

Construction Contract Administration Workgroup (CCAW)

Notes

August 17, 2021, 2:00-3:30

Attendance

WisDOT: Beth Cannestra (BPD), Jed Peters (NCR), Krissy Van Hout (NER), Kim Schauder (BPD)

Industry: Matt Grove (WTBA), Kevin McMullen (WCPA), Deb Schwerman (WAPA), JR Ramthun (Michels)

FHWA: Nick Perna

Absent: Chad Hayes (BPD), Jake David (WEMA)

1. 2:00-2:15 Minutes from March 23, 2021 meeting and Review Charter



CCAW 03-23-21
Minutes.pdf



CCAW Team
Charter 2021.pdf

WisDOT BPD reminded the group of the charter to focus on Evaluate and identify specific improvement opportunities for Part 1 (General Requirements & Covenants) of WisDOT's Standard Specifications for Highway & Structure Construction. Other topics may be addressed Tech Committee meetings.

WisDOT BPD noted the commitment to safety awareness.

Partial Acceptance Workgroup: BPD is considering other volunteers while the Construction Chief position is still vacant. Matt noted that there is a group in place and agreed it is mutually beneficial to review the spec book language for substantially complete, winter close out, etc.

2. 2:15-2:30 Sidewalk Staking – Kevin
This topic was brought to the Concrete Pavement Tech Committee due to more jobs having sidewalk go in earlier and not off the back of curb. Two sample Special Provisions (SPVs) have been drafted. Krissy noted that the bid item is rarely used in NE: maybe for roundabouts. She suggested a Standardized Special Provisions (STSP) for utilization on select projects.

Kevin will get more information about when needed and bring back to CCAW for further discussion, this issue should be discussed further with the Concrete Pavement Tech Committee..

3. 2:30-2:45 Working Day Contracts and starting of time (forced start date)
Notice To Proceed (NTP) does not always work with contractor's schedule. Contractors will provide a better price when there is flexibility in the schedule (would like to see longer construction time). Contractors are dealing with labor issues, especially smaller bridge contractors.

Contractually, the department has the responsibility to send out start work notices on calendar and working day contracts. Regions have been advised to look at project timelines and issue start work notices with an eye towards construction windows which afford both quality and completion within desired timeframes. We appreciate the benefit of providing the contractor with as much flexibility as possible and regions have been asked to provide as much flexibility as possible. Some regions have been

using “start no later than” language and/or interim completion dates to facilitate a quality project is completed by the “end of construction season”.

4. 2:45-3:00 Consistent payment schedules
Matt made BPD aware of a few engineers not paying in a timely manner or at a normal frequency of two weeks. Kevin had heard of zero payment pending test results. Krissy noted that AASHTOWare Project (AWP) requires a two-step approval process for payments, so it may have been a misunderstanding at first. Beth will highlight this concern at the Statewide Design/Construction meeting and at the PDS Chiefs meeting.

5. 3:00-3:15 Timely Awards/Material Costs
Industry noted that some projects have not been awarded for months due to railroad, real estate, local funding, FAA grants not coming through, etc. They suggested that these projects not be advertised because of the risk put on contractors who can't hold prices. Beth said that the desire is to only let projects that are clear, and that evaluation is done prior to advertisement. There are some more important projects that are advertised without clearance, but with an understanding that items will be cleared in an acceptable timeframe. If delays in award or execution present contractors with untenable challenges, there are provisions that allow them to cancel the contract.

JR requested that the contractor consider awarding even if items aren't clear. The department will discuss further.

6. 3:15-3:30 Requiring contractors to obtain permits.
Language in some contracts has led industry to believe they are responsible to obtain permits. That language is shown below. That is not the intent of this language; it is to notify the contractor that a permit is not needed for the project, but if the contractor utilizes areas for staging etc, that there are wetlands that could be disturbed and the contractor will need to obtain a permit for their operations in these areas. The department will re-write this provision to make the intent clearer.

Reference:

Information to Bidders, U.S. Army Corps of Engineers Section 404 Permit. There are wetlands within the right-of-way. The department has not requested or obtained a U.S. Army Corps of Engineers 404 Permit for this project. Required terms and conditions for general permits are available on the USACE's website:

<https://www.mvp.usace.army.mil/Missions/Regulatory.aspx>

Methods of operations, including preparatory work, staging, site clean-up, storing materials, or causing impacts to wetlands or waters are not permitted. It is the contractor's responsibility to determine whether a U.S. Army Corps of Engineers Section 404 Permit is required, based on their method of operation, to construct the project. If a Section 404 Permit is necessary, obtain the permit prior to beginning construction operations requiring the permit. No time extensions as discussed in standard spec 108.10 will be granted for the time required to apply for and obtain the permit. The contractor must be aware that the Corps of Engineers may not grant the permit request.

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