


June 19 - 20, 2025
Hollywood, FL




**TRANSPORTATION
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Errors and Omissions / Lessons Learned


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Transportation Symposium Website



SCAN ME

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Presentation Outline

Errors & Omissions. Procedure. Form 375-020-010



- ✓Errors & Omissions Procedure
- ✓Timeline of Events
- ✓Examples from D6 and D4
- ✓Best Practices

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What is Errors and Omissions?



Errors and Omissions (E&O):

Acts of negligence committed by the EOR in the performance of engineering design service or creative work, and acts of negligence committed by CEI in the performance of construction engineering & inspection services.

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What is Premium Costs?



Premium = Dollar Amounts paid for Non-Value-Added work

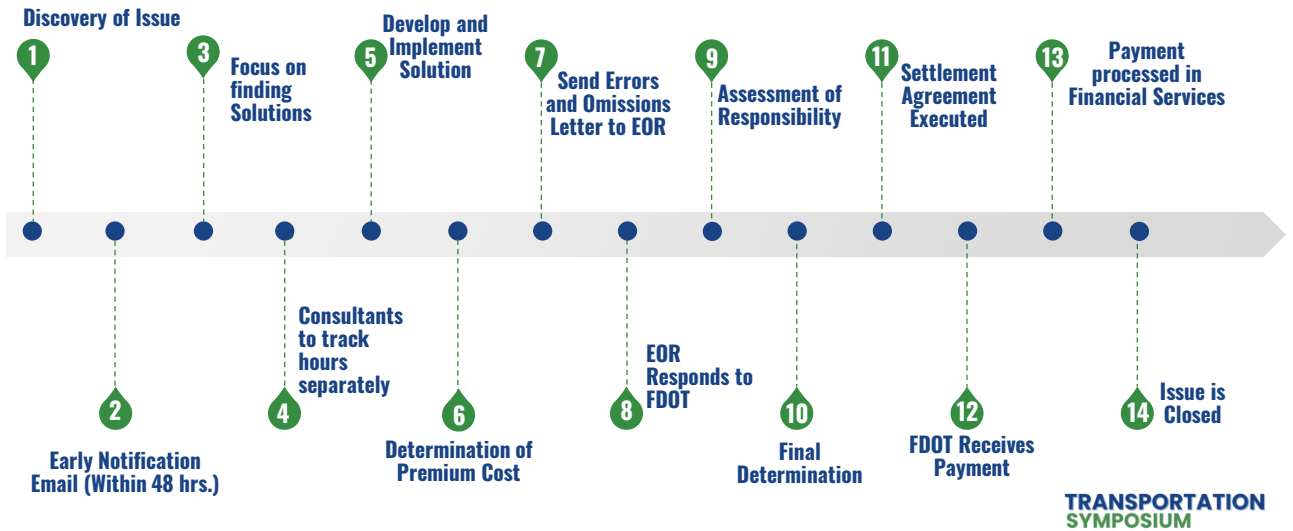
- Delays
- Inefficiencies
- Rework.
- Extra work.

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Timeline of Events



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Discovery in the field



- ☒ Issue is discovered in the field
- ☒ Notification is sent to the EOR to give opportunity to minimize costs (within 48 hours)
- ☒ EOR tracks time spent on providing solutions separately
- ☐ Can not invoice time spent on fixing an error

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Assessment



- ✓ CEI / Construction Manager determines if error and omission and calculates premium costs
- ✓ Design Project Manager evaluates potential liability
- ✓ Review plans and specification
- ✓ Seek input from District Design Engineer, experts and Legal Counsel if needed

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Errors and Omission Codes

- ✓ 0 = Unavoidable
- ✓ **1 = Consult EOR**
- ✓ 2 = FDOT EOR
- ✓ **3 = Consult CEI**
- ✓ 4 = FDOT CEI
- ✓ 5 = 3rd Party

For each SA and WO, the **CPM** must determine the premium costs associated with resolving the project issue and perform an Entitlement Analysis **with DCE input**.

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Develop / Implement a Solution



- CEI, EOR, Design PM and Construction PM must work together to find a solution to the issue
- CEI negotiates additional time and cost required to implement solution
- CEI develops work order / supplemental agreement
 - ✓ Entitlement analysis is performed by CEI

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Error and Omission Letter to Consultant



If there is premium cost:

- ✓ Design Project Manager does an in-depth analysis to determine degree of responsibility / liability of the Consultant
- ✓ If the issue appears to be caused by an E&O, Design Project Manager submits an official Error and Omission Notification Letter to consultant

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Determination of Responsibility

The EOR must respond to the E&O Notification Letter stating their position

- Provide supporting documentation

CEI, Construction PM, Design PM and EOR should meet to gain a better understanding of their respective position



Design PM determines degree of responsibility

If determined that error was not caused by EOR, Design PM sends EOR a Closeout Letter

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Settlement Agreement and Recovery

If EOR accepts responsibility, negotiations between the Department and EOR begin.

Settlement Agreement is prepared

Premium costs are recovered via payment or services in kind



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Difference between Service in Kind and Payment

Payment



Check is received for the amount described in the settlement agreement

Service in Kind



Services provided by a consultant, in lieu of money, as restitution for the premium costs resulting from an errors or omission issue

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District 6 examples

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Case 1 – Rework with Premium Cost



Rework with premium cost

Work required to readjust proposed Light Pole, Service disconnect pole and Traffic controller cabinet. (2 weeks)

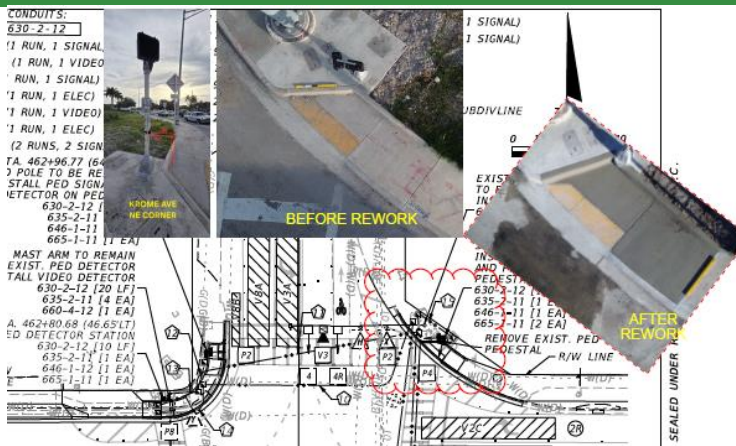
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Case 2 – Rework with no premium cost

Curb ramp re-work was required to adjust recently installed pedestrian push buttons to meet the maximum allowed distance of 10"

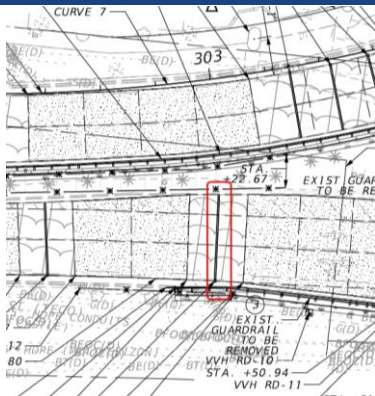


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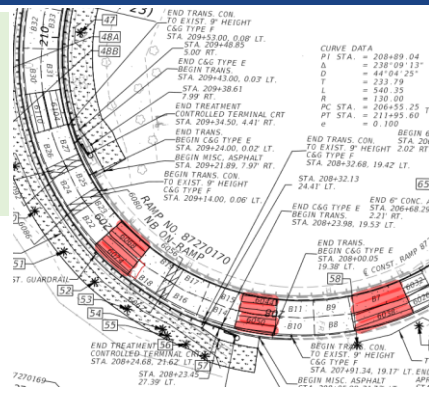
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Case 3 – Rework

Description: The slabs shown on the right side were poured without a transversal joint which resulted in transversal cracks at approximately 10 LF (middle point)



EOR 1. Existing concrete slabs with a total length of 20 LF were divided in two new slabs with a new transversal joint.



EOR 2. Proposed a new slab of concrete pavement with a length of 20 LF and no transversal joint shown.

Joints are required every 10ft as per standards

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Case 3 - Rework

Description: The slabs shown on the left side were poured without a transversal joint which resulted in transversal cracks at approximately 10 LF (middle point)



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Lessons Learned

Use of steel plate at the joints in high speed facility – hazardous condition if not properly installed.

In high-speed facilities, a specialty engineer should design the temporary plates. The design plans need to add a note, requiring the contractor to have a specialty engineer to design the plates.

- ✓ Solution: Addition of Notes
- ✓ Solution: Special Design for the temp plates



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D4 Good Practice

- ✓ Discuss E&O Procedure At Consultant Management PM Monthly meeting and Operation PA monthly Meeting
- ✓ Assign Deborah Ihsan, Ass. District Construction Engineer, as District Construction E&O Liaison who help us tremendously to determine if the premium cost is E&O premium cost
- ✓ Make E&O Procedure as one item discuss at every Design/Construction Handoff meeting
- ✓ Discuss with DPM before enter the code 1 to Contract Information and Monitoring System (CIMS)

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District 4 examples

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Case 1

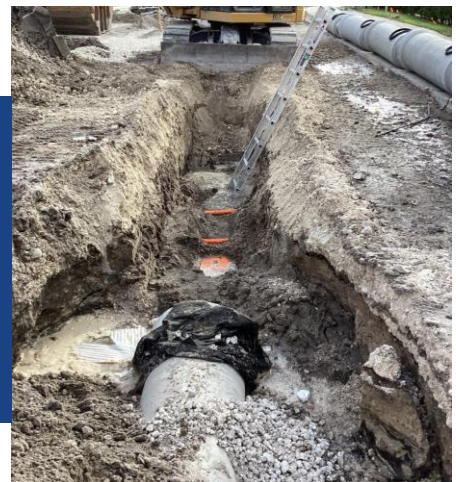
No Premium Cost Error and Omission

Initial Field Observation:

While the contractor was excavating and installing pipe between two drainage structures, several unidentified utilities conflicts with the proposed pipe run.

6" water line and 2" water line that run perpendicular to the proposed drainage pipe.

EOR was notified immediately.



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Case 1

No Premium Cost Error and Omission



Resolution:

- ✓ Design team proposed lowering the pipe invert in conflict to bypass the water service line obstruction. No premium cost associated with this E&O.
- ✓ EOR should not bill FDOT Post Design Services for the revision.

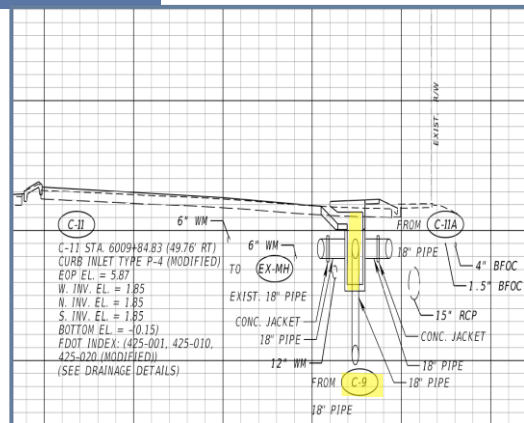
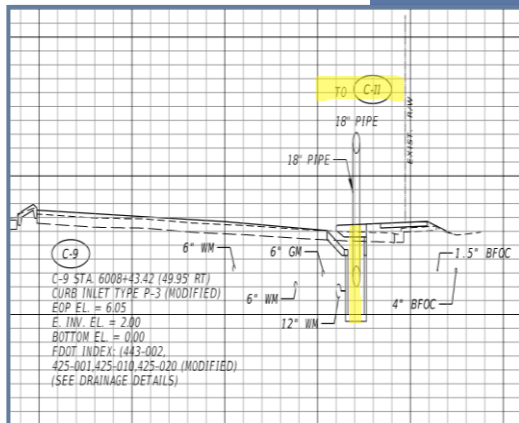
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Case 1

Original Design



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Case 2

Error and Omission caused by The Third Party

During Construction:

It was noted that the hardware available would not be able to power the pylon as originally intended.

Resolution:

Coordination between the design team, SFRTA, the pylon manufacturer and the contractor was initiated which resulted in the use of a metered service instead of the use of a solar assembly system. The new provided meter would power the pylons as part of this project and SFRTA will pay the monthly power costs.

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Case 2

Original Design



Proposed Resolution



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Case 3

Multiple Error and Omission in One Project

The construction time of the project was about four years. There are total 15 E&O issues identified in the project. Twelve issues were settled with one Settlement Agreement and the rest issues are in litigation status. Tolling Agreement was used on this project.

When the construction time is long each E&O issue should be settled as soon as possible to meeting the 2 year statute requirement (DPM was changed 3 times).

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Case 3

Multiple Error and Omission in One Project

Lesson #1 License Agreement

Right of Way (ROW) parcels:

100s Fee Simple Parcels

700s Temporary Construction Easement

800s Perpetual Easement

900s License Agreement

ROW issued ROW Certificate which did not mean all 900 parcel are completed.

License agreement can be voided at anytime by the property owner even they signed it already.

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Case 3

Multiple Error and Omission in One Project

EOR should verify all License Agreement before biddability submittal and revised the plans accordingly if license agreement is not approved by the property owner.

There were 36 license agreements in this project.

The plans were revised during construction to avoid conflict with private properties. These revisions created additional work and delays for construction.

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Case 3

Multiple Error and Omission in One Project

Lesson #2 Pond #1 constructed did not meet permit requirement

There are 6 ponds constructed within project limits. Pond 3&4 combined as one pond. Total 5 ponds were constructed.

CEI discover the problem after pond #1 was construct which avoid mistakes on the other 4 ponds.

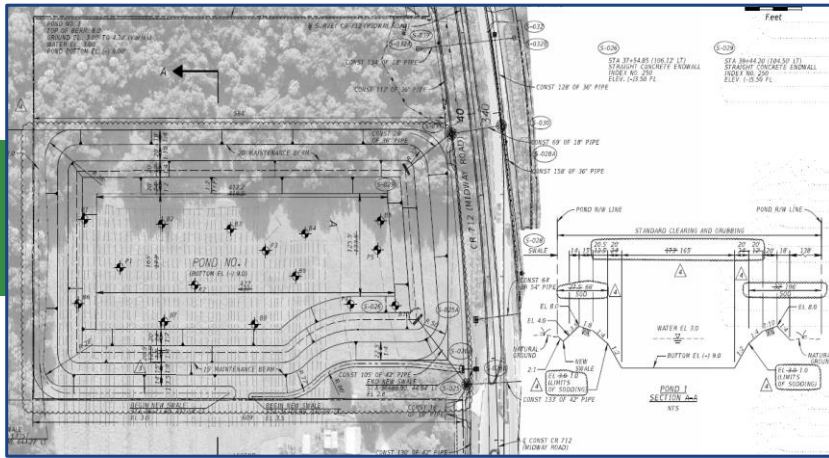
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Case 3

Multiple Error and Omission in One Project



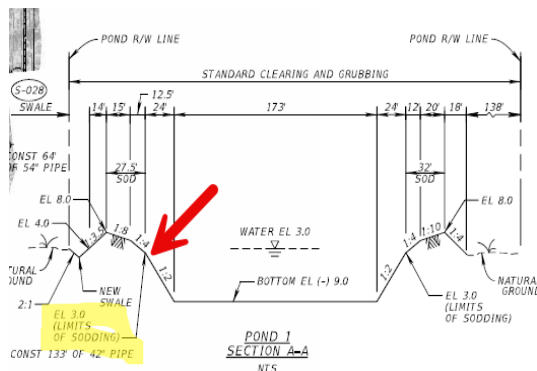
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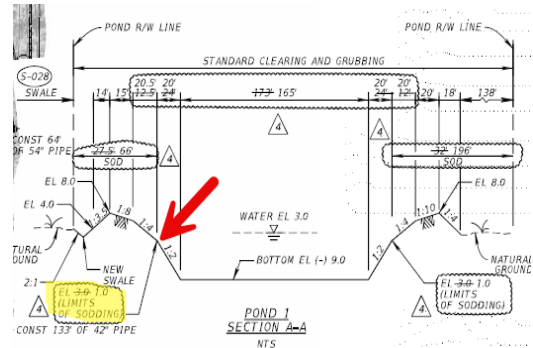
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Case

Original Design



Proposed Resolution



Elevation should be 2' below water elevation

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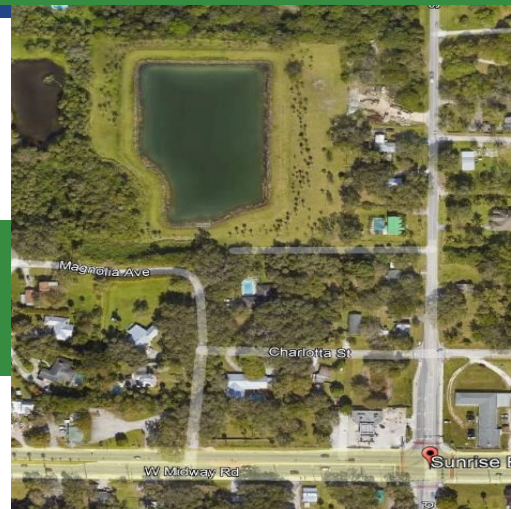
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Case 3

Multiple Error and Omission in One Project

Lesson #3 Constructability Issue

No Access to pond 3&4
Overall view of the pond location
in relation to the project.



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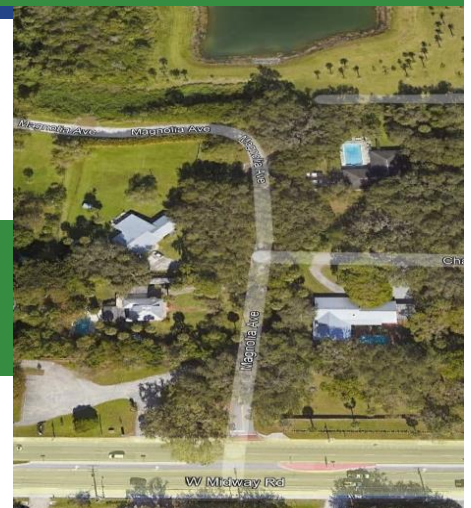
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Case 3

Multiple Error and Omission in One Project

Magnolia Ave. as the only adjacent County owned roadway to access the pond site which was not feasible. And the street view looking north towards the pond site.



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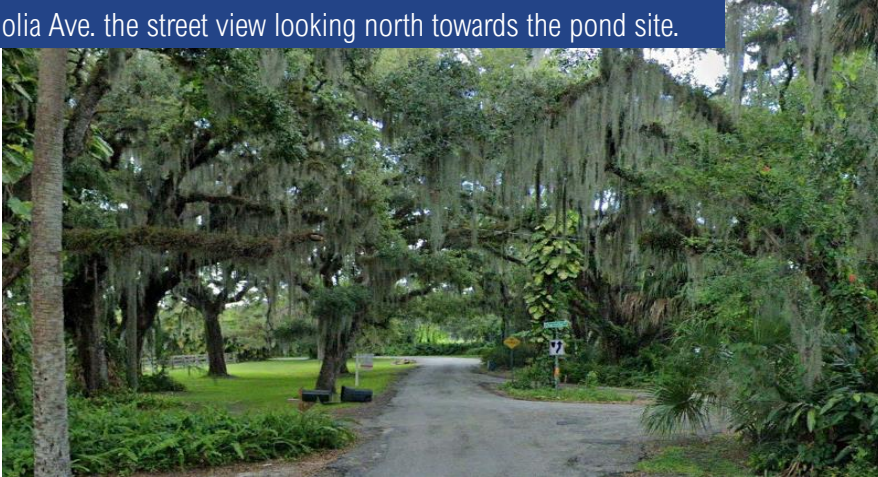
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Case 3

Multiple Error and Omission in One Project

Magnolia Ave. the street view looking north towards the pond site.



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Case 3

Multiple Error and Omission in One Project

Contractor leased property to provide access to the pond site.



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Please be sure to **certify your attendance** before leaving this event or no later than **Monday, June 30**, in order to receive PDH/CEC. Detailed instructions are available on the Transportation Symposium website.

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