

FDOT District 4/ACEC FL Liaison Committee Meeting Notes

Friday, August 5, 2022, 3:00 PM

Summary Notes from the subject meeting are below, in red font. The agenda topics are in italics below.

1) Update topics from most recent statewide Relations Meeting (ACEC/CO) – Note that there has not been a formal Relations meeting since February 9, 2022. Next meeting likely in August or September. Topics discussed by ACEC with senior FDOT leadership recently

a) Contract Duration Adjustment Factor (CDAF) adjustment due to inflation – preliminary conversation only. Nothing decided.

FDOT D4 had not heard of any movement on this issue.

b) Increasing construction costs due to inflation - CO and ACEC discussed looking for ways to improve accuracy of estimates. Considering a consultant/contractor task force to discuss. Another idea is peer review/development of estimates.

FDOT D4 indicated that they wanted the consultants to be proactive when final plans reviews estimates, including elements of project knowledge that the consultant EOR has that the final plans office may not have, that would affect unit prices. Things related to complexity of construction, MOT, staging, access issues, etc. It was agreed that this type of feedback from the industry to FDOT at the biddability phase, or at any time during the production of the plans where significant project updates are known to the design team, so that FDOT could identify cost increases and potential funding deficiencies as soon as they are known.

Steve mentioned that FDOT sees consultants make a reference to their experts to review costs and trends in their LOIs but wants to make sure this is being applied to projects.

c) Potential task force to generate interest in DB - Some major projects seeing limited competition.

No discussion on this matter

d) Discussed ability to address promotions in an active contract - for when a person moves from Sr Eng 1 to Sr Eng 2. Ongoing conversation.

FDOT noted that they have heard discussion on this matter but that nothing has been finalized. It is expected that any changes will be documented in the negotiation handbook. It was also noted that any changes would apply to Max limiting amount contracts, for Planning, PD&E, Design, or CEI.

e) Construction Career Days - how effective (or not) they are. No one is measuring the effectiveness. One idea was for contractors to adopt a school. That way a contractor is constantly in front of the students.

No discussion on this matter

2) New FDOT Topics:

a) CEI Contract Pursuits

FDOT D4 is seeing availability not properly addressed in letters, in terms of staff timing becoming available from current contracts. FDOT checks availability during LL and SL and that takes up our staff's time. Most project selections do not have interview, so consultants do not have an opportunity to explain their staff transition plan. As such, the Consultants could describe a transition plan in their LOI in detail, and of course discuss it in any pre-advertisement marketing meetings.

b) Contract administration

i) CSI's - processing time impacted when a CEI team does not submit a full package to FDOT
CEI needs to generate an independent engineer estimate. It seems that most times, the engineer estimate matches the contractors estimate, and is not truly independent.

ii) Engineer's estimates for Supplemental agreements and work orders - should be independent estimates, prepared by the CEI lead

c) MOT reviews/Lane Closure Notification System

MOT issues need to be addressed timely, when they occur. FDOT is finding MOT issues on projects even when an MOT review is scheduled formally and the contractor/CEI are aware in advance. Unscheduled MOT reviews to be performed by FDOT

Lane Closure Notification System - need to ensure contractors are inputting lane closures in the system. Contractor responsibility in a DCE memo.

CEI needs to make sure that MOT for pedestrians is also considered.

d) Expectations of design team for constructability of their design. There could be additional costs, time, permitting, utility implications of temporary detours, haul roads, structures, etc. that need to be understood and/or accommodated in the design plans and contract package.

Constructability needs to be thoroughly thought through and issues and risks needs to be raised at constructability review, primarily by the EOR, as they understand the project better than the reviewers. FDOT noted that the responsibility for through constructability reviews is on the consultant, at the biddability phase.

e) Public meetings require both in-person and virtual elements. Some teams combine the two meetings into one and others host two separate meetings on different days. When holding combined meetings, verify the internet capabilities of the selected meeting site.

f) Construction cost estimates –

Update FDOT PM as soon as there is a change of any significance and at major milestones and identify when updates are needed in the work program- see also 1.b above.

There is a benefit to have CEI level staff working for the design team review the plans and cost estimate prior to submittal. Steve noted that this should be included in the consultants proposed staffhours.

The topic of whether CEI type estimate peer review should be included as a point of negotiation and add staff hours as appropriate came up. Steve noted that he was assuming this review is part of consultants' informal peer review.

g) When firms respond to a solicitation, they are required to complete the Letter of Response form accurately. There have been instances where the attached table does not accurately show the firms that will satisfy the advertised work type or under-utilized work groups. There have also been instances where the firms' names are not accurately listed on the LOR'S

This is a QC reminder for consultants to check the SBE, DBE and Underutilized box correctly, it should not be left blank if required by the advertisement. This is not grounds for a firm to be deemed non-responsive but needs to be clearly identified on the table. Prime consultants need to also show the complete name of all proposed subconsultants in the letter and attached table, names should be shown the way it is registered with FDOT.

h) Firms that provide Maintenance of Traffic services will need to obtain a self-certification from the department. These firms will be required to substantiate labor rates with payroll registers for MOT Qualified Workers/Flaggers & MOT-Qualified Worksite Traffic Supervisors.

Used to get quotes from the firms and now firms need to seek a self-certification from Central Office. This has to do with the fact that the firms used to include labor in the bid.

Need to provide payroll for labor. Equipment shall be listed separately. This is consistent with the negotiation's handbook. Would typically work with the geotechnical firms.

Class	Job Class Typical Definitions
MAT Technician Aid	Entry level w/ H.S. degree or equivalent
Mechanical Engineer	ME degree w/ 2+ years of post-graduate experience
MOT - Qualified Worker/Flagger	MOT Intermediate Certification
MOT - Qualified Worksite Traffic Supervisor	MOT Advanced Certification
MOT Off-Duty Law Officer with Vehicle	Includes vehicle, labor and all coordination services.

From the handbook: It shall be the Department's policy to compensate firms for geotechnical and materials testing pay items based on the firm's submitted pay item rate, up to the mean/average proposed rate for that pay item, in accordance with the Department's Table 6 Loaded Rates Report available on the Procurement Internet site at:

<https://www.fdot.gov/procurement/InternetReports.shtm#jobclass> (based on one year of data obtained from the Table 6 Loaded Rates Report for the District

Item #	Item Description	Unit	NOTES / COMMENTS	Approved Rate
701	MOT Attenuator Truck	Hour	Includes mobilization and utilization of vehicle. Includes vehicle operator. Consultant must own equipment to have this pay item in their Contract.	
702	MOT Channelizing Devices - Type I, II, VP, Drum (each)	Each	Includes mobilization, set-up and cost of device. Consultant must own equipment to have this pay item in their Contract.	
703	MOT Light Tower	Each	Includes mobilization, set-up and cost of device. Consultant must own equipment to have this pay item in their Contract.	
704	MOT Portable Changeable Message Sign (PCMS)	Each	Includes mobilization, set-up and cost of device. Consultant must own equipment to have this pay item in their Contract.	
705	MOT Portable Lighting	Each	Includes mobilization, set-up and cost of device. Consultant must own equipment to have this pay item in their Contract.	
706	MOT Portable Sign	Each	Includes mobilization, set-up and cost of device. Consultant must own equipment to have this pay item in their Contract.	
707	MOT Post Mounted Sign	Each	Includes mobilization, set-up and cost of device. Consultant must own equipment to have this pay item in their Contract.	
708	MOT Provide Channelizing Devices - Cone	Each	Includes mobilization, set-up and cost of device. Consultant must own equipment to have this pay item in their Contract.	
709	MOT Radar Speed Display Unit (RDSU)	Each	Includes mobilization, set-up and cost of device. Consultant must own equipment to have this pay item in their Contract.	
710	MOT Shadow Vhcle w/ Adv. Warning Arrow & Attenuator	Hour	Includes mobilization and utilization of vehicle. Includes vehicle operator. Consultant must own equipment to have this pay item in their Contract.	
711	MOT Shadow Vhcle w/ Advanced Warning Arrow Board (AWA)	Hour	Includes mobilization and utilization of vehicle. Includes vehicle operator. Consultant must own equipment to have this pay item in their Contract.	
712	MOT Support Vehicle	Hour	Includes mobilization and utilization of vehicle. Includes vehicle operator. Consultant must own equipment to have this pay item in their Contract.	

i) Zipped email attachments are no longer accepted by the department and will be disabled by FDOT's email server due to security reasons. Failure to comply with the submittal requirements may cause Letter of Response to be considered non-responsive.

This information can be found on the website in the preamble, specific to the LOR. Needs to be in pdf format. Audit package should not be submitted zipped, contact District Office, and use FTA. Or split emails? Max FDOT email attachment size is - 20 MB.

j) The following Procurement meetings are being conducted as in-person only meetings: i) Selection Committee meetings ii) Technical Review committee meeting iii) Oral Presentations/Interviews

k) The Automated Fee Proposal and payroll associated with a procurement is exempt from public records request. **See below for excerpt from C.F.R. and F.S.**

FACTS houses the contracts. Contracts can be requested, but no AFP shall be provided as those are exempt from public records.

3) New Local ACEC FL Topics:

a) Topics for Consultant Forum (Transportation Development/Consultant Management)

Agenda and email blast to be sent out 8/5 - September 8th in person with a virtual. No more than 2 per firm in person.

b) Consultant Grades – opportunity/expectation of consultant to discuss final performance grades before they are finalized and locked down, especially in situation with a new FDOT PM in very final stages of a project with multiple years and multiple prior PMs.

Grades should be discussed. FDOT PM should send a draft to the consultant PM for review.

c) Use of south Florida average rates versus statewide average rates when comparing consultants for determination of cost control?

Statewide averages are only used if no data is available for a classification from the local average database. D4 average is the first approach. As a district, P.E vs non P.E split is based on a type of project for the professional vs nonprofessional time. Standard design project is 50/50. PD&E will be 60-40 for Professional-Non-Professional, due to the nature of the work and higher involvement of licensed professionals on PD&E. Firms do have an opportunity to discuss the proposed spread with the project managers if deemed necessary.

d) Determination factors on shortlisting 4 versus 3, when awarding one contract?

It is rare to shortlist 4 firms on a procurement where a single contract will be issued. The intent is always to shortlist two more than the number of contracts being awarded, per the statewide procedure.

4) General Discussion:

a) Next Meeting date/time: October 14, 2022

Participants (Invitees shown, attendees in Bold):

- FDOT – **Robert Bostian, Steve Braun, Matt Carlock, Paul Lampley, John Olson, Gerry O’Reilly, Kereisha Ottey, Bibi Parmer**
- ACEC – **Morteza Alian, Karina Enrico, Randy Scott, Coriann Salas, and Will Suero**

Backup to Agenda Item 2.k. The Automated Fee proposal (AFP) contains audit information, which is confidential in accordance with federal law: specifically, 23 CFR 172.11(d); and 23 USC 112 (b)(2)(E). As a recipient of federal funds, FDOT may not share audit information without the written permission of the firm(s) involved. Federal citations: 23 CFR 172.11(d): (d) Prenotification; confidentiality of data. FHWA, recipients, and subrecipients of FAHP funds may share audit information in complying with the recipient's or subrecipient's acceptance of a consultant's indirect cost rates pursuant to 23 U.S.C. 112 and this part provided that the consultant is given notice of each use and transfer. Audit information shall not be provided to other consultants or any other government agency not sharing the cost data, or to any firm or government agency for purposes other than complying with the recipient's or subrecipient's acceptance of a consultant's indirect cost rates pursuant to 23 U.S.C. 112 and this part without the written permission of the affected consultants. If prohibited by law, such cost and rate data shall not be disclosed under any circumstance; however, should a release be required by law or court order, such release shall make note of the confidential nature of the data. 23 USC 112 (b)(2)(E): (E) Prenotification; confidentiality of data.- A recipient of funds requesting or using the cost and rate data described in subparagraph (D) shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances. You may request the written permission of the firms to share their audit data. Additionally, payroll information from the consultant audit package, including payroll registers, are financial statements exempt from public records, and may not be made available, pursuant to s. 119.071(1)(c), F.S. Exemption citation: 119.071(1)(c), F.S. Any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from s. 119.07(1) and s. 24(a), Art. I of