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The group discussed the Performance Measures and Business Plan for Construction.

- Review of Performance Measures
 - Alternative/Innovative Contracts (Prasad) – Discussed how various types of contracting techniques can assist in meeting the performance measures.
- Business Plan Update
 - Strategic Objective – Timeliness of Completion and Business Access
 - Residential and Business Owner Surveys (All)
 - Customer Survey Spec (D4 and D5) - D4 and D5 have tried this spec and need adjustment in how bonus is computed.

ACTION ITEM: Send comments to Dave (D4 and D5)

- Informational Signs (All) – Discussion on the content of the sign. Continue to challenge ourselves to put information on these signs that are relevant such as completion date.
- Construction Quality Index (Estripeaut) – Discussion on the development of this index to measure quality in terms of means, methods, materials source, contractor's performance, etc.
- Construction Systems
 - ProFile Implementation – Update on ProFile implementation.
- Human Resource Focus (Wilson) – Update on Technician Academy and Construction Academy.
- Process Management
 - Witness/Hold Point Specification (Chason) – Working on development of this specification. SCO will be presenting to FHWA in the following weeks to get their support. Presently, a District can try this specification on State-funded contracts. Ananth encouraged the Districts to pilot this concept so as to refine the process.
- Tier 3 Plans Update (All) – Update on development of Tier 3 Plans. Plans are due by July 1, 2005.

The meeting adjourned at 12:00 noon. The next DCE Meetings is scheduled September 14 & 15, 2005 in Tampa, FL in conjunction with the Asphalt Conference.