

## Henry Fuller Task Team Discussion Topics

November 5<sup>th</sup> and 6<sup>th</sup>, 2015

### Topics:

Attendees: Amy Tootle, Pete Nissen, Jay Bureson, John Krause, Tim Ruelke, Gus Pego, John Coxwell, Albert Lopez, Iggy Halley, John Morris, Craig Elmore, JC Miseroy, Jeff Nelson, George Russell, George Roberts, Rammy Cone, Tom Byron, Carrie Stanbridge, Carolyn Gish, Bill Jones, Mike Horan, John Tyler, Phillip Gainer, Jim Warren, Bob Bureson, Gene Strickland, Tim Lattner, Eddie Greene, Bob Shafer, Jon Sands, Pete Kelley, Jamal Hassouneh, John Padavich, Brian Blanchard, Jim Boxold, Bob Pereira

1. Manholes that have to be lowered for milling and raised back to match FC. **(G. Roberts)**

Working on design standards. The Construction Office discussed this issue with Mr. Roberts and is in the process of developing a new standard for adjusting manholes. We are still working on several of the specific items but will have it completed soon. Discussed how the design standard will show paving adjusting the manhole after the structure course has been placed and placing a taper around the manhole until placement of the FC. The concrete collar supporting the adjusted manhole ring and cover does not show any need for rebar in the design standard. Industry expressed some concerns about paving to the rim with FC and potential affect this can have on ride quality.

2. Prepared Soil Layer – When is it used? Inconsistent among districts and engineers. **(M. Horan)**

Will only be required for landscaping projects. Won't be required for sod in coming contracts – PPM will be revised soon to account for this. This pay item is being eliminated once a pay item and specification for landscape soil is developed. References to "Prepared Soil Layer" will be removed from the Standards and Specifications with some of the Prepared Soil Layer language added to the Performance Turf Spec. Carolyn suggests that we discuss more with Maintenance over concerns with performance long term.

3. Plan Quantities – Eliminate (Please send any instances where plan quantity has affected us in a negative or positive manner) **(Horan)**

Too long a history with this to eliminate it now. What are the issues? Sod was example. Milling payment issue where the milling quantity was wrong. Discussed that plan quantity concept items works. As written in the specs, if a party, either the contractor or the FDOT, thinks there is an error in a plan quantity item, it is the responsibility of that party to provide evidence of the error to the other party. Also, an issue that the FDOT sees routinely is requests from contractors for payment of sod for areas disturbed by the contractor/subcontractors that were not intended to be. Those are the responsibility of the contractor to restore to acceptable condition. DCEs will discuss this and their upcoming meeting.

4. We are seeing plans for temporary asphalt areas with a complete design, i.e. stabilization, baserock, several inches of asphalt etc. Basically a design similar to the new road. I have always

been under the impression the contractor was allowed to make changes to this as long as they are responsible, and have an engineer approved signed and sealed alternative. This has happened but then the State wants money back for the change. Has something changed because this is the first time this has happened. **(Horan)**

Similar to question number 12. If the change resulted is a cost reduction, of course we'd be asking for money back. Discussed the use of the CSI process. Jon Sands gave example of issues in D1 was the sub to prime proposed change and prime didn't want to do forward with process. Time was pushing the issue. Carolyn brought up that Index 600 has removed all guidance for temp asphalt so this is an issue if design doesn't provide. Industry thoughts are that the temporary asphalt design should be provided by the FDOT. FDOT will look into providing just the minimum asphalt structural number and letting the contractor choose the asphalt they want for detours.

5. The survey/as-built requirements that have changed over the last couple of iterations are vague and leave much room for interpretation, confirmed by speaking with Surveyors on this topic. **(Horan)**

FDOT will review the specification requirements for as-built information requirements.

6. The Department seems to use plan quantity for sod – this never (in my experience) ends up favorable to the Contractor. The Department pounds us on restoration and stabilizing disturbed areas (which are inevitably larger than plan), then limits pay to plan quantity. Sometimes this item runs over by a very large percentage. **(Horan)**

The Department will always require restoration of areas damaged by the contractor during the performance of their work. Also, sometimes the turf is not maintained to establishment. Addressed in number 3 as well.

7. Does the use of sod take the place of Prepared soil Layer? Unless indicated otherwise on the plans? **(Horan)**

If have sod, shouldn't have need for prepared soil layer. Refer to discussion in item 2 above.

8. Ability to reduce the number of Trainees required for OJT. **(G. Strickland)**

In a way this has already taken place – the spec was changed to only require Trainees when the contract is \$2M and 275 days versus the previous requirement of \$1M and 225 days. We don't want to lose sight of the purpose of the program which is to train and develop women, minorities, and economically disadvantaged construction employees into journeyman level positions. The actual number of trainees required on a project is finalized at a **Post-Preconstruction Conference Training Evaluation Meeting** so there is some room to change the number of trainees given project specific work that is conducive to graduating trainees. The "Estimated Contract Amount" as it is used in the EEO Construction Contract Compliance Workbook is determined after the **elimination of non-trainable pay items**.

Contractors are being told they can come up with training opportunities with materials for trainee requirements. Can something be developed similar to the DBE program? Would submittal of payrolls suffice for work at materials supplier/manufacturer? FDOT will discuss with the EEO Office (Art Wright).

9. Workzones – speed limits, police enforcement, hireback **(Sadler)**

Several items related to Workzones are being looked into by FDOT. Those are:

- Look at FHP hireback contract requirements for scheduling use. Industry doesn't think this provides any value. FDOT disagrees and provided the data to support its view.
- Allowing MAS on non-limited access roadways
- Ability to pay officer's time for court appearances related to issuing tickets while off duty.
- Possibilities of hireback contracts with local law enforcement?
- What about posting the minimum ticket value on WZ signs.
- Look for data that shows the most crashes relative to speeds.
- Pilot some jobs with some changes. Get a team together.

Industry asking for stationary blue light at all night time lane closures and not just interstates. Also, asking to reduce speed limits in more workzones. Discussed that the data on reduced speed limits in workzones shows higher crashes because of speed differentials between those that try to comply with the posted speed limit and those that will drive the speed they feel comfortable. Industry also wants FDOT to require blue light at all lane closures. FDOT discussed that if this was changed and if availability of officers to provide blue lights was an issue, time would not be granted and the work could not be performed without the blue light.

FDOT has criteria it uses to determine which workzones need reduced speed limit – will review that further with Roadway Design. FDOT will continue to look for ways to improve workzone safety.

10. CTQP extension process update – level I quals for technicians meeting the thresholds can get auto extension. Trying/piloting with FDOT staff first to work out bugs. **(Sadler/Ruelke)**

FDOT and RedVector have been piloting the auto-requalification process and it will roll out in 2016. Also, SCO is working on converting several CTQP level 2 courses to CBTs.

11. Ticketless asphalt, e-Construction, digital signatures **(Sadler/Tootle)**

Amy provided and update on these topics: Project Solve moving forward, pilots working. Digital Signatures working. e-Construction website on FDOT Construction page. Ticketless asphalt – looking a ways to go paperless on this. Large number of spec changes related to going to e-Construction delivery in the pipeline.

12. Long story short, D1 is saying we cannot change MOT phasing or Temporary Typical Sections put in the plans by the EOR unless we are prepared to give the State back a credit. My understanding and argument has been; MOT and Temporary pavement has always been up to the Contractor at bid time. If we see a better/cheaper way to build a job in these two categories, we are free to make changes as long as we get an engineer to redesign and stamp new drawings. It is a low bid world. In the past we have not had to give a credit back. The credit was included in our low bid. **(Horan)**

Covered above in number 4.

13. I am in complete disagreement with “employed” being added. We have taken the time and gone to the expense to have a number of our people attend the classes and get their CTQP Pile Driving Inspector certification. On a recent DB project we were able to reduce the bid by using our in-house costs vs unit prices from the GFDEOR for inspection. When we use our own employee we are able to use that same employee for other tasks during the day (concrete testing, survey, erosion control, etc). I feel that the use of contractor employed inspector for pile driving should be no different than contractor employed inspector for taking densities or sampling concrete. Additionally, many of the firms that supply concrete inspectors also furnish pile driving inspectors. This specification revision would adversely affect their workload. This is a contractual arrangement between the Contractor and the GFDEOR and not something that should be dictated by the Department. **(forwarded by Bob)**.

FDOT will discuss in great detail at the upcoming FTBA Structures Specs meeting. Concerns arose from some projects where FDOT was there and witnessed mishandling of piling that resulted in damage to the piling. Worry is if this happens when FDOT representatives there, what goes on when FDOT not there.

14. Weather days during colder months **(Sadler/Ruelke)**

From CPAM, “If it is reasonable to conclude, based on the weather forecast, that there is little likelihood of productive work being accomplished on a controlling work item for 50% of that day, a time extension should be granted and the Contractor should not be expected to mobilize labor and equipment that day. Such determinations can be made in advance for a period no greater than a week.” Discussed what current language about granting time per specs and CPAM. Industry would like FDOT to base weather related granting of time on weather forecasts. CPAM already allows forecasts to be considered but not more than a week in advance.

15. Specification 108 for Monitoring Existing Structures **(Sadler)**

Discussed that the spec attempted to roll into a single spec all the requirements from the current specs that were disbursed elsewhere in the spec book. With exception of ground watering monitoring, all of the other requirements were located elsewhere in the specs.

16. Paving temperature ranges suggested by Industry (**Warren**)

	Daytime Paving							
	Minimum Ambient Air Temperature (-F)	Number of Days with High Temperature Above the Minimum.					Average Days	Average Days "Lost"
		Milton	Ponce De Leon	Marianna	Tallahassee	Monticello		
Proposed 1" Layers	≥ 45	358	357	359	363	358	359.0	6
Current 1" Layers	≥ 50	352	352	354	360	352	354.0	11
Proposed 1" Layers	≥ 55	344	337	346	353	342	344.4	21
Proposed >1" PG 76-22	≥ 40	359	360	363	363	363	361.6	3
Current >1" PG 76-22	≥ 45	358	357	359	363	358	359.0	6
Proposed >1" PG 76-22	≥ 50	352	352	354	360	352	354.0	11
Proposed >1" PG 67-22	≥ 35	361	363	363	365	364	363.2	2
Current >1" PG 67-22	≥ 40	359	360	363	363	363	361.6	3
Proposed >1" PG 67-22	≥ 45	358	357	359	363	358	359.0	6
Proposed FC-5	≥ 60	324	309	324	337	318	322.4	43
Current FC-5	≥ 65	295	276	296	315	283	293.0	72
Proposed FC-5	≥ 70	264	247	265	277	250	260.6	104
	Nighttime Paving							
	Minimum Ambient Air Temperature (-F)	Number of Days with Low Temperature Below the Minimum.					Average Days	Average Days "Lost"
		Milton	Ponce De Leon	Marianna	Tallahassee	Monticello		
Proposed 1" Layers	< 45	90	97	105	96	99	97.4	97
Current 1" Layers	< 50	130	135	135	128	124	130.4	130
Proposed 1" Layers	< 55	158	167	174	162	165	165.2	165
Proposed >1" PG 76-22	< 40	66	70	68	64	59	65.4	65
Current >1" PG 76-22	< 45	90	97	105	96	99	97.4	97
Proposed >1" PG 76-22	< 50	130	135	135	128	124	130.4	130
Proposed >1" PG 67-22	< 35	30	36	41	39	33	35.8	36
Current >1" PG 67-22	< 40	66	70	68	64	59	65.4	65
Proposed >1" PG 67-22	< 45	90	97	105	96	99	97.4	97
Proposed FC-5	< 60	193	196	195	192	193	193.8	194
Current FC-5	< 65	227	227	220	216	236	225.2	225
Proposed FC-5	< 70	257	286	262	262	279	269.2	269

Industry sees this as a quality issue and weather conditions and proximity to the asphalt plant. Discussed data from above that was provided by the SMO and the impact that changing the temperature ranges would have on available paving days. Industry sees this as 2 issues – quality of the pavement and time impacts due to weather days. When these issues were first presented to FDOT, it was stated to be a quality issue due to FDOT effectively “forcing” contractors to pave at the minimum allowable ambient temperatures and industry believes it could produce better quality if minimum temperatures were raised. When industry submitted its suggested spec revisions, it instead provided a temperature range that was effectively +/- 5 degrees of what is now the spec minimums.

17. Third party damage recovery (**Burleson**)

- a. Payment of repairs on active projects that have not been accepted by the FDOT. As a guardrail contractor, we are expected to repair any portion of guardrail that has been hit by a third party or motoring public within 48 hours per our contract documents. Whether or not the Prime Contractor qualifies for FDOT participation above \$2,000, reimbursement to the subcontractor runs 3-9 months; in our case, the guardrail material itself is the primary cost and usually paid for prior to performing the repairs while labor and other costs are incurred within 7 days of the repair. It is not unusual for a small guardrail subcontractor to perform well over 50 repairs annually. The repair requirements and payment process create an undue financial burden on the small subcontractors.

Issue industry has is with unknown 3<sup>rd</sup> party damage and the deductible amount. Industry has real issue with deductible. Says its impact to the small subs. Contractors have concern with issue traffic in temporary configuration close the guardrail and being responsible for the damages. Not a big deal for primes but it's usually guardrail subcontractor who gets penalized. It's a policy issue. Don't think it's fair to have a \$2000 deductible. Industry asked how the \$2000 deductible was derived by FDOT and information provided was it came from review of cases of damage that went through the FDOT Legal Office for recovery data and from discussions FDOT had with insurance companies when developing the payment process currently being used. Data showed deductibles averaged greater than the \$2000 figure. Asked industry how big a problem this is and did not get much in the way of feedback. This is similar to what FDOT has been seeing since this spec went into effect – FDOT seeing very few claims being made to FDOT for damages.

- b. Guardrail height tolerance is another issue. After completing a project the inspector will confirm the height of the guardrail from the asphalt mow strip, of which the asphalt has a height tolerance from 3/10 per foot to 2/10 per foot of 1% plus or minus either way. Guardrail has no height tolerance. Guardrail, being rigid, makes it impossible to meet the height tolerance requirements, the result of which means that at the end of the project, the asset management company and FDOT require adjustments to the guardrail height in certain areas which makes other areas within the length of a single 12.5' guardrail panel out of compliance....based on the disparity between tolerances in the mow strip without tolerances to the guardrail height, the requirements are impossible to meet. Usually, when the DOT has determined you wasted enough money on futility, they allow you to call "uncle."

Design Standards have no tolerances allowed presently. Tim Lattner informed the group that there is now an installation tolerance that will be showing up in new projects.

#### 18. Grouped Utility Pay Items (**Burleson, G. Russell**)

Efforts underway to restore individual pay items for utility work. Basically getting what was requested by industry.

#### 19. Attenuator Repairs. Can we revert back to the way repair cost use to be handled as the current process is an administrative nightmare? (**G. Russell**)

Industry says this spec's requirements are an administrative nightmare refers to subcontractors using products that are more disposable. Lattner has some maintenance data, also CalTrans data for SCI attenuators. Industry asked 1questions about asphalt pads and attenuators – why needed in south Florida in LR? Reason has to do with the way the product was crash tested. Plan is to keep this specification as is for the limited group of projects currently being applied to.

20. CEIPPR. Some CEI performance has become a job problem in obtaining timely RFI answers, Work Orders, and SA's so that we can obtain payment on extra work. What I would like to see is a standardized grading system that contractors can utilize monthly just the same as CPPR. The form can be a required submittal the same as certifications and the sole purpose of it is so the owner not only knows how the Contractor is performing but also is made aware as to how the CEI is performing. The form should track processing of work orders and SA's, field team positive involvement of the day to day operations, timely review and response of submittals and processing times of required design alteration to keep the project on track. **(G. Russell)**

If you're looking for FDOT to grade, we do. If you're looking for contractor to grade the CEI, FDOT has a survey that gets sent out at end of construction projects to contractors where contractors can provide feedback to the Department on that CEI's performance. Industry indicated that submittal reviews/approvals take too long as indicated by the comments below:

- Submittals and time it takes to respond, why not modify to "approved as noted." Time it takes for Work Orders to get processed – takes too long, no money authority, need to eliminate the backup paperwork. Need something in the specs that ...

e-Construction will improve this with the work-flows processes or at least identify where the delay is since the transmittal and approval processes will be more transparent in the paperless process. Discussed SA/WO backup. Thinks the WO process has evolved to be the same as SA and the backup requirements same. Submittal review times and second review times, 45 days each time is excessive so will look at timeframes.

DCEs discussed the steps they're taking to move issues along, prioritize submittals, etc. Discussed that Surveys to contractors are sent with Offer of Final Payment for each contract. D4 sends the separately from Offer of Final Payment.

Set up the Contractor survey in Survey Monkey that can tabulates.

21. FDOT additional plan review prior to letting no excuse bonus projects (Repeat from 2014 with a slight modification). It is common now for FDOT projects in either high traffic areas or projects that have political pressure to have an early completion bonus. The bonus specification is written in a fashion that puts the full burden of completing the project in the contract bonus incentive time restrictions entirely on the Contractor. We agree it is the Contractors responsibility to but believe it is also FDOT's responsibility to not let projects with known issues that are not apparent at bid time to contractors. In addition, utility issues continue to plague project completion without any contractor control or Department control over them either. **(G. Russell)**

The NEB job specs have allowances for impacts. FDOT strives for the things stated above. Paragraph 3 of the NEB or I/D specs address what is to be expected of the industry (they don't expect to see the utility work not to have begun). Review language from that perspective of what is anticipated.



22. CERTIFICATION OF SUBLET WORK IF ANY PAY ITEM FOR THE SUBLET IS A PARTIAL SUBLET

ISSUE 1: When you enter “P” on the line of the Certification of Sublet Work due to one or more of the pay item(s) sublet being partial, is the Contractor required to identify which specific pay item(s) are partial on the Schedule “A” even though “P” was entered on the Certification of Sublet per the Form Instructions?

BACKGROUND: If one or more pay items are marked partial in the actual subcontract, but not all pay items in the actual subcontract are marked partial, which also serves as our Schedule “A” when submitting a Certification of Sublet Work, the Engineer will only enter the unit price for pay item(s) in the actual subcontract marked partial and enter the actual contract unit price for all other pay items in the actual subcontract not marked partial. As a result, when the Engineer uses actual contract prices when entering amounts into Site Manager in lieu of the actual subcontract unit price, the Contractor’s own work amount performed not being less than 40% of the total Contract Amount is affected. However, if you only enter “P” on the line of the Certification of Sublet Work and exclude the marking of any item as partial in the Schedule “A”, the Engineer will enter the actual subcontract unit price for all items with the exception of the following.

Subcontract unit price greater than the actual contract unit price.

Negative subcontract unit price.

ISSUE 2: If you enter “P” on the line of the Certification of Sublet Work that includes a partial sublet pay item with a negative amount in the actual subcontract, Site Manager will not allow the Engineer to enter a negative amount, even though the instructions for the Certification of Sublet Form states, ... “For partial sublets, use the unit prices from the actual sub-contract.” As a result, the Engineer cannot approve the Certification of Sublet Work as submitted due to Site Manager entry constraints, even though all the criteria for completing an acceptable Sublet were met.

BACKGROUND: This has occurred in the past when the Contractor agrees to purchase material for the Subcontractor, whereby creating a sub-item of the partial sublet mobilization pay item within the actual subcontract in lieu of decreasing the unit price of each applicable pay item in the actual subcontract to account for the cost of materials being purchased by the Contractor. Again, since Site Manager will not allow a negative entry, the Engineer cannot approve the Certification of Sublet Work, even though the Certification of Sublet Work Form Instructions were followed. As a result, the cost of the materials purchased by the Contractor does not count towards the percent of the total Contract amount performed. **(G. Russell)**

Russell Engineering will contact Zach Wiginton to discuss this.

23. Phase HMA rubber/polymer use to a market driven approach – by Jan 2017 **(T. Byron)**

Troubles with supply have led to memos to address so FDOT moving to market driven approach. Discussions with crumb rubber producers etc. led to this item. ACAF concerns with putting out



another year doesn't help the current supply issues and the same equipment being used regardless of the type HMA PG. ACAF thinks there are enough projects in the pipeline that could consume the current levels of rubber so would like us to stop using except for those jobs. Suppliers making rubber are also making polymer so affecting both types since producing one type not available to produce the other. Can we determine how many tons of asphalt is in the pipeline. FDOT would like industry to work with producers to work out these problems. Only one producer has invested in infrastructure to produce rubber. Problems with handling ARB, tanks and residual rubber left in tanks after discharge of the rubber – when load with polymer have now contaminated the polymer. Logistical nightmares with use such as hauler having to switch back and forth from rubber to polymer and ruining their trucks, residual rubber left in tanks. Other uses? Replacement for miscellaneous asphalt? Would switching back to ARB-5 or ARB-12 to consume the crumb rubber?

**"We were green before green was green!!"** as stated by Jim Warren

Would FDOT consider revising the \$10/ton credit in the memo? No. FDOT will still target Jan 2017 spec date but will consider beginning FY17/18 as an option.

24. Spec 104 – Developmental Spec for Sediment & Erosion Control **(Sadler)**

Will stay status quo with this developmental spec.

25. ATC: During meetings with other agencies (ie Water Management Districts), it's been suggested that an FDOT Rep should be present at the meetings. Is this really what the Department wants? Will someone be available on the Contractor's schedule? Does this open up the potential of releasing contractor's ATC ideas? **(Burleson)**

After discussion, FDOT will not be participating in these meetings since they are between the DB team and other agencies and there could be a risk of exposing someone's ideas.

26. Design-Build Addendum Process: The Department continues to issue Addendum after the Contractors have submitted their Technical Proposals. This will continue to be a problem, for numerous reasons, for the contractors. Once the TPs are submitted, changes should come as SAs to the successful bidder. **(Burleson)**

We work to try not to issue addenda after TP have been submitted but will make that decision on a case by case basis. Addenda that materially change the project seem to be playing games with the process, affecting the outcome. FDOT will discuss in more detail with the Alternative Contracting Task Team and Steering Committee.

27. Start Dates: Several Districts have renewed their enthusiastic stance of starting jobs 15 days after NTP. There have been comments such as "if you can't start in 15 days, don't bid it." Is this Tallahassee's stance too? Are there reasons to extend the start date? Should there be more flexibility? **(Burleson)**

Issue is about letting a job on a schedule and expecting it to be delivered. It's about commitments made and be delivered. For jobs FDOT intends to have delayed start, we'll include a Procurement period or delayed start in the contract. Otherwise, we expect the projects to get built on the schedule. Perception of doing what you say you will as the Agency. If it is in the best interest of the Department, we'll consider it. Any requests for consideration would be submitted to the DCE.

28. Soils Reports: FDOT, when taking soil samples and providing soils reports, used to include the LBR value for each sample. That no longer appears to be a standard procedure. Why? We want those LBR values too. **(Burleson)**

Tim Ruelke addressed the group. Reason they're not provided anymore is because FDOT has transitions from an LBR design to a resilient modulus design so this is not needed for FDOT purposes. Tim asked how many needed this since to add back in it would be a significant cost for the FDOT? Contractors say that the typical sections show LBR values and boring data sheets show the number of tests taken, not the results.

29. Spec 160-2.2 Local Material Spec (Stabilization): There's no process for importing a blended material, blending that material with in situ subgrade, testing, and then mixing full depth. This has caused severe delays on a controlling item of work while being addressed/processed by the District's Materials Office. **(Burleson)**

Tim Ruelke discussed that the spec addresses the blending requirements and what has to be tested. Tim will add this to the scenarios of performance based testing.

30. **Fuel Consumption for pay adjustment** – I'm not sure when the fuel consumption factors were adjusted, but I would like to review this and see if the factors need to be refined. **(by Burleson)**

Discussed that the fuel factors were reviewed and updated in 2008. Industry asked FDOT to evaluate them back then because they had been in effect since inception of the index in the early 80's. FDOT hired Jacobs to review and update and Jacobs hired 3 retired contractors to review all fuel factors and update to reflect more current fuel consumption and usage. FDOT rolled these factors into the specs for all jobs in 2013 after FDOT had vetted the new factors.

31. **Special event/holiday work restrictions** – Across multiple districts, the non-work days for special events and holidays are applied inconsistently. The one-size fits all approach to general non-work days in a district or area do not work. For example, a firm should be allowed to work on Veteran's Day almost all the time as long as the work does not affect parade routes, etc... Our operators and tradesmen are hourly employees and do not get paid for these days. By not allowing work in areas that do not affect traffic unfairly penalizes workers that our industry sorely needs. **(by Burleson)**

Contractors can request to work on event/holidays subject to not affecting traffic and the decision rests with FDOT. Except for major holidays, will FDOT consider allowing contractors to work without request on event days unless directed not to work by the contract or Engineer?

Probably not since FDOT makes commitments to locals not to affect their events. We coordinate and try best not to impact these.

32. **Temporary Pavement Thickness** – FDOT should specify the pavement thickness for temporary pavement on all projects. By leaving it open, it creates a scenario where a firm could bid a pavement thickness that is inadequate to gain a competitive advantage. Once under construction this inadequate pavement thickness is likely to fail and create issues with safety for the travelling public, especially on Interstate and other high speed, limited access facilities. **(by Burleson)**

This appears opposite to number 4 that said we're including full designs. Addressed with item numbers 4 and 12.

33. Paint striping reflectivity, multiple coats **(lggy)**

FDOT is going to thermoplastic on its construction jobs 14 days after the temp paint applied. Iggy discussed what he is finding on paint not meeting reflectivity on open graded FC. Since FDOT is going to thermoplastic on construction projects, paint reflectivity durability should be less of an issue if it meets reflectivity requirements initially because thermoplastic will be placed within a few weeks of paint stripe placement. Industry asked if on existing contracts now, can we do a zero dollar spec change? This would take a spec change since jobs currently have 710 spec for paint and would need 711 spec for thermoplastic. FDOT will consider whether or not to allow.

34. Utility delays- What can be done? Contractor has no leverage over utilities. What leverage does FDOT have and will they use it. Utilities submit a schedule and then do not come close to meeting that schedule. **(Burleson)**

FDOT leverage discussion. Discussed at FTBA convention and utilities not getting out of the way according their schedules. What leverage does FDOT have? Purpose for bringing it up is that it is not as simple as saying it's the contractors responsibility. FDOT needs to be in the meetings to try to facilitate resolution and making it clear to the utility that if FDOT receives claims/extra costs will be pursued against the utility.

FDOT needs to work with utilities on this – utility work by highway contractors, participate in meetings with utilities. There is language in CPAM addressing how FDOT can go after a utility for failing to perform if it impacts the construction of a project – involves legal office. Will also review the DB Boilerplate specs 7-11.5 for possible changes.

Industry informed FDOT that utilities won't execute agreements with DB firms which is impacting projects. FDOT will work on this issue at the Central Office level and will involve Trey Tillander in this discussion.

35. Design Build utility specification. How is the current specification working? **(Burleson)**

Discussed language from the RFP. Contractors saying working better. No apparent issues. Industry asked to be able to do relocation works directly – consider this as a condition of the

permit approval – discuss with Trey. It was suggested that FDOT include language in its permits allowing the utility first right to relocate and if the utility can't within the allowable schedule, the Department through its contractor can relocate the lines and charge the utility.

36. New proposed spec about Railroads – contractor's responsibilities about complying with "whatever" requirements RR have **(Burleson)**

FDOT will review this proposed spec change to add clarity.

37. CSIs and credits on DB projects **(Morris)**

John discussed the issues that they're having with changes on DB jobs. Issues he described related to changes from 60% to RFC plans. The comparison should be to the Technical Proposal submittal. Gave example of 224 cy of reduced excavation. Interpretations by CEIs are too rigid. Suggested following a 5% or \$5000 process for LS items. FDOT agrees it should be tied to the Technical Proposal as that is what was provided as part of the selection process that resulted in winning the project (the book of promises). FDOT has worked with industry for the past couple years to reduce the level of detail provided in Technical Proposals but some contractors will still show significant level of details so FDOT expects that to be built.

38. Differing Site Conditions and unforeseen work on DB Projects **(Morris)**

John discussed the challenges they are having with the division 1 specs for differing site conditions. What is reasonable level of investigation that should be done prior to submitted bid? The expectation of the Department is that the DB firm do its own site investigation into any/all information available about the site. FDOT knows that teams form early, sometimes years before a project advertisement, to start reviewing information for a project. There is a shift of responsibility to the DB firm for differing site conditions and it is expected that the DB firm include in its bid the perceived level of risk.

39. Asphalt warranty specs **(Morris)**

John says seems like in some districts it is becoming like a maintenance contract. Some districts appear to be doing more than an annual inspection and are bringing things up under the asphalt warranty specs. Informed group that FDOT will alert DBE and/or District Warranty Coordinator if something is observed on a project site, regardless of how it coincides with the annual inspection schedule – drive through issues that are observed. Advised DCEs to make sure that when pavement issues are brought up to the DBE before the District Warranty Coordinator alerts contractors. D5 thinks his group takes a more conservative approach and probably waits longer than should before notifying contractors. Jim Warren asked what Statistics are available on the tonnage or amount of jobs of have warranty issues brought up? Ruelke will look up. Horan asked about bleeding spec requirements – 338 spec addressed.

40. Damage recovery spec and extending work hours **(Burleson)**

Damage recovery spec – Can we develop reasonable language to address that folks are not willfully staying on the roadway beyond the allowed lane closure times? Industry doesn't consider an equipment breakdown as willfully staying in the lane – FDOT's view is that the

motorists are still impacted, whether willful or unintentional, which is what FDOT is trying to minimize. Can a range of cost impacts (graduated scale) be developed for damage recovery? Industry discussed equipment breakdowns. DCEs asked to be alerted if someone is taking a firm/rigid position. What about the DCEs or OEs being the ones to issue a damage recovery assessment? Some districts already are doing this. Some have been rescinded, others were upheld. Have to look at the changes for lane closure times relative to the statutory limitations on liability if following the TCP.

Also, is there a way to increase the amount of time allowed to close lanes? The requirements are sometimes set the same for both directions even though a particular direction doesn't need to be restricted – FDOT has looked at this and made adjustments if warranted.

Time allowed in work windows are a challenge. Some contractors have done their own traffic counts and FDOT has accepted. Normal level of service during lane closures is level of service C, could it be level of service D? Industry ask is for increasing the allowable work windows on construction projects. FDOT will review is lane closure time process – Tim Lattner will take lead.

#### 41. Work Order Backup Redux (**Burleson**)

Industry asking for FDOT to require less backup to support a change or claim. FDOT requirements have been derived over the years based on audit requirement for backup to support. What if anything can be done to either get the backup faster or reducing the requirements? Often the challenge is getting the backup from the subs. Primes having challenges with getting backup from the subs. By spec if you ask for additional money you are required to certify. Backup data is required to defend changes to the auditors. Gene brought up that work orders supposed to be simpler but that they can't go to work until agree on price. FDOT can't evaluate the price until contractor provides backup. The work order contingency was set up to have funds already encumbered so speed things up but doesn't preclude backup.

New issues:

Why can't the CEI have a trainee that contributes to the OJT program? We can look at this. Don't think this can be applied to contractor OJT.

Horan example of milling/resurfacing that left a small amount of the existing mix left that when overlaid with new mix that later fails by shoving/slippage. District paying to correct but wondering if FDOT doing enough forensics. Yes, but occasionally this will happen. Suggests that this should be a prepping discussion about how scabbing areas will be handled should they be encountered.

Horan design issue. Part of the job was designed with polymer, rest was not. The part that is not polymer is having problems with the work before the job finished. Job has some as traffic level B and other part that is not failing is TL D. Failure is shoving. The locations are two separate jobs with different designers. Bill Jones brought up that they're seeing different designers are calling for different TLs in the same corridors so they are having someone oversee the entire corridor for consistency.

Tim Ruelke provided an update of the MAC rollout.

- Supposed to be finished December and really testing features
- Need finished components before get out training

