



Florida Department of Transportation

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ANANTH PRASAD
SECRETARY

STRUCTURES DESIGN BULLETIN 13-02

ROADWAY DESIGN BULLETIN 13-03

TRAFFIC OPERATIONS BULLETIN 01-13

DCE MEMORANDUM 02-13

(FHWA Approved: 3/20/13)

This Memo Has Expired

DATE: March 21, 2013

TO: District Directors of Operations, District Directors of Production, District Design Engineers, District Construction Engineers, District Geotechnical Engineers, District Structures Design Engineers, District Maintenance Engineers, District Structures Maintenance Engineers, District Consultant Management Engineers, District Traffic Operations Engineers

FROM: Robert V. Robertson, P.E., State Structures Design Engineer
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SUBJECT: Direction to Design-Build and Public-Private-Partnership Project Phase Reviewers
Modifications to the Electronic Review Comment System (ERC)

The following direction applies to all discipline phase reviewers performing Component Plan Reviews on Design-Build and Public-Private-Partnership projects.

REQUIREMENTS

Separate component plan review comments into categories which consist of comments that **do** and comments that **do not** refer to direct violations of the Contract as follows.

- **Comments that do refer to direct violations of the Contract require a written response by the Design-Build Firm or Concessionaire.** Where possible, the reviewer is expected to include

the specific contract reference or requirement that is being violated. Examples may include, but are not limited to:

- an AASHTO provision that is being violated;
- a Governing Regulation, e.g. *Plans Preparation Manual (PPM)*, *Structures Design Guidelines (SDG)*, requirement that is being violated;
- a Technical Proposal commitment that is not being met;
- a Request For Proposal (RFP) requirement that is being omitted or violated;
- omission in the plans or calculations;
- inconsistencies between the plans and calculations;
- an environmental commitment or permit commitment that is not being met.

Example Comment: The vertical curve length does not meet the minimum requirements of PPM, Volume 1, Table 2.8.5.

In this example, a requirement from the PPM is being violated. The plans must be corrected to address this situation and a written response from the Design-Build Firm or Concessionaire is required.

Example Comment: Calculations are consistent with two phased post-tensioning of the pier cap, but the plans indicate post-tensioning in a single phase. Update plans to be consistent with the calculations so that cap will not be overstressed in the unloaded condition.

In this example, the intent of the comment is to alert the Design-Build Firm or Concessionaire of an inconsistency between the calculations and the plans that would result in the pier cap being overstressed. The plans must be corrected to address this situation and a written response from the Design-Build Firm is required.

- **Comments that do not refer to direct violations of the Contract do not require a written response by the Design-Build Firm or Concessionaire.** At the end of each comment state that the comment is for information only and a written response is not required.

Example Comment: The plans as submitted depict a land pier located very close to the shoreline of a major body of water and steel sheet piling is not shown along the water face of the footing. Ensure that the footing can be constructed in the dry per the requirements of the Specifications. This comment is for information only. A written response is not required.

In this example, the intent of the comment is to ensure that the footing concrete is placed in the dry per the Specifications. No matter what action the Design-Build Firm or Concessionaire takes in response to the comment, the Specification requirements still have to be met; the reviewer is putting the Design-Build Firm or Concessionaire on notice.

COMMENTARY

In keeping with Design-Build philosophy, component plan reviewers should primarily review Design-Build and Public-Private-Partnership project plan submittals for compliance with contract requirements. However, this new policy acknowledges that non-contractual comments submitted “for information only” can also provide valuable feedback to the Design-Build Firm or Concessionaire. The purpose of this bulletin is to allow a formal process for submitting both types of comments within the limitations of the contract.

Whereas the effort required to list specific contract violation references where possible is more difficult, for comments requiring written responses, this new policy provides the following significant benefits:

- better clarifies the deficiency that needs to be corrected,
- avoids arbitrary comments and comments related to reviewer preferences which have to be responded to and are typically difficult to resolve,
- results in a more concise, focused review,
- also this new policy should result in improved RFP language and Governing Regulation, e.g. PPM, SDG, language over time.

BACKGROUND

Historically, the Department has not provided formal phase review guidance on Design-Build, Public-Private-Partnership or Design-Bid-Build projects. Comments vary greatly depending on reviewer, discipline, district and office for both project types. It is generally agreed that comments on Design-Build and Public-Private-Partnership projects should be different than those on Design-Bid-Build projects, but there has been no uniform way of separating comments related to contractual requirements from non-contractual ones. This bulletin and the planned revisions to Electronic Review Comment System (ERC) address this lack of guidance.

IMPLEMENTATION

These requirements are effective immediately.

A new version of the ERC will be developed but at this time the actual implementation date is unknown. This new ERC version will include the following two additional Design-Build / Non-Conventional project related columns:

Specific Contract Requirement or Technical Proposal Commitment Being Violated	Response Required?
	<input type="checkbox"/> yes
	<input type="checkbox"/> no

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In this new ERC version, when a reference is included in the violation column, the "yes" box will automatically be checked in the response column. Component plan reviewers will be expected to check the appropriate box for all comments that do not include a reference in the violation column. Either the "yes" or "no" box will have to be checked before the comment is accepted by ERC.

It is important to emphasize that for reviews performed prior to the release of the new ERC system, each comment should include the violation source and state that a response is required or state for information only and no response required.

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