

**District 4/ACEC FL Liaison Committee Meeting Summary Notes**  
**Friday, September 24, 2021, 3:00 PM**

Items in black font reflect the agenda items, below. Items in blue reflect the summary of discussion from the meeting.

**1) Action Items from the April 9, 2021 Meeting**

N/A

**2) Statewide Relations Committee Activities – Quarterly updates (June 29, 2021 Meeting)**

- a) More requests for advanced funding came in from Districts than there is money available.
- b) Stimulus Federal Funding Program has \$250M less than thought earlier in the spring
- c) CO is creating a map to share statewide, showing spread of projects statewide
- d) Funding expected to be spread close to 50-50 between DB and DBB
- e) Will Watts is leading the Design/CEI cost study (per recent legislative session follow up) and it is expected to be completed by November 2021  
Draft report from the Design/CEI cost study expected to be released for review in early October.

**3) New FDOT Topics:**

- a) CEI Cost % District focused on staff efficiency. Still considering Lump Sum for certain CEI contracts. When there is flex time on a contract, and the Department will ask CEI firms provide a plan on how the CEI budget will not be overrun during this period.
- b) FDOT Document Reviews (similar item to 4e) – Public Involvement Documents – The District has been receiving feedback on the time required for FDOT to review draft items. The Process is very structured with multiple levels of review. D4 noted that the focus and onus of the challenge is on the quality of the documents. District noted that in the past couple months, the timeframes and quality of submittals has improved. It was noted that the best products are those that clearly have involvement from both a technical knowledge coupled with PIO expertise on plain language and communication that is understandable by the public.
- c) ACEC PD&E Sub Committee (see attached) – The ACEC Transportation Committee and subcommittee process was discussed and explained, including the PD&E working group with sample meeting notes provided by FDOT.
- d) Off-System Projects transition to LAP – The industry now understands-- how D4 is handling off-system work. D4 consultant management will no longer be handling the high volume of design/construction oversight of off-system projects, like it had over the past nearly 10-years. This is in effect with FY 2022 and beyond. Local municipalities will be

responsible for the design and construction. D4 Program Management office will continue to provide oversight. On larger LAP projects a design or consultant management liaison would still be involved.

- e) Public and exempt meetings related to open procurements are conducted in person only. A teleconference line will not be available. Update as of 9-2021, exempt and public meetings are being held virtually with the exception of Selection meetings which are being held at the District 4 headquarters on Monday's, in person only at the auditorium. Members of the public or industry that wish to attend are not required to pre-register they should check in at the front desk and –will be directed to the auditorium without escort.
- f) Invoices submitted in CITS for maximum limiting amount services: Consultant staff is to be invoiced using the employee's job classification as approved in the AFP. If additional staff members are added on the project after contract execution, they will be invoiced based on the guidelines included in the Handbook Manual (Attachment B). Consultants should not use the contract job classification that matches the employee's actual salary rate.
- g) The topic of cone of silence was discussed. The Department requested that it be reinforced with industry the importance of consultants abiding by the cone of silence. Firms should be reminded that the cone of silence applies to the period of time after posting of the official contract advertisement and up through 72 hours after posting of the Agency final decision. ☐ During this period, all project communication outside of a public meeting ceases and all communications between interested firms and the Department must be directed to Procurement, and can only occur with and through official designated Procurement staff. This is a very significant concern by the Department, due to recent instances of - related to this matter.
- h) FDOT leadership noted that the timeframe to resolve and settle Errors/Omissions claims against consultants are now on the executive level radar to minimize the time it takes to resolve E&O claims. This is tracked as one of the State Secretaries performance measures.
- i) Addenda/revisions within 15-days of the letting are reported on and are a negative concern for the Department and includes as one of the State Secretaries performance measures.
- j) Project Specific marketing meetings – Department reminded the consultant that Any documentation presented by either the Department or the Consultant during a marketing meeting is a public record subject to the provisions of Chapter 119, F.S

#### 4) **New Local ACEC FL Topics:**

- a) Duration from Shortlist to Interview, Technical Proposal, or Oral Presentation. 10-day (working day) minimum for all three? Issuance of RFP on same day as Shortlist Meeting. The Department has established that the - timeframe between shortlist and interviews, oral presentations and submittal of Abbreviated technical proposals is a minimum of two weeks. - It was noted by the Department that the 5-month duration from advertisement to execution of contracts is a performance measurement that Districts are measured against, by Central Office/State Secretary. The RFP will be issued within the same day of shortlisting or next day.
- b) Does District expect to have face to face marketing meetings, or would that be dependent on the type of projects? Would it be possible to have more than 30 min marketing meetings with TRC team and Executive team on projects of great magnitude such as I-95 and large DB projects? This item will be evaluated as more time goes on and the uncertainty with the virus numbers fluctuate. For larger projects, the Department will consider longer Marketing - meetings, consistently for the proposers.
- c) Is it correct that some FDOT PMs expect a consultant PM to be available at high percentage (something like 85%) to be considered reasonable for a project? Contracts typically allow 10% to 20% for PMs in the negotiated hours. How does the senior management feel about the appropriate level of availability for the PM? It was noted by the Department that it is not and should not be expected of FDOT PMs that consultant PMs be available at such a high percentage, for most design projects. This item can be revisited at a future meeting as needed, and Robert Bostian offered to work with ACEC to help identify options to address this, with a focus on FDOT having the information it needs to make appropriate decisions on selections. It was noted that availability and staff commitments for CEI contracts has a more significant impact on the Department's evaluation, including a higher percentage of the scoring allocated to availability. CEI TRCs evaluate active and future work by the key proposed team members, starting with the Senior PE. It was also noted that CEIs should not remove key staff on a CEI contract, without obtaining approval on a replacement by the Department. It was also noted by the Department that detailed explanations in letters and/or at the interview on availability of key personnel factoring in current assignments is encouraged and beneficial. A short project overlap is acceptable if there is a solid staffing plan.
- d) Contracts typically include loaded rates for future supplemental agreements. Would it be possible to add negotiated hours as an appendix to a signed contract? This would have two benefits:
- Negotiated hours and notes on each activity would be helpful as a reminder of what was ultimately negotiated, and

- Reveal negotiated operating margin percentages CDAF on projects beyond the second year.

It was discussed that the backup items, including staff hours and operating margin backup, should be kept by the FDOT PM and Consultant PM, for potential future reference on time extensions or amendments. The documents will be available from PSU if needed by the consultant team if needed.

- e) Suggest the Department 'help us help them' by reviewing/approving documents faster. This would help with the Department's desires to move projects up which condenses the consultant's schedules. I.e., typical section packages, pavement design packages, design variations, public involvement documents flyers. The Department noted that it is open to including meetings as needed beyond the weekly Wednesday afternoon Typical Section Package review meetings, and that no project should have to wait more than 1-2 weeks to have feedback on the section. For Variations/Exceptions, section managers will work more closely with the PMs for the initial reviews, prior to the formal final review and signature by DDE
- f) QA/QC – This is an area where typical approach requires a new assessment. Plans and documents do go through constant quality control as being developed however, QA requires dedicated time to ensure due care has been applied before the project is submitted to the Department. Along the same lines on small component sets of plans (signals, lighting) – the minimum QA/QC hours is not usually adequate for the QA/QC needed to review the plans and implementation of ERC comments – for the multiple submittals. To be discussed with the ACEC Transportation Committee. Determination of need to revisit this at a future meeting will be evaluated by ACEC D4 group.
- g) Recognizing that plans need to be produced with minimum review effort by the Department however, ERC responses to most comments seem to be a verification of scope rather than issue resolutions. Time spent is considerable for the multiple submittals. Has there been thought about including ERC response time to staff-hours? To be discussed with the ACEC Transportation Committee. Determination of need to revisit this at a future meeting will be evaluated by ACEC D4 group.
- h) CEI Contract topics
  - i) Operating Margin and approach to development of Cost Control Percentage – It was discussed that there is a group in Central Office - evaluating this matter. But for now, District 4 will continue to use the comparison of partially loaded rates and other Operating margin consideration factors as basis for OM as it is defined in the negotiations handbook.

## 5) General Discussion

- a) Membership transition – Manny Then final meeting. Replacement candidate to keep the committee at 5 members to be proposed prior to our next meeting
- b) Next Meeting date/time

**Attendees:**

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