

**MINUTES - Asset Maintenance
Liaison Subcommittee Meeting #64**

**Friday, July 27, 2018
GoTo Meeting**

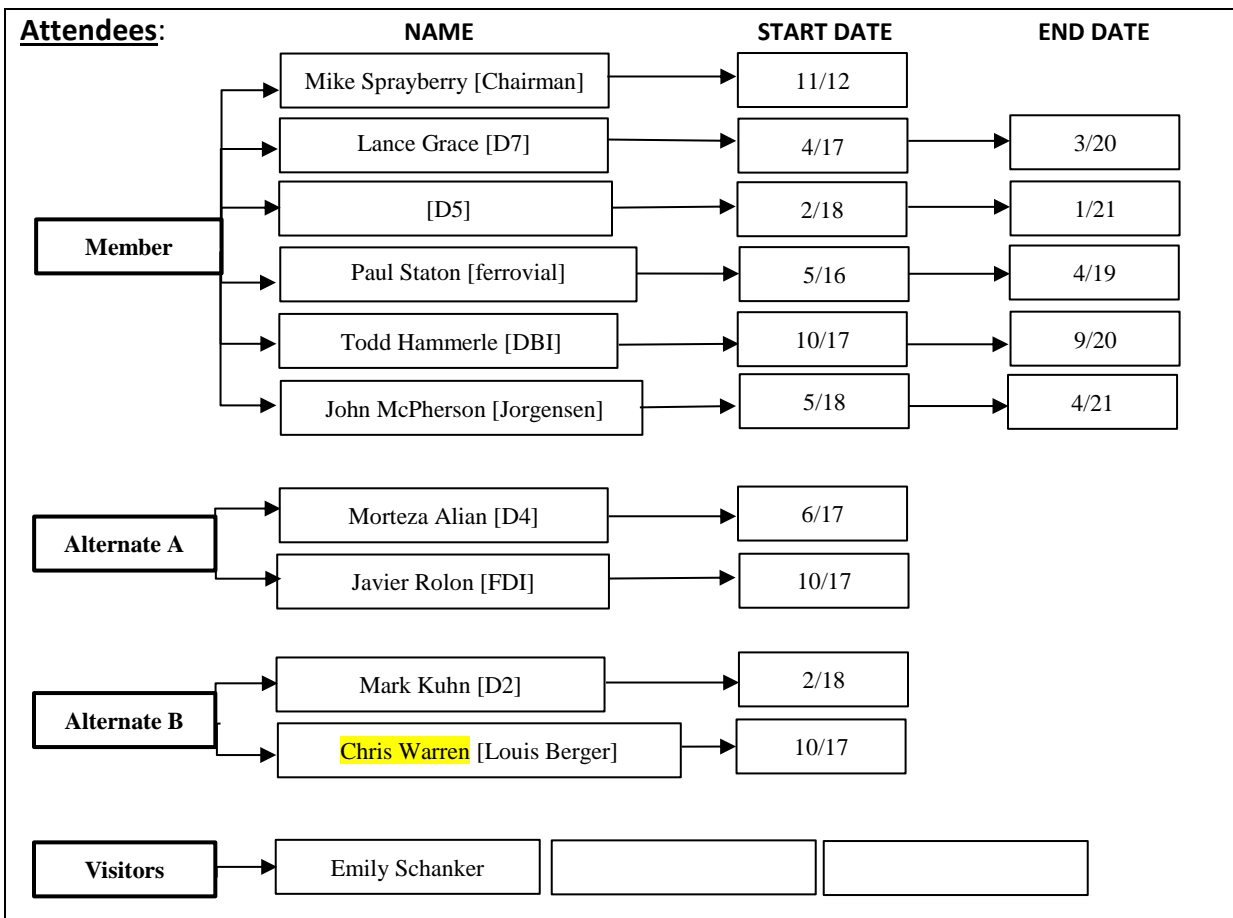
Team Purpose:

Members are to review, research, analyze, and discuss topics associated with the Department's Asset Maintenance Program. The Team will develop recommendations and make decisions for Program improvement or change.

Team Rules:

1. Discussion issues and agenda topics may come from any source and be brought to the subcommittee by a Team member.
2. The Subcommittee will meet monthly.
3. Before each Liaison Committee Meeting, the Team will prepare a summary document of the status of all issues discussed since the last Liaison Committee Meeting. This summary document will be circulated via e-mail to the frequent Liaison members prior to the Liaison meeting where the summary document will be discussed.
4. The Subcommittee shall be composed of the FDOT State Contracts Administrator (currently Mike Sprayberry) as lifetime Chairman plus 5 Team members (two from FDOT, three from industry). Team Member factions (Industry and FDOT) shall serve on the Subcommittee for a maximum of 3 years. Alternate Member factions have no term limit as an Alternate. FDOT members must be employed by FDOT and industry members must be employed by a company that has at least one active AM contract in Florida.
5. Each faction will assign a primary and secondary Alternate Member to step in for absent Members when needed. Alternates should attend the Subcommittee Meetings and participate in discussions, but are not a part of the deciding body.
6. Agendas will be circulated to the Alternates and all Members at least 1 week before the meeting. Minutes will be circulated to the Alternates and all Members within 1 week of the end of the meeting. When minutes are circulated, the Chairman will send an e-mail to DMEs and AMOTIA with website link to the minutes and ask for review and input if they wish.
7. If a Subcommittee Member plans to be absent from a Subcommittee Meeting, the Member must first attempt to contact an official Alternate Member of same faction as a replacement. If no alternate is available, the absent Member may send a delegate of his/her choosing. If no replacement has been identified by the time the meeting starts (or the Member was an unexpected no-show), a silent listening Alternate of either faction may substitute if available.

8. The Subcommittee has the authority to assemble task teams and sub-subcommittees that report to this Subcommittee and may assign tasks and projects to these bodies.
9. The rights to Membership and Alternate seats are held by Companies/Districts, not the individuals named. Thus, if an individual voluntarily resigns, that individual's Company/District may select another individual from same Company/District as a replacement to finish out the term of that seat. This does not apply if the individual is dismissed from the Subcommittee or reaches seat term limit; in that case, the Company/District loses their seat. Dismissal decisions shall be at FDOT Director of Maintenance and AMOTIA Director levels.
10. It is allowable to have guest listeners. Anyone may submit a request to the chairman to listen in on a particular meeting. The number of listeners that can be approved for any given meeting is line capacity minus 11. Request will be granted on first-come-first-serve. Listeners should be silent during meetings.



Industry needs to select a new Alternate B. – Chris Warren

Javier subbing for Laura

Morteza subbing for missing Hatfield

Discussion Topics

1. Discuss possible new topics:

- a. **What about the TRC having an individual Q&A session with each firm to ask questions about their technical proposal? Language about this exists already in design/build contracts:**

1.E. Question and Answer Session:

The Department may meet with each Proposer, formally, for a Question and Answer (Q & A) Session. FHWA shall be invited on FA Oversight Projects. The purpose of the Q & A Session is for the Technical Review Committee to seek clarification and ask questions, as related to the Technical Proposal of the Proposer. The Q & A Session will occur a minimum of two (2) weeks after the date Technical Proposals are due, and be part of the Overall Technical Proposal Scoring. The Proposers shall be given a minimum of one (1) week after the Q & A session to submit their Price Proposal. The Department may terminate the Q & A Session promptly at the end of the allotted time. The Department may tape record or videotape all or part of the Q & A Sessions. Such recordings will become part of the Contract Documents in accordance with the Specifications. The Q & A Session will not constitute "discussions" or negotiations. Proposers will not be permitted to ask questions of the Department except to ask the meaning of a clarification question posed by the Department. Following the Q & A Session, the Design-Build Firm shall submit to the Department a written clarification letter summarizing the answers provided during the Q & A Session as shown in the Schedule of Events. The Design-Build Firm shall not include information in its clarification letter that was not discussed during the Q&A Session. In the event the Design-Build Firm includes additional information in the clarification letter which was not discussed during the Q&A Session and is not otherwise included in the Technical Proposal, such additional information will not be considered by the Department during the evaluation of the Technical Proposal. No additional time will be allowed to research answers.

The Department will provide one or more (not necessarily all) proposed questions to each Design-Build Firm as it relates to their respective Technical Proposal approximately twenty four (24) hours before the scheduled Q & A Session. No supplemental materials, handouts, etc. will be allowed to be presented in the Q & A Session.

There will be no limit to the number of staff members who the proposing Design-Build Firms can bring to the Q & A Session; however, it is highly recommended that the staff members be limited to those with knowledge and decision-making authority as to the question and answer topics and those who will actually be providing the services.

No standard questions.

DME were split 4-4 on 4 wanting it to be an option and 4 not interested.

We should not "grade" the Q&A session, but the answers will be used to fine tune the Tech Proposal Scores.

If used, all bidders must be invited to session.

D3 structures process worked well.

Paul will check on the D3 contract to get their method.

Morteza wants to make sure this can be accomplished in next 2 or 3 months so he can use on his next AM job.

Notes from previous meetings:

Team is interested in allowing this:

- The idea would be to make some standard language that is in all AM Contracts.
 - Language would say District MAY meet with proposers for a Q&A session.
 - If holding a Q&A session, must meet with all proposers.
 - Let's look at E3P16 contract and how they did this and maybe merge that language and the Design/Build language.
 - Some concern was discussed on what questions to ask and if same questions can be asked to multiple bidders, or should not be allowed to ask same questions.
 - Discuss at DME meeting.
- b. **How can we lengthen the time between when an AM Contract is awarded/executed to when AMC is supposed to start? Let's think very big, like 2 or 3 months.**

Notes from previous meetings:

Industry confirms this is an issue (not impossible to do right now, but it's inefficient and difficult to startup so fast).

Maybe through training and awareness, spread the word to all Districts that we need to start the process of new AMC earlier. The MIG seems to be the best start location for this discussion. This will not be an activity for this group.

Move this to finished document.

2. Review of Assignments

ACTIVITY 2: Analyze and discuss ideas and possibilities of developing performance measures for bridges that are based on some sort of inspection ratings like Sufficiency Ratings or Element Rating (or other rating). This will be done via a sub-subcommittee.

To balance industry membership, Industry decided to remove Annette Guidice and add Patrick Cotter of ferrovia.

Below is a synopsis of discussion topics from Meeting #15 of the Bridge Performance Group (/2018):

Meeting #14 Recap – Information related to the previous discussions on *Current Items (Element-Level PM's & Movable Bridge Info)* and *Potential Changes to Performance-Based Contracts* were reviewed. No new comments on this information at this time.

Updates on Current Items:

- **Element-Level Performance Measures & Data Updates** – The group discussed the possibility of expanding the number of bridge elements for which performance measures are applicable using the same criteria that was used to develop the current set of performance measures (i.e. condition-based, outcome-driven & provides value). Also, in an effort to facilitate the review of *Element-Level* performance data, cloud-based data folders have been established for each group member which provide continual access for all information on their individual bridge groups.
- **Movable Bridge Information** – The group shared thoughts and ideas for how to improve the performance of movable bridges. More specifically, performance objectives related to *response time* (for restoring service when outages occur) and for *improving the overall reliability* of movable bridge operation over the long term were discussed.

Potential Changes to Performance-Based Contracts – The group continued the discussion on potential options for how to structure contract provisions which could deliver the intended results on the performance criteria currently under consideration.

- **Bridge Element Rating Program Standards** – Following the format of the information on the *Roadway Elements* currently included in the MRP Handbook, similar information was drafted up and reviewed for each of the *Bridge Elements* currently under consideration (i.e. Deck, Expansion Joints & Steel Coatings). The group discussion focused on how this type of information might be integrated into performance-based contracts.

Other Items / Open Discussion:

- **Preliminary Information on Poor and Fair Bridges** – Information related to State-owned bridges which are currently classified as *Poor* and *Fair* was reviewed in detail. Various aspects such as rates of deterioration, structure types, material categories and trends in the condition ratings for major components were discussed.



20180620 Bridge
Performance Meetin

[Notes from previous meetings:](#)



ACTIVITY 3: Discuss what do with the six outstanding items from the results of the “MRP shortcomings” study. (Complete except for “Vegetation on/in Fence”)

Here is proposed criteria from MRP Team (change in red):

Fence does not meet MRP standards when any of the following exist:

- 1) If there is an opening in the fence greater than 1/3 of its original height as measured from the natural ground, to the top of the fence fabric.
- 2) If there is an opening in the fence fabric greater than 2 square feet.
- 3) Any open or unlocked gate in the Department owned fence within the sample point.
- 4) Any open space greater than 6 inches between gates or posts.
- 5) Two fence posts in a row are missing or broken within the sample.
- 6) Any two consecutive fence posts where the fabric is not attached.
- 7) Less than one continuous strand of barb wire is in place at the top of the fence.
- 8) **Vegetation covering more than 2/3 (67%) of the wire mesh between two posts as measured from the natural ground, to the top of the fence fabric.**



Mike sent this criteria to Peter/AMOTIA on 6/1/2018 for industry review.

MRP Team going to study this Period 1 FY. Probably would not start for real until FY 19/20.

ACTIVITY 4: Active List of desired and/or planned AM Scope Changes. This list will remain here until Scope is changed or decision made to not make change.

Get update from Jean.

The three documents (AM Scope / AM Spec / AM RFP) have been updated and circulated for review to DMEs and AMOTIA on April 23, 2018. Comments should be sent to us by June 4th.

All comments received and analyzed for implementation or not. Scope Customization System in test, should move to production in next few days.

Notes from previous meetings:

Jean announced that a AM Scope / AM Spec / AM RFP update is soon to come. Asked for any critical changes to be submitted to him within two weeks. So, we analyzed the below items. See updates in each numbered item below.

For #2 Mike will develop language without this team's review and will place in full Scope that will be sent for review. This was done.

If legal ok's #3 language, then we will put in new scope. Mike will judge if any legal edits need to be circulated or discussed before including in new Scope. This was done.

Mike send question on item #3 below to legal on March 29. No response yet.

Over time send edit suggestions to Jean and Mike.

Tracking of suggestions:

- 1. Add performance measure based on results of Office of Maintenance QAR as standard in all AM Contracts. – Not this time.**
 - Mike explained concept and gave example. There was one vote of ok with concept but reduce deduct amount. Jean pointed out may need exceptions here (like with the "place more effort on activities that did not meet MRP**

standards last MRP Period” item) – we need to determine how to handle these. Also, be aware of Rest Area-type issue where could be double deduction. No ready to confirm inclusion – will require more discussion. Lance suggested we review QAR in one of these meetings to compare and contrast to Scope requirements.

2. Separate out cable barrier from the guardrail and provide separate measures (cable barrier not currently mentioned – we current group cable barrier in with guardrail).
 - Group agrees this definitely needs to be done – procedure has been established and AM already must comply, but we need to review the Guardrail PM to make if more clearly apply to both guardrail & cable.
3. AMOTIA submitted the following Litigation 3rd party language for us to consider. We are tasked with rewording the current 3rd party damage collection language in the Scope. **“In any instance of damage caused to a State owned Infrastructure that results in any response and/or repair expenses incurred by Contractor, for which Contractor is authorized by this Contract to pursue claims against the individual(s) or entity(ies) who caused the damage, FDOT expressly assigns its rights, interests and privileges pertaining to said property damage to Contractor, so Contractor can pursue all claims and causes of actions against the third parties responsible for the damage.”**
 - Lance wants to ensure we are talking about 3rd party damage here. The Group agrees Mike to send this language to FDOT legal for their input and provide an explanation that this is to apply to collection of funds for 3rd party damage.
4. Add clarification to duties related to High Mast Light pole. Structure maintenance is different than if lights are lit is different than if lowering mechanism functions. – **This is being handled through an Options and does not require Scope change.**
5. Rearrange where things are to make easier to read/more flowing (Mark develop a rearranged version and presents it here for our review: [Mark] – **Not this time.**
6. **Mark says:** I present to you for your review an ‘improved’ version of the current language in the AM scopes that I would classify as cosmetic in that all of the original language is in there. You will see language inserted in light blue that aids in making the sections appear uniform but don’t add anything to the boilerplate language. You will find a Table of Contents with hyperlinks to take a project manager to specific parts of the contract relevant to the topic they search from. I understand from Kim once you are in a section and want to return to the TOC, just hit Control Home keys. I mention the word cosmetic because as a project manager, it is possible to miss specific data related to a contract issue of not all pertinent parts are located within one area. Kim generated a complete scope and then moved all the parts around to flow better and make it easier to manage the contract. I hope you will have time to review before our next meeting to discuss. My thanks to Kim Toole for putting this all together in a manner that I believe benefits contractors and department personnel equally.



MAKEOVER11-4-16
ScopeDocumentFacto

- **Team is to review this document and be ready to discuss ideas in future meetings. – Not this time.**
7. **Table of contents with internal Hyperlinks [Mark] – Not this time.**
 8. **Always have Page numbers [Mark] – Not this time.**
 9. **Rewrite the reimbursement section [Legal] – Not this time. This is a big project legal.**
 10. **Need to address per day deducts (see Activity 10) [Chris] – a possible idea here is to establish a maximum deduction for each Performance Measure, then per days (if appropriate) could work. – Not this time.**
 11. **Address mobilization (time from contract Execution to NTP is too short) [Chris] – This is on agenda May 2 Liaison – this would not be Scope change – maybe an RFP change, but most likely a procedure change.**
 12. **Changes/updates to Scope to be maximum each year synced with Spec release, but could be as often as 6 months [Mike] Possibly a month or two after Liaison. – Not a scope change.**
 13. **Bridge section really breaks out types of work, but HMLP and OHSigs do not. Let's look at that and propose improvements. [Kelley Hall/Mike] – Not this time.**
 14. **Mast arms do not have a section and should. [Mike] – Not this time.**

Tracking of confirmed changes that will be done:

1.

ACTIVITY 6 (Priority 1): Sprayberry is to analyze and condense the “other” requirements used by Districts on AM Contracts and present a report to the Team. First step is to prioritize. We should try to have 16 analyzed by next Liaison. For these recommendations, vet through AMOTIA (2 week review timeframe) before sending recommendation to Liaison.



All Districts - Other
Contractual Requirem

No progress on finalizing the Permits Language:

Below are the documents showing the new language with redline edits showing changes suggested at the 2017 Liaison meeting. For the Permits language, no suggestions were made at the Liaison other than we need to consider D4's suggestions.



NEW Permits Option.zip



D4 PERMITS

We discussed the Permits language at length during this meeting and we developed the following document:



3-30 SubCom
commetns - Permit l

It needs to be commented upon and fine-tuned. So, analyze this language to see if it adequately incorporates D4's language into the proposed Permits language. All are to review and present their comments at next meeting.

Someone noted a possible conflict between about AMPER Type 3 reviews and some of the additional PMs D4 proposes to place in the standard permits option.

Notes from previous meetings:

The Team revisit the HMLP Option language. Industry expressed further concern over the deduction per HMLP that does not lower during hurricane. It was suggested a buffer (no more than 3% or 5%). Also suggested that we require pictures of the poles during the annual inspection (not going to require the picture at this time). The following change is approved by Team for Liaison presentation:

HIGHMAST LIGHTING ASSEMBLY		
Deficiency Identification	Time Allowed/Criteria	Deduction
a. Failure to perform timely annual assembly inspections of high mast light poles and submit inspection reports to the Department.	Per Procedures, Manuals, Codes, etc. Report Due within 15 days after completion of inspection.	\$100 per day per delinquent inspection per pole, not to exceed \$3,000 per pole.

b. Failure to successfully lower lights per Scope or raise to the top during Department's annual QA check.	Successfully lowering and raising at each high mast light pole.	\$10,000 per occurrence per high mast light pole.
c. Failure to successfully lower lights per Scope when needed to prepare for hurricanes.	Successfully lower at least 97% of all high mast light poles that are ordered to be lowered.	\$10,000 per high mast light pole beyond the 3% tolerance that does not lower.

Discussions at the Liaison and the DME meetings resulted in changes to these proposed documents. Mike made the edits discussed.

Industry is concerned with the 10k deduct for failure to lower assemblies (specifically "or when needed to prepare for hurricanes") – they feel like too random and deduct would not be fair.

The new Options for Stormwater Pond Inspection/Maintenance, Highway Lighting, and Permits have been activated. All new AM contracts will use this new language if that option is selected. The final Stormwater Pond Inspection/Maintenance and Highway Lighting Options are shown here:



NEW Hwy Lighting Options.zip



NEW Stormwater Options.zip

The Permits Option was reviewed by the team via email and slightly revised since the proposal in these minutes last month. The redlined versions below reflects those changes plus this change we agreed upon today: In the Performance Measures, change the phrase "permits information tracking system" to phrase "appropriate permits processing system".



NEW Permits Option.zip

There was some concern expressed about the one-time deduction – **Team still needs to address this.**

We still have yet to complete the items for:

- **QC/QA language**
- **Fence**
- **Traffic Incident Management**

- **Non-Permitted Signs**

Sprayberry took all submittals by the Members and drafted proposed new Option language:

- Discuss revised current Stormwater Pond options to (Thomas):



Pond Maint



Pond Maint &



Pond Maint &

Included, Inspection NOT Incl Inspection Included

The Team discussed and decided to revised the “Include” options by adding one sentence: “Any deduction resulting in failure to meet this performance measure will be assessed in addition to standard deductions for failure to meet permit requirements.” With this sentence, all on the SubCom approved the proposed language. The approved versions are in the attached ZIP file.



NEW Stormwater Options.zip

- Change Emergency Response item from a FATE 2 to a FATE 4. We do not need this language since it is already covered by Standard Scope (Sheplan).

Team agrees this Emergency response time language is not needed (already covered by Scope and Open Roads Policy).

- Revise current Highway Lighting option to (Connolly):



Highway Lighting
Included.xml

The SubCom spoke extensively about this proposal and developed and approved the language in the ZIP file below. Some key changes from the proposal is that Nav lights will remain a part of Bridge maintenance, creating a new option that excludes Nav lights from the outage Survey (while the other option includes nav light Survey), and the inclusion of a reference to FDOT-Owned metering points for lights that might be a bit off system.



NEW Hwy Lighting Options.zip

- Revise current Permits options to (Grace):



Permit Inspection
Only.xml



Permit Inspection &
Administration.xml

The SubCom did not have time to review the new Permits documents.

Although the SubCom Team approved the new language for all the above options (except Permits), all the above new Options will be sent to the SubCom Team today for a 2 week review.

It is desirable to have all the Options with new, approved language before within the next month. Further language solutions for other FATE 2 items will be sent to the SubCom Team for review over next few weeks.

UPDATE: New, improved language has been developed for Permits (developed further than what is attached above). This will be sent out within a week or so for review.

Mike will take lead to review these and bring comments to the Team. Send to team before next meeting and discuss at next meeting.

Several submittals received, including:



Re REMINDER -
Liaison Subcommittee
Grace



FW AM Liaison
Subcommittee Task-
Resubmittal:

Team discussed Permits and Lance has proposed standard language (he resent his proposal on 5/12/17). One tough consideration is do we use Statewide standard or can District have stricter standard.



RE MINUTES to
today's Subcommittee
Darsin



RE MINUTES to
today's Subcommittee
[Connolly](#)



RE MINUTES to
today's Subcommittee
[Sheplan](#)



RE MINUTES to
today's Subcommittee
[Thomas \(D3\)](#)



[Ducher info on mowing height](#)
RE Please
investigate.msg

Remaining item of business is development of standard option language for Fate 2s.

The team asked for volunteers to try to develop the standard, optional performance language for each of the Fate 2s. The volunteers, along with their assigned topic are show here:



Fate 2s Olny With
Task Volunteers.xlsx

You can find more details in the Word file attached a few paragrpahs below. That file has the original language that a District used in an AM Contract along with some SubCom notes on a few items.

All FATE 1s have been placed in Scope that was sent out for review (except the MRP one which will be located in the Options, yet still appear in all AM contracts). Mike met with Rudy and all FATE 4s kept their status as we will not be allowing these topics to be placed into AM Contracts.

Fate determinations were completed by this Team and have been presented to DMEs. Feedback from DMEs is shown below in Excel fill and will be discussed. We need to determine implementation plans and specifics to modifying language.



Review of All
Districts - Other Cor



AM Other Cont Req
FATES w DME input

Team, agrees exact wording from #8 MRP Points goes into scope. Other changes/note from original document are shown here:



Other Contractual
Requirements - FATE

ACTIVITY 7: Discuss proposed and desired changes to version 2.25 of the AMPER. Maintain list of changes (marked as proposed or accepted) here. This will stay on Agenda until AMPER 2.25 is published.

Over time **send edit suggestions to Jean and Mike.**

List of suggestions to be discussed:

1. Errors still seem too common in the MRP section. Attempt to make the MRP Section even less error-prone. Mike explained the idea of MRP Scorecard data archive plan to provide a data check when filling out an AMPER. This will be done in the version of AMPER after 2.2
2. Compliance Indicators for Guardrail Inspections and Maintenance, Crash Cushion Inspection and Maintenance and Sign Inspection and Maintenance sections (Critical Requirements on page 4 of 9) are set at 90% of reviewed items must meet requirements. The Scope is silent on this % thus it is 100%. The suggestion is to leave the % flexible in the AMPER so that Scopes could be written with different %.
[D2-Curls]

- Team Analysis: We recommend Scopes are all written the same with the 100% requirement. If a Scope was written with different requirement in the Other Contractual Requirements section, then instead of a flexible % in AMPER, the AMPER user should marking these as “N/A” and then using Section D) Project-Specific to evaluate those items at the Scope-defined %. The Team agreed that we don’t want the 90% in AMPER to be flexible. Should be standard in Scope & AMPER. – Team agreed resolved and no need to change, but see next bullet
 - HOWEVER, in AMPER the description of the 90% field QA to verify inspections needs to be rewritten to make clear that this is not the QAR we do internally on Districts (spot check random guardrail), instead this is a verification that the inspection reports were done correctly. This was not done in 2.2.
3. Some pointed out issue with duplication in Scope for deducts and duplication in AMPER for Non-Compliances.
- Analysis: Mike stated duplications should be ok as long as clear – they are a tool to put extra emphasis on particularly important items, or items Districts want to draw attention too. This could be a tool used in the User-Defined Performance Indicators too.
 - This pretty well handled with the change to AMPER already confirmed below – but still maybe consider a better way to say the concept of Procedure vital, AMPER-listed items very important, Tech Proposal claims very important. – still consider this for future
4. Under page 4 crash cushion inspection & maintenance, can we add a dead line for contractor to submit the completed inspection forms [D8-Barekat]
- plan to not change this 2.2 version – will wait on procedure change and then adjust for next time.
5. [D3-Toole] –Decisions identified in redline in this document.



AM CONTRACT or
AMPER DISCREPANCII

6. ...

Notes from previous meetings:

ACTIVITY 8: Discuss and analyze the concept of cost caps for Structures repairs on bridges. They already exist on movable, but not on fixed. All matters related to this will be on the table. Should we have a cap for fixed and how much? We need to be aware of the two different concepts of caps: 1) An insurance policy that we all hope is never reached or needed; 2) A target point that FDOT wants and tries to reach and that AMC expects and plans to reach and thus knows exactly what structures activities will ultimately cost.

See previous meeting notes. We discuss if a member will take over for Chris or if Chris will still handle.

John McPherson is taking the lead on figuring out what to do here. John will speak with Chris then industry and get back with us. Laura will remind him of this. They will discuss at their next industry meeting.

Notes from previous meetings:

Chris not available to update on the new SubSubTeam.

D7 volunteered Jim Jacobson. Laura Porter volunteers. Paul Staton volunteered. Maybe Jim Hannigan, if his time permits.

Chris volunteers to be on the new Sub-Sub Team. **Chris will gather the team. He will analyze and report next month on how many members he thinks is best and what sort of mix of folks.**

Lance volunteers someone from D7 on the team. Jim Hannigan volunteered for team. Paul Staton volunteered to be on team. Chris will have more info next week.

Maybe previous study team was too structures heavy and not enough AM Contract heavy. We obtained input from each member on if how we should address the concept of placing risk caps on fixed bridges:

Gorski: We should develop a Sub-Subcommittee – experts are need to discuss this topic

Michelle: We should develop a Sub-Subcommittee – experts needed

Lance: We should develop a Sub-Subcommittee – Lance volunteers someone from D7 on the team.

Chris: We should develop a Sub-Subcommittee – Chris volunteers to be on it!

Kelley: We should develop a Sub-Subcommittee

Mike: We should develop a Sub-Subcommittee

ACTIVITY 9 (Low Priority): Incentive for Open Roads policy/opening lanes faster/maybe lanes usage reports.

UPDATE: Mike sent followup questions to Sonya Daws. More study by legal says we likely cannot do this without some overcoming several hurdles, including a possible Statute change.

A few votes to go a bit further to see how difficult the obstacles will be. Let's check construction and RISC contracts incentive/disincentive language – they are based on timeliness but could help us craft something.

Mike will check back with legal to determine exact obstacles and we can discuss how to overcome.

Notes from previous meetings:

Got feedback from Legal: “The short answer is it appears you can do this. *As a threshold issue, the Department must determine and adequately document that the timely completion of the project will provide a substantial benefit to the public health, safety, or welfare; will limit the disruptive effect of construction on the community; or is cost beneficial on a revenue-producing project.* The incentive amount must be supported by an estimated cost of damages expected to be mitigated by early completion of the overall project or critical phase of work.” **Below is full e-mail response.**



FW Please have
legal expert review t

I explained that it appears the response was tied to time but we were asking for LOS. John suggests make sure attorney knows we are not talking constructing – it is PB Maintenance.

Mike sent the question to legal on 3/29/2018.

Group agreed Mike to send question language to Legal as edited below.

Still want to ask legal if we can do it, even if there may be resistance to actually implement.

From Liaison:

1. First step for pursuing incentives is to submit to idea FDOT legal
2. Once approved, ideas can be moved forward to implement
 - D2 – do not make efficiency an incentive as it is to the benefit of the contractor not the public



Incentive Liaison
1-5-18.docx

Jean presented some ideas for incentives in AM Contract. See attached document:

Let's comment on Bob's draft question:

"There are a limited number of asset characteristics where the Department would like to see extra effort and increased results on behalf of the Contractors, and the Department would like to provide minor financial incentives to the Contractors for this increased level of service, which would be in the best interest of the Department. Please confirm that you concur with us that the Department has the ability to follow through with this plan, the details of which will be overseen by the OOM."

Team decided to send this language as written to legal (Mike will send).

UPDATE: A suggestion sent after the meeting proposed slightly different language. Mike sent e-mail to the team asking for their comments on using this language instead:

"There are a limited number of asset characteristics where the Department desires to see extra effort by Asset Maintenance Contractors. The Department would like to provide financial incentives to the Contractors for such increased level of service which would ultimately be in the best interest of the Department. Please provide feedback at your earliest convenience as to the feasibility of pursuing such an incentive mechanism. Please also comment on any constraints/limitations that might be applicable to such a contractual provision as well as any challenges/hurdles associated with pursuing a future incentive provision. Details and administration of any future incentive provision will be overseen by the OOM."

Further discuss new idea below of high AMPER scores being used to determine a bonus/incentive:

Lance thinks tough to attach incentives to – maybe a bit to complex. Maybe a bit too subjective.

Mike to check with legal to see if allowable. Bob suggests to craft the question carefully. Maybe something like “We want to get better results, so...” Bob will draft a question and send to me.

Opens roads incentives were discussed again. Seems like good idea on surface but could be difficult to verify. Kelley says may be easy to verify on interstates, but maybe more difficult elsewhere. If using sunguide, it could work well on interstate. Chris says some performance contracts have reporting requirements as to when they arrive. We should check some of these to see how they work (E8-P98).

New idea!

Explore the possibility of high AMPER scores being used to determine a bonus/incentive structure for AM Contractors.

Watch out for possibility of an undeserved lower AMPER due to tight FDOT budget or we can't afford to pay for an awesome AMPER. E.g., would FDOT try to avoid giving a high AMPER so that they can use that bonus money to instead fund a different contract?

A possible hurdle could be the Subjective section 5 used as a part of the determination of bonus – maybe we should set up bonus that is determined only by combining Sections 1 thru 4 or maybe a different bonus for each Section 1 thru 4 individually. There is also the idea to not split our Section 5 and just use overall AMPER score.

The spin-off task to hold a sub-committee to discuss performance measures for bridges has been created as ACTIVITY 2. Maybe bridge performance measure could offer changes to incorporate incentives (This statement added to Activity 2, the PM of Bridges Activity).

Mark Thomas was originally selected to spearhead a sub-subcommittee to investigate the idea of performance measures for Sufficiency Ratings or Element Rating (or other rating) on bridges. Maria volunteers Aran to lead this assignment instead of Mark Thomas.

When this sub-sub gets going, OOM Bridge section wants Richard Kerr and John Clark invited to first meeting so they can then determine which of them will be best to become a member. Also, we would like Jim Jacobson in D7 to be on team as well as to provide valuable insight and info.

We will move this item into a new Activity Slot.

Contacts have begun. Maria spoke with Aran and he had some really good ideas how we could incentivize with periodic maintenance that can extend bridge life.

Some ideas from Liaison Mark suggests tying incentive to Sufficiency Ratings on bridges (a single number per structure). May be difficult because Functionally Obsolete is a factor. Or could even have some performance measure for each Rating of each Element of a bridge. Maria volunteered Aran Lessard to be a member of sub-sub. Several in industry spoke up to say they would help and it is a good idea.

Jose further suggested an incentive idea for when 5 year inspection timeframe is required, yet AMC does it in 2.

Some ideas from Liaison:

- 5% bonus for exceeding performance measures (Texas)
- Base incentives on results from QA/QC program
- Base incentives on data reflecting reduced crashes for completed projects

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Jose presented his paper on RISC for AM and gave a great summary. Maria indicated working great on Turnpike. Mark thought difficult to control this since FHP controls when we are allowed to clear lanes. Incentive must be large to even consider. Overall does not seem feasible, but will keep open for future ideas.

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Brainstorming Ideas:

- Apply to timeliness of Guardrail and anything safety that has a time factor.
- Maybe apply a better-than-minimum MRP bonus for just the safety items like striping, RPMs, guardrail.
- Apply for increased response times for incidents – RISK has incentives for Opening Roads.

ACTIVITY 10 (high priority): Sprayberry is to look through the AM Scope for performance measures that have per day deductions based on timeliness and convert to one-and-done deducts, or propose a change so that time is not counted for the period between when the Contractor claims work is complete and when the DOT discovers the work is not correct or

complete (currently the clock runs straight through from claimed completion to DOT discovery). We may not need a change in cases where contractor can control such risk by performing work promptly, early, or proactively.

Michelle and Todd met with Mike for preliminary review of some industry suggestions.

Todd will get with Michelle to keep this ball rolling. Will update status next month.

Michelle/Todd is to send to Paul & John for further refinement and consensus with industry. Then they can present their plan.

Get update of following assignments:

Industry members from the Group want to reconvene to further discuss their submittal.

Upon resubmittal from Industry, review independently first and discuss next meeting. Review should be focused on becoming familiar with the issue and thinking about solutions.

Notes from previous meetings:

Michelle submitted this file developed with Industry:



FDOT Per Day
Penalty Comments.d

Paul & Jose & Michelle reviewed this propose ideas to Industry. They discussed and realized they have not reach consensus or totally agreement. Thus, they are going to further discuss internally before releasing any position statements to FDOT. 90 days is target per Liaison meeting.

Michelle's update: Got some feedback from Industry. Planned conference called delayed due to storms. Should have that conference in the next two weeks.

After initial analysis, Industry's first draft left many "per day" items as is, but not all in Industry necessarily agree.

Here is the list of all "Per Day" deductions:



List of all 'Per Day'
Items in AM Scope.doc

Lance had great idea to maybe can leave the per-day concept for some items and instead add a maximum deduct amount.

Jose suggests we look at the "per occurrence/no time to cure" concept to see if it's fair.

ACTIVITY 11: Develop new process and language to address when AM Contractor wants to (or must) change AM Project Management personnel.

Plan to discuss with District at DME meeting on May 1. Some in industry feel no changes are needed while others from industry may feel that some clarification is needed.

UPDATE: This topic was pushed to the 6-5-2018 meeting.

Will be pushed again to August 7.

Notes from previous meetings:

Maybe we should have no new language, just require it be addressed at partnering meetings early on.

If Department is not getting personnel experience they want, the AMPER could be a good tool to reflect that.

There is concern that the Department takes some liability if they are involved in who gets hired.

From Liaison: Requirements to hold RFP-promised experience and skill levels or worker - or simply the right to approve or deny a new staff. (Maria/Kelley) [we can review Design-Build requirement - there is suggestion to keep it simple - something like "review and approve" and "cannot unreasonably prevent"]



RE Indian River AM
Contract - Comment

For bridge employees:

3. Low Priority Activities

Activity 12 is bumped to more important, so Team is to review and discuss next meeting. Morteza is to prepare a document to help guide our review.



Low-Priority
ACTIVITIES.docx

4. Roundtable / Open Discussion

Laura will check on minutes from Liaison.

John to contact Peter to ensure sent.

Notes from previous meetings:

- a) Discuss possible revamp of AM RFP calculation (the idea of normalizing Tech Score to match the fact that the prices are normalized)
 - o Industry supports exploration of the idea. **Daniel Porter volunteers to analyze and develop some models.** Daniel will present at next meeting.
- b) Discuss size of AM contracts - achieve a good mix of small/medium/large for the AM industry to thrive
 - o No time to discuss this item. **AMOTIA will handle internally. No action.**

Laura: Suggests a debriefing of complications and difficulties and successes of hurricane response.
Michelle will add at topic for Liaison next week.

D3 has a new perspective on the QA/QC and is performing a full rewrite. Should take a bit longer than expected.

Kim Toole [D3] reports D3 still working on QA/QC. Maybe a few months away from a document to review. After D3 submits, each SubCom member is to review the new QA/QC language. Michelle suggests a group gather who have experienced using the QA/QC program. Mark thinks maybe too many unknowns by D3 at this time. Mark wants to finish rewrite process before presenting/discussing with others.

Mark Garcia – D5 thinking of putting out a contract for MOT (regular and emergency response). Should it be performance based or work doc driven? Work doc would be tricky to handle midnight emergencies but would work well for scheduled needs. Maybe contract could be a hybrid. Other states are starting to look at hybrid contracts. AMOTIA is looking into hybrid and may have some input on this topic.

New Memorandum being developed concerning Public Records laws applying to FDOT Contractors. Instead of public going straight to Contractors, they must work through FDOT, then FDOT goes to Contractors.

Where do we stand on QA/QC? That was a Fate 2. Mark Thomas rewrite/improvement of QA/QC language – says language is written, but table still in works. Mark will send draft language to Team for comments.

Some have noted inaccuracies of published Future Project list. Make accuracy and completeness of this document very important. Mention at DME meeting.

1) **Next Subcommittee Meeting**

Next Subcommittee meeting will be August 31 at 9:30 am.

850-414-4971

PIN:268411

2) **Next Liaison Committee Meeting**

?? Likely link to AMOTIA meeting in October.

3) Next AMOTIA Meeting

October 1-3, 2018, Sarasota, FL

Registration is not open yet – Todd to let us know when reg opens.