Florida Department of Transportation

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ANANTH PRASAD, P.E.
SECRETARY

ENGINEERING AND OPERATIONS MEMORANDUM 13-1

DATE: March 14, 2013

FROM: Brian Blanchard, P.E. Assistant Secretary for Engineering and Operations

TO: District Secretaries, District Directors

COPIES: Brian Peters, Tom Byron, Duane Brautigam, David Sadler, Tim Lattner, Lisa Saliba, Rudy Powell, Trey Tillander, Bob Crim, Jeff Caster

SUBJECT: Programming and Funding for Landscape Construction and Establishment Contracts

BACKGROUND

Subsection 334.044(26) F.S. requires allocation of 1.5% of the amount contracted for construction by the Department for purchase and installation of plant material. FDOT is a major investor in landscape design, construction, maintenance goods, and services which enhance the environmental benefits of roadways. Each district's participation is needed to ensure the success of this investment, intended to attract and grow business in Florida. Additionally, citizens expect public agencies to use funding wisely, which includes ensuring *every* landscape project is installed and maintained successfully.

The executive team is establishing a new policy to program all landscape construction projects. Landscape projects will be programmed as stand-alone projects using maintenance contracts. This will allow landscape contracts to remain open throughout the plant establishment period and is expected to improve the Department's ability to enforce contract deliverables throughout the entire establishment period. The cost of maintaining the plants during the establishment period can be incorporated as part of the capital cost of the plant material and will function as a warranty against loss.

REQUIREMENTS and IMPLEMENTATION

Effective with all Project Lettings which occur on or after July 1, 2013, (including Design-Build[1] projects upon which Bid Price Proposals are scheduled to be received on or after July 1, 2013), landscape projects will be let separately from roadway construction projects. Districts will have until the April 4, 2013 snapshot to make programming changes to FY 2013-14 projects for submission to the legislature. During the development of the upcoming Tentative Work Program, **landscape projects will be programmed as stand-alone projects for all fiscal years.** The landscape project will be scheduled immediately following roadway construction, or as a stand-alone project where the Department is not actively doing a construction project.

Work Program Instructions, Part III Chapter 16, Highway Beautification will be amended to provide necessary direction.

Dependant Stand-alone Landscaping Projects
Landscaping associated with a roadway construction project will be programmed as a stand-alone landscape project in the year in which construction is anticipated for completion. Landscape installations totaling the lesser of $100,000 or 10% of the construction cost may continue to be included in a construction project as incidental landscape work.

Independent Stand-alone Landscaping Projects
Landscaping not associated with a construction project will be programmed in the year in which the landscape project is ready for production.

Use of Maintenance Contracts
Districts will use maintenance contracts for stand-alone landscaping projects which include contract terms establishing an installation period of predetermined duration and defined milestones for an establishment period of three years. No more than 60 percent of the contract amount will be paid prior to the start of the establishment period with monthly or quarterly draws to the contractor only upon satisfactory performance. The landscape installation specification will be amended to reflect this change and any necessary changes for federal-aid participation in landscape installations.

The following tables describe the appropriate funding sources for landscaping projects both on and off the State Highway System, and a listing of exceptions which apply to the use of these stand-alone landscaping contracts:

[1] The Design-Build Stipend Agreements that have already been executed by the Design Build Firms will not require modification due to the removal of the landscaping from the scope of work and the corresponding reduction in total estimated construction costs.

Type of stand-alone landscaping project	Related to another transportation improvement?	On or Off SHS	Type of Funding
A component of another transportation improvement, on SHS	Yes Dependent	On SHS	State funds or Federal funds (See NOTE below)
Not related to, nor a component of, any recently completed (or nearing completion) transportation improvement	No relation Independent	On SHS	State funds only
Not related to, nor a component of, any recently completed (or nearing completion) transportation improvement	No relation Independent	Off SHS	Local funds only (FDOT not involved in project)
NOTE REGARDING USE OF FEDERAL FUNDS: - Contract specifications cannot include Florida preference for plant material. - Landscaping contract will be included in the same Federal Aid Project No. as the construction contract. - Federal Aid Project Authorization will be modified to authorize landscaping costs immediately before advertisement of the landscaping contract. - Notice to Proceed must be issued within 6 months following the final billing on the construction contract.			

Exceptions to letting landscaping as a separate contract from the roadway construction contract:	Comments	Require State Landscape Architect review and approval by Assist. Secretary for E&O?
Landscaping as a component of a Local Agency (LAP) construction project	Continue to include as pay item in construction contract	No
Landscaping as a component of a project off the State Highway System (but not a LAP project)	Continue to include as pay item in construction contract	No
Construction projects where the landscaping component is under $100,000 or 10% of the construction costs, whichever is lower	Continue to include as pay item in construction contract	No
Landscaping for the purpose of screening properties from the roadway after existing material has been removed	Continue to include as pay item in construction contract	Yes
Landscaping on construction projects which are resurfacing existing lanes	Landscaping costs cannot be included either as pay items in the construction contract, or as a separate contract, unless approved as an exception.	Yes

Establishment period on stand-alone projects less than three years	Establishment periods of less than three years included in the stand-alone maintenance contracts , unless approved as an exception.	Yes

The **District Landscape Architect is to be involved** throughout all phases of landscape projects. Early and frequent involvement of the District Landscape Architect during roadway *and* landscape design, construction and maintenance is necessary to fully comply with the Department Environmental Policy and Highway Beautification Policy.

If you have questions, do not hesitate to contact Jeff Caster by phone at (850) 414-5267, or by email at jeff.caster@dot.state.fl.us.