

Use Maintenance Landscaping Stand Alone Projects with Two Year Establishment Period.

SS580000 LANDSCAPING (STAND ALONE)
MAINTENANCE
REVIEW COMMENTS



Kim Gutierrez, P.E.
District 4 Maintenance Contracts Administrator
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Comments: (6-5-17)

With regard to the Bold Landscaping spec, has there been any discussion as to how to apply Liquidated Damages? This hasn't been a huge issue so far, but I would really like to see LD's applied at the end of the Installation period instead of the contract term(end of Establishment). If applied earlier, we have more funds to draw against and more leverage to meet the installation period end date.

Response: At this time, liquidated damages are not an appropriate solution. No change made.



Andrew Seibel
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Comments: (6-12-17)

580-4.1 Installation Plan – Would include language similar to 580-4.9 Establishment Plan that the plan has to be accepted. Example language – Installation cannot begin until plan (Installation plan) is accepted by Engineer.

Response: Agreed

580-4.6 Maintenance – would add language to clarify that plant material must be maintained at Florida No. 1 “throughout the installation phase”. Installation phase of many larger landscape project last 270 days and confusion between Department and contactors has occurred as to if plant material has to be Florida No. 1 during the entire installation phase. Also, what is to be done if contractor does not keep plant material at a Florida No.1 during the installation phase? What remedy does the Department have to enforce during this phase?

Response: The Contractor does not get paid until all plants are at Florida No.1. No change made

580-4.7 Site Repair and Restoration – When do repairs and restoration have to be completed?

Response: No change made. Before installation period is complete or when directed by the Engineer.

580-4.9 – Reporting – The Landscape Monthly Inspection Form (700-011-10) states it is an Establishment Period form and requires Monthly Establishment Period Beginning Date and Monthly Establishment Period Ending Date. Form needs to be revised so no confusion caused. Example – remove Establishment Period from the “Instructions” section of form and replace with “Inspection”, remove “Monthly Establishment Period” from Beginning and Ending Date

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blocks and replace with “Inspection”. With these adjustments form could be used for both Installation and Establishment inspections. Would also recommend adding to the “Condition of Plantings/Activity Evaluated:” a section to report damage to Roadway assets (slopes, guardrail, signage, etc.) within project limits.

Response: Agreed.

580-5-1, #4 – States “Remove undesirable vegetation and eradicate Florida Exotic Plant Pest Council Category One invasive plant species. This includes from walls and within fences.” This activity seems better suited to done during the installation phase and would add “within project limits”.

Response: At this time, no change made.

580-5-1, #5 – States “Prune to remove crossing, deflecting and circling roots, crossing, dead, damaged and co-dominant branching, for sign visibility and for safe sight distance.” Contractor could interpret that removal of roots or branching only has to take place “for sign visibility and for safe sight distance”. Whenever these conditions are found, removal will need to take place. Would recommend removal of “for sign visibility and safe sight distance”, and place it in a separate sentence saying “Perform pruning to ensure sign visibility and safe sight distances.”

Response: At this time, no change made.

580-5.2 – Inspection and Reporting Requirements – would recommend adding “for review and comment” to the last sentence in this section – “Submit the monthly inspection form and the quarterly report to the Engineer within seven calendar days after performing the inspection” for review and comment.

Response: No change made.

580-9.1 – Payment during the Installation Period – recommend removing “monthly” and “monthly progress” from section. During the installation period contractors do not regularly bill on a monthly basis. “The schedule of values will be the basis for determining monthly payments” and “Prepare a monthly progress invoice for work completed during installation period and submit progress invoice to Engineer.” Also, what remedy is available to the Department to withhold funds or penalize during this period if contractor fails to perform (plants start to die) or causes damage to roadway assets (guardrail, signs, slopes, asphalt, etc.)? Would recommend language to protect Department during this period – Example, Twenty percent of the installation period amount will be withheld until the Installation Period has been completed and accepted.

Response: At this time no change made.

Guy Murtonen
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Comments: (6-12-17)

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Response: Agreed.

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Response: At this time no change made.

Victor A. LoPiccolo
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Comments: (6-23-17)

580-4.1: “...review & comment...” Do we actually mean “review & approval” or are we merely “making suggestions or expressing concern? What if we “comment” and the contractor disregards it?

Response: The Department does not need to “approve” the installation plan. If not accepted, the work cannot begin.

580-4.3 Layout: last sentence needs correction. Suggest, “ Make no changes to the layout or any variation of plant material...”

Response: Agreed.

580-4.8: “Remove materials from the work site each day...” is a bit harsh, isn’t it? Please consider revising, I.e.: “Do not stockpile or leave waste materials in the right of way at the end of the work day unless authorized by the Engineer....” This will give the Department control but the contractor may have some leeway where possible.

Response: Good comment. At this time no change made. We will consider on the next Workbook.

580-6: Remedial Work- the concern is if the required re-establishment of plants will need to go beyond the contract term. If SP0080703M passes through as written, that helps, but even so, the Landscape Spec does not make it absolutely clear that the “extra time” for establishment is no a free-bee and should result in liquidated damages. In fact, the proposed 8-7.3.3 specifies “...work is not completed prior to the expiration...” The contractor may argue that the “work” was done on time and the establishment period is not really “work” as defined in 8-7.3.3. The Spec should reference that any required establishment period beyond the contract term will be considered liquidated damages.

Response: At this time, liquidated damages are not an appropriate solution. No change made.

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The same applies to the Push Button Spec.

Response: At this time, liquidated damages are not an appropriate solution. No change made.

Wayne Jackson
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Comments: (6-29-17)

1. The current and proposed specification does not provide a clear course of action or clear deduction if the Contractor fails to provide the monthly or quarterly inspection report as prescribed in the specification. It does allow for not paying the contractor (580-9.2) until received, but there is no deduction for the number of days it is late. Recommend language be added so a per day deduction can be applied for failure to turn in the report(s) as indicated in the specification. In addition, what if the monthly report is not filled out correctly? They certify all plant material meets Florida 1 and there are two dead trees on the project. How should this be addressed? Recommend additional language be added to the specification.

Response: This may be considered in future revisions. No change made.

2. Is the establishment period designed to be performance based? If so, 580-5.1 Establishment Period, “2. Maintain the soil moisture at field capacity. Field capacity will be determined from a 4-inch deep excavation where the soil must hold together and form a hand clump.” Recommend removal. Is this a measurable item, and will or should the contractor be held to it if they do not meet it? Random sample, 1% of the tree beds, one of the areas does not meet this requirement, they receive a daily deduction until they are in full compliance? Recommend removal.

Response: At this time no change made.

3. Recommend, removal of 580-5.2, “5. Soil moisture level.” This is not a specific part of the establishment criteria, and if so, what should the moisture levels be? If it is for informational purposes, say to monitor possible stress of the plant material, health, etc., require where the tests would have to be conducted, a report be provided in an excel spreadsheet or access data base of the moisture reading with some degree of measurement (tenths, hundredths, etc), location the soil moisture tests were taken, along with the time, date, plant species, specific plant species health, picture, and any additional comments concerning the overall health of the plant, including the last time it was fertilized and with what specific fertilizer and how much. Would also recommend a minimum of two readings on opposite sides of the planting bed not directly next to the bubblers, sprinkler head, or other irrigation system components. Primary recommendation is to remove 580-5.2 number 5. Soil moisture level.

Response: This may be considered in future revisions. No change made.

4. What happened to liquidated damages? Liquidated damages or a deduction per day should apply if the contractor fails to complete the installation within the time allocated for that

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phase/period. If by definition liquidated damages cannot be applied for the first period of the contract, recommend a daily deduction be added for this in 580-7 Failure to Perform. The contractor must be held to the installation time period (weather days and holidays would be added to the time period).

Response: At this time, liquidated damages are not an appropriate solution. No change made.

5. 580-3 Worksite Landscape Supervisor. This section states the supervisor to directly oversee all landscape installation and establishment. Does this mean they have to be onsite at all times when work is being done, or only certain types of work? Recommend language be added to clarify on-site if required during certain work activities (activities should be listed), and/or a response to the project within xx minutes.

Response: No change made.

6. Plants must meet Florida 1. What if the plant is damaged by a third party and the plant is knocked over or damaged to the point it no longer meets Florida 1. Other specifications address this, however, this specification does not address time allowance for replacement of the plant material. Recommend language be added to allow xx number of days once identified to replace the plant material and damaged characteristics (mulch ring, mulch, etc.). This is needed to ensure each District and Operations center has a set criteria so we can be consistent, predictable and repeatable.

Response: No change made.
