

## FDOT District 4/ACEC FL Liaison Committee Meeting Summary Notes

Friday, October 28, 2022, 3:00 PM

Summary of topics discussed, and action items, are provided in red font below. Agenda is in plain text.

1) Update topics from most recent statewide Relations Meeting (ACEC/CO) – 9-2022 meeting:

a) Secretary Perdue encouraging communication with the public, building relationships with the community and expand engagement with the public

b) Secretary Perdue initiative to build on FDOT core values and mission statement

c) Secretary Perdue – expressed that there should always be a sense of urgency to “get the job done” efficiently and quickly – It was noted by FDOT leadership that this is likely directed more towards the FDOT side of the projects

d) FDOT will be asking for help from the legislature and industry to get things accomplished at the statutory level – it was noted by the ACEC team that there is a need for more ACEC-FL support on a legislative level

e) CDAF – discussions ongoing. No movement from CO yet to request from ACEC – It was noted by FDOT that the Department is continuing to discuss and evaluate this matter, but no action right now

f) Alternative Contracting Task Force – to be resurrected after a pause it has gone through - FTBA will push the PDB again in the legislative session in 2023. FDOT inquired as to why the construction industry doesn't support CM at Risk, as it seems to transfer some of the risk that is a concern to industry back to FDOT.

g) PM conference a big deal for CO. 250 FDOT Project Managers and over 500-total participants anticipated - pushed out to April 2023

h) Cost Estimate and Bid Price increases a continued concern. Task Team being formed to address solutions. – FDOT D4 is still looking for ownership of cost estimates to live with the EOR/Consultant that is producing the work, also making it truly tailored to the project issues that the EOR will know better than anyone else. Consultants shouldn't rely on Final Plans catching issues/concerns.

It was mentioned that there is a 3R project task force being formed to evaluate cost estimating on those types of projects.

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

a) Conflict of Interest - This is referring to more of the perception of a conflict, and not an actual legal conflict, when a consultant is serving a municipality, other agency, or developer along with the FDOT at the same time. Consultants should consider the fact that on certain projects and programs they are representing FDOT and recognize that when they are working for other clients, to avoid providing one technical message in one audience and a separate message with another audience. Consistency is important. It was noted that at times consultants may find themselves dealing with the same issue on two different sides of a project, with respect to client/owner. These types of situations need to be handled in a professional manner.

b) Transportation Development GEC Update - expected to execute in December 2022. GEC expected to provide staff augmentation and program support for Transportation Development along with safety and PIO offices. GEC will be working with FDOT on transition certain tasks to the GEC contract.

c) Construction CEI Consultant Amendment timeliness - last few months the Construction office has had rush amendments from CEI that could have been anticipated. Expectation is that 12 weeks should be provided when an amendment is needed. This language is in the CEI scopes.

d) Firms should have a process of tracking the funds and time on their projects. This will reduce the risk of having lapse in contract time and settlement actions. - Contract management does not only include technical oversight, but the project manager also needs to manage the scope, schedule, and budget. Monthly progress reports include information on remaining fee and remaining time (Contract execution date). FDOT requires several months of advanced notice of projected contract funding or timing concerns. FDOT stressed the Director and Chief Engineer, or Chief Planner approval is required to extend Task assignment contract past the contract term and is only relevant to complete existing work or post design services.

e) Outreach to STEM Students (AASHTO TRAC Program) – Steve Braun noted the opportunity through the AASHTO TRAC program for industry to have the ability to partner and sponsor local schools, for STEM and Engineering programs. The AASHTO representative is Julia Smith at 682-538-3574. Website is [www.tracrides.transportation.org](http://www.tracrides.transportation.org) Perhaps FELI could adopt as their project - industry should help promote engineering and the transportation field throughout schools.

f) Production dates, letting dates and LDCA dates are all commitments. The teams need to focus on the critical issues from day one to ensure that known or predictable issues get addressed and closed in a timely manner. - Sometimes LDCA dates (for PD&E Studies) are lost in terms of importance and scrutiny/tracking. FDOT noted that LDCA dates and commitments should be held in the same regard as Production and Letting dates on a final design contract. Jump on issues that we know are critical path for a study even if it requires working out of the normal progression of PD&E activities.

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

a) CDAF - Most projects are advertised with 24 months duration however the contract is known from beginning to end beyond 24 months, sometimes in 48 months. CSC and DW contracts are an exception. This would mean that CDAF is not applied until the contract enters the 3rd year of the contract, when new rates are negotiated. Could the contract be written from the beginning with 4 or even 5 years as total term, to factor in CDAF for the rates from the beginning, based on what is realistically expected in terms of duration?

ACEC feels that when CDAF is applied after the 2-year contract on a conventional project (not DW or CSC), CDAF should account for longer duration to account for contracts that are extended 3, 4, or 5 years. Discussion of this would occur during negotiations. If CSC or DW, the District approach is to go 5 year and the consultant will receive the additional benefit, even if one of these contracts is completed in less than 5-years. The Handbook offers many different scenarios. Consultants can look at Handbook prior to negotiations to determine whether they are entitled to rate escalations, and bring the matter up with FDOT PSU and the PM.

b) Inspector Training Pilot Program (FDOT D2 initiative example) - D2 emphasize inspector trainees, depending on contract duration and construction \$ amount they specify aids. Rates and time are set. Office and field experience and then they can graduate and then be promoted to be inspector. D2 is only doing it on state funded projects. D4 has used trainees on bigger projects. Recently FDOT has split the inspector and EI which will help encourage more EIs join the industry. Attached to these meeting summary notes is a paper providing information on the D2 pilot program. This has been applied on state funded projects only through the pilot program.

c) 3D/Nexgen Plans and CEI expectations - will be in SOS that CSS will have to have 3 year of 3D modeling. Will struggle to find CSS with that experience. Probably a disconnect between what is thought is happening and what is done. Right now, it is 3D plans with a regular plan set as well. Can ACEC and FDOT team to train CEI in 3D plans?

d) OM and Cost Control Efforts Determination (specific to CEI) – Kereisha noted that the FDOT Negotiations Handbook says it is not a formula, and that the D4 approach is to compare partially loaded (no OM) rates between consultant and FDOT and factor in how the work will be spread between classifications.

e) 3D delivery: Any lesson's learned that consultants should know about from 3D project deliverables? New Staff hour estimate guidelines are in the works for 3D design work. Still working on producing plans, sometimes more hours are needed but probably more contract related. D4 has a working group that is FDOT and consultants, and they provide quarterly meetings/webinars for knowledge sharing/transfer. It was noted that CO also has a working group.

#### 4) General Discussion:

a) FDOT pointed out that October is Cyber Security Month and called attention to the importance of industry partnering with FDOT to remain compliant with current and evolving cyber security requirements placed on consultants. It was stressed that firms need to have a robust security process in place, to remain compliant with the FDOT expectations. Recently adopted security expectations from D4 to be attached to the meeting minutes.

b) Next Meeting date/time: February 24, 2023

Participants (Invitees shown, attendees in Bold):

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