

**0040302 SCOPE OF THE WORK  
INTERNAL/INDUSTRY REVIEW COMMENTS**

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**Comments: (11-15-16)**

Please see comments below in regards to burden calculations for 4-3.2: We have had much confusion from the contractor and ourselves as to how to calculate burden and what exactly is to be included and in trying to resolve this, have found discrepancies in theory and practice. The items in the chart are to be percentages of payroll dollars certified for the 12 month period prior: 1)More guidance is needed as to whether this is project payroll, companywide payroll or companywide field labor force payroll. When discussing companywide dollars, the contractors have stated this unfairly drops the percentages as they are including office/corporate personnel. 2) All percentages are called out as actual except workman's compensation. This calls in a statewide table that is adjusted for experience. The contractor's payment is then adjusted at year's end. In gathering actual payment data for this item, the contractors are actually paying 5-10% less than their calculated rate. So using the table artificially raises the burden rate. Consider changing this requirement to actual dollars paid for workman's comp insurance instead. This eliminates the confusion for multi-discipline contractors, keeps the use of actual payouts consistent for all items and makes the cost more representative of actual direct payouts for the contractor. Since the contractor is getting a 17.5% markup on the burdened labor, he is already receiving fair compensation for this section. (Wendy McLellan Creative Engineering Contract Support Specialist 561-373-0787 3998 FAU Blvd. Suite 309 Boca Raton, FL 33431 I95/Spanish River Project FIN: 412420-3-52-01 FAP: 0951-641-I Full Oversight)

**Response: Comment is outside the scope of the proposed revisions.**

No change made.

**Comments: (12-6-16)**

Regarding the Scope of Work Section, the following excerpt that was struck-through and relocated to the end: "Further, in the event there are concurrent delays to one or more controlling work items, one or more being caused by the Department and one or more being caused by the Contractor, the Contractor shall be entitled to a time extension for each day that a controlling work item is delayed by the Department but shall have no right to nor receive any monetary compensation for any indirect costs for any days of concurrent delay. Suggest adding 'non-compensable' before 'time extension', despite the latter part of the statement, to leave no room for uncertainty. S.Mailhes,PE FDOT PB Ops Construction 561/531-1057

**Response: Thank you for your comment.**

No change made.

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D3 Design

**Comments: (12-5-16)**

The final paragraph of Section 4-3.2.1, Part 4 states, “Further, for (a) or (b) above...” We recommend changing this to say, “Further, for 4(a) or 4(b) above,” to avoid possible confusion with Parts 1(a) and 1(b) or with Parts 3(a) and 3(b).

Response: This paragraph will be indented to clarify the intent.  
Change made.

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Comments: (12-7-16)

The burden calculations need to be clarified. There are contractor that calculate the burden per employee and there are others that calculate one burden for non-supervisory employees. Workers Compensation calculation is calculated wrong all the time. Most contractor and CEI do not know about the rate quoted in the National Council on Compensation insurance is based upon per \$100.00. The Per Diem- Is the State of Florida Statute rate or it is IRS rate for State of Florida? The burden rate needs to be a percentage, instead of hourly. Is Burden added to OT? Need to require that the burden calculation should be recalculated every years as a minimal.

Response: Comment is outside the scope of the proposed revisions.  
No change made.

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