



Florida Department of Transportation

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PROGRAM MANAGEMENT MEMORANDUM 15-01
PROJECT MANAGEMENT MEMORANDUM NO. 15-01
DCE MEMORANDUM NO. 04-15
DME MEMORANDUM NO. 15-01

DATE: February 13, 2015

TO: Directors of Transportation Development, Directors of Transportation Operations, District Design Engineers, District Construction Engineers, District Maintenance Engineers, and District Program Management Engineers/Administrators

FROM: David A. Sadler, P.E., Director, Office of Construction
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SUBJECT: Implementation of Landscape Contracts

BACKGROUND

In 2013, the Executive Team established a new policy through Engineer and Operations (E&O) Memo 13-1 to program stand alone landscape projects using maintenance contract language and Phase 52 funds. 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. All costs during the establishment period are incorporated as part of the capital cost of the plant material and will function as a warranty against loss.

REQUIREMENTS

Landscaping Included as Part of the Roadway Construction Project:

Landscape installations totaling the lesser of \$100,000 or 10% of the preliminary cost estimate may continue to be included in a roadway construction project (including Design-Build roadway construction projects), as incidental landscape work.

There is no establishment period included in the specifications governing these roadway construction projects. Districts should determine who will be responsible for establishment and maintenance. If the party responsible for the landscape maintenance is someone other than the Department (i.e., Local Agency, etc.) a Maintenance Memorandum of Agreement must be fully executed during the project design and no later than the project letting.

Stand-alone Landscaping Projects:

The stand-alone landscaping projects will be programmed as either dependent or independent stand-alone projects for all fiscal years. Stand-alone landscaping projects will be advertised as Maintenance contracts and include Maintenance specifications which contain contract terms establishing an installation period and defined milestones for an establishment period of two years. No more than seventy-six percent of the contract amount will be paid prior to the start of the establishment period after which monthly payments to the contractor will be issued only upon satisfactory performance. The landscape installation Maintenance specification has been created to support this change (see Specification at: <http://www.dot.state.fl.us/specificationsoffice/Maintenance/Jan15/default.shtm>).

Dependent 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 roadway construction is anticipated for completion** and will be scheduled immediately following roadway construction. If the roadway construction project is federally funded, the landscaping work may also be eligible for the same federal funds.

Independent Stand-alone Landscaping Projects:

Landscaping not associated with a roadway construction project will be programmed as stand-alone landscape project in the year in which the landscape project is ready for production. Independent stand-alone landscaping projects will be state funded and let in the District Office.

Performance Bond:

The performance bond required in the Maintenance specifications, SP0030500 Award of Contract, is an annual renewable bond so that the contractor does not have to obtain a bond for 2+ years for the full contract value. The performance bond covers the installation period and the establishment period or the total contract time allowed.

Example: If the contract time is 930 days (2.55 years) with a hypothetical value of \$5 million, take the \$5 million and divide by the 2.55 years to arrive at the annual bond amount of \$1,960,784. Therefore, the first 12 months of the contract will require a performance bond for \$1,960,784; for the second 12 months, a performance bond for \$1,960,784; and for the final 7 months a performance bond for \$1,078,431 (which is the remaining contract amount $\$1,960,784 \times 2 = \$3,921,568$ minus $\$5,000,000 = \$1,078,431$).

Pay Items:

These contracts will be lump sum, and therefore there would only be one pay item (999-2). Seventy-six percent (76%) of the total contract value is payable upon completion of the planting, with the other twenty four-percent (24%) being paid monthly over the two year establishment period. The contractor is required to submit a schedule of values just as they would on a lump sum contract. Failure to perform will be a reduction in payment and not treated as retainage.

Contract Time:

Stand-alone landscaping contracts are to be designated in the AASHTO Projects (formerly Trns•port) Preconstruction system as Calendar Day Contracts. A Calendar Day Contract can be designated by selecting the “Time” tab on the “Proposal Summary” page and then selecting “CD-Calendar Days” on the “Type of Days” drop-down menu.

Incidental Work:

The intent is that these are landscape contracts, and will only include items of work that are necessary for the installation of the landscaping. Any items incidental to the landscaping would be exactly that, “incidental,” and included in the lump sum landscape pay item. It is important to minimize the amount of work required which is not directly related to the installation of landscape plantings. For dependent landscape projects, all of the site work and any associated hardscape should be included in the highway construction contract. For independent landscape projects, it may be necessary to include some incidental items of work, but if this work amounts to a large portion of the contract work, consideration should be given to letting a separate construction project to accomplish the site work and non-landscape planting work necessary for the project.

Funding:

A Federal funding process for stand-alone landscaping has not been developed. Independent landscaping work by itself is no longer eligible for federal funds. For landscaping to be federally funded, it has to be part of the overall highway construction work authorized by FHWA. Going forward, FHWA has agreed to fund landscaping work that is a component of a highway construction project as a separate contract following the completion of the highway construction contract; with both contracts fulfilling the overall construction of the federally funded project. These are referred to as dependent stand-alone landscape projects.

Coordination:

The District Landscape Architects should be a common participant in all of these projects. For the stand-alone landscape packages, the preparer of the specifications package will need to coordinate closely with Maintenance staff and District contracting staff.

The District Landscape Architect is to be involved throughout all phases of landscape projects. 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.

Contract Administration:

The contract administration of the stand-alone landscape projects needs to be determined by each Director of Transportation Operations. The administration of stand-alone landscape projects can be performed by District Maintenance staff, District Construction staff, or a combination of these.

IMPLEMENTATION

This joint bulletin/memo is effective immediately and supersedes Estimates Bulletin 13-10, Project Management Memo 13-02, DCE Memorandum 13-21 and DMDH Memorandum 13-03.

The stand-alone Landscaping Specification is currently on Specs-on-the-Web as a Maintenance Specification (SS5800000) for use by the District Offices to execute a contract for all landscaping projects that meet the criteria described above.

The appropriate (Federal Aid or Non-Federal Aid) Construction landscaping Special Provision (SP5800000 Landscaping) will be used for any landscaping work that is to remain in the roadway construction contract starting with July 2015 lettings.

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