

SP0071104DB LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC –
OPERATIONS WITHIN THE RAILROAD RIGHT-OF-WAY (DESIGN BUILD)
COMMENTS FROM INTERNAL/INDUSTRY REVIEW

Maria Connolly
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Comments: (12-2-14)

The intent of the proposed changes is to require the Design Build Firm to provide 6 months written notice to the Department when flaggers will be needed for more than 20 consecutive days on a Design Build project. There is no language in the revised spec that requires the 6 months notice. It's not clear how the requirement for six months written notice will be conveyed to the DB Firm.

Response: This special provision is only used on design-build projects. After further review it was determined that the Request for Proposal was the best place to provide the requirements. "Notes for the RFP developer" will provide guidance. The memo should have been updated.

Daniel Strickland, P.E.
Contracts and Agreements Engineer
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Comments: (12-9-14)

The Memorandum for this spec says "The changes are proposed by Rudy Powell of the State Construction Office to require the Design Build Firm to provide 6 months written notice to the Department when flaggers will be needed for more than 20 consecutive days on a Design Build project." However, this requirement of 6 months written notice does not appear to be included anywhere in the spec.

Response: This special provision is only used on design-build projects. After further review it was determined that the Request for Proposal was the best place to provide the requirements. "Notes for the RFP developer" will provide guidance. The memo should have been updated.

D5 Construction

Comments: (12-19-14)

The Railroad company required 72 hours notification before beginning any operation within the limits of the railroad right of way, however, on the "Watchman or Flagging Services" second paragraph it is not clear on who will submit schedules and schedule changes to the Engineer (I assume that is the contractor), and it is not mentioned how much time in advance they need to submit it to the Engineer for review if required, before notifying the Railroad Company.

Response: The specifications are written to the contractor (in this case the Design-Build Firm) so the Design-Build Firm submits the schedule and schedule changes. This special provision is only used on design-build projects. After further review it was determined that the Request for Proposal was the best place to provide the requirements. "Notes for the RFP developer" will provide guidance.

Barbara Strickland
Office of the District 3 Secretary
Department of Transportation
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Comments: (12-23-14)

In 7-11.4.2, are they making the CSX specs applicable for all projects within a RR right-of-way? If that is not the intent, would it be better to change “Specifically” to “For projects within CSX right-of-way,”?

If we are still required to use the MSP for additional insurance coverage (LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – CSXT RAILROAD INSURANCE REQUIREMENTS), is it possible to include those requirements to this specification?

Response: This special provision is only used on design-build projects with a usage note of “Design Build Projects Involving CSX Transportation.”

The additional insurance coverage will only be used when required which may not be every contract involving CSXT so that will remain a MSP.

Karen Akers
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Comments: (12-23-14)

There is only deletion. Is the intent of the memo, which is to require the Design Build Firm to provide 6 months written notice to the Department when flaggers will be needed for more than 20 consecutive days on a Design Build project, covered in another location?

Response: Yes. This special provision is only used on design-build projects. After further review it was determined that the Request for Proposal was the best place to provide the requirements. “Notes for the RFP developer” will provide guidance. The memo should have been updated.

Deborah Ihsan
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Comments: (12-24-14)

MIKE IRWIN SENIOR PROJECT ENGINEER CARDNO TBE

“The changes are proposed by Rudy Powell of the State Construction Office to require the Design Build Firm to provide 6 months written notice to the Department when flaggers will be needed for more than 20 consecutive days on a Design Build project.” With the strike-through of the requirements for less than and greater than 20 days of consecutive flagging, the spec would

then only require the contractor to coordinate their schedule with the Department. There is nothing left that would stipulate ANY time frame for prior notice. The link added to the spec which will include the CSX regulations specifically says 45 days notice and does not differentiate between long term or short term consecutive work (20 days plus or minus).

Response: This special provision is only used on design-build projects. After further review it was determined that the Request for Proposal was the best place to provide the requirements. “Notes for the RFP developer” will provide guidance. The memo should have been updated.

Deborah Ihsan
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Comments: (12-24-14)

1. Section 7-11.4.2 Contractor’s Responsibilities: First sentence states, “Comply with requirements an authorized representative of the railroad company deems necessary in order to safeguard the railroad’s property and operations.” Recommend revising to state, “Comply with requirements of rail road companies involved. An authorized representative of the railroad company is necessary to be present during contractor’s operations to safeguard the railroad’s property and operations.” (Kandarappallil Jose)

Response: An authorized representative of the railroad company does not need to be present during contractor operations. No changes made.

2. Section 7-11.4.3 Watchman or Flagging Services: With the deletion of the last three sentences from the second paragraph I would suggest adding the sentence regarding the submitting of schedules and schedule changes to the first paragraph. Based on the subject of the sentence I do not think it needs to stand alone and can be combined. (Chad Rucks)

Response: It probably could be, but for consistency, it will remain. No changes made.

3. The top/header of the specification states “Projects Involving CSX Transportation”, but the memo was not clear. (Teresa Driskell – CEI/Creative Group Engineering)

Response: This special provision is only used on design-build projects with a usage note of “Design Build Projects Involving CSX Transportation.”

4. The top/header on the revised spec page states “Design Build projects involving CSX Transportation”. However, it is recommended to modify this to apply to all rail road companies within the State of Florida. There are other companies operation like Sun Rail in Orlando area and more companies may come on line later – example – All Aboard Florida Rail.) (Kandarappallil Jose)

Response: Possibly, but at this time CSXT is the only railroad requiring the advanced notice.

5. CSXT is specifically called out in this specification although they are not the only Rail Company – owner in the State. Recommend that the specification language be more general and not specific to CSXT, to ensure that the specification is applicable to all projects across the State.

(Teresa Driskell – CEI/Creative Engineering GRoup)

Response: This special provision is only used on design-build projects with a usage note of “Design Build Projects Involving CSX Transportation.”

6. The Memo states that the purpose of the specification change is to require the “Design Build Firm to provide 6 months written notice to the Department when flaggers will be needed for more than 20 consecutive days on a Design Build project.” However, portions of the specification that discuss advance notice and flagging needs have been struck thru (deleted), thus contradicting the intent of the memo. (Teresa Driskell – CEI/Creative Engineering Group)

Response: This special provision is only used on design-build projects. After further review it was determined that the Request for Proposal was the best place to provide the requirements. “Notes for the RFP developer” will provide guidance. The memo should have been updated.

7. Section 7-11.4.3 Watchman or Flagging Services: Instead of deleting shown sentences, recommend revising to state, “Projects with less than 20 consecutive days of flagging services require 45 days written advance notice to the Engineer and require a CSXT/Rail road company flagger. Projects with operations with 20 or more consecutive days of flagging services require 6 months written advance notice to the Engineer and require a rail road company long term flagger.” (Kandarappallil Jose)

Response: This special provision is only used on design-build projects. After further review it was determined that the Request for Proposal was the best place to provide the requirements. “Notes for the RFP developer” will provide guidance. The memo should have been updated.

Deborah Ihsan
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Comments: (12-24-14)

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“ if a six-month notice is required by the design build firm to request flagger services when in excess of 20 consecutive calendar days, the language should be clearly stipulated in the proposed specification for said requirement”.

Response: This special provision is only used on design-build projects. After further review it was determined that the Request for Proposal was the best place to provide the requirements. “Notes for the RFP developer” will provide guidance. The memo should have been updated.
