

FDOT/FICE Liaison Committee Meeting

November 1, 2011

Florida's Turnpike Headquarters

Meeting Minutes

FICE Introduction: meeting began with introduction of the members of FICE who have been selected to participate in this Committee for 2011-12:

Adrian Share (Chair – HNTB); Ryan Forrestel (FICE Transportation Committee Chair – American); John Temple (TBE); Scott Gombar (Eisman & Russo); Dan Metz (Metz); Doug Geiger (RS&H CS); Bob Carballo (C3TS); Ben Faust (DRMP) and Mike Holcomb (Atkins).

- A. **Scoring of Proposals: Ordinal versus Average Score:** The Brooks Act requires evaluation of current statements of qualifications, performance data, and statements regarding the proposed project or services submitted by prospective consulting engineering firms. Contracting agencies shall then select and rank a minimum of three firms based on demonstrated competence and qualifications in accordance with the established/advertised criteria (as specified in 40 U.S.C. 1103). For the most part FDOT districts use average technical score, with ordinal scores as supporting information. There will be follow-up with the Districts to ensure uniformity in the use of ordinal scores.
- B. **Appropriate Expense Rate for On-premises Consultant Employees:** If a person is employed full time on-premises for a period of 6 months or more, the field OH rate will be applied for labor, and either the field expense rate OR actual expenses are to be used. There should not be a mixing of home office and field rates.
- C. **Design-build Plans / Submittal Task Force:** FDOT summarized the current status of the task force. The design-build proposal submittal and plan submittal requirements are being modified to be in line with what is needed for review of proposals and to contain development costs. FICE indicated it is time to get the Districts involved in review of the recommended changes. Brian Blanchard committed to getting appropriate representatives.
- D. **Hybrid CEI Contracts Conflict of Interest Policy:** FDOT CO will write a policy for FICE to review.
- E. **“Firewall” on Individuals Who Change Firms:** FICE indicated this policy will be difficult to police and enforce. If a key individual with project information that would make his current firm ineligible changes firms, the new firm should be deemed ineligible for that specific project pursuit. Brian Blanchard indicated the “firewall” will apply only to PPP projects.
- F. **FDOT Update on HB 155:** The bill is in committee, no action has yet been taken.
- G. **CPR Items:**
 - 1. **Design RFP Consistency:** FICE noted there are considerable differences between districts (and between project managers within districts) on the level of detail provided in Stage II scopes. Examples of inconsistent scopes are to be forwarded to Carla.

Also, there are considerable differences between districts on what procurement process is used to select a consultant for a project. For example, on a 3R project, selections are based on extended LOIs, Interviews (Q&A), and full presentations. FICE requested the selection process be appropriate for the type of project. For example, on a simple 3R project, use an extended LOI or an interview. FICE will compile recommendations to the Department on this topic.

2. **CITS billing practices:** FICE noted some districts are taking many weeks to get projects and/or supplements entered in CITS. FDOT will discuss internally at next Procurement meeting, and report findings to FICE.
3. **Staff Hour Handbook:** Several consultant firms have suggested that there are parts of the staff hour ranges that need to be updated. He also noted the standard scope is being heavily modified in some districts. It has been 3 to 5 years since the last significant update. Brian Blanchard will get the update process started. Ryan Forrestel will work with Bob Crim on the updating.
4. **Consultant Request for Marketing Meetings:** Brian Blanchard indicated the project managers must be available for at least 30 minutes to all consultants requesting a marketing meeting. This policy is in effect now. CO is working on a website for consulting marketing information which should roll out in about a month.

H. DBEs:

Revamping of DBE Certification Process: There is no significant revamping of the DBE certification process. However, the Equal Opportunity Office (EOO) has transitioned from use of DBE Specialty Codes to use of NAICS Codes for purposes of conferring DBE credit on professional services contracts. The North American Industry Classification System (NAICS) is the standard used by federal agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. The US Small Business Administration has established size standards which are appropriate to the activities, or NAICS Codes. EOO assigns NAICS Codes to DBE firms at the time DBE certification is granted, based on the specific types of activities or services that the socially and economically disadvantaged owners have the ability to control the firm. To determine what NAICS Codes are assigned to a DBE firm, you will need to check the DBE directory on the EOO website. Also, EOO is in the process of developing a new Equal Opportunity Compliance system. Consultants will enter both the DBE commitment made at the start of the project and the actual payments made to DBEs. This reporting will be done on-line. Art Wright, Manager of the Equal Opportunity Office, will work with Nina Sickler to test the reporting system. The Small Business Administration has proposed to increase small business size standards. The proposed revisions would increase the revenue-based size definition businesses must meet to qualify as DBEs in these industries. The net effect would be that more firms would qualify as DBEs under the higher revenue thresholds. Although the change has been proposed, it has not yet been implemented.

New DBE goal is 8.6% for the next 3 Federal fiscal years. The old goal was 8.18%.

- a. **DBE Overconcentration:** The FICE members of the DBE Sub-committee are evaluating this; no specific report was made.
- I. **On-line Surveys:**
 - a. **Routing of Negotiation Surveys:** Carla Perry indicated a link has been added to the main website. FICE will continue to encourage members to fill out the surveys.
 - b. **Reliance on Results:** FICE indicated that while the survey results are important, they do not necessarily represent FICE's position on a given topic, therefore FDOT should not rely solely on these results.
- J. **Rate Adjustment Scenarios:** The meeting minutes from the last Liaison Meeting contained language on rate adjustment scenarios. FICE is to submit the language to the full Transportation Committee for comment.
- K. **CEI Selection from LOIs:** FDOT is proposing that CEI contracts on projects with construction value under \$30M and on D/W contracts (where selection is focused on staffing), as well as continuing contracts (task assignment type contracts) would be selected directly from extended letters of response. Construction projects over \$30M will be from presentations or written technicals. FDOT requested this be taken to the full Transportation Committee for input. Carla will send out an on-line survey for consultant firms on this topic, using SurveyMonkey.
- L. **Next Meeting:** March 27, 2012