

FDOT District 4/ACEC FL Liaison Committee Meeting Agenda

Friday, June 28, 2024, 3:00 PM

1) Update topics from most recent statewide ACEC/CO Relations Committee Meeting and regular coordination with CO leadership (April 23, 2024)

- Secretary Perdue message to consultants on legislative process involvement.
The importance of being engaged in transportation legislative process was discussed at the last Transportation Committee to support future legislative initiatives. During session, there is a weekly update every Friday morning pertinent to ACEC. Individuals should be aware of the transportation issues going on during legislative session and bring awareness to support FDOT legislative initiatives through local state representatives.
- Pre-submittal of presentation slides.
Some districts require shortlisted consultants to submit their presentation slides a day or even earlier prior to presentation, a carryover from COVID time. Consultants would like to maximize all time available and submit the presentation slides to the TRC the day of the presentation. District is fine with that however, submitting early gives PSU the opportunity to bring to light non-compliant issues. As a result, it was decided to keep the current practice.
- New Staffhours forms.
Some forms have been updated with dropdowns as starting point for negotiation however, there is inconsistency. Anson indicated that he will be setting up a task team to be more consistent with hours.
- HB 7053 Stormwater ratification bill passed, effective in 18 months.
This could affect the cost of projects however there is an opportunity for reconsideration in the next legislation session.
- ACEC's Agent of the State bill passed, awaiting governor's signature.
The bill is signed therefore, subconsultants to CEI will also be agent of the State.
- HB 5001 impact on MFF and WP; Funding Member projects, and reduction of CEI costs by \$30M and Design costs by \$7M.
At April 2024 ACEC Transportation Committee in Jacksonville, D2 Secretary Greg Evans talked about the legislative impact on FDOT funds. He reiterated Secretary Perdue's message on FDOT Compass - ACEC-FL needs to embrace and be able to speak about their projects purpose and their impact on communities in terms of the Compass.

2) New FDOT D4 Topics (including follow up on items from prior meetings):

- a) When submitting a Letter of Response for a solicitation firms must use the name shown on the consultant qualification letter.

Companies must match their full name on LORs. This would help PSU to verify their status with FDOT.

- b) Payroll registers for Prime and Subconsultants should display the name of the qualified entity.

Do not show affiliates or associates names on payrolls.

- c) Firms should ensure that they are submitting the appropriate form i.e., LOR, LOI or ELOR when responding to a solicitation.

Kereisha emphasized the need to use the appropriate form when responding to an advertisement. Pay attention to “response procedure” and notes for appropriate selection of response form.

- d) Promises made in the CEI letters.

Statements made in letter of response in form of tasks that could be performed are considered “promises” and the department will refer to them during project to remind consultants of their promises.

- e) Update to the Negotiations Handbook.

Kereisha stated the requirements for the new Engineer Interns classification to obtain license within three months of project NTP. This is required on all project types, design and CEI.

3) Local ACEC FL Topics (including follow up on items from prior meetings):

- a. March 2024 Draft Standard Professional Services Agreement Terms is being reviewed by industry. What is D4 view on approval of use of Artificial Intelligence (AI) by the Department project manager?

The department has not been updated on this policy yet. There has not been any procedure developed yet.

- f) Has the District considered the use of selection from letter of response (one step process) for D/W contracts, or perhaps other type of contracts where a detailed technical approach is not applicable (non-project specific procurements)? This process is allowed per Chapter 6 of Topic 375-030-003.

Continuing service contracts are \$5M so they can't use the one step - BDI is \$3M and they can use one step on those projects per request by project managers.

- g) What process does the district use to apply consultant grades and reviews, both interim and final? Is the system automated such that FDOT PMs receive notices if grades are not performed on time?

This system is an automated reminder now. Project managers have to grade consultants in order to close their contracts. Consultants could follow up with PMs if the grades are not submitted. Anson will remind project managers of this process.

- h) When negotiating the OM, the project complexity is to follow the description in the guidelines and should not be open for interpretation, should elements of the project

effort fall under a different complexity, this should be addressed in the staffhour ranges used for the calculation of the work effort.

For example, if a project scope is widening and reconstruction, and it qualifies for a higher level of complexity, so it should be credited in OM form. However, if elements of the design such as Signing and Marking, signalization, etc. have a lower complexity, a lower range could be used to calculate the staffhours.

The OM should be calculated based on the overall complexity of the project, even if some of the design elements have lower complexity. Some D4 PMs are deviating from the description and are applying their own interpretation of complexity in the OM calculation.

There was good discussion on this subject. It was agreed that the complexity aspect is associated with the overall project not just few elements. Anson said that he will follow up with project managers.

4) General Discussion:

- a) D4 Safety committee update – John Cerreta of WGI and Chad Polk of Jacobs attended May 8th meeting. John will attend June meeting. Chad will replace John starting in July. John Cerreta and Morteza attended the 6/12 June Meeting. Chad attended the 7/10 July meeting. Will Suero also reached out that he would like to attend meetings and is planning to attend the August 14th meeting. Morteza discussed the purpose of these meetings at April TC meeting and asked for volunteers to expand the pool.
- b) DBE/SBE graduated before the end of the contract; how does this impact prime's DBE grade?
Prime will lose DBE percentage if their subs graduate while the project is still ongoing and this will have an impact on their DBE grade. DBE/SBE percentages are the department aspiration goals for all projects being managed by the department as a whole and not at individual project level. While this situation does not impact the department goals, it does impact consultants at project/contract level.
- c) Statewide requirement to balance lane miles –
John Olson stated that 11 3R project pushed out based on their pavement condition survey by 3 years, impacting the 5-year CAP. This exercise was done to re-balance WP to generate funds. Consultants are advised to continue to monitor the website.
- d) New MUTCD shoulder pavement marking –
Paved shoulders cannot be marked as bike lanes any longer. Central Office is working on this with FHWA. Shared use of paved shoulder with bicyclists would be a subject of interest by FDOT to continue consideration for bicyclists on our arterial roadways. These subject needs to be reviewed internally to have a unified message to be shared with our communities along the projects' corridors.
- e) Contract Management –

Consultants are reminded not to start work until they receive a NTP. Any work without authorized NTP would not be accepted for payment. Additionally, consultants must track contract's expiration dates including amendments to avoid working without approved authorization. District Four does not issue letter of authorization any longer.

f) GEC contract augmentation –

The GEC consultants have offered their staff with high availability during the pursuit however, they are not available when requested. We have seen those staff offered in GEC contracts are being used on stand-alone pursuit. District is having a tough time filling some key positions originally sought to be offered by GEC consultants. Anson said that they could use augmented staff up to 4 days per week with 8 hours per day.

g) Lump sum pilot CEI projects –

Ops centers are not in favor because of lack of inspection. However, on the consultant side, this allows for more flexibility with staff resources to manage work properly. On the other hand, LS CEI is impacted if the contractor is late, impacting compensation over 110%.

2024 D4 ACEC Liaison Committee Meetings (as scheduled)

- January 26, 2024
- April 5, 2024
- June 28, 2024
- September 27, 2024

2024 ACEC Transportation Committee Meetings (statewide):

- February 6, 2024 (Orlando)
- April 23, 2024 (Jacksonville)
- July 16, 2024 (Tampa)
- October/November 2024 (date/location tbd)

Participants (Invitees shown, attendees in Bold):

- FDOT – Steve Braun, **Matt Carlock**, Deborah Ihsan, **John Krane**, **Paul Lampley**, **John Olson**, **Kereisha Ottey**, **Anson Sonnett**.
- ACEC – **Morteza Alian** (Chair), **Karina Enrico**, Justin Freedman, **Coriann Salas**, **Randy Scott** (Last meeting), **Mel Pollock** (New member).