

**Meeting Minutes for the District 4 FICE Liaison Committee Meeting
Friday, March 10, 2017, 3:00 PM**

1. Action Items from the November 2016 Meeting

- a. None.

2. Statewide Liaison Committee Activities

- a. Consultant Marketing Procedure 375-040-010 –updated January 18, 2017.
- b. Size of Aerial Boards for various types of selections – FICE recommends that one altered 4’x6’ board or 2-24”x36” altered boards is allowed for oral presentations. There was no consensus on this issue. It was recommended that this be discussed at Local Liaison meetings. (See Exhibit C2).
- c. Underutilized Work Group Tables – See Exhibit C3.1
- d. D2 Pilot Selection Procedures – See Exhibit C4.
- e. D3 Innovative Selection Idea – More flexibility with selection methods. See Exhibit C5. D4 prefers selection from a 5 page letter or by presentation.
- f. Requirements for Professional Liability Insurance – See Exhibit C6. The required insurance limit is included in the Request for Proposal. The guidance for assessing PLI is provided by Central Office. See Exhibit C6.
- g. Task Team to address Consultant Grading – Task Team formed, there are four FICE members on the team, Will Suero will represent D4 and D6.
- h. 3-D Plans – This has been pushed back until the cost of additional survey is worked out. Currently it is not mandatory and is to be discussed on a case by case basis. It may better for widening projects, which include cross sections for earthwork. It was also noted that this policy needs to be further discussed with construction staff.
- i. Travel Time Policy Update – See Exhibit C9.
- j. FICE Transportation Conference – May 10-11. It was reported that FDOT will have the same participation as in last year’s conference.

3. New FDOT Issues:

- a. The entire District 4 2017 CAP is loaded on the Procurement website and continuously updated as project managers revise dates or work types. The 2017 under-utilized work types for District 4 have been implemented since January.
- b. Change in the RFP boiler plate to allow districts to limit the number of slides for oral presentations.
 - 1. The default maximum number of slides will be limited to 50 for design and PD&E projects in District 4. If the PM requires more information, it will be addressed on a case by case basis. It was noted at our meeting by the FICE

representatives that 50 slides may be low. D4 will revisit this policy and seek further input from FICE, but believes that 50 slides is appropriate for most projects.

2. If a team doesn't get through all of the slides in a presentation, the Technical Review Committee will only focus on the presentation and not on the hand-outs.

3. District 4 agrees with the board size limits proposed by FICE (4'x6' or 2-2'x3' boards).

4. District 4 is fine with the occasional use of selection from letters of interest when appropriate. There is one current example in D4, which required Chief Engineer approval.

4. New Local FICE Issues:

- a. Update on proposed Legislation affecting the Engineering Industry (SB 250 Toll Lanes) (Attachment ED1), HB 789 (CCNA revisions - Relating to Procurement of Professional Services was filed in the Florida House by Representative Stone February 13. This bill would essentially allow for price to be considered for 50% of the selection and would allow firms to bid against each other), HB 725 (Autonomous Vehicle Legislation) – FICE will have representatives present at the March 13, 2017 House Oversight, Transparency & Administration Subcommittee Hearing to oppose this bill. The bill rescheduled and was heard at the House Oversight, Transparency & Administration Subcommittee Hearing on March 28, 2017 and was endorsed by a vote of 10-5. There is no Senate companion but FICE will have to remain alert because the House Bill language can now qualify as amendatory language if the sponsor can find a germane bill.

5. General Discussion

- a. There was brief discussion on the benefits of using lump sum contracts versus time charge (limiting fee) contracts. This is a topic being discussed at a national level and FDOT has selected lump sum contracts for design and PD&E contracts, except for the Florida Turnpike Enterprise, which still uses time charge limiting fee contracts. All CEI contracts utilize time charge (limiting fee) contracts.
- b. D4 is taking measures to reduce CEI costs. Currently CEI contracts are paying the operating margin for time charges contracts versus the total contract amount as had been the practice in the past.
- c. D4 will be bringing the CEI costs issue to our next D4 FICE Liaison Meeting.
- d. Next Liaison Meeting was scheduled for June 16, 2017 at 3 pm.

Approved:



Department of Transportation

Effective: January 18, 2017
Review: November 16, 2016
Office: Procurement
Topic No.: 375-040-010-b

CONSULTANT MARKETING

PURPOSE:

This procedure defines Department of Transportation (Department) processes which must be followed when conducting professional consultant marketing and other related meetings.

AUTHORITY:

Sections 20.23(3)(a), and 334.048(3), Florida Statutes (F.S.)

SCOPE:

This procedure applies to all offices and levels of Department staff, as well as consultants involved in the professional consultant contract acquisition process.

REFERENCES:

Chapter 119, 287 and Sections 337.107, 337.1075, F.S.
Rule Chapter 14-75, Florida Administrative Code
Procedure No. 375-030-002, Acquisition of Professional Services

BACKGROUND:

Professional consultants represent a significant resource to the Department, enabling the agency to accomplish its mission of delivering a safe transportation system, and annually delivering the Work Program. Through marketing, professional consultants are able to promote their capabilities and experience to Department staff. Conversely, Department Project Managers are afforded the opportunity to communicate relevant project information to consultants. To achieve these objectives, it is the policy of the Department to allow consultants to market their services to Department staff with the Planning, Development (Production), and Operations Offices.

1. CONSULTANT ACQUISITION PLAN (CAP)

The Central Office and District CAPs provide procurement schedule information for projects to be advertised in the fiscal year. The CAP also identifies the Department's Project Manager responsible for each project. CAPs are available on the Procurement Marketing web page, at the following link:

http://www.fdot.gov/procurement/Consultant_Marketing.shtm

CAP information is updated on a frequent basis.

2. GENERAL MARKETING MEETINGS

Marketing meetings for the purpose of staff introductions, presentations of consultant qualifications to Department staff, or to foster or maintain business relationships may be requested by the consultant firm at any time, but are subject to availability and schedule constraints of Department staff.

3. PROJECT SPECIFIC MEETINGS

Consultant firms who plan to pursue a specific professional services contract as the prime consultant may contact the Department's Project Manager to schedule a meeting to discuss and obtain information on project specifics. Meetings with Project Managers to obtain project specific information will be limited to one meeting per project, of approximately 30 minutes in duration. Visits to obtain project information should be limited to the two month period preceding project advertisement, which represents the optimum time frame for obtaining up-to-date project information. For project specific meetings, Department Project Managers should try to have on hand a draft scope, project schedule, and information on professional services work types under which the project will be advertised. Consultants may meet with the Department prior to advertisement and also during the period when a project is posted on the Procurement Planned Advertisement site. All meetings relative to a project must cease once the project is officially advertised on the Current Advertisement site. In order to ensure a fair, competitive and open procurement process, all communications between interested firms and the Department must be directed to the appropriate Procurement Office, from the point of advertisement through the 72 hour period following the posting of final selection results (unless the project is re-advertised). Failure to comply with this restriction may disqualify a firm from further competition for that project.

Other Department staff not acting in a Project Management role may also be contacted by consultant staff for project specific meetings. Project specific meetings with other Department staff shall be conducted at the convenience of Department staff, where time schedules permit. No visits with any Department staff may occur related to a specific

project once the project is advertised under Current Advertisements, through the 72 hour period following the final selection posting.

Large or complex projects including Public Private Partnerships, design-build finance projects, and major projects will necessitate longer project specific meetings. Additionally, the meeting period for large or complex projects shall be between four to six months prior to project advertisement.

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. It is the responsibility of Department staff conducting the marketing meeting to retain a copy of such documentation in the event of a public records request, and forward to the Department's Project Manager for the project. All documentation left by the Consultant with the Department shall be provided in an electronic format. The retention period shall be three fiscal years; the electronic documentation shall be kept with the Department Project Manager's contract file.

4. PROJECT INFORMATIONAL SESSIONS

Project Informational Sessions provide an opportunity for discussion of project requirements on an in-depth basis, disseminating information to a larger audience of consultant firms. Complex projects may warrant Project Informational Sessions to clarify requirements or address unique project characteristics. Project Informational Sessions are held at the discretion of the district offices. Districts may also conduct Regional Consultant meetings, Industry Forums, and CAP meetings. Regional Consultant meetings are generally held on a biannual basis throughout the state, and involve two or more districts. Industry Forums may be conducted for high visibility projects that generate considerable interest. CAP meetings, where held, are conducted on an annual basis at the discretion of the district.

5. NON-MARKETING MEETINGS

Consultant firms actively performing services for the Department who must meet with Department personnel in the capacity of their duties shall advise Department staff of any advertised projects they are pursuing, so that discussions related to the advertised project do not occur.

Consultant firms who competed for a project may request post-selection debriefings with Department staff involved in the proposal evaluation process. Post-selection debriefings will be limited to approximately 30 minutes in duration, and shall not occur until 72 hours following the selection posting. Post-selection debriefings that occur prior

to notice of final decision for the procurement will not include records or discussion of records that are temporarily exempt from public records requirements. Such records shall be made available when the Department provides notice of an intended decision, or when the Department rejects all bids, proposals, or replies and ultimately withdraws a reissued competitive solicitation. Please contact the Project Manager for the contract to schedule these debriefing meetings. Post selection debriefings may be requested for a period not to exceed two months after final selection.

6. TRAINING

None required.

7. FORMS

None required.

minimum be the members of the Technical Review Committee and a Procurement Office representative (oral presentation facilitator).

- (3) Shortlisted Consultants will be instructed that any handouts to be submitted at the oral presentation (leave-behinds) will be restricted to copies of slides from the PowerPoint presentation. The leave-behinds shall not include any additional documentation other than the slides presented in the actual presentation. The leave behind slide presentation will be limited in size to 8.5" x 11". Additionally, altered aerial boards may be utilized in the oral presentation. If the consultant wishes to leave behind a copy of the board(s), the board(s) shall be reduced in size to one 11 x 17 aerial plot. Consultant shall also leave behind one CD containing the PowerPoint slides, and the aerial exhibit board.
- (4) Unless otherwise approved by the District Secretary or Assistant Secretary or their designee, the RFP will advise that videos and computer animations may not be used in the oral presentation. However, any other media may be used.
- (5) ~~Consultant may bring one altered aerial plot, 24" x 36" maximum for use during the oral presentation. Split views are allowed, as long as the overall total size does not exceed 24" x 36". One aerial per project may be submitted.~~
- (6) Consultants are permitted to refer to paper notepads or index cards with notes during their oral presentations. The notes will not be reviewed or evaluated by the TRC.
- (7) Consultant supplied video monitors are allowed. If utilized, the Consultant will be solely responsible for the set up and use of equipment.

8.2 SCHEDULE OF ORAL PRESENTATIONS: Oral presentations are scheduled for and will be conducted in ____, Florida Department of Transportation, ____, ____.

The order of oral presentations will be established by random drawing during the pre-proposal meeting.

	Firm:	Time:
1.		
2.		
3.		
4.		
5.		

Under-utilized Work Groups Table
FY 17/18

Under-utilized Work Group	District 1	District 2	District 3	District 4	District 5	District 6	District 7	Turnpike	Central Office
Group2 Project Development and Environmental Studies	-	-	-	-	-	-	-	-	-
Group3 Roadway Design	UNDER-UTILIZED WORK GROUP	-	-	-	-	-	-	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP
Group4 Bridge Design	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP
Group5 Bridge Inspection	-	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	-
Group6 Traffic Engineering & Operations Studies	-	UNDER-UTILIZED WORK GROUP	-	-	-	-	-	-	UNDER-UTILIZED WORK GROUP
Group7 Traffic Operations Design	-	-	-	-	-	-	-	-	UNDER-UTILIZED WORK GROUP
Group8 Surveying & Mapping	-	-	-	-	-	-	-	-	UNDER-UTILIZED WORK GROUP
Group9 Soil Exploration, Materials Testing, and Foundations	-	-	-	-	-	-	-	-	UNDER-UTILIZED WORK GROUP
Group10 Construction Engineering Inspection	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP	-	-	-	UNDER-UTILIZED WORK GROUP	-	UNDER-UTILIZED WORK GROUP
Group13 Planning	-	UNDER-UTILIZED WORK GROUP	-	-	-	-	-	UNDER-UTILIZED WORK GROUP	UNDER-UTILIZED WORK GROUP

Under-utilized Work Groups Table
FY 17/18

Under-utilized Work Group	District 1	District 2	District 3	District 4	District 5	District 6	District 7	Turnpike	Central Office
Group14 Architect	-	-	-	-	-	-	-	-	-
Group15 Landscape Architect	-	-	UNDER-UTILIZED WORK GROUP	-	UNDER-UTILIZED WORK GROUP	-	UNDER-UTILIZED WORK GROUP	-	UNDER-UTILIZED WORK GROUP
Group21 Acquisition, Negotiation, Closing, and Order of Taking	-	-	-	-	-	-	-	-	-
Group22 Acquisition Business Damage Estimate Review	-	-	-	-	-	-	-	-	-
Group24 Acquisition Relocation Assistance	-	-	-	-	-	-	-	-	-
Group25 Right of Way Clearing & Leasing	-	-	-	-	-	-	-	-	-

Modified Consultant Selection Procedure:

The District is seeking approval to use a modified consultant selection procedure for the selection of our design consultants. This approach would be used on “simple and straight-forward projects” creating efficiencies that benefit our consultant partner and the Department.

A goal for each District is to encourage and bolster the engineering community in our area. This development serves as an asset to the Department by having local engineering firms that produce quality products and are dialed into the local communities, understanding the different dynamics. The local firms in our area often are extensions of, or smaller in size and resources, than in other metropolitan areas within the state. A disadvantage to our local firms has been the ability to compete with larger outside firms that have more resources on-hand and have teams that are designated for marketing and interviewing. The modified selection procedure would help encourage economic competitiveness and bolster area engineering firms.

Also, a current concern for the Department is the resource allocation needed to participate as a Technical Review Member, the coordination required by our professional services personnel and the time spent and lost for these efforts. This is especially evident in areas that are leaning more on consultant GEC staffing assistance within the districts and the limitations with this staffing assistance.

The Modified Consultant Selection Procedure is a simplified, time savings approach. The selection process would still encourage marketing meetings to develop working relationships and have the shortlisting compiled from the 2-page letters of interest. Once the teams have been shortlisted the three teams would put together a follow-up of two pages including “Project Issues (50pts), Technical Approach (30pts) and Cost Saving Strategies(20pts)” page that would discuss the project needs, and the final selection would be ranked off of project needs. This method would only be applied on projects that are straight forward projects for example, resurfacing, sidewalk construction, minor drainage projects, and minor safety type projects.

The benefit in savings for using this method is substantial for our consultant partners and for the department. This savings would also help reinforce the message that the Department wants to deliver to our partners, that is, we will be fair with you and you be fair with us, when it comes time to negotiating our projects. These savings are below:

-Consultant Saving:

Interview Prep. (5 members)	20hrs
Interviewing teams at District (5 members including travel)	30hrs
Interview review and Debriefing	10hrs
Avg. Loaded Rates \$150/hr.	\$9000
Times 3	\$ 27,000

-Department Savings

PSU Coordination	10hrs
Interview prep. (4 members)	12hrs
Interviewing teams	20hrs
Selection review	15hrs

Avg. Department Rate \$ 70/hr. \$3800

Exhibit C4

The District has identified 4 projects that it would like to use the modified consultant selection process as a pilot:

-437616-1-52-01 SR 111 FR SR 15 (US 1) TO MONCRIEF CREEK Resurfacing

-437617-1-52-01 SR 5 (US 1) FR FLAGLER C/L TO SR 206 Resurfacing

-437615-1-52-01 SR 105 RESURFACING FR BUSCH DR TO FUEL FARM Resurfacing (BDI)

-437321-1-52-01 SR 15 (US 1) FR SR 104 TO NASSAU C/L Resurfacing

The District participated in a local FICE coordination meeting on March 8th, where this idea was floated to our consultant partners. The idea was well received and supported by our local group. They are on-board with this approach. The estimated saving from this approach is \$ 120K, which can then be spent on other improvements throughout the state.

Innovative Idea:

This idea is to allow some flexibility within the consultant selection process prescribed in the Acquisition of Professional Services procedure (Topic 375-030-002) by adding the option to select from LOR's and interviews, selection from LOR's, or selection from LOR and abbreviated technical proposals, to the standard selection process for specific project types.

This idea is to allow the District Director and/or Department Head to make the determination based on project needs whether selection from LOR & interview, selection from Letters, or selection by LOR and abbreviated technical proposal is most appropriate at the time the project is being planned to advertise.

Problem or Concern:

The interview process requires/allows for attendance of up to six (6) members of each of the shortlisted teams. In some cases, attendance at the interviews will require travel to, from and during the interviews as well as costs for preparation/rehearsal activities in preparation for interviews. The costs associated with this time consuming process will be captured in the consultant's audited overhead rates and will ultimately be borne by the Department on every contract.

For minor District-wide projects, there is very little specific information to offer other than past experience on these types of projects. As a district, we have also seen instances of firms who produce good engineering work, who for whatever reason struggle with oratory skills in the pressurized interview process. This gives advantages to firms who possess higher levels of speaking/presentation skills and not necessarily the most qualified firms.

Proposed Solution:

Allow the District Director and/or Department Head to make the determination based on project needs whether selection from LOR & interview, selection from Letters, or selection by LOR and abbreviated technical proposal is most appropriate at the time the project is being planned to advertise.

This will allow flexibility within the consultant selection process prescribed in the Acquisition of Professional Services procedure (Topic 375-030-002) by adding the option to select from LOR's and interviews, from LOR's, or by abbreviated technical proposals, to the standard selection process for Project Types. Currently Interviews are the prescribed selection method for the following project types:

1) Miscellaneous minor professional services contracts, District-wide (D/W), and continuing contracts for: Design – roadway; drainage; safety; structures; planning; Project Development and Environmental Studies (PD&E); etc.

2) Minor project (planning, PD&E, design, etc. with a total estimated Consultant fee of less than \$2 million); all resurfacing, rehabilitation, and reconstruction (RRR) projects, intermodal projects; and right of way services.

This also recommends adding abbreviated technical proposal as an optional standard process for the following project type:

1) Complex CEI – Work Groups 10.5.1, 10.5.2, 10.5.3, 10.6.1, 10.6.2, 10.7 and any 99.0 related to major structures, complex interchanges.

Allow the determination to be made by project, whether selection from LOR & interview, selection from Letters, or selection by abbreviated technical proposal is most appropriate at the time the project is being planned to advertise for the above project types.

Benefit:

This idea will reduce costs for consultants associated with preparation and travel, and improve productivity during the professional services acquisition cycle, which will ultimately save project costs for the Department by reducing audited reimbursement rates of consultants. Even minor reductions could result in substantial savings on a statewide level. For example, in FY 2015, the Department executed \$822.47M in consultant projects. If you assume a direct labor multiplier of 3, the savings of 1% on the average overhead rate could result in a savings of \$2.74M in contract costs.

Time Frame:

Implementation of this idea could be accomplished in a relatively short period of time. With proper communication with industry, it could be accomplished in just a month or two if our partners buy into this concept. The challenge could be our partners getting the perception that they will lose face time with Department personnel.

Revised – FDOT Procurement Office Guidelines for Assessing Professional Liability Insurance Thresholds for Professional Services Contracts (Typical Only)

Section 337.106, Florida Statutes requires that "except for any person or firm providing professional services of a research or training nature, any person or firm rendering legal, architectural, engineering, or other professional services to the department shall have and maintain during the period the services are rendered a professional liability insurance policy or policies...in an amount deemed sufficient by the Department."

Professional liability insurance (PLI) protects the Department against claims arising from acts, errors or omissions committed in the performance or non-performance of professional services rendered by the consultant firm.

Assessing appropriate coverage levels for FDOT contracts can be a difficult proposition. Insurance providers and underwriters as well as other state agencies are reluctant to go on record with recommendations for minimum thresholds or guidelines. If possible, it is always preferable to quantify the risks inherent with the professional services being rendered.

PLI coverage recommendations for Design services and PD&E with Design contracts are as follows:

Estimated Construction Value	Prime Consultant Minimum Policy Limit
Up to \$2,500,000	\$250,000
\$2,500,001 to \$5,000,000	\$250,000
\$5,000,001 to \$7,500,000	\$375,000
\$7,500,001 to \$10,000,000	\$500,000
\$10,000,001 to \$15,000,000	\$750,000
\$15,000,001 to \$20,000,000	\$1,000,000
\$20,000,001 to \$25,000,000	\$1,250,000
\$25,000,001 to \$30,000,000	\$1,500,000
\$30,000,001 to \$35,000,000	\$1,750,000
\$35,000,001 to \$40,000,000	\$2,000,000
\$40,000,001 to \$45,000,000	\$2,250,000
\$45,000,001 to \$100,000,000	\$5,000,000
\$100,000,001 or greater	Please submit to Central Office Procurement for coordination of review (send brief e-mail describing project).

Revised – FDOT Procurement Office Guidelines for Assessing Professional Liability Insurance Thresholds for Professional Services Contracts (Typical Only)

PLI coverage recommendations for Construction Engineering Inspection (CEI) services contracts are as follows:

Estimated Construction Value	Prime Consultant Minimum Policy Limit
Up to \$5,000,000	\$250,000
\$5,000,001 to \$20,000,000	\$500,000
\$20,000,001 to \$30,000,000	\$750,000
\$30,000,001 to \$40,000,000	\$1,000,000
\$40,000,001 to \$60,000,000	\$1,500,000
\$60,000,001 to \$80,000,000	\$2,000,000
\$80,000,001 to \$100,000,000	\$2,500,000
\$100,000,001 to \$120,000,000	\$3,000,000
\$120,000,001 to \$140,000,000	\$3,500,000
\$140,000,001 to \$160,000,000	\$4,000,000
\$160,000,001 to \$180,000,000	\$4,500,000
\$180,000,001 to \$200,000,000	\$5,000,000
\$200,000,001 or greater	Please submit to Central Office Procurement for coordination of review (send brief e-mail describing project).

PLI coverage recommendations for PD&E studies (without design) are as follows:

Contract Value	Prime Consultant Minimum Policy Limit
Up to \$2,500,000	\$250,000
\$2,500,001 to \$5,000,000	\$250,000
\$5,000,001 to \$7,500,000	\$375,000
\$7,500,001 or greater	\$500,000

PLI coverage recommendations for Planning contracts are as follows:

Contract Value	Prime Consultant Minimum Policy Limit
Up to \$500,000	\$100,000
\$500,000 or greater	\$250,000

For district-wide and continuing contracts, the minimum policy limits should be established as \$250,000. Consultants will normally have the option to provide either blanket coverage or project specific coverage although project specific insurance may be required by the Department when the degree of risk is greater due to size or type of project.

There will be exceptions for unique high risk projects, such as projects with highly technical design or construction features; please confer with Central Office Procurement in those cases for additional guidance.

FDOT looks to the prime to be ultimately responsible for the quality of the work. PLI requirements are imposed on the prime by FDOT. Subconsultants/subcontractors are subject to limits as specified by the Prime.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JIM BOXOLD
SECRETARY

POLICY

Effective: __, 2017
Office: Procurement
Topic No.: 001-375-020-a

COMPENSATION FOR CONSULTANT TRAVEL TIME ON PROFESSIONAL SERVICES AGREEMENTS

The objective of this policy is to ensure consistent treatment for reimbursement of consultant travel time (hours worked), when professional services consultants conduct travel authorized by the Department.

Travel Time

When negotiating or establishing work effort for professional services contracts, staff hours shall be allowed on the contract for consultant travel time, where essential for contract requirements and as authorized by the Contract/Project Manager.

For in-state travel, the consultant shall be compensated on the contract for estimated or actual time traveled, subject to a maximum time reimbursement cap. The maximum amount of time compensated shall be based on the longest travel time from a district's headquarters to the farthest point in the district. The maximum one way travel times allowed for each district are provided in the grid below.

District	Maximum Travel Time Allowance (One Way)*
1	4 hours; cap is based on distance from Ochopee to D1 Headquarters, Bartow
2	2 hours; cap is based on distance from Crescent Beach to D2 Headquarters, Lake City
3	3 hours; cap is based on distance from McDavid to D3 Headquarters, Chipley
4	3 hours; cap is based on distance from Fellsmere to D4 Headquarters, Ft. Lauderdale
5	2 hours; cap is based on distance from Yeehaw Junction to D5 Headquarters, Deland
6	4 hours; cap is based on distance from Key West to D6 Headquarters, Miami
7	2 hours; cap is based on distance from Crystal River to D7 Headquarters, Tampa
Turnpike Enterprise	Actual time traveled
Central Office	Actual time traveled

Maximum travel allowance for a round trip shall be based on twice the maximum cap shown in the grid, within a District. Travel outside of the District when authorized by the Contract/Project Manager shall be compensated based on estimated actual time traveled; not subject to the travel grid. When consultant staff are directed by the Department to conduct out of state travel in order to fulfill the deliverables of the contract scope, they shall be compensated based on estimated

actual time traveled; not subject to the travel grid. Consultant out-of-state specialty staff traveling to Florida to perform work on the Department's contract may be compensated based on the estimated travel time, subject to the Department's approval and lodging restrictions. The Department must make the determination that the out-of-state specialty staff are essential to accomplishing the project/task deliverable(s).

Travel Expenses

Section 112.061, F.S., applies to allowable expenses that may be included in the calculation of the consultant direct expense rate. The direct expense rate is based on the audit listing of direct costs in relation to the direct labor base. Firms with an audited or self-certified direct expense rate will not be reimbursed for travel expenses as an invoiced actual cost. For firms with an audited or self-certified direct expense rate, travel expenses will only be compensated through the firm's direct expense percentage, as approved by the Department. Travel costs cannot be considered as extraordinary expenses for reimbursement outside of the direct expense percentage. Invoices for any travel expenses, when authorized by terms of the contract and by the Department's Project Manager, will be submitted in accordance with Section 112.061, Florida Statutes. In addition, if compensation for travel is authorized under the contract and by the Department's Project Manager, then the Department shall not compensate the Consultant for lodging/hotel expenses in excess of \$150.00 per day (excluding taxes and fees). The Consultant may expend their own funds to the extent the lodging/hotel expense exceeds \$150.00 per day.

**Max distances determined using GIS Maps. Estimates for drive time from Google Maps.*

By Senator Artiles

40-00329-17

2017250

1 A bill to be entitled
 2 An act relating to high-occupancy toll lanes and
 3 express lanes; amending s. 338.166, F.S.; specifying
 4 that the Department of Transportation may only collect
 5 tolls on high-occupancy toll lanes or express lanes
 6 for the discharge of certain bond indebtedness on a
 7 project existing before a specified date; requiring
 8 that the tolls be eliminated after discharge of the
 9 project's bond indebtedness; prohibiting the creation
 10 of high-occupancy toll lanes or express lanes on or
 11 after a specified date; requiring existing lanes to no
 12 longer be high-occupancy toll lanes or express lanes
 13 upon elimination of their tolls; providing an
 14 effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 338.166, Florida Statutes, is amended to
 19 read:

20 338.166 Termination of high-occupancy toll lanes or express
 21 lanes.--

22 (1) Under s. 11, Art. VII of the State Constitution, the
 23 department may request the Division of Bond Finance to issue
 24 bonds secured by toll revenues collected on high-occupancy toll
 25 lanes or express lanes established on facilities owned by the
 26 department. However,

27 ~~(2) the department may only continue to collect a toll~~
 28 ~~on the high-occupancy toll lanes or express lanes for after the~~
 29 ~~discharge of any bond indebtedness related to a such project~~
 30 ~~that exists before July 1, 2017. After the discharge of any bond~~
 31 ~~indebtedness related to such project, the toll on the high-~~
 32 ~~occupancy toll lanes or express lanes must be eliminated All~~

40-00329-17

2017250

33 ~~tolls so collected shall first be used to pay the annual cost of~~
34 ~~the operation, maintenance, and improvement of the high-~~
35 ~~occupancy toll lanes or express lanes project or associated~~
36 ~~transportation system.~~

37 (2)(3) High-occupancy toll lanes or express lanes may not
38 be created on or after July 1, 2017. Upon elimination of the
39 tolls on existing high-occupancy toll lanes or express lanes
40 pursuant to subsection (1), such lanes may continue to exist but
41 not as high-occupancy toll lanes or express lanes Any remaining
42 ~~toll revenue from the high-occupancy toll lanes or express lanes~~
43 ~~shall be used by the department for the construction,~~
44 ~~maintenance, or improvement of any road on the State Highway~~
45 ~~System within the county or counties in which the toll revenues~~
46 ~~were collected or to support express bus service on the facility~~
47 ~~where the toll revenues were collected.~~

48 (3)(4) The department may implement variable rate tolls on
49 high-occupancy toll lanes or express lanes.

50 (4)(5) Except for high-occupancy toll lanes or express
51 lanes, tolls may not be charged for use of an interstate highway
52 where tolls were not charged as of July 1, 1997.

53 (5)(6) This section does not apply to the turnpike system
54 as defined under the Florida Turnpike Enterprise Law.

55 Section 2. This act shall take effect July 1, 2017.

TRAVEL [#]

Bill filed to eliminate express lanes on Florida highways

State Sen. Frank Artiles says express lanes 'not safe'

By Jeff Weinsier [<http://www.local10.com/author/jeffweinsier>] - Investigative Reporter , Derek Shore [<http://www.local10.com/author/dshore>] - Reporter

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TALLAHASSEE, Fla. - A state senator from Miami has filed a bill to do away with express lanes on all of Florida's highways.

Sen. Frank Artiles, R-Miami, filed SB 250 Thursday during the 2017 legislative session in Tallahassee.

The new bill would allow the express lanes to remain in operation only until tolls are collected to pay off the bonds that were created to pay for the project.

Once the bond indebtedness has been met, the bill would require the tolls to be eliminated.

"I truly believe that it's only a money-making scheme," Artiles told Local 10 News.

Local 10 first reported on the dangers that the express lanes have created as drivers move in and out of lanes and leave law enforcement little room to offer citations.

"It's clear that it is not safe," Artiles said. "We've had five fatalities. You've had dash cameras that have shown you what exactly happens."



Artiles claims that Florida Highway Patrol research shows 12,192 crashes occurred in express lanes in Miami-Dade County alone, with five resulting in fatalities.

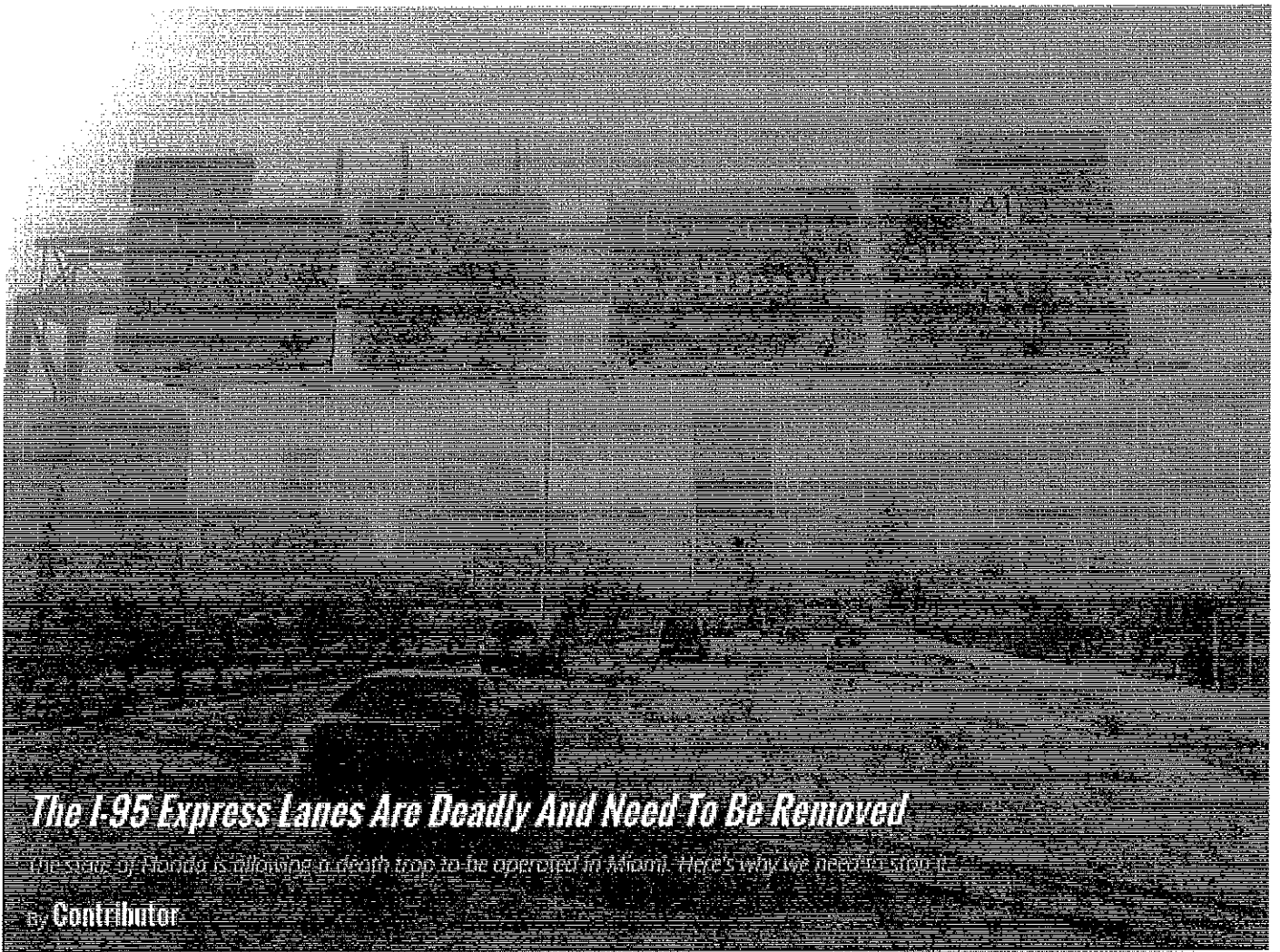
"Safety is more important than revenues," Artiles said.

Artiles credited Local 10's reporting for highlighting the issues.

However, the Florida Department of Transportation maintains that the lanes are safe.

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The I-95 Express Lanes Are Deadly And Need To Be Removed

The state of Florida is allowing a death trap to be operated in Miami. Here's why we need to stop it.

By Contributor

By Mark Kaire

The I-95 Express lanes are literally deadly. Ineffective “delineators” — those flimsy orange plastic poles you see falling down like so many pins on a bowling lane — invite collision and abuse. They are *obstructive* more than *instructive*, and they do little to divide high-speed traffic from cars driving at more normal speeds.

As a result, Miami now faces a new phenomenon known as **lane diving**, in which drivers weave between express lanes and regular lanes as though there isn't any difference in them at all.

It's a dangerous habit, but one that has become commonplace — all on Miami leaders' watch. Real people are suffering real injuries. I've seen it first-hand. My firm has represented some of these people. These are *your* neighbors. They could be *your* family

members. They could be *you*. And all because Miami-Dade County rushed into an Interstate “improvement” project it wasn’t ready for.

The intentions were undoubtedly noble. The state needs revenue. Drivers want to get where they’re going quickly. One might reasonably argue that the fast traffic ought to be divided from the slow and assessed a fee for the privilege of efficiency. But when priorities are ranked, money and speed should never surpass safety. And moreover, if the goal is to divide traffic, *division* ought to be a keyword.

The I-95 Express lanes in Miami do not provide adequate division, nor have they advanced safety. On the contrary, they’ve introduced a new danger in our community, and our commuters’ lives are at stake.

IT’S TIME TO ADMIT THAT, HOWEVER, WORTHWHILE THE ORIGINAL ASPIRATIONS MIGHT HAVE BEEN, THE PROJECT HASN’T WORKED. AND NOW IT’S TIME TO FIX IT.

It’s time for Miami and the State of Florida to own up to its error. It’s time to admit that, however, worthwhile the original aspirations might have been, the project hasn’t worked. And now it’s time to fix it.

I’d like to demonstrate just how dangerous the problem has become by looking at actual numbers. Consider the following, keeping in mind that these all pertain to just a short stretch of road right here in Miami (about 13 miles):

- In 2014 alone, state troopers made **more than 150 arrests** for lane diving. That is an especially compelling number when you consider that, by their own admission, officers are increasingly reluctant to enforce the laws on I-95 because the traffic conditions are so dangerous there. They fear for their own lives. It is likely, then, that these 150 arrests represent only a very small portion of the amount of lane diving that actually occurs.
- There have been **more than 17,500 crashes** on this specific stretch of I-95 between 2005 and 2014. That is an astounding total. No 13 miles of asphalt should be that dangerous.
- The total number of crashes that have occurred on this section of I-95 has **increased over 50% in the past eight years.**
- At least **four people have died** as a result of lane diving in Miami during just the last few years. Even more have been injured.
- Crashes are most likely to occur during peak traffic periods (i.e. southbound in the morning rush hours and northbound in the evening rush hours).
- *Fatal* crashes are most likely to occur between 10 p.m. and 5 a.m., and are more common when traveling southbound.
- Serious injuries happen at all times of the day, with incapacitating injuries evenly distributed across the 24-hour driving period.
- Road crews replace **11% to 15%** of the plastic delineators on I-95 *every single week*. That's how often cars hit them.
- Each delineator is replaced between **6 and 8 times per year**, on average.
- When the Express lanes were installed, the average shoulder width **shrank by 40%**. As WLRN reports, the shoulder along I-95 in Miami is now 7 feet, 11 inches on average (about the size of a single parking space).

Why the I-95 Express Lanes Are Dangerous

Before going further, it's important to understand exactly why these lanes are dangerous. It isn't just that they're fast. Speed is indeed dangerous, but it isn't the sole source of the problem.

The Express Lane situation is more complicated than that. A number of factors converge to create the danger here, and we can begin with the delineators themselves.

Lightweight as they are, the delineators still stand as obstructions to traffic. Every time a car hits one of these in-the-way wobblers, there is an increased likelihood that the driver will be distracted by the collision and/or lose control of his or her car, thus raising the risk for subsequent or multi-vehicle collision.

The simple fact is that the delineators make it more difficult to drive down I-95. Difficult driving isn't anyone's objective, so why did we pursue it?

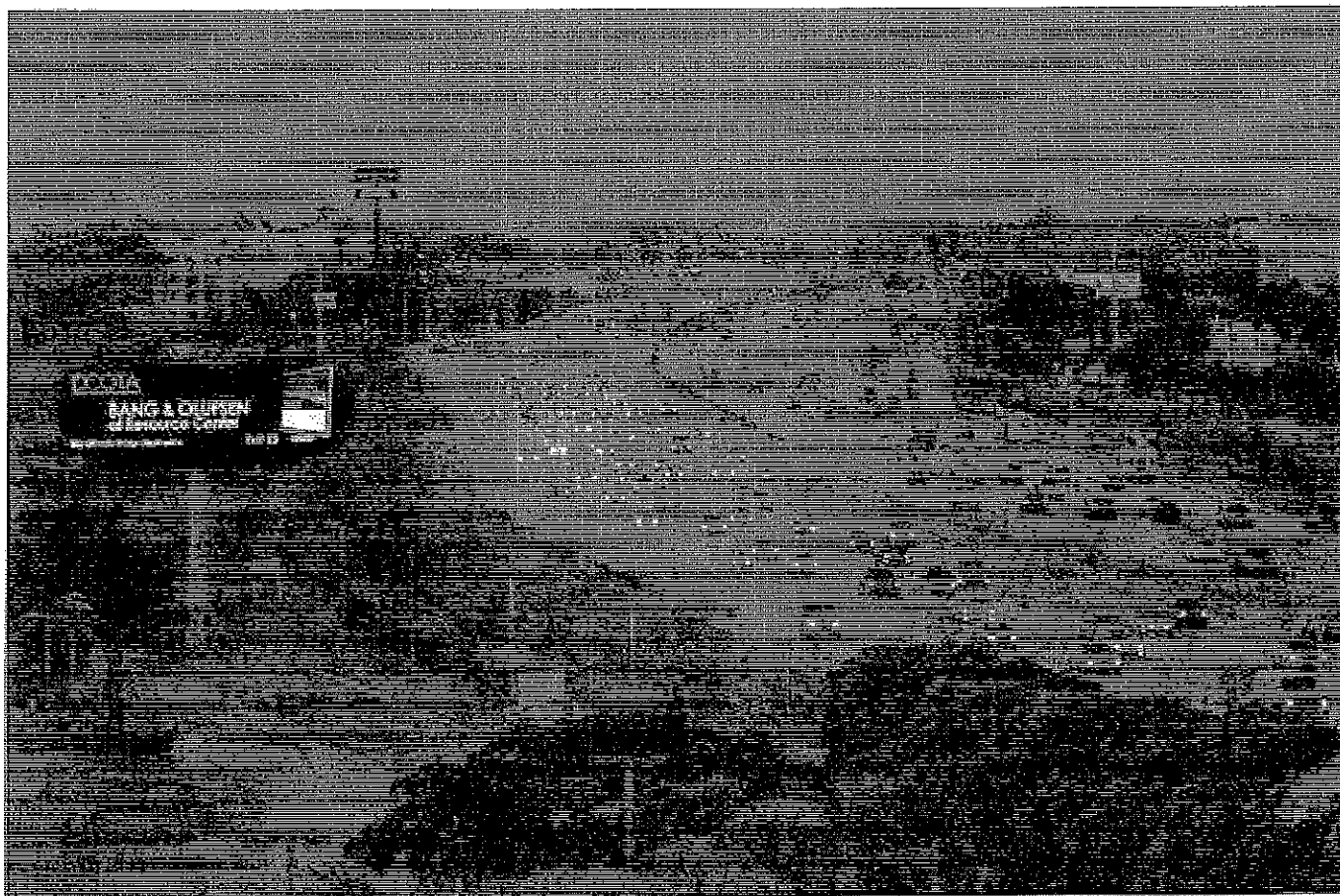


Photo Credit: Jimmy Baikovicus/ Flickr (CC By 2.0)

Drivers have historically shown little patience for obstacles, and many simply ignore them. Figuring that they can easily zip between the delineators with little risk of real damage to their own vehicles, many of Miami's drivers — already known for an occasional proclivity toward recklessness — now pick the lane that suits their interests best in the moment.

"If I see a line at a grocery station that's faster than the one I'm in, I'm liable to jump over there," expert traffic analyst Scott Cooner recently told Miami's WLRN. That same instinct kicks in on I-95.

To be clear: the standard and Express lanes are not intended to be interchangeable. Drivers aren't supposed to hop between them. But with very little to prevent them from doing so, drivers do it anyway.

The problem with such “lane diving” is that higher-speed traffic is suddenly entering into slower-speed traffic without warning, and vice-versa. Different speeds don’t mix well, and sudden changes in acceleration often lead to unexpected impacts.

Without a Shoulder, Drivers Can’t Shrug Off Their Mistakes

Adding insult to injury (or, as the case may well be here, adding injury to injury), the diminished shoulder width on the Express Lanes leaves little room for error. So not only is driver error more likely on these roads but there is also a small margin for correcting those errors before they cause a crash.

The shoulder size poses other dangers too. Police officers say the small shoulder is the biggest reason they avoid enforcing the laws on I-95. They simply don’t have a safe space for pulling people over anymore.

Pedestrians are vulnerable too.

On March 5, 2011, five people were killed on the shoulder of an I-95 Express lane. They were standing on the side of the road after a series of accidents had forced them out of their cars. Then another vehicle — this one with a drunk driver behind the wheel — entered the Express lane and veered off course, killing all five. It was Miami-Dade County’s deadliest I-95 accident in a decade. And while the drunk driver is to blame, those bystanders might not have been in such peril had the Interstate not been so poorly redesigned.

The Proof Is in the Price Tag

The delineators aren’t just dangerous. They’re expensive too. The Florida Department of Transportation (FDOT) spends **more than \$1 million** on replacing delineators that have been damaged or destroyed by vehicle impact every year.

If you need a sign that something isn’t working, a million-dollar annual repair budget is it. And again, we’re talking about a cumulative total of 13 miles here. That comes to about \$77,000 in annual delineator repair-and-replace costs for every mile.

It’s Time for Change

It is not permissible for our leaders to recognize a dangerous condition and then simply do nothing about it.

We here at Kaire & Heffernan, LLC hold irresponsible parties to a basic duty of care every single day — hospitals, storeowners, insurance companies, vehicle and drug manufacturers, and more. We expect the same kind of care from the people who have a responsibility to keep our roads safe.

Our firm has called on county and state leaders to take immediate action to rectify the dangerous situation on Miami's I-95 Express Lanes. We only hope that more people won't have to lose their lives before we see real change.

Take a minute to **sign our petition** for Florida representatives to step up and fix the failed, deadly, and costly I-95 Express Lane.

Mark Kaire is a personal injury lawyer in Miami and a cofounder of Kaire & Heffernan, LLC.

RISE NEWS is a grassroots journalism news organization that is working to change the way young people become informed and engaged in public affairs. Anyone can write for you us as long as you are fiercely interested in making the world a better place.

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