

# ASSET MAINTENANCE LIAISON COMMITTEE (AMLC) MEETING MINUTES (January 14, 2010)

This Asset Maintenance Liaison Committee meeting was held on the afternoon of the January 14, 2010 (1:00 -3:30) in Orlando at the Turkey Lake Plaza (Room 3001).

Attendees: Sharon Harris (District 1), Jim Hannigan (District 2), Alan Bush (District 3), Cleo Marsh (District 4), Todd Hammerle (District 5), Jose Quintana (Turnpike), Rick Sulzer (Jorgensen), Chuck Henningsgaard (Jorgensen), Lee Pauls (Transfield) Services), Michelle Sheplan (Transfield Services), Jose Darsin (Transfield Services), Paul DeAngelo (DBI), Bob Gorski (DBI), Derrick Jenkins (ICA), Tim Lattner (Office of Maintenance), Mike Sprayberry (Office of Maintenance), David Sumner (Office of Maintenance)

## **OLD BUSINESS**

### **1) Update of Asset Maintenance (AM) Contractor Performance Evaluation Report (AMPER) District Discussion.**

**Background-** The Task Team completed their efforts in finalizing the AMPER and officially released version 1.0. Industry recently expressed concern that since the AMPER has undergone ongoing changes, updates, and improvement during the 1½-year trial period, they feel that the AMPER is not ready for official use and needs more real-world testing using an unchanging version. Furthermore, since Districts were not given an instruction manual or hands-on training on how to use the AMPER system (part of the testing was observing how different Districts filled out the AMPER in different ways), much better testing data will result for the final version when all Districts are properly trained. Therefore, Office of Maintenance (OOM) has agreed to extend the trial period for another year, (starting January 1, 2010) but during this year, any changes to the AMPER system will be minimal to none. The Districts have been provided with an instruction handbook and have received in-person direction on how to properly use the AMPER. These steps will provide a good year of consistent data that can be analyzed to determine if the AMPER system accurately and fairly reflects contractor performance. Once we are confident of this, the scores may be used as part of the evaluation process for new projects and in contractor suspension from bidding or contractor default.

**Discussion-** Mike (Sprayberry) has completed a statewide trip having open discussion on AMPER for both FDOT and AM Contractors. Open Discussions were held at Ft. Lauderdale (28 attending), Orlando (39 attending), Lake City (20 attending) and Chipley (22 attending). The AM Contractors expressed their appreciation to Mike for his time and effort given to this task. Part One (Instructions for the AMPER) of the AMPER instruction manual is mostly complete and has been released in draft form. Part Two (Technical Analysis of the AMPER) is currently in a rough draft and has not yet been released. Several questions were asked about how AMPER was going to be used in the future. There are three proposed suggested areas that the AMPER Task Team has discussed.

- Two consequent scores less than a 70, the District would look into starting the Non-Responsible process.
- At the end of a 7 year AM Contract the 14 AMPER's would be averaged (or some other combination of scores) to come up with a final score.
- Once a contractor has received two consequent scores less than a 70 and been declared non-responsible, if poor scores continue (not specified how poor) District may start the Default process.

It was also asked about the size (\$) of the AM Contract being weighted. The answer given was that it is something that the reformulated AMPER Task Team (see below) needs to look at in the future.

A question was asked about how the Department was rated. The answer given was by EPABS (Performance Rating), MRP, QARs, etc.

A question was asked about how the escalation (chain of command) would be used in this new process. The answer was the same as it is now (will remain unproceduralized for now).

**Action Item-** The Office of Maintenance (OOM) committed to sending out a request to the Districts and Industry for members to serve on a reformulated AMPER Task Team to develop the process to complete and answer the many questions still left on the AMPER process. This could be the old members or it could be an entirely new Task Team. It was suggested that this Team should have Legal representative as well as a Contract Administration representative to ensure the scores are used appropriately.

## **2) Rest Area Inspection Task Team Update.**

**Background-** The objective of the Rest Area Inspection Task Team is to establish a statewide standard (procedure, handbook and form) for evaluation of Rest Area condition, much like the current Maintenance Rating Program (MRP) criteria. The Team's desired results are consistent, dependable statewide grading/evaluation of all Rest Areas. Concurrently, OOM is developing a Rest Area covering all security & maintenance requirements currently covered by scopes of services and other documents and procedures.

**Discussion-** Industry members asked if they could be represented in the Rest Area Inspection Task Team in order to participate in development of the Rest Area condition

**Action Item-** The OOM will invite Industry to participate on the Task Team when the process is further along.

## **3) Asset Maintenance Contractor Liability on Structure Damage Events Language.**

**Background-** The issue of AM Contractor liability on structure damage events has been discussed in the past, but deserves further discussion. The concept of limiting liability for a single event was placed in District 3's new Escambia AM contract and new language added in the D-7 Skyway Contract.

**Discussion-** A reminder was given to Districts and Industry that the Department always has the option of taking over replacement of occurring damages.

**Action Item-** None Required.

## **4) Best Value Performance-Based Contracts Update.**

**Background-** The Office of Maintenance plans to develop procedures to allow best-value contractor selection methods for certain performance-based contracts. This will be done by converting the "Asset Maintenance Contracts" Procedure into "Performance-Based Contracting" Procedure.

**Discussion-** Section 337.11(16) allows the Department to proceed with this process. The OOM is working on revising the Asset Maintenance Process to Performance-Based Contracting. Target date for completion is March, 2010.

**Action Item-** The OOM will notify Industry when process is complete.

#### **5) Recycle Containers at Rest Areas Update.**

**Background-** It has been discovered that on some Rest Area inspection reports, the presence of recycle containers is being marked as “n/a”. This item should never be marked as “n/a” since recycle containers are required at all Rest Areas – the item must be rated as “no” on the inspection report if recycle containers are not present. Several AMCL members pointed out that some counties that have Rest Areas do not support recycling and that recycling at those Rest Areas is impractical, inefficient, ineffective, cost prohibitive, etc. If this is the case, then we might want to adjust the requirement that all Rest Areas have recycle containers.

**Discussion-** Districts (DME’s) were going to check to ensure recycling was being process correctly.

It was suggested to have volunteers pick up and sell, but everyone thought that they would just pick up aluminum and leave the other. (They did not want to do this)

**Action Item-** Derrick Jenkins & Paul DeAngelo were going to further check and let Tim (Lattner) know if/how recycling is being accomplished on their contracts.

#### **6) Long-Term Contract Performance Bond Form Update.**

**Background-** Discussion at last meeting about a new bonding concept where bonds must be renewed each year, but the bond is for two years. The 2<sup>nd</sup> year of the bond would be lifted upon each renewal.

**Discussion-** Industry stated they did not like the 2-year bond concept. They also expressed that they do not think the bonding industry would like the concept.

Some others pointed out that this concept would cost the state extra expense. Industry said that a 2-year bond cost 15% more.

Industry also expresses a concern about using the smaller, less qualified Bond company on AM Contracts.

Industry stated that on Construction Contracts there is a requirement for the bonding company to be on the Federal Register. (The OOM will look into this requirement)

Industry suggested that we need to get experts together to work this issue out.

**Action Item-** Mike Sprayberry to verify the qualifications required of Bond companies on AM contracts and modify, if necessary.

## **NEW BUSINESS**

### **1) Property Damage Stickers/Crash Report Data.**

**Background-** Several AM Contractors developed a property damage sticker reflecting different required information to be entered by FHP Troopers. The OOM decided for statewide consistent use, to develop and purchase a standard property damage sticker to be used.

**Discussion-** The OOM purchased and made distribution of 25,000 stickers to FHP and the Safety Office (Distributed to local Law Enforcement Agencies). Another 25,000 have been ordered, so please contact the OOM if there is a need.

Derrick (Jenkins) has been working on a process to retrieve crash data for Third Party reimbursement. He explained the process he will be using in the near future. All AM Contractors desired to get a copy of the weekly crash report CD Disk, sent out by the Safety Office.

**Action Item-** The OOM will send each AM Contractor a crash report CD Disk and work with them to develop a process whereby they can retrieve crash data for Third Party reimbursement

### **2) AM Contractors/Sub-Contractors Having FL. License Plates.**

**Background-** In accordance with FL. Statute, Chapter 320 and Subarticle 7-23 of the FL. Standard Specifications, the Contractor shall provide the Department with proof that all motor vehicles operated or caused to be operated by such Contractor is registered in compliance with Chapter 320 of the Florida Statutes. They shall submit such proof of registration in the form of a notarized affidavit to the Department. Some of the AM Contractors are from other states and they would be on the project for a short time, but this was being reported to the Districts.

**Discussion-** Everyone knew the law requirements and said they would comply. They may have to go by the office and pick up one of their vehicles, but they said they would comply. Everyone understood that there may be occasional brief exceptions to this (for example, where principal of company in Georgia stops for 30 seconds at project)

**Action Item-** None Required.

### **3) Division I Specifications for AM Contracts.**

**Background-** From this point forward, the Division I Specification will not be dynamic. Division II & III will remain dynamic. On every future AM Contract, a specific year scope book will be incorporated by reference and a Division I Specification package will be included. Any revisions to the Division I Specifications will be sent to the AM Contractors for review to determine if the contract should be amended to include the revised spec.

**Discussion-** None.

**Action Item-** None Required.

### **4) Bonding Requirements for AM Contracts.**

**Background-** Please see Number 6 under Old Business

## **5) New Bond Form (AM, RFP-PB, etc.)**

**Background-** The Long Term Contract Performance Bond Form has been replaced with the new Annually Renewed Performance Bond form.

**Discussion-** Mike explained this revision was made to allow this form to be used on all RFP driven contracts. Section 9.6 was deleted and moved to a Standard Maintenance Special Provision 3-5.1 (reference to on the new form).

Industry did not think that the title with “Annually” in it would be accepted by the Bonding Industry.

**Action Item-** The OOM will check with the Legal Office about using the word “Annually” as part of the title.

## **6) Other Items.**

Industry asked about being placed on the MRP task team. Tim said that was not the intent of the task team. Jim and Todd explained the history behind this Task Team and the reasons for not allowing Industry to be part of this team. This team is for Maintenance to create criteria for the application of MRP statewide. Industry stated they see why and did not have a problem with the decision.

Industry asked the question about a policy on contract renewals. Tim said there is no written policy, but for the Districts to continue to submit their written request to Brian with supporting documentation.

Insurance- Mike stated that the required insurance amount would be changing. Please review the District 7 upcoming AM Contract for revised language.

Industry asked the question on the Maintenance Conference. Tim said it may be a several regional meetings, but he was going back to Kevin and ask about the possibility of a smaller conference. Tim said it probably would be in August if it is allowed.

**Mike/Tim would like to have Industry committee members to start hosting these meeting. The Industry members would plan the time, place (in Florida), date, and establish the meeting agenda. We hope that hosting meetings with cycle between each active AM Company. OOM can assist/co-host as desired/needed. Please send Mike/Tim your name (s) if you would be willing to do this - we are looking for first volunteer!**

## **7) Next Meeting Date/Location.**

**Action Item-** Mike/Tim (unless someone volunteers) will schedule and notify the Committee members the date, location, time in the near future.