

Construction Contract Administration Workgroup (CCAW)

Agenda

April 9, 2026 – 9:00 AM– 12:00 PM

HF SOB S140 / Microsoft TEAMS

Attendees:

FHWA	WisDOT	Contractor
Nick Perna	Paul Piccione (co-chair) In-Person	Matt Grove(co-chair) In-Person
Dave Platz In-Person	Brandon Brandon In-Person	Debbie Schwerman In-Person
GUESTS	Chad Hayes In-Person	Jackie Spoor In-Person
	Kristin VanHout virtual	Jake David In-Person
	Jed Peters virtual	JR Ramthun virtual
	Brian Boothby In-Person	

1. Minutes from November 20, 2025, meeting and 2026 Draft CCAW Charter



20251120 CCAW
Minutes_FINAL.pdf



CCAW Team
Charter 2026_DRAFT

2. Undistributed Items (Industry)

- Matt – Formal request to eliminate undistributed qty. Unbalanced bids are making it difficult. Or clarify how it should be applied and used. Example: location unknown but the qty will be performed. SS104 needs to be tweaked so it can't be taken advantage of. SS102.4, would like this language removed completely or modified. Brian – we could try and refine any undistributed location(s). **Action Item: Matt will provide additional information to the department for further discussion and consideration.**
- Chad – Base patching needs to be undistributed along with a few other items.
- Dave P. doesn't like undistributed. Would like to see a list of bid item that allow undistributed qtys.
- Matt- If an undistributed qty is not used that should be considered eliminated work. It's work that's in the plan and the contractor is expected to complete that amount of work at the time of bidding.
- Brian – The 7% spec is not being applied appropriately on both sides.
- Matt- Regions using spec clause against contractors. EBS causing problems as well.
- Kristan – SPTSP for items that need to have an undistributed?
- Brandon – We should better define where the undistributed quantities are. We should define it better but not get rid of it. FDM 19-5-3.3.1 references undistributed items and Wis.DOT should investigate items that should be either added or removed from this list.
- Matt- Wis.DOT staff are denying claims based on SS102.4 language. This is unacceptable.
- **Action Items:**
 1. **Create a work group and develop a list of bid items that "undistributed" could be applied to. David would like to be on this work group.**
 2. **Joint: Train internal staff and contractors on what is a truly a contract change.**

3. Specification Language “Approved at the direction of the Engineer” (Industry)

- Matt – Wants this eliminated. Consultant engineers are afraid to make a decision due to liability.
- Matt - Contractors make assumptions during bid proposal development based on past experience with engineers and then how a situation is handled changes with the same engineer.
- Brandon – Elevate it if the engineer is not providing a decision. Training and awareness on the timely decision-making document. <https://wisconsindot.gov/rdwy/admin/tm.docx>
- Brian: We're not hearing the good things. Getting rid of this could reduce our flexibility in the future.
- Debbie: We want some of that flexibility.
- Chad: Have witnessed instances where contractors want Wis.DOT to give the contractor direction. We don't dictate means and methods. The contractor must present a solution and seek approval.
- Platz: Wis.DOT needs to have responsible charge.
- Jed: WisDOT Project Managers are in charge of our jobs.
- JR – has experienced retaliation when issues are elevated.
- Action Item: Make recommendations to Regions; One weekly meeting per month in person.? Emphasize pre-cons and management attendance.

4. Working Day Contracts: Specified Start Dates (Industry)

- Matt- Winter shutdown period is an issue. Doesn't want open ended contracts and that the department can hold up the project because the contractor needs the notice to proceed before they can start work. Unless project says otherwise contractor is assuming they can start prior. Also consultant not on board yet either given as excuse.
- Paul: Issue with when working days are charged or not charged when they are working.
- Brian: Issue with not completed before cold temps start.
- Chad: There are concerns when a contractor wants to start mid-late winter and then may not have the project completed prior to the fish window restrictions. If that happens the project remains closed of months potentially.
- Group: Specifying start and stop can help but can also present some challenges.
- Group: How do we increase the flexibility?
- Action Items:
 1. Compile issues and what the problems are.

5. Means & Methods, specifically Local Projects (Industry)

- Matt- West Allis location. The locals should not be able restrict what work is being performed when on a local road WisDOT project.
- Brandon: Timing was a challenge because it came late.
- Brian: Region did talk to locals about this.

6. Section 104; Changed Quantities & Eliminated Work (Industry)

- Chad - The department needs more detailed justification when a price is higher than BidX average prices.
- Brandon – Penny bids are an issue.
- Brian - subs aren't seeing the 7% all the time. It's a complicated process with different interpretations. The department needs better justifications.
- Krissy - Concrete Masonry Structures can be another challenging item.
- Brandon - 109 describes this.

7. Prompt Payment/Withholding Monies (Department & Industry)

- Paul – When time is shut off what percentage is still unpaid?
- Matt – The amount of time for payment when there's a contract change order is too long. Incentive payments are very slowly paid out.
- Jackie – Some projects where payments have been months instead of weeks. Contractors are paying interest on this unpaid monies.
- JR – The accuracy of the items paid are not accurate! Would like to see a statewide policy about getting monies to contractors quickly. Would like to see an adjustment to the mobilization payout structure. Look at South Dakota and Missouri specs.
- Brandon: UW is looking at mobilization and if we can pay more.
- Piccione: Why aren't stockpiles set up more often?
- Thomas – States they've been denied because Wis.DOT didn't have staff to conduct the survey(s) for stockpiles.
- JR – Mobilization should be automatic and not left to the engineer to enter.
- Krissy: Why aren't we discussing in the weekly meeting?
- Chad: It's covered in the weekly meetings in the NC and NW regions at least.
- Action: Paul - we are looking into this in AWP right now.
- JR: If contract is less than 10%, should follow the rules. Some mobilizations aren't being paid correctly. Teams are supportive when we bring it up to their attention.
- Krissy: Statewide guidance on tentative estimate. New CMM Language about withholdings.
- JR: Should not withhold anything.
- Brandon: They want to get paid for work completed. It does say acceptably completed. We shouldn't be waiting until the end.
- Brian: Send estimates via email?
- JR: "We'll get it on the next estimate" is typically the response.
- Action items:
 1. Ensure projects are sending a minimum of 2 estimates per month.
 2. Investigate once time is shut off, how much of the contract is paid/unpaid?

8. Timely Decision Making (Department)

- Paul: Better communication should solve these issues.
- Brandon: Project specific issues - going through proper project channels is important.
- Matt: Answers need to be timely. Sometimes we get no response.
- Brian: Do we need to add partnering or more in-person meetings?
- Paul: We need to elevate easier.
- Timely decision-making document: <https://wisconsin.gov/rdwy/admin/tdm.docx>

9. Expanded use of Fuel Cost Adjustment (Industry)

- Matt – Questioning how FCA could be applied to more trucking items.
- Dave P – We have SS language and that applies on all current contracts. We can't retro actively compensate the industry due to the current spike in fuel pricing. There is no way we can get into trucking and means and methods.
- Matt: It has an impact on everything. Gallons of Diesel. Trucking firms were hired and it didn't include fuel cost adjustment and they unilaterally decided not to honor their contracts.
- JR: Fuel price goes up and contractor doesn't show up, issue with the DBE. Fixed hourly trucking rate and base it up or down on hourly rate. Every bidder may be different on short haul or long haul.
- Brandon – We need a list of bid items that have a high fuel demand.

- Matt – Wants to base it on an average across the industry. Can we add asphalt items and other items to add to ASP-5.
- Brandon - We went through this 3 years ago when Russia invaded Ukraine. We researched and looked at other states. How do we apply these to each item when they are different. It's challenging to do with type of work and calculating consumptions. We have need to tie it to unit of work we're doing.
- Matt: We need something to cover most of this. We need to capture most of the risk.
- Platz: It has to be tied to the commodity, not the fuel.
- Action item:
 1. Industry to provide the bid items they feel have a high fuel demand. Then talk about how we would come up with the mechanism.

10. Additional Topics (All)

- Deducts on penny bid items. We need to be able to use BidX and average bid pricing when determining credit(s).
- Matt- Stoke pile payments. Why are any being denied?
- Jackie – Contractors can't see who the materials person is or the contract PL. They need this for developing their QC plans.
 1. Action: Paul will investigate this.
- Matt – Retainage on subs. We need to be able to withhold; contractor is responsible via ASP-4.

11. Next Meeting – Wednesday, August 26th, 1-3:30pm at HF.