



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

ANANTH PRASAD  
SECRETARY

**ESTIMATES BULLETIN 13-10**

**PROJECT MANAGEMENT MEMORANDUM NO. 13-02**

**DCE MEMORANDUM NO. 13-21**

**DMDH MEMORANDUM NO. 13-03**

This Memo Has Expired

DATE: August 1, 2013

TO: District Directors of Production, District Directors of Operations, District Design Engineers, District Construction Engineers, District Maintenance Engineers, and District Program Management Engineers/Administrators

FROM: David A. Sadler, P.E., Director, Office of Construction  
Tim Lattner, P.E., Director, Office of Maintenance  
Trey Tillander, P.E., Manager Specifications and Estimates Office  
Bob Crim, P.E., Manager Production Support Office  
Kendra Sheffield, Manager Work Program Development

COPIES: Brian Blanchard, Tom Byron, Duane Brautigam, Greg Davis, Bob Crim, Daniel Scheer, Rudy Powell, Jeff Caster

SUBJECT: Implementation of Engineer & Operations Memorandum 13-01, Programming and Funding for Landscape Construction and Establishment Contracts

### **BACKGROUND**

The executive team established a new policy through Engineer and Operations (E&O) Memo 13-1 to program all landscape projects. Landscape projects will be programmed as stand-alone projects using maintenance contract language under Phase 52 funds. 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**

Effective per E&O Memo 13-1, all Project Lettings for **landscape projects** which occur on or after July 1, 2013, (including Design-Build projects upon which Bid Price Proposals are scheduled to be received on or after July 1, 2013), **will be let separately from roadway construction projects**. During the development of the Work Program, landscape projects will be programmed as stand-alone projects for all fiscal years. Dependent stand-alone landscaping projects will be scheduled immediately following roadway construction. Landscape installations totaling the lesser of \$100,000 or 10% of the construction cost may continue to be included in a roadway construction project as incidental landscape work.

### Dependent 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 roadway construction is anticipated for completion**. If the roadway construction project is federally funded, the landscaping work may also be eligible for the same federal funds.

### Independent Stand-alone Landscaping Projects

Landscaping not associated with a roadway construction project will be programmed in the year in which the landscape project is ready for production. Independent landscaping projects will be state funded and let in the District Office.

### 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 seventy-six percent (this revises the 60 percent value included in E&O Memo 13-1) of the contract amount will be paid prior to the start of the establishment period after which quarterly draws to the contractor will be issued only upon satisfactory performance. The landscape installation **maintenance specification** has been created to support this change (see Specification at:

<http://www.dot.state.fl.us/specificationsoffice/Maintenance/Jul13/default.shtm>).

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.

## **IMPLEMENTATION**

The stand-alone Landscaping Specification (\*SS5800000) is currently on Specs-on-the-Web as a Maintenance Specification (ME5800000) for use by the District Maintenance Offices to execute a contract for all landscaping projects that meet the criteria set forth in the E&O Memo 13-1. Landscaping projects are no longer intended to be let as Roadway Construction projects if they

exceed the financial limits. The construction landscaping federal aid or non-federal aid Special Provisions (SP5800000FA / SP5800000) will be used for any landscaping work that is to remain in the roadway construction contract.

District Maintenance will execute stand-alone landscaping projects at the District level and the stand-alone Landscaping Specification facilitates this effort. The contracts will use maintenance contract wording but the funding phase remains 52. The stand-alone landscape contract should include, at a minimum, in the specification package the specifications listed below:

MAINTENANCE SPECIFICATIONS:

ME0000001	Standard Maintenance Special Provisions
ME0000012	Division I Standard Maintenance Special Provisions
ME0030500	Contract Bond Required
ME0080300	Prosecution of Work – Maintenance DRB

SPECIAL PROVISIONS:

SP0000001	Special Provisions
SP0020400D3-113	Proposal Requirements and Conditions – Examination of Contract Documents and Site of Work (District 3 only)
SP0040100LS	Scope of the Work
SP0040400	Unforeseeable Work
SP0050501LS	Control of the Work
SP0060100LS	Control of Materials
SP0070701DC	Legal Requirements and Responsibilities to the Public
SP0072600	Equal Employment Opportunity Requirements
SP0080302DC	Prosecution and Progress
SP0080401LS	Prosecution and Progress
SP0090103LSD3-113	Measurement and Payment (District 3 only)

SUPPLEMENTAL SPECIFICATIONS:

SS0000001	Supplemental Specifications
SS0050000	Control of the Work
SS0060103	Control of Materials
SS0072400	Legal Requirements and Responsibility to the Public – Disadvantaged Business Enterprise Program
SS1020000	Maintenance of Traffic
SS5700303	Performance Turf
*SS5800000	Landscaping
SS9810302	Turf Materials

(\*SS5800000 is listed as ME5800000 on Specs-on-the-Web till January 2014. In January 2014, all ME specifications will convert to SS specifications inclusive)

Performance Bond:

The performance bond required in the ME0030500 specification is an annual renewable bond so that the contractor does not have to obtain a bond for 3+ years for the full contract value. The performance bond is for the installation period and the establishment period or the total contract time allowed.

Example: If the contract time is 1,295 days (3.55 years) with a hypothetical value of \$5 million, take the \$5 million and divide by the 3.55 years to arrive at the annual bond amount of \$1,408,450. Therefore, the first 12 months of the contract will require a performance bond for \$1,408,450; for the second 12 months, a performance bond for \$1,408,450; for the third 12 months, a bond for \$1,408,450; and for the final 7 months a performance bond for \$774,650 (which is the remaining contract amount  $\$1,408,450 \times 3 = \$4,225,350$  minus  $\$5,000,000 = \$774,650$ ).

Pay Items:

These contracts may be lump sum, and therefore there would only be one pay item (999-2). Seventy-six percent (76%) of the total contract value is payable upon completion of the planting, with the other twenty four-percent (24%) being paid evenly over the three year establishment period. The contractor is required to submit a schedule of values just as they would on a lump sum contract. This schedule of values will total to seventy-six percent of the total contract value to be paid under the lump sum pay item. The failure to perform will be a reduction in payment and **not** treated as retainage.

The intent is that these are landscape contracts and will only include items of work that are necessary for the installation of the landscaping. Any items incidental to the landscaping would be exactly that, "incidental," and included in the lump sum landscape pay item. It is important to minimize the amount of work required which is not directly related to the installation of landscape plantings. For dependent landscape projects, all of the site work and any associated hardscape should be included in the highway construction contract. For independent landscape projects, it may be necessary to include some incidental items of work, but if this work amounts to a large portion of the contract work, consideration should be given to letting a separate construction project to accomplish the site work and non-landscape planting work necessary for the project.

Funding:

The Federal funding process has not been developed. There are no federally funded stand-alone landscape projects this fiscal year, and there may not be any next year. This is because landscaping work by itself is no longer eligible for federal funds. For landscaping to be federally funded, it has to be part of the overall highway construction work authorized by FHWA. Going forward, FHWA has agreed to fund landscaping work that is a component of a highway construction project as a separate contract following the completion of the highway construction contract; with both contracts fulfilling the overall construction of the federally funded project. These are referred to as dependent stand-alone landscape projects. The landscape projects for this fiscal year are independent stand-alone projects since they are primarily enhancements to existing facilities.

We will coordinate with FHWA to determine if independent stand-alone contracts are eligible for federal funding and identify any added needs.

Coordination:

As far as coordinating the plans, specifications, and estimates between design and contracts, it should be business as usual. However, recognizing these are “different,” a little more attention may be necessary along with informing project reviews of this contracting approach. The District Landscape Architects should be a common participant in all of these projects. For the stand-alone landscape packages, the preparation of the specifications package is the responsibility of the designer of record, who will need to coordinate closely with maintenance staff and District contracting staff.

Contract Administration

The contract administration of the stand-alone landscape projects needs to be determined by each District Director of Operations. These contracts contain an installation portion as well as a long-term establishment/maintenance portion. The contract administration can be performed by District Maintenance staff, District Construction staff, or a combination of these.

**CONTACT**

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DFB/DAS/TRL/VYT/KHS/dls



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.  
SECRETARY

### MEMORANDUM

DATE: May 29, 2013

TO: Greg Davis, Karen Byram, Tom Bane, and Dan Scheer

FROM: Trey Tillander, Manager, Specifications & Estimates

COPIES: Brian Blanchard, Tom Byron, Brian Peters, Robin Naitove

**RE: DELEGATION OF SIGNATORY AUTHORITY**

The following list establishes the priority for signature authority during my absence from the office for periods of one day or longer. This authorization includes all documents requiring the signature of the Manager, Specifications & Estimates Office, with the exception of personnel actions and out of state travel.

1. Greg Davis, P.E., State Estimates Engineer
2. Dan Scheer, P.E. State Specifications Engineer
3. Karen Byram, Product Evaluation Administrator
4. Tom Bane, P.E., State Utilities Engineer

This memo supersedes any previous authorization and shall remain in effect until rescinded by me.

TT/cs



**Florida Department of Transportation**

**RICK SCOTT  
GOVERNOR**

605 Suwannee Street  
Tallahassee, FL 32399-0450

**ANANTH PRASAD, P.E.  
SECRETARY**

July 30, 2013

**MEMORANDUM**

**TO: Rudy Powell, State Construction Engineer  
Doug Martin, Construction Systems Engineer  
Amy Tootle, Construction Final Estimates Engineer**

**FROM: David A. Sadler, Director, Office of Construction**

**COPIES: Heather Hicks, Administrative Assistant**

**SUBJECT: DELEGATION OF SIGNATURE AUTHORITY**

This is to delegate signature authority for documents (excluding personnel actions) to you for when I am out of the office or on travel status from this date through June 30, 2014.

Ms. Hicks is also delegated authority for administrative type actions.

Please insure that my office receives a copy of all correspondence signed by you for these dates.

DS/hh