

# Meeting Minutes

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

12-11-18 @ 9:00 am

## I. Welcome/Introductions

- Attendees
  - Chris Gaskins (SCDOT)
  - Ben McKinney (SCDOT)
  - Brad Reynolds (SCDOT)
  - Jae Mattox (SCDOT)
  - Hongfen Li (SCDOT)
  - Trapp Harris (SCDOT)
  - Barbara Wessinger (SCDOT)
  - Austin Purgason (SCDOT)
  - David Rogers (SCDOT)
  - Kevin Harrington (SCDOT)
  - Chad Curran (AGC)
  - Michael Gantt (AGC)
  - Dave Pupkiewicz (AGC)
  - Hisham Abdelaziz (ACEC)
  - Brice Urquhart (ACEC)
  - Bryan Shiver (ACEC)

## II. Personnel Changes/Subcommittee Member Changes

- ACEC: Bryan Shiver (Insight) and Jeff Mulliken (Holt) roll off as of Dec 31, Elham Farzam (ICE) and Paul Raad (CECS) roll on as of Jan 1
- AGC: Chad Curran and Michael Gantt roll off (Chad as of Dec 31 and Michael in mid 2019). Pete Webber (Dane) and Chuck Gallant (Blythe) roll on (Pete as of Jan 1, Chuck in Mid 2019)
- SCDOT: Hongfen Li to roll off and replacement TBD. Daniel Burton will replace Kevin Turner. Trapp Harris will be replaced by Maria Ott.

## III. Project Updates

The anticipated schedule is as follows but is subject to change by SCDOT.

### 2019

- Emergency Project 2A Bid Opening on December 21st.
- Emergency Project 2B Bid Opening in February
- I-26 MM 85 to 101 – In procurement, May 2019 award.

- 4 projects set up for 2019, 3 projects in DB group and Carolina Crossroads in Mega Projects.
  - Carolina Crossroads: RFQ late February to Early March. Set to open bids in 2020
  - I-85 over Rocky Creek: early march RFQ (9-10 month procurement schedule). Set to be awarded about the time of substantially completing construction of I85-I385. Brad Reynolds leading.
  - US 1 over I-20: STV on prep working through NEPA. RFQ set for Late April. Jae Mattox to lead.
  - Closed and Load Restricted Bridges: Will be split along District boundaries. DB Group has package in hand with 16 bridges in District 2. Set for RFQ in September 2019 with approximate value of \$20M.

#### 2020 and beyond

- Closed and Load Restricted Bridges: SCDOT expects issue a CLRB package every year for next 10 years with a value in the \$20-30 mil range. Next up is District 4 with 10 to 15 bridges. Expect RFQ in September time frame to align with funding commitments.
- Lowcountry Corridor – 2022
- I-85 MM 51 - 69 – 2024
- I-85 MM 40 - 51 – 2026
- I-26 over US 1, SCLRR, and SC 302 – 2021
- I-20 over Wateree – 2022
- I-26 MM 15-22 – Currently on hold
- I-526 MM 18-30 – 2028
- I-26 MM 212-218 – Currently on hold
- Future placeholder dates should be updated on SCDOT website

#### IV. Action Items from Previous Meeting

- ROW Acquisition Cost
  - Since Last Meeting: SCDOT talked internally last week on issue and is open to transferring ROW cost to DOT based on value of preferred alternative shown in RFP. DOT does not favor taking on ROW cost associated with DB Team ATCs but would consider quality credits for reduced ROW alternatives. DOT to provide draft language by next meeting for review and tentative plan may be to incorporate into Carolina Crossroads.
  - Preliminarily this is not something that SCDOT would do when there is a CE with no preferred alternative. SCDOT would only consider it for EAs where there is a preferred alternative.
  - If an ATC was approved that required additional ROW, then the DB Team would be responsible for just compensation.
  - General discussion on ATC changes that affect ROW.
  - How does SCDOT keep everyone in check when it comes to acquiring ROW. SCDOT considering to pay just compensation for all ROW included in the

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NEPA doc. Do not want to stifle innovation by limiting DB teams to the NEPA doc alignment. Can SCDOT incentivize the DB Team pursuing alternative alignments by giving quality credits in the technical proposals? SCDOT could approve it in the Technical Proposals and still cover the just compensation.

- Possible suggestion, SCDOT could develop Exhibit that would detail the tracks that we would pay just compensation for in the RFP.
  - ROW services would still be controlled by DB teams
  - Another concern is who will write the check? Could be a reimbursable cost that the DB teams pay for and SCDOT reimburses. However, it could be a cash flow issue. AGC doesn't see this as road block as long as checks can be issued in a timely manner. SCDOT thinks that prompt payments could be made on their end.
  - How will it be handled in the contract/administratively? The point is to take the ROW costs out of the Contractor's bid, reducing bond costs and DBE percentage requirements. Could be a line item cost or handled through change orders. Everyone wants to limit change orders so that costs aren't skewed and process is not slowed down.
  - AGC wants it as a straight pass through, so that the costs do not need to be bonded and does not count towards DBE.
  - AGC to check on reimbursable contract language from other jobs/states and associated timing commitments.
  - Overall AGC and SCDOT agreeable to move forward with attempting to come to consensus and implement in 2019.
  - Utility Relocation Time
    - No updates
  - Procurement Time
    - AGC gathered some timeline data from procurements in SC, NC, and GA
    - Aside from Harbor River outlier, most RFPs leave 30 to 40 days between final determination on ATCs and technical proposal due date.
    - AGC feels that this time frame is adequate and that more time is not needed.
    - Might need additional time between initial response and proposal due date for larger projects. AGC would like answers to ATCs sooner, or have a longer time between ATC response and proposal due date.
  - IMR Responsibility
    - ACEC held special meeting to discuss with membership
    - Notes from the meeting are as follows:
      - There is overall agreement from the ACEC-SC Transportation Committee with SCDOT's approach to not obtaining an IMR and allowing more flexibility to DB teams to be innovative with interchange designs
- Concerns/Comments
- Must provide a big enough NEPA box
  - Provide alternative designs used to develop the box. Only plan views (horizontal alignments) would be needed.
  - In the scenario where FHWA approval is delayed will need to address

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schedule/cost relief

- Must provide minimum performance criteria to make sure all teams are providing comparable performing designs
- Must provide any municipal agreements
- Will need 3 to 4 months to provide initial preliminary designs for consideration in the first “ATC” meeting
- Must provide volume development (traffic projections)
- How will SCDOT handle review time for multiple alternatives in a submittal?
- SCDOT must provide specificity in comments
- Did FHWA experiment with this in other states? GA and FL perhaps. How is it perceived there?
- What stage would NEPA be in?
- Will this approach be specific to service interchanges? System to System needs to go to Washington which may impact schedule.
- Will FHWA commit to a review schedule?
- SCDOT and FHWA concerned about apparent push back from ACEC based on concerns/comment above
- SCDOT was looking for ways to help innovation and design, but it sounds like ACEC is concerned with all of the possibilities. They would like SCDOT to provide all of the work that has been done so that they are not doing the work again.
- SCDOT feels that if designs are provided, it would be back to same old way.
- ACEC concerned about having a fall back “approved” design
- With a CE, SCDOT may consider just specifying a level of service.
- Possible suggestion - SCDOT could accept 3 preliminary concepts and give favorable responses to any we found acceptable. Then the Teams would pursue one of them and include in the technical proposals.
- FHWA would give operational approval during review, unlike current ATC process which SCDOT feels eliminates risk to DB teams
- Suggest that this would only apply to projects with a CE document.
- This process eliminates the problem of confirming that ATCs for interchange type are equal or better.
- ACEC feels that their concerns can be overcome, many concerns/comments driven more by initial reaction to additional work rather than overall view.
- Proposal is that Teams would receive operational acceptance of concept 30 days before submission of technical proposal. Will still need to obtain Final Approval after award.
- SCDOT to work on example RFP schedule and definition of process.

V. New Items

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- Utility Subcommittee Joint Meeting
    - ACEC Utility subcommittee requested to join the DB subcommittee for a meeting.
    - No agenda set at this time
    - ACEC will coordinate and put on agenda once a date has been set.
  - ATC Database
    - SCDOT has compiled a database of all ATCs submitted to analyze trends. The plan is to be able to add new items to the RFP to eliminate some of the repeated ATCs received.
    - Moving forward, teams will submit ATCs directly into ProjectWise database.
    - Austin showed how the ATC database will be used to submit ATCs.
    - Instructions on process will be provided.
    - Submittal process is different, but rest of ATC process will remain the same, including the response process.
    - All data and drawings for ATCs will have to be in one PDF file to upload.
    - Will have further discussion with subcommittee once data metrics are analyzed.
  - Design Reviews
    - SCDOT inquired what ACEC wants to see on the Design Review front.
    - SCDOT continues to hear grumbles about the Design Review process.
    - Can ACEC and AGC give us an official position on the design review process?
    - SCDOT's position as owners is to ensure the project is getting delivered in accordance with our RFP and is in the best interest of the public.
    - SCDOT continually receives plans that are not to our standards and not high enough quality.
    - SCDOT has done our best to eliminate preferential comments.
    - SCDOT has been told that using Consultants to do design reviews is not how we should do it.
    - Are the design review comments submitted by SCDOT including SCDOT preferences? SCDOT indicated No
    - Suggestion is to include a Design Review meeting after the submittal is made before all of the comments are created.
    - SCDOT will work on mitigating concern of Design Reviews not being effective.
    - Action item, SCDOT and the subcommittee will review example comments to see what the issues are with the comments being made.
    - Poll the Industry, specifically with the consultants that have done DB work with us. What are the problems that are being seen?
    - SCDOT constantly hears "it's a design-build" project. And that we are slowing down the process.

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- Do we need to allow more partial submittals.
  - QC of the plans is being pushed on SCDOT and lacking on the DB team side. The QC review is critical to shorten review period.
  - SCDOT to provide punch list for checks on the plans. Include this on the QC plans and include this in the submittal. So that the DB team can show that they have done the appropriate QC review, and the QA review team can do an appropriate review on top of the QC review.
  - SCDOT has taken great measures to make changes to improve the design review processes, and we want to know what the problem really is.
  - FHWA asked ACEC to provide specific comment that they felt are unwarranted so they can be discussed.
  - What is the difference between what the industry and DOT feel are appropriate submittals?
  - ACEC and AGC to poll membership
  - Contractor QA/QC
    - SCDOT is looking for feedback on Owner Verification model being implemented on Carolina Crossroads
    - SCDOT commissioned University of Colorado to conduct research on what other states are doing to determine how different QC/QA programs can be used.
    - Is the industry amenable to the Owner Verification model being used on more projects in SC?
    - The risk is contractor having enough money to complete all of testing required.
    - Feedback from Peer Exchange received. SCDOT is still looking for more feedback from the Industry.
  - Peer Exchange Meeting
    - SCDOT held a Design-Build Peer Exchange on November 27-29
    - 9 States in attendance and University of Colorado including VA, NC, GA, FL, MO, MN, AZ, CO, WA
    - Most States had their FHWA Rep in attendance
    - 8 topics, 2.5 day exchange
    - Topics were: DB Prep, Risk, Cost Estimating, Best Value, ATC, Information Exchange, Effectiveness Metrics, CE&I
    - Report from the Exchange will be released in the weeks to come.
    - SCDOT hopes to include the Takeaways in the discussion in next Subcommittee meeting.

VI. Open Discussion

- Brooks confirmed that the SCDOT website had been updated with projected dates for Design-Build projects

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VII. Action Items

- Work History Forms and RFQ Template - SCDOT continues to develop responses to comments and will provide as soon as available.
- ROW Acquisition Language - SCDOT will continue to revise the language for next meeting in 2019. AGC will do some research on what other states are doing for payment and reimbursement.
- Utility Relocation Time – SCDOT will continue internal discussion and will follow up at next meeting.
- Performance Based Spec – SCDOT will research and provide data when available.
- Procurement Time – AGC to summarize data from other states and provide to committee.
- IMR Responsibility - SCDOT to provide process and schedule that uses 3 ATC priorities and the time allowed for IMR
- Utility Subcommittee meeting - Include Utility subcommittee rep in next DB subcommittee meeting.
- Design Reviews - AGC and ACEC to poll membership for specific issues with SCDOT design review process.

VIII. Next Meeting Date: January 16, 2019. SCDOT to lead next meeting.

IX. Adjourn