

## DCE Memo 06-18 - Q&A

1. Does this apply to Design Build and Lump Sum Projects?
  - a. Yes.
  
2. Is this memo retroactive?
  - a. No. This will **not** apply to work previously completed on active construction contracts. It only applies to remaining work, on active construction contracts, which meets the new condition six.
  
3. How do we add this item to contracts?
  - a. For active construction contracts, let prior to April 2018 **and** which meet the new condition six:
    - i. Look to see if the active contract already has Pay Item 102-14 Traffic Control Officer - per hour within the contract.
      - Yes - This rate and pay item should be used compensate the contractor.
      - No - Use the statewide average rate for the period six months prior to the letting date of your contract and use Pay Item 102-14 Traffic Control Officer - per hour.
  
    - ii. For Active Design Build and Lump Sum contracts
      - Use the statewide average rate for the period six months prior to the letting date of your contract and use Pay Item 102-14 Traffic Control Officer - per hour
  
  - b. For projects let April 2018 and beyond:
    - i. Contract Specifications shall include the new 102-7 language
    - ii. Payment for the new sixth condition will be included in Pay Item No: 102-1- Maintenance of Traffic - lump sum
  
4. If the contractor can't get an officer out on the project, do they get a non-compensable day?
  - a. No. Per the Specification, "The Department **will not** consider **any** claim arising from the failure of a traffic control officer to be present or available on a project."
  - b. The only exception for a non-compensable time extension "**may be** granted when a state or local emergency requires **all** area law enforcement officers to be on-duty and not available for hire."

5. Will FDOT pay for a traffic control officer, if the contractor elects to use a traffic control officer (TCO) for uses other than one of the six conditions?
  - a. No.
  
6. The new specification references "Standard Plans, Index 102-619 etc" but our active construction contracts are using the Design Standard Indexes. Are we expected to incorporate the new "Standard Plans" into the active contracts as well?
  - a. No. The Roadway Design Office has an Index Crosswalk which helps to toggle between Design Standard Index and Standard Plan Index.  
<http://www.fdot.gov/design/StandardPlans/current/crosswalk.pdf>
  
7. The contractor is choosing not to sign the Supplemental Agreement. What do we do?
  - a. The specification will not get added to the contract and the contractor will not receive payment from FDOT if they use traffic control officers for the sixth condition.