

FDOT District 4/ACEC FL Liaison Committee Meeting Agenda

Friday, January 26, 2024, 3:00 PM

Below find the summary notes from the subject FDOT D4/ACEC FL Liaison quarterly meeting. The agenda items are in black below and the summary notes and action items (bold) are in red font.

1) Update topics from most recent statewide ACEC/CO Relations Committee Meeting and regular coordination with CO leadership (October 2023 as next meeting is January 29, 2024)

- Stormwater Rule ratification this session. – FDOT is working with FDEP for a more project by project solution; rather than a one size fits all. Trying to minimize impact on FDOT RW cost, especially for highly urbanized areas like south Florida.
- 2024 Legislative priorities – FDOT's is workforce development. – D6 is doing a career fair with FIU in April 2024, in coordination with ACEC. FDOT is including four new training programs (like the existing PE Trainee Program as well as the R/W Services training programs) that would lead to District positions, for these functional areas:
 - Bridge Inspection
 - Work Program Specialist
 - Transportation Project Manager
 - Roadway Technician
- Pavement only projects – FDOT can save \$400m by doing POPs and put the money to capacity projects. – D4 currently does not have any POP projects and will continue to try and balance the program not losing the 3R program benefits, for pavement rehabilitation needs.
- MOT training modules are being completed. ACEC has been reviewing. - When complete will be used to certify individuals' ability to prepare MOT plans as EOR, in addition to the current private vendor options.

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

- a) Use of consultants in dual roles for CEI projects – The language in the negotiation handbook (see below) on this issue was previously approved by the Executive Committee. The interpretation by FDOT stands firm. ACEC team members will share the feedback with the statewide team, to determine whether ACEC relations committee should discuss it again at the statewide level. State FDOT leadership last took this issue up approximately 5-years ago.

If a firm does not have staff to fill all necessary positions required for their activity, Procurement will inform the prime consultant. The Department will either move forward with the classifications as they are, or as a point of negotiation, the Department may consider the consultant's proposal of staff from other higher classifications that can also perform that function. Since these staff will not generally fit within the classification, they may be at a wage rate higher than the range of rates paid for that classification (as supported by the wage rate data). In such instances, for purposes of negotiating the contract rate used to establish the consultant fee or to establish contract rates, FDOT will propose the mean/average for that classification (based on one year of data obtained from the Consultant Wage Rate Report for the District). Note: this is not a cap of the consultant's rates. This scenario sometimes occurs with subs, for example, where a principal of a firm is being proposed for multiple classifications including lower classifications. The individual shall be classified based on the highest job classification in accordance with their resume and the classification definition their experience, education, etc., would correlate to within the Standard Job Classes in the Negotiation Handbook. If the individual is also being proposed in multiple lower job classes, the Department will need to make a determination whether the individual is needed to fill those lower job classes. If the FDOT Project Manager agrees that they are, the Department will offer the mean/average for that classification or the individual's actual salary, whichever is lower, to be used for purposes of establishing the contract rate for a job classification where the individual exceeds the qualification requirements.

- b) Staff hour estimates are due on same date and time as the Audit Package and AFP – D4 is requesting that the information be submitted at the same time on the due date. Staff hours have been lagging on recent negotiations. It was discussed that the consultant PM should discuss with the FDOT PM if there are circumstances that require an alternative time frame for submittal of staff hours, such as the project not having been the subject of the procurement process (proposal or interview), as well as situations where a scope clarification meeting is required.
- c) Operating Margin awarded to a consultant firm on a previous contract should not be a factor in the current negotiation effort. - The negotiations handbook has language that prohibits the referencing of past projects to establish operating margin (see below). This helps to ensure a fair negotiation.

The operating margin awarded to a consultant firm on a previous contract should not be factor in the current negotiation effort

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

- d) Update on timing for Collaborative Negotiations in D4? No update from D4 as far as hosting this type of training in D4 this year.

- e) Update on plans for D4-D6 Regional ACEC meeting to be held on March 14, 2024 (FDOT D4 Auditorium, 830 AM to 1230 PM) – Agenda from last regional meeting sent before our meeting. **D4 and D6 leadership will meet on January 29th to confirm participants in the various breakout sessions, as well as topics for the questions.**
- f) Consultant Forum 2024 tentative dates? **Anson anticipates having the next D4 consultant forum in April 2024, and it will be hybrid format again.**
- g) Follow up regarding procurement time (Advertisement to NTP, 5-months District average)
 - 1) Audit Package and Scope/Fee proposal submittal times should have timelines defined in this order, from shortest to longest time 1) on-call (DW or CSC) where staff hours not required, 2) individual project where staff hours were prepared as part of PRIP submittal, 3) individual projects where PRIP staff hours were for the lead project, and more time is needed for scope development and staff hours for the secondary team(s) having to evaluate a project not studied for selection. – **D4 tries to provide flexibility when they can. D4 is currently at 4.36 months average. The metric is an average / rolling measure. Statewide the average is at 4.4 months.**

~~Timing of Meeting Summary Notes prior to February 6, 2024, TC meeting~~

- h) Information on FDOT transitioning to DocuSign for construction documents – **D4 is looking at certain documents for signature by DocuSign; work orders, supplemental agreements and some final estimates documents could be among the ones signed by multiple parties, using DocuSign.**
- i) Follow up on *Equipment-Watch* Program. CEI historically have used FDOT licenses. The licenses are no longer available to CEI consultants from FDOT, as of November 2023. – **CEIs will need to obtain their own licenses going forward.**
- j) Is the District currently allowing CEI consultants to utilize engineering student interns on our contracts and bill hours as an inspector aide? **D4 indicated that they would be open to it. D4 Construction will check to determine if there is a policy on this, and if there will be opportunities in the future for this type of career growth for entry level construction inspection personnel. It was noted that for design services, the negotiations handbook allows for college students to work on FDOT contracts, as “Interns”.**

4) General Discussion:

- a) **Consultant Presentation of Technical Qualifications will remain virtual in D4 – it has shown to have much higher attendance on FDOT side being virtual.**

- b) Next Meeting date/time: Meetings to be 3-4 weeks prior to the statewide ACEC Transportation Committee meetings whenever possible, to allow for summary note distribution and discussion at the statewide meeting.

2024 D4 ACEC Liaison Committee Meetings (as scheduled)

- January 26, 2024
- March 29, 2024
- June 21, 2024
- September 27, 2024

2024 ACEC Transportation Committee Meetings (statewide):

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

This is the last meeting for Will Suero on the Committee after a 4-year term. Morteza Alian taking over as Chair and Justin Freedman joins the committee effective today.

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, Karina Enrico, Justin Freedman, Coriann Salas, Randy Scott, and Will Suero