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# Meeting Minutes

SCDOT/ACEC/AGC Design-Build Sub-Committee Meeting

3-29-18 @ 10:00 am

I. Welcome/Introductions

- Attendees
  - Chris Gaskins (SCDOT)
  - Ben McKinney (SCDOT)
  - Brad Reynolds (SCDOT)
  - Clay Richter (SCDOT)
  - Hongfen Li (SCDOT)
  - Trapp Harris (SCDOT)
  - Barbara Wessinger (SCDOT)
  - Emily Berry (SCDOT)
  - Brooks Bickley (SCDOT)
  - David Rogers (SCDOT)
  - Claude Ipock (SCDOT)
  - Tad Kitowicz (FHWA)
  - Chad Curran (AGC)
  - Michael Gantt (AGC)
  - Ron Shaw (AGC)
  - Dave Pupkiewicz (AGC)
  - Hisham Abdelaziz (ACEC)
  - Brice Urquhart (ACEC)
  - Bryan Shiver (ACEC)
  - Jeff Mulliken (ACEC)

II. Personnel Changes/Subcommittee Member Changes

- None.

III. Project Updates

- I-85 MM 98 to 106 – Working toward executing a contract with Lane.
- SC 277 NB over I-77 Bridge Replacement – The Final RFP will be released April 3.
- I-26 MM 85 to 101 – The RFQ will be released on March 29<sup>th</sup>.
- GDOT I-20 Bridge Replacement – The RFQ will be released March 30<sup>th</sup>. SCDOT is involved in the procurement.
- I-85 Rocky Creek – Possible culvert/bridge replacement project. Still considering options for scope and procurement. Identified as District critical need.

- Lester Road – Project originated due to Hurricane Mathew. Possible Future DB Project that consists of two bridges on Lester Road over the Little Pee Dee River. The road is currently closed.
- Arcadia Lakes – Potential candidate for DB now that the Dam has been reconstructed.
- Carolina Crossroads I-20/26/126 – RFQ is expected in the fall of 2018 with award in December 2019.
- Closed and Load Restricted Bridges – These bridges will likely be grouped geographically or by district. Schedule has potential to begin procurement in 2019.
- US 1 over I-20 Bridge Replacement – 2019 is still intended year for RFQ. Need to get the NEPA started.
- Future possible projects from 2020 and beyond:
  - Lowcountry Corridor
  - I-85 MM 40 -69
  - I-26 over US 1, SCLRR, and SC 302
  - I-20 over Wateree
  - I-26 MM 15-22
  - I-526 MM 18-30
  - I-26 MM 212-218

IV. Action Items from 2-14-18 Meeting

- ATC Forms – Closed; Will be posted to website once form is finalized
- SOQ Scores – Closed
- Future Competition – Closed; Question posed to determine if the ACEC/AGC has any concerns – determined that information provided is adequate.
- Teaming Agreements – Closed; Teaming agreements are not written by the time SCDOT would be looking to see them. Initial teaming agreements are short and undetailed, would not provide much information on partnerships. Intended as way to determine how teaming/partnering is ongoing in industry, but may not be a good metric for SOQ evaluation.
- Work History Forms and RFQ Template – Open; Leave open until responses are provided.
- Comments on new DB Website – Closed; Future projects have been added to the website as requested. All information has been re-added, although in a new format, except for completed projects. Completed projects will be added eventually. Received question related to 12 and 36 month schedule. Letting list in NCDOT for DB projects that exists for both of these time frames – although not accurate.
- Award Fee – Open; Evaluating performance of Contractor and Lead Engineer and the payment of a potential award fee (aka incentives / disincentives). Would need more specifics on evaluation criteria, weights of criteria and how to evaluate over life of contract. Discussion of weights between Contractor and

Lead Designer, currently looking at no difference between the 2. Evaluate every 6 months over course of project with incremental payments for each time. Would not be an all or nothing each time, prorate based on scores. Requested to get information up front for teaming arrangements and also for financial obligations. Would it be possible for this to supplement or offset retainage instead of separate item? Action Item SCDOT – Develop evaluation process/scenario to discuss criteria and/or subjectiveness. Also, decide if possible with FHWA, or possibly use SCDOT funds for fee if FHWA doesn't determine eligible for federal funds. No objections over the concept were raised, just execution.

- Fixed Price Procurement – Closed; ACEC/AGC have no objection over concept. Must ensure scope is well defined to eliminate bid manipulation or confusion. Concerns over how to effectively use best value approach. Possibly use score to determine quality on “additional” out of scope items. Example: GDOT used a base contract and then provided additional 20 items (had to go in order given) and whoever got farthest with fixed price; serious debate on a bid opening tie – coin toss??? Can possibly use SOQ/technical score, time, quality credits, etc. to determine winner.

V. CEI Procurement Timing ACEC

- Looking to get clarification on timing to determine logistics. ACEC would like CEI procurement earlier so they can best determine how to collaborate with DB Teams.
- Less critical of an issue on smaller projects, more important with mega projects
- Could create issues with determining teams for all scenarios
- SCDOT balance to get best Lead Designer with DB Team and also allow CEI early enough for coordination.
- SCDOT stated we are all here to support the DB Team first and foremost.
- CEI firm determined early can lead to problems months down the road like having to restructure CEI team after DB Team selected. It is hard to set the CEI contract if the DB Team schedule is unknown.
- CEI staged negotiation/selection may be able to help get support functions up and running (limited NTP to help with that to some extent) then follow up with second step in contract with CEI team.
- Would need to determine CEI role (testing/inspection vs including PM, document control, and design reviews) on an individual project basis to determine if early CEI identification/contract makes sense.
- Historically have determined CEI before executing contract with DB Team.
- Consensus on what team is preferable? Some firms want to be on both sides as small percentage; will be discussed at other committees to bring feedback
- Leave open for further comments/discussion at next meeting

VI. Precluded Firms on DB Prep Teams ACEC

- Subs to the prime can fall off and then pursue design side once release provided.

- Major 5-6 disciplines are the concern; sub-consultants can be released if prime is willing to take those responsibilities on themselves.
- Sub consultants cannot be released if they provided services beyond preliminary
- Argument that there is an advantage DB Team if sub-consultant has more knowledge from being on prep team. Sub-consultant would be able to provide data to one DB Team quicker than other teams receiving from DOT.
- Posed that if DOT prohibits those teams from joining DB Team – makes smaller pool of qualified teams.
- Some would prefer that any prep team member be excluded from joining any DB Team.
- DOT retains support they need, within federal regulations; get all documentation from prep team to share – May be in a sweet spot in the middle of both ends of the spectrum
- Case by case basis on what is appropriate – neither retain all or release all are very likely options

VII. ROW Acquisition Cost

AGC

- Any consideration for eliminating from DB Contract – Bonding capacity concern – significant bond cost for essentially a pass through of money; also a large risk item for DB Team.
- Asked where is incentive for DB Team to minimize acquisition cost if removed from their role.
- Could provide basis for ROW to DOT as information with bid. Any additional regular ROW cost could be DB Team risk.
- Has been said Contractor can write a check faster than SCDOT; if cost isn't in bid – can operate as a pass through but is ultimately reimbursed to expedite
- Currently, ROW cost affects DBE goal for lump sum DB contracts. FHWA and DOT discussing options for eliminating ROW cost from DBE calculation.
- DOT willing to consider exchanging quality credit points for DB Team taking on all of ROW risk including premiums – can do this regardless of if it's required to be in bid or not.
- Action Item SCDOT – discuss internally to decide if we are willing to change process. Look for ways to share risk between both parties.
- Action Item AGC/ACEC – what are some ways that DB Team can help reduce risk to DOT to control ROW costs.

VIII. Advanced Clearing and Utility Contracts

AGC

- Request that SCDOT perform this prior to executing DB contract. Issue related to DB Team time and risk.
- Issue identified if DB Team changes ROW. If DOT performed advanced clearing and utility relocations, DB Team would have to build to DOT relocation so no additional cost to DOT.

- If 100% sure utility needs to be moved (low hanging fruit), have schedule accommodate advanced clearing and utility relocation.
- Advanced utility identification effort is possible by SCDOT.
- Currently, the incentive is for DB Team to avoid utilities – DOT not going to spend significant cost on SUE to locate everything.
- DOT willing to consider quality credit if DB Team willing to take on utility temporary relocation of utilities to help accelerate construction schedule.
- Possible case by case basis for projects – early coordination could be good based on scenarios where funding needs to be secured.
- Should be looking into how to eliminate risk for DB Team in obvious scenarios for relocation.
- Potential that low hanging fruit can be avoided with an ATC
- Action Item AGC – Look into what other states are doing to evaluate other models.

IX. Utility Relocation Time AGC

- Risk associated with schedule delays; are being given time but not extended OH cost – if delay causes an extra year it is not equitable for DB Team
- Issue, no leverage over utilities from DB Team or SCDOT to relocate quickly.
- Risk allocation needs discussion.
- Proposed providing reasonable utility relocation time with proposal as basis for bid schedule. If utility relocation time exceeds reasonable time, DOT would provide additional contract time and pay extended OH if shown as a critical path delay.
- Question regarding what is considered reasonable time to relocate. DB Team and DOT would have to agree to reasonable time definition on case by case basis. Would be appropriate to discuss at early coordination meeting. Not always a level playing field on bids based on everyone’s best guess
- Action Item AGC/ACEC – what are other states doing? May be way DOT can lessen risk for DB Team.

X. Technical Proposal Discussions and BAFO SCDOT

- More discussion after technical proposal submission may become the rule and not the exception. Expect communication prior to technical score finalized.
- Further step than presentations – use communication to deduce most appropriate score for technical proposals.
- Goal is to not have any issues that would need to be cured but rather to ensure better understanding of proposals prior to executing contract.
- More likely to request additional discussions and potentially BAFO to make sure any issues or questions that arise during DOT proposal reviews are addressed and everyone is on the same page.
- Evaluating technical scores has taken longer than in the past – may be more appropriate timing; will vary based on project.

- Would like to have had some of the communication at the technical presentations; want to have communication prior to turning in cost proposals and not post bid opening.
- Current process – cost proposal turned in at the bid opening
- Florida DOT has Q&A plan review instead of presentations; SCDOT and FDOT not expected to point out concerns/issues, but questions to highlight areas of looking into
- Minimum timeline prior to cost proposal submission – 1 week; SCDOT will need at least that to finalize technical scores
- Discussion Closed.

XI. Open Discussion

- Partial submittals – Is SCDOT too restrictive? What are other states doing? ACEC will research and develop a position on how to best do this.
- NCDOT has been allowing substructure/superstructure partial submittals; 2 plan sheets as preliminary plans and subsequent submittal only substructure sheets
- SCDOT is willing to consider as an option. How to logistically let this happen with a happy medium (plan and profile that fully defines the substructure and superstructure elements early on?)
- Other examples on how to do partial submittals (DHEC needs to be on board with NOI phases).
- Would like to expedite the project without sacrificing quality. No intentions of holding up project with red tape.

XII. Action Items

- Work History Forms and RFQ Template – SCDOT to provide responses once review of comments in complete template
- Award Fee – SCDOT to determine federal involvement and also possible scenario for criteria, etc.
- CEI Procurement Timing – further discussion to happen after more input
- ROW Acquisition Cost – SCDOT to discuss willingness to change process; AGC to determine how to reduce/manage cost
- Advanced Clearing and Utility Contracts – AGC to look into what other states are doing
- Utility Relocation Time – AGC look into what other states are doing to share risk
- Partial Submittals – ACEC will look into other states and will develop a position on how to handle this

XIII. Next Meeting Date: May 16<sup>th</sup> 2018 at 10:00 AM (ACEC Lead)

XIV. Adjourn