

**MINUTES FOR
AGC SPECIALTY CONTRACTORS/SUPPLIERS MEETING
DECEMBER 3, 2008**

AGC 2008 AGENDA ITEMS

1. Inspected material not being reported.

Discussion: Contractors report random requests for material reports near the end of the project while the material was delivered early in the project life. Examples provided at the meeting were: (1) Material inspected at shop and not reported. (2) Guardrail wasn't reported until final estimate.

MoDOT policy indicates that any material inspected should be reported as soon as it is known where the material will be used. In some cases, material is inspected "on speculation", that is, before the supplier has a specific project. Regardless, if there are known instances where MoDOT staff did not complete their documentation in a timely fashion we would like to know, and we will address those specific issues with the appropriate staff. We have "winter training" planned for early next year. At that time we will remind all staff of the importance of closing the loop on documentation in a timely fashion. We respectfully request that all material suppliers take responsibility to see that the appropriate MoDOT staff has been notified when material has been shipped to a project site. If "inspected" material is held in inventory, and weeks or months later it is shipped to a MoDOT project, the best way for MoDOT to know that it has been shipped is for the shipper to notify MoDOT.

2. Plan errors seem to be getting worse.

Discussion: Examples provided at the meeting were: (1) Simple errors, such as math errors and quantities not matching between bid items, 2B sheets and what is shown on the plans. (2) Concrete pavement repair contract quantities large, but actual repair work about 25 percent of original quantity. (3) Steel quantities for box culverts significantly off. (4) Combine two stripe width pay items to pay for paint on curb. It appears that the errors involved a wide range of specialty items across the state, not limited just to isolated projects.

The group was informed that MoDOT's internal review process includes all disciplines/divisions in all stages of the design process from conceptual design through final design, including a final check off by each division in the district prior to letting a project, with another separate review conducted by our project offices after award of a project. The project manager, which is the listed contact person in the bid documents, is involved throughout this process, so we didn't have a reason at the time of the meeting why they would not be knowledgeable in responding to contractors' inquiries. However, after discussing this with a few project managers after the meeting, it was learned that consultant plans are often not received until just prior to the bid opening, which may be the reason why the contact person listed on the bid document is not always familiar with the plans to respond to specific questions from contractors during the bidding process. Regardless, it appears that MoDOT needs to increase our diligence and review our process to determine where improvements can be made. This will be recommended as a multi-division action item.

3. Is maintenance contacted during planning stages? It is hard to make changes that maintenance requests during or mostly toward the end of the project.

Discussion: Contractors stated that this is occurring in the latter stage of construction projects, where maintenance/traffic personnel are changing the quantity, type and locations of signs.

As stated above, Maintenance and Traffic personnel should be involved on the project design core teams and should be addressed at that time, but because of the number of projects, not everyone is able to be at all meetings affecting a given project. MoDOT also acknowledges that features of a project are easier to judge once completed or nearing completion than when being discussed during

design. Districts will be reminded of the importance of making “final” decisions regarding a project as early in the process as possible. However, there will still be cases where field conditions may warrant changes to locations of signs due to sight distances, but this should be an exception, not the norm. This will be included as part of the action items under Item 2.

Contractors also expressed concern regarding quantity changes that had significant affect on subcontractors. Contractors were informed when there are appreciable errors in contract quantities, the engineer is required by the standard specifications to work with the contractor where compensation is warranted. This works both ways, i.e., when it is to the advantage to the contractor or MoDOT to renegotiate a contract price due to an appreciable error in contract quantities. Specifically, Sec 109.1 of the standard specifications states, “When the contract quantity of any item is found to include appreciable errors, or when an authorized revision of the plans is made, the quantity will be corrected before making final payment.” And Sec 101.2 states, “Any of the following will be considered an appreciable error: an error resulting in a change in quantity of 10 percent from the original contract quantity of an item; an error resulting in a monetary change of at least \$5,000 from an original contract item amount; or an error in the calculation of a contract item quantity based on the finite dimensions shown on the plans.”

Contractors also asked that MoDOT be proactive in setting quantities in contracts appropriately. Perception is that quantities are set intentionally high to get a lower bid price. There was also the perception that features are included, such as Bridge Approach Slab, with the intent of ultimately eliminating the work for the appearance of a cost savings. MoDOT intends that plans accurately reflect the work that should be done; however, there have been instances where a general policy was amended after the project was designed and it was not possible to get that change incorporated into the plans.

4. Change the Mannings coefficient value “N” to 0.013 for 12”, 15”, and 18” corrugated steel pipe when alternate technical concepts – Group A pipes are in jsp.

Discussion: Supplier suggests that the Manning coefficient value may be different for certain types of CMP, specifically helical 2-2/3” x 1/2” corrugated pipe, based on the manufacturing process used and the interior construction of the pipe. MoDOT will consider modifications to the specifications to accommodate such variations from traditional pipe materials and manufacturing processes. MoDOT will consider meeting with each sector of the pipe industry to consider the specifications that apply to that particular pipe material and process. All industry sectors will be notified prior to any changes in the specifications for any pipe.

5. Do not specify group B pipe for temporary crossover locations.

Discussion: Guidelines in the EPG already clearly state that Group C pipe should be specified for temporary pipe locations. We will send out a note reminding designers of this requirement. However, on the surface it may appear that the wrong pipe group has been specified for a particular situation, but there may be other considerations. MoDOT experience is that “temporary” may mean several months or several decades. If a temporary crossing will be in place for an indeterminate period of time, a higher type of pipe may be appropriate.

6. Require tapered sleeves to attach steel end sections to HDPE pipe.

Discussion: This issue has been pending for some time. MoDOT will revisit the issue and see that appropriate specifications, standard plans or plan notes will show the steel end section is to be inserted inside of the HDPE pipe on the inlet side and to be on the outside on the discharge end.

7. Regarding reduced funding, will specialty items be affected disproportionately?

Discussion: Specialty items should not be significantly affected anymore than any other items; and although MoDOT is doing some of the specialty work (traffic control, signing) on the 800 bridges Safe and Sound Project, this work was determined early on would be performed by MoDOT forces.

8. Discuss procedures for handling revisions that require additional labor/material.

Discussion: As discussed above, compensation should be made when there are appreciable errors in quantities. MoDOT is planning winter training for Resident Engineers and their senior staff related to the business of being a Resident Engineer. Per this discussion the training will include “Timely Decision Making”, “Delegation of Authority”, and the importance of balancing work that needs to be done against the directive to control costs. Also will be some discussion of the perceptions related to Pay for Performance.

9. Signing Miscellaneous: Pipe clamps for back-to-back signs. alum. Backing bars, punch diagrams on some signs are not matching the bar spacing.

Discussion: MoDOT will consider additions to the specification to allow alternate connections and will reconsider the issue of materials routinely used by MoDOT maintenance forces not being acceptable in similar “construction” situations.

10. Could we have an in-depth discussion on the retroreflectivity problems that seem to occur more and more?

Discussion: We are currently relooking at the mobile retroreflectivity results collected and will get back with AGC on our findings before making a final decision. In the interim, project offices have been instructed to review questionable pavement marking by taking handheld retro readings and performing visual inspections at night to determine if the mobile retro readings are representative of the pavement marking. Contractors requested that they be allowed to accompany the engineer in the visual inspections, which we will encourage.

11. The contractor indicated that a project appeared to require additional signing in accordance with the MUTCD. MoDOT agreed that the additional signing would be acceptable but did not wish to participate in the cost.

Discussion: When an issue of this nature comes up, the contractor is encouraged to follow the Contractor Resolution Flowchart to elevate the issue as necessary.

12. The contractor would like to see consistency in how Districts use their discretionary funds designated for police patrol of a project work zone.

Discussion: MoDOT will consider whether additional instructions need to be provided to the districts on this issue.

13. The contractors would like to see a list of approved systems and products that can be used on new construction, with a distinct list for those that apply to rehabilitation projects, as related to truncated domes, wheel chair ramps, and related ADA features.

MoDOT ISSUES:

1. Traffic Control – can we add back specifications for accessing damages for category 1, 2 & 3 deficiencies? Need more teeth other than Order Records and Stop Work Orders.

Discussion: At this time the answer is no. First, we need to verify if order records were effective or not. This will be accomplished by looking at the impact order records had on contractor’s performance ratings and the reaction by contractors if it did. The concern with monetary deducts is that they would be passed onto the subcontractor when the work zone deficiency was not attributed to the work provided by the subcontractor.

2. Traffic control – spec 616.3.4(a), can you please provide explanation for the follow: What does “at the project level” mean? 616.3.4(b) how can this be checked by MoDOT? 616.3.4(d) how often and who does these?

Discussion: A Work Zone Coordinator at the project level is met as long as the contractor designates a trained person to be available 24 hours, seven days a week. The Work Zone Coordinator does not physically have to be on site, but must be available through some sort of electronic means at all times as long as the project is active. Originally it was conceived at some future time that there would physically be a trained person present at all times in the work zone when work is being performed, as is the case for MoDOT maintenance work zones. However, we need to determine if this is still our desire, and if so, will not be possible until other means are made available to train contractor's personnel, either through additional third party training at reduced cost to the contractor or by allowing the contractor to train their personnel in-house. As an action item, MoDOT will review the direction we desire to take to meet the federal regulations, our options on how to expand the required training, and seek contractors' input prior to making any changes to the current requirements.

3. To what degree should MoDOT inspector evaluate the traffic control for the 3M-tape installation process? Is the 3M contractor liable for damage to the roadway or shoulders due to unacceptable traffic control? Also having problems with scheduling/coordination of 3M tape.

Discussion: MoDOT inspectors should make an initial evaluation of the traffic control setup to ensure that it is in accordance with the traffic control requirements set forth in the 3M contract, which can be found in the EPG under Category 620. If no deficiencies are observed, probably no other checks are warranted since these contractors are aware of the requirements and have been doing this work for several years now with quality control provided by 3M representatives as well. However, as any operation, additional inspections may be warranted where violations are observed or complaints are received. The 3M contractor can reasonably be held responsible for any damage to the pavement, shoulder or other project feature, if the district has proactively informed the contractor of the potential problem and the contractor did not take steps to mitigate the issue. The contractor and the district should work together in real time to be aware of such damage and take immediate action. Pay items are in SiteManager to pay for additional signs and channelizers when we want to minimize traffic on shoulders. If 3M or its subcontractors are not coordinating the work with a project office, please notify EJ Rutherford of 3M, and if that does not resolve the problem, then Charlene Holdt of Construction and Materials.

4. One issue that has been a hot topic in our district the last two years is the removal of temporary pavement markers. District 2 is enforcing the spec that requires removal, which has caused some pain for our contractors since they claim other districts are not making them do this. We have the markers removed for three reason: 1, if you let the snow plows remove them, they get scattered all over the roadway and shoulder, causing confusion to motorists at night; 2, the snow plows can pull up a chunk of asphalt along with the marker; and 3, the Director indicated this removal was a priority.

Discussion: In accordance with Sections 620.60.3.2 and 620.60.5 of the standard specifications, the contractor is responsible for removing the temporary RPM's on final wearing surfaces if specified on the plans or as directed by the engineer at the contractor's expense. However, the contractor is not responsible for removing temporary RPM's on the centerline after a 3M subcontractor has installed 3M tape on the centerline of a project. Removal of those temporary RPM's is the responsibility of the 3M subcontractor. There has been some inconsistency in this requirement across the state. MoDOT will consider altering the specification on this so that removal is clearly required.

5. MoDOT announced that it is planning to provide a training class for MoDOT's Resident Engineers this winter in 2009. The training will cover a variety of issues, including contractor payment processes and other aspects of interaction with contractors, subcontractors and materials suppliers. If anyone

has suggestions for issues that we should address, please submit your suggestions to Construction and Materials by January 1, 2009.

2008 ACTION ITEMS

1. MoDOT needs to increase diligence in preparing contract documents to eliminate errors between quantities cited at various locations in the plans and review the current design process to determine where improvements can be made. (See AGC Items 2 and 3 for more detail.) **Design Division**
2. Evaluate if the Manning coefficient value "N" for 12", 15", and 18" helical steel pipe should be changed to 0.013 when alternate technical concepts are allowed for Group A pipes, and if so, separate that pipe out from annual corrugated pipe. **Design Division**
3. Send out a memo to designers that guidelines in the EPG require Group C pipe are specified for temporary pipe locations. **Design Division**
4. Revise standard plans to show that the steel end section is to be inserted inside of the HDPE pipe on the inlet side and to be on the outside on the discharge end. **Design Division**
5. Resolve retroreflectivity controversy on pavement markings. **Construction and Materials Division**