

Construction Contract Administration Workgroup (CCAW)

Agenda – MINUTES

August 30, 2022 – 9:00-11:00 AM

HF SOB S159 / Microsoft TEAMS

Attendees:

FHWA	WisDOT	Contractor
Nicholas Perna (TEAMS)	Brandon Lamers (co-chair)	Matt Grove (co-chair)
	Beth Cannestra	Debbie Schwerman
	Chad Hayes	Kevin McMullen
GUESTS	Kristin VanHout (TEAMS)	Jake David (TEAMS)
Jill Fehrman (WisDOT) – TEAMS	Jed Peters (TEAMS)	JR Ramthun (TEAMS) – APW

1. Minutes from February 7, 2022 meeting and CCAW Charter



20220207 CCAW
Minutes_FINAL.pdf



CCAW Team
Charter 2022_updat

- No questions or concerns with either documents
- Brandon will continue send minutes via email; however, will begin to share a BOX link
- Brandon will also set up a new BOX folder that can be shared externally with CCAW members

2. Bid Advertisement (WisDOT – Jill Fehrman – proposal management section chief)

- Jill presented current construction Bid Letting information
- New proposal (excel spreadsheet) from BPD (Jill and her team).
 - Searchable (filters) within the excel file
 - Jill did a quick demo of the excel spreadsheet
 - Each column has filter that can be searched (i.e. by county, work type, let date, other)
- **Jill indicated that the spreadsheet is not finalized. She is looking for feedback from industry**
 - Question (Jake) – could you search by “borrow, common excavation, etc”
 - Answer (Jill) – yes, can also search by item number and search by multiple items
- Jill noted that there is still some work to do with SPV items
 - Beth indicated that could still search the description (i.e. embankment and SPV items would also show up)
- Jill – REMEMBER to CLEAR FILTERS when starting a search over
- Matt – looks like a lot of value. Asked for a small group to get together to discuss the content.
- Matt – is there a way to expand this into Master Contracts
 - Beth – this was mentioned at WTBA Board Meeting. The department will work within DTIM to look for ability to work from Masters
- JR indicated that he likes the old way; however, believes there is a lot of valuable information within the document.
 - Asked how much time for Department
 - Jill – about an hour vs 80+ hours (with current)
 - Jill believes the spreadsheet would eventually be more efficient
- Matt – there is a lot of good information. Opportunities for efficiency
- Kevin – executive summary is still very important to industry owners

- Jill – the intent would be to leave that information. Also gets pulled into AWP
- JR asked about also leaving DBE information.
 - Matt supported this along with completion or working day
 - Jill – yes that could be done
- Matt – why is this not automatically done as part of the design process (design engineer deliverable)?
 - Jill – still part of WisDOT checking process and is then entered into AWP
- Beth – searchability and accuracy is the real value
- Matt – a lot of promise within the tool
- Kevin – agree that the tool shows a lot of promise; however, this would be a change to industry. Be careful how it would be rolled out if this is the direction the department would go
- Krissy – functionality looks great
- Kevin asked with Jill could share an example with him. They (Kevin’s organization) can experiment with the current program
 - Yes, Jill can share the current version (September LET data)
- **ACTION: assemble small group to discuss content to be included within spreadsheet**
 - **Matt to work with industry (not just association staff) to identify industry members for the small work group.**
 - **Matt to share names with Jill Fehrman (BPD)**
 - **Jill to coordinate with WisDOT for department group members**

3. Fuel Cost Escalation

- Industry Proposal (attached)



Fuel Cost Adjustment - WTBA.

- See proposal (attached)
- Matt – in everyone’s best interest to expand Fuel Cost Escalation
 - Hearing feedback from both large and small contractors
- Beth – indicated that the department cannot go back and provide retroactive payments
 - Matt mentioned some states (Florida) has some experience with retroactive pay
- Beth – department is committed to looking at and expanding the items. Also looking at reducing the earthwork quantities
- Kevin – hearing from both large and small contractors. Has to be expanded.
- Krissy asked about MnDOT
 - Matt said broader coverage of items
 - Matt – significant cost of items (including shipping)
- Jill – WisDOT is working with the University (UW-Madison) regarding our fuel cost escalation and opportunities to update and how to expand the escalation (both existing and potential new items)
- Kevin – does this apply to diesel generators / to materials shipped
 - Matt and Beth – attach to bid items
 - Matt – up to contractor how to figure out how to
 - Beth – WisDOT working with the UW (CMSC) on how to determine the “usage factors”
 - Primary focus with UW is with earthwork and then expand from there

- Kevin – does the expansion include a “sit-down” with each industry (WEMA, WCPA, WAPA, APW)
- Matt – the setting of the BFI is also important part of the discussion
- In general, the group discussed MnDOT process a lot
- Beth – need a usage factor that is reasonable, to both department and industry
- JR – agree that usage factor is important; however, what is length of haul and how connected
- Jake – Need to also consider quantities. Impact to contractor (by percentage) is the same regardless of quantity. Percentage impact to contractor
 - Beth – department is going to drop the quantity for excavation items with the next letting
 - Jake – believes the threshold should be reduced to 5000-10,000 yards

4. Retainage

- Industry observing inconsistency of withholding from project teams. Std form?
- JR – observed inconsistencies going on all summer
 - Engineers are short paying quantities
 - Have email documentation – not paying the field office item. The engineer referenced not being able to withhold retainage
 - Did not have the issue before retainage was removed
- Matt – mentioned developing a form to track and inform as a possible solution
- Brandon – prompt payment and retainage has been discussed with PDS management and at engineer level
- Beth – has been stressed to DOT staff. Need to communicate to contractor
 - Standardize a form and send to contractor
- Krissy – AWP does have an option for retainage
 - Line item adjustment – options
 - SE Mega are using (to Krissy’s knowledge)
 - Still need to post the appropriate quantity for AWP to compute correctly
- **ACTION: Form a Small subgroup to discuss the form development**
 - **Krissy would be part of the group for WisDOT**
 - **IRI workbook tool – options as part of this**
 - **Provide WisDOT names to Brandon**
 - **Provide industry names to Matt**
 - **Matt and Brandon to coordinate this small group development**

5. Contaminated Material, Disposal Sites, and Contract Requirements

- Risk associated with contaminated material disposal should be on the contractor
- WisDOT / consultants should find available waste sites for material during design process or during construction
- Matt – what is deemed contaminated AFTER LET. Not identified in the contract. Contaminated materials found in the field. Then the contractor is left to find a suitable site.
 - Needs to be handled through a contract (i.e. contaminated materials)
 - Beth – should be getting BTS (Shar TeBeest) involved
 - Beth asked for more specifics.
 - **ACTION: Matt will share specifics with Beth**

6. Pay Items – SY vs VOL

- Base Patching – Payment disputes when depths are variable
- Matt – continue to see this issue (past claims)
 - SY/SF items to avoid measuring depth?
 - Provide a range of depth – if exceed the range then its an extra to industry
 - Two choices – make ranges larger and allow contractor to bid or pay for once the range is exceeded
- Kevin – base patching increases – cuts down production with
- Kevin – HMA removals over Concrete where HMA is thicker than plan
- Matt – risk is too high that the measurement should be by the engineer
 - More efficient if we measure by the CY
- Chad – challenge with additional measurement (i.e. CY) is staffing
- Matt – once put on notice, it is in the best interest to both measure
- **Kevin – option could be for SY removal (removal & prep) and CY placement (material in hole)**
 - **JR – agreed with this option. Other states do this**
 - **Big costs are within the placement**
 - **WisDOT – method of measure**
- Matt – some movement to go to “first inch” – acknowledges entitlement but won’t pay
- Chad – where do you identify the over/under cost?
 - Kevin – there is large risk to industry
- Krissy – when paving concrete over new base – as-builts are not accurate for all depth locations. (i.e. when reporting a base patching job)
 - Kevin – over excavation during the removal phase impacts production
- **No specific action discussed; however, WisDOT could discuss the potential to move to the SY removal and CY placement. Prior to formal action, a review of neighboring states may be an option.**

7. Extra Work vs. Increased Quantities

- Poles, Electrical, Supply Shortages
- 125% Specification: 104.2.2.4.3 Changed Quantities (<https://wisconsin.gov/rdw/stndspec/ss-01-04.pdf>)
- Matt – interpretation of changed quantities vs extra work
 - If specialty item, this is a huge challenge (i.e. light poles)
 - Impacted by supply and shortages as well
- Matt – base patching is another item that needs to be looked at
- Brandon and Beth discussed
 - Project plan needs to be reviewed
 - What was the intent of the plans/specs/contract docs
 - Understood and see area for agreement of extra work/alterd work for light pole example
 - Did not agree extra work for base patch example. The base patch example follows the Changed Quantities path (125%)
- JR – project example: RFI request for time and cost
 - Engineer the contractor has been granted time but not cost
 - LDs were also rolled into the response to the RFI
- Matt – the challenge with the spec is the 125%
 - Beth – this is a separate issue (the 125%)

- **ACTION: BPD (Brandon) to discuss this issue at the PDS management (design/construction management level) and at the statewide project level.**

8. Partial Acceptance / Winter Shutdown Subcommittee update

- Subcommittee Meeting – January 31, 2022
- Draft CMM update (attached)



2022-01-27_Winter
Suspension_DRAFT.

- Matt – Winter Suspension is considered a non-compensable delay
 - What if it was outside of the contractor’s control.
 - Winter suspension (in and of itself)...working on some qualifying language
- **ACTION: Brandon – department will review and provide comment back**

9. Schedule Restrictions

- Subcommittee Meeting – March 21, 2022
- Industry Proposal (attached)



Schedule
Restriction Documer

- Matt – the proposal attached is industry’s perspective of what is being asked of the department from a policy standpoint.
- Matt – Bridge work has windows too narrow and is impacting the bridge industry (not enough hours to work) –
 - Are there ways to extend the window bridge work can be done
- Kevin – cold weather specifications have not been completed (concrete tech groups) – asked to come back to group
 - **Bridge Tech committee – Brandon to check to see if this is on the agenda**
 - If no cold weather concrete bid item is included, “you” (department) are going to get a blended price.
- Krissy – work share project in NCR – preliminary statewide guidance for milling
 - Jed – documentation from scoping through design
 - Jed will send that NCR guidance to Brandon
- Kevin raised a good point of Contracotr Delay – not included vs in plan
- Deb – industry as a whole (not just pavement type)
- Chad – interim completion dates with paving
- JR – night work. Understand why its needed. However, it is a huge risk to contractor workers
 - Look for ways to minimize
- Kevin – short windows are getting to the point where materials are limited (HES)
- Night work – redi-mix: competition with private and other commercial work
 - Industry / trucking limitations (availability of drivers and driver hours)
 - Mobile batch – improve specifications and other
- **ACTION: WisDOT to review and comment on industry submittal**

*****Set next CCAW meeting for November 10th 9a-noon*****