Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

ENGINEERING AND OPERATIONS MEMORANDUM 13-1

DATE: March 14, 2013

FROM: Brian Blanchard, P.E. Assistant Secretary for Engineering and Operations

TO: District Secretaries, District Directors

COPIES: Brian Peters, Tom Byron, Duane Brautigam, David Sadler, Tim Lattner, Lisa Saliba, Rudy Powell, Trey Tillander, Bob Crim, Jeff Caster

SUBJECT: Programming and Funding for Landscape Construction and Establishment Contracts

BACKGROUND

Subsection 334.044(26) F.S. requires allocation of 1.5% of the amount contracted for construction by the Department for purchase and installation of plant material. FDOT is a major investor in landscape design, construction, maintenance goods, and services which enhance the environmental benefits of roadways. Each district's participation is needed to ensure the success of this investment, intended to attract and grow business in Florida. Additionally, citizens expect public agencies to use funding wisely, which includes ensuring *every* landscape project is installed and maintained successfully.

The executive team is establishing a new policy to program all landscape construction projects. Landscape projects will be programmed as stand-alone projects using maintenance contracts. This will allow landscape contracts to remain open throughout the plant establishment period and is expected to improve the Department's ability to enforce contract deliverables throughout the entire establishment period. The cost of maintaining the plants during the establishment period can be incorporated as part of the capital cost of the plant material and will function as a warranty against loss.

REQUIREMENTS and IMPLEMENTATION

Effective with all Project Lettings which occur on or after July 1, 2013, (including Design-Build[1] projects upon which Bid Price Proposals are scheduled to be received on or after July 1, 2013), landscape projects will be let separately from roadway construction projects. Districts will have until the April 4, 2013 snapshot to make programming changes to FY 2013-14 projects for submission to the legislature. During the development of the upcoming Tentative Work Program, **landscape projects will be programmed as stand-alone projects for all fiscal years.** The landscape project will be scheduled immediately following roadway construction, or as a stand-alone project where the Department is not actively doing a construction project.

Work Program Instructions, Part III Chapter 16, Highway Beautification will be amended to provide necessary direction.

Dependant Stand-alone Landscaping Projects
Landscaping associated with a roadway construction project will be programmed as a stand-alone landscape project in the year in which construction is anticipated for completion. Landscape installations totaling the lesser of $100,000 or 10% of the construction cost may continue to be included in a construction project as incidental landscape work.

Independent Stand-alone Landscaping Projects
Landscaping not associated with a construction project will be programmed in the year in which the landscape project is ready for production.

Use of Maintenance Contracts
Districts will use maintenance contracts for stand-alone landscaping projects which include contract terms establishing an installation period of predetermined duration and defined milestones for an establishment period of three years. No more than 60 percent of the contract amount will be paid prior to the start of the establishment period with monthly or quarterly draws to the contractor only upon satisfactory performance. The landscape installation specification will be amended to reflect this change and any necessary changes for federal-aid participation in landscape installations.

The following tables describe the appropriate funding sources for landscaping projects both on and off the State Highway System, and a listing of exceptions which apply to the use of these stand-alone landscaping contracts:

[1] The Design-Build Stipend Agreements that have already been executed by the Design Build Firms will not require modification due to the removal of the landscaping from the scope of work and the corresponding reduction in total estimated construction costs.

Type of stand-alone landscaping project	Related to another transportation improvement?	On or Off SHS	Type of Funding
A component of another transportation improvement, on SHS	Yes Dependent	On SHS	State funds or Federal funds (See NOTE below)
Not related to, nor a component of, any recently completed (or nearing completion) transportation improvement	No relation Independent	On SHS	State funds only
Not related to, nor a component of, any recently completed (or nearing completion) transportation improvement	No relation Independent	Off SHS	Local funds only (FDOT not involved in project)

NOTE REGARDING USE OF FEDERAL FUNDS:
- Contract specifications cannot include Florida preference for plant material.
- Landscaping contract will be included in the same Federal Aid Project No. as the construction contract.
- Federal Aid Project Authorization will be modified to authorize landscaping costs immediately before advertisement of the landscaping contract.
- Notice to Proceed must be issued within 6 months following the final billing on the construction contract.

Exceptions to letting landscaping as a separate contract from the roadway construction contract:	Comments	Require State Landscape Architect review and approval by Assist. Secretary for E&O?
Landscaping as a component of a Local Agency (LAP) construction project	Continue to include as pay item in construction contract	No
Landscaping as a component of a project off the State Highway System (but not a LAP project)	Continue to include as pay item in construction contract	No
Construction projects where the landscaping component is under $100,000 or 10% of the construction costs, whichever is lower	Continue to include as pay item in construction contract	No
Landscaping for the purpose of screening properties from the roadway after existing material has been removed	Continue to include as pay item in construction contract	Yes
Landscaping on construction projects which are resurfacing existing lanes	Landscaping costs cannot be included either as pay items in the construction contract, or as a separate contract, unless approved as an exception.	Yes

Establishment period on stand-alone projects less than three years	Establishment periods of less than three years included in the stand-alone maintenance contracts , unless approved as an exception.	Yes

The **District Landscape Architect is to be involved** throughout all phases of landscape projects. Early and frequent involvement of the District Landscape Architect during roadway *and* landscape design, construction and maintenance is necessary to fully comply with the Department Environmental Policy and Highway Beautification Policy.

If you have questions, do not hesitate to contact Jeff Caster by phone at (850) 414-5267, or by email at jeff.caster@dot.state.fl.us.

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ANANTH PRASAD, P.E.
SECRETARY

M E M O R A N D U M

DATE: March ~~15~~*28*, 2013

TO: Tom Byron, Chief Engineer

FROM: Duane Brautigam, Director, Office of Design
David Sadler, Director, Office of Construction

COPIES: Trey Tillander, State Specifications Engineer

SUBJECT: *REISSUED* Mandatory Specification Revision No. 1
July 2013 Workbook

I approve the implementation plan of the subject Specification.

Duane Brautigam	Signature on File	3-15-13
	Director, Office of Design	Date

David Sadler	Signature on File	3-15-13
	Director, Office of Construction	Date

Florida Department of Transportation

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GOVERNOR

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Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

M E M O R A N D U M

DATE: March ~~15~~*28*, 2013

TO: District Specifications Engineers

FROM: Trey Tillander, P.E., State Specifications Engineer

CC: State Specifications and Estimates Office
Duane Brautigam, Director, Office of Design
David Sadler, Director, Office of Construction
Rudy Powell, State Construction Engineer
Tim Lattner, Director, Office of Maintenance

SUBJECT: MANDATORY SPECIFICATIONS REVISIONS
July 2013 Workbook: Mandatory Revision No. 1 - *REISSUED*

Revise specification packages as described below for the effective letting date as noted:

Specification Number	Heading	Revision Date	Effective Letting Date	Remarks
SP5800000FA	Landscaping.	3-15-13	7-13	New SP. Usage Note: All Federal Aid Jobs with Landscaping. Use when ~~approved by the Assistant Secretary of Engineering and Operations.~~*requested by the DDE.*(1)
SP5800000	Landscaping.	3-15-13	7-13	New SP. Usage Note: All Non FA Jobs with Landscaping. Use when ~~approved by the Assistant Secretary of Engineering and Operations.~~ *requested by the DDE.* (2)

In accordance with Engineering and Operations Memorandum 13-1, dated March 14, 2013, effective with all project lettings July 1, 2013 (including Design-Build projects upon which Bid Price Proposals are scheduled to be received on or after July 1, 2013), landscape projects will be let separately from roadway construction projects. Exceptions to this requirement may require the approval of the Assistant Secretary for Engineering and Operations.

(1) Removed the requirement to use Florida based Nurseryman Stock. As per CFR 635.409(a), in-state material requirements are prohibited when Federal funds are included on the project. Usage Note modified by adding “All Federal Aid Jobs with Landscaping”.
(2) State funded projects are not restricted by CFR 635.409(a). Usage Note modified by adding “All Non FA Jobs with Landscaping”.

LANDSCAPING.
(REV 3-15-13) (7-13)

SECTION 580 (Pages 766 - 768) is deleted and the following substituted:

SECTION 580
LANDSCAPING

580-1 Description.

Install, establish and maintain landscaping as indicated in the Contract Documents.

580-2 Responsible Party.

Prior to any landscaping being delivered to or installed on the project, the Contractor shall designate in writing to the Engineer a Responsible Party to install and establish the landscaping throughout the life of the project and during the establishment period. Failure to timely designate the Responsible Party will result in the Contractor being the Responsible Party.

All personnel performing services are under the sole responsibility and supervision of the Responsible Party as defined in this Section.

When the Responsible Party is a subcontractor, the subcontractor must be pre-qualified with the Department in the work class of landscaping. The Contractor and the proposed subcontractor must execute and deliver to the Department a form, provided by the Department, prior to or concurrent with the Contractor's request to sublet any landscape work, stipulating that the subcontractor assumes all responsibility as the Responsible Party.

580-3 Materials.

580-3.1 Plants:

580-3.1.1 Sizes: Small plants includes all ground covers, shrubs to less than 7 gallon, trees to less than 7 gallon, clustering type palms less than 6 foot overall height, cycads to less than 7 gallon, and incidental landscaping.

Large plants include shrubs 7 gallon or greater, trees 7 gallon or greater, all single trunk palms, and clustering type palms 6 foot overall height and greater.

580-3.1.2 Grade Standards and Conformity with Type and Species: Only use nursery grown plant materials that comply with all required inspection, grading standards, and plant regulations in accordance with the latest edition of the Florida Department of Agriculture's "Grades and Standards for Nursery Plants."

Unless otherwise specified, minimum grade for all plants is Florida No. 1 or better. All plants must be the specified size and grade at the time of delivery to the site and the minimum grade maintained throughout the plant installation period and plant establishment period.

Use only plants that are true to type and species and ensure that the plants not specifically covered by Florida Department of Agriculture's "Grades and Standards for Nursery Plants" conform in type and species with the standards and designations in general acceptance by Florida nurseries.

A minimum of two plants of each species on each shipment must be shipped with tags stating the botanical nomenclature and common name of the plant. Should

discrepancies between botanical nomenclature and common name arise, the botanical name will take precedence.

580-3.1.3 Inspection and Transporting: Move nursery stock in accordance with all Federal and State regulations and accompany each shipment with the required inspection certificates for filing with the Engineer.

580-3.2 Water: Meet the requirements of Section 983.

580-3.3 Mulching: Use of cypress mulch is prohibited.

580-4 Installation.

580-4.1 Delivery: All materials must be available for inspection before installation and will be subject to approval or rejection.

580-4.2 Layout: Mark proposed mowing limits, planting beds and individual locations of trees and palms as shown in the Contract Documents for the Engineer's review, prior to excavation or planting.

Make no changes to the layout, materials or any variations of plant materials from the Contract Documents without the Engineer's written approval.

580-4.3 Soil Drainage: All planting holes and beds must drain sufficiently prior to installing any plants. Immediately notify the Engineer of drainage or percolation problems before plant installation.

580-3.4 Planting: Meet the requirements of the Design Standards, Index No. 544.

580-5 Establishment.

The establishment periods are defined as one year after installation of all small plants and incidental landscaping and two years after installation of all large plants. Provide the Engineer with seven calendar days advance notice of completing installation of all small and large plants. The establishment period will begin upon acceptance of the complete installation of small and large plants respectively, by the Engineer. Upon completion of installation of small and large plants, the Responsible Party shall certify on a form provided by the Department that the landscaping has been installed and is being established in accordance with the Contract Documents.

During the establishment period:

Keep all plants undamaged, watered, fertilized, mulched, pruned, and staked and guyed as necessary to assure specified minimum grade of Florida No. 1.

Keep the individual plant locations and planting beds free of litter and undesirable vegetation.

Keep landscape bed lines correctly located and edged, and the mulch groomed and replenished.

Operate and maintain all components of any irrigation system installed as part of the Contract.

Continue any mowing of the landscape areas specified in the Contract Documents.

580-6 Inspection and Reporting Requirements.

During the establishment period, the Responsible Party shall inspect and certify monthly on a form provided by the Department that the landscaping is being established per the Contract Documents.

In addition, during the establishment period, a Registered Landscape Architect acting as the Responsible Party's Landscape Quality Control representative shall perform quarterly inspections of the landscaping. Information in the inspection report shall include, as a minimum, the following:

Date of inspection
Description of project
Location of inspection
Weather conditions
Condition of plants - identify by species, location, and number of plants that are no longer the specified minimum grade.
Condition of plant beds and adjoining areas (including mulch, turf, edges, bedlines, weeds, and staking and guying), if applicable
Condition and operation of the irrigation system, if applicable
Responsible Party's response, action, and schedule
Other comments
Signature and seal of Contractor's Landscape Quality Control representative

Submit the inspection form or report to the Engineer within seven calendar days after performing the inspection. Any deficiencies noted on the inspection form or report must be corrected before the next monthly inspection and certification.

The Department may perform inspections to verify the landscaping is being established in accordance with the Contract Documents. Any deficiencies noted during the Department's inspection must be corrected before the next monthly inspection and certification.

580-7 Remedial Work.

The Responsible Party shall perform all necessary remedial work at no cost to the Department. Use replacement plants of the same species and planting medium as the plant being replaced and as specified in the Contract Documents. Replacement plant size must match the size of the adjacent grown-in plants of the same species and variety which may be larger than the initially installed size. Approval of remedial work does not relieve the Responsible Party from continuing responsibility under the provisions of this Section.

Upon completion of the establishment period, the Engineer will release the Responsible Party from further remedial work and responsibility provided all plants meet the requirements of 580-5 and all previous remedial work, if any, has been completed to the satisfaction of the Engineer. Remove staking and guying from all plants.

580-8 Disposal of Surplus Materials and Debris.

Remove from the jobsite any surplus material unless otherwise directed by the Engineer. Surplus is defined as material not needed after installation of plants per Contract Documents. Upon commencement of the plant installation, remove daily all landscape installation debris from the landscape locations described in the Contract Documents.

580-9 Statewide Disputes Review Board.

The Statewide Disputes Review Board in effect for this Contract will resolve any disputes that may arise involving administration and enforcement of the establishment period. The Responsible Party and the Department acknowledge that use of the Statewide Disputes Review Board is required, and the determinations of the Statewide Disputes Review Board for disputes heard by this Board will be binding on both the Responsible Party and the Department, with no right of appeal by either party.

580-10 Responsible Party's Failure to Perform.

Should the Responsible Party fail to timely and satisfactorily perform any remedial work associated with landscaping during the establishment period, the Department will suspend, revoke or deny the Responsible Party's certificate of qualification under the terms of Section 337.16(2)(c), Florida Statutes, for a minimum of 6 months or until the remedial work has been satisfactorily performed, whichever is longer. Should the Responsible Party choose to challenge the Department's notification of intent for suspension, revocation or denial of qualification and the Department's action is upheld, the Responsible Party will have its qualification suspended for an additional minimum of 6 months.

The remedial work is not an obligation of the Contractor's bond required by Section 337.18, Florida Statutes.

580-11 Method of Measurement.

The quantities to be paid for will be the items shown in the Contract Documents, completed and accepted.

580-12 Basis of Payment.

Price and payment will be full compensation for all work and materials specified in this Section.

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