

Construction Contract Administration Workgroup (CCAW)

Agenda - Meeting Notes

April 3, 2025 – 1:00 PM – 3:00 PM

HF SOB S140 / Microsoft TEAMS

Attendees:

FHWA	WisDOT	Contractor
Josh Pachniak	Brian Boothby (co-chair) (in-person)	Matt Grove (co-chair) (in-person)
Benjie Hayek (virtual)	Brandon Lamers (in-person)	Debbie Schwerman (virtual)
GUESTS	Chad Hayes (in-person)	Jackie Speer
Michael Hoelker (virtual)	Kristin VanHout (virtual)	Jake David (virtual)
Leslie Ashauer (virtual)	Jed Peters (virtual)	JR Ramthun (virtual)

1. Minutes from November 14, 2024, meeting and 2025 Draft CCAW Charter



20241114 CCAW
Minutes_FINAL.pdf



CCAW Team Charter
2025_FINAL_04.03.20

2. Drop Off & Hazard Protection Subcommittee Update (Department)

- Brian – Two subcommittee meetings have been held. The subcommittee has drafted updated language to 104.6 and 305 of the standard specifications. Language was added to allow for 14-days of final grading prior to guardrail installation. The one area of concern from industry is the 5-day requirement to protect blunt ends within the construction clear zone. Proposal from the department is to move forward with the draft language and put into the next ASP-6, scheduled for fall 2025, and add design representatives to the subcommittee to evaluate FDM language. The goal of the subcommittee moving forward would be to provide more guidance in the FDM to help designers evaluate sequencing and timeline of guardrail work.
- Brian shared draft language from the subcommittee (attached below):



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_2025-2-17 Discussio



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CCAW Revisions.docx

- Matt – 5-day requirement for blunt end protection is still an issue.
- Brandon – Good idea to include designers to get the issues resolved in the design phase instead of trying to figure it out in the construction phase. Need to continue to evaluate potential opportunities for longer working windows.
- Chad – Sequencing of work is challenging as this work involves multiple operations.
- Matt - Industry agrees that draft language should be implemented into the next ASP-6 and continue the subcommittee to evaluate the FDM language.
- ACTION: Brian to send revised language to Mark Zander for implementation into the next ASP-6 update, add design members to the Drop Off & Hazard Protection Subcommittee, and schedule the next subcommittee meeting.**

3. Materials Subcommittee Update (Department)

- Brian – Three subcommittee meetings have been held. Next meeting is scheduled on May 29th. Some items, for example, non-destructive testing, have been sent back to the concrete technical

committee. Three items remain in the materials subcommittee are in progress. They are as follows:

- 1. CMM 830 guidance for credits – a small working group led by Erik Lyngdal (BTS) is working on updating the credit guidance table in the CMM and will present draft language at the next meeting.
- 2. Linette Rizos (BTS) is developing a statewide credit tracking spreadsheet that will help future evaluation of credits that have been administered.
- 3. The group is working on creating a material bulletin that can be sent to certified testers, contractors, inspectors, and. The intent of the bulletin is to improve knowledge and awareness with the goal of reducing the number of credits we have on projects due to missed tests and poor documentation.

4. Q and A Bid Answers (Industry)

- Matt – Would like a general discussion on bid letting questions and answers. In general, the process is working well, but some responses don't seem to be thought out and don't provide much to industry.
- JR – Are the answers contractual? Because sometimes an answer is provided and then it's being administered differently in the field. This causes the loss of credibility. Who is answering the questions?
- Brandon – Responses to contractor questions are not contractual (as defined by Standard Spec 101.3). The questions come into proposal management in BPD. They send the questions to the design team for an answer. Design team provides the answer to BPD Proposal Management and they post to the website. BPD is trying our best to ensure responses address the question, but we are dealing with a lot of proposals and questions and don't catch everything. The goal is to provide an answer to the intent of the design. Sometimes questions could be asked or understood differently during the bid question versus what is understood in the field, which can alter the intent of the question and/or answer.
- Jake – The answer of "bid as you see it" rubs people the wrong way. If the contractor takes the time to send in a question, we should get a good response.
- Matt – Responses deserve to have the courtesy of looking into the question. Bad answers can lead to having a tough time putting a bid together.
- Brandon – We're trying to catch those and we want questions so we can provide answers. We can provide clarity or intent, even if there are no changes to the proposal.
- Krissy – Some questions are late and we'd rather not answer than give a rushed, bad answer if we don't have time to fully vet the question. Does every region have a QA design engineer, because that can help with region consistency.
- Brandon – Not all regions have a QA design engineer so there are some inconsistencies with how answers may be routed within a region. We continue to stress the importance of consistency with the regions. We try to answer as many as we can but if the questions are late, we need to contact all approved bidders and that can be challenging when questions come in extremely late. We are continuing to strive for more consistency.
- Matt – A lot of these questions are trying to resolve potential future disputes too.
- Debbie – Do we look through bid questions at project closeout?
- Krissy – They save the questions and answers into the project folder and the construction team is made aware of them, but there isn't a formal process at project closeout.
- Michael – Questions and answers are being looked at with the Plan Quality Group.
- Krissy – The Plan Quality Group is looking at a lot of things but we don't want to scare people from an addendum either if that becomes a performance measure.

- Matt – We understand. We want issues fixed but don't want a lot of lengthy addenda either. Appreciate the discussion.

5. Local Program Contract Administration (Industry)

- Matt – We're seeing more involvement from locals in the local program. We try to standardize things on projects and some locals change things on DOT projects that have federal funding. One example is on-site crushing on local projects. Locals are adding restrictions to push risk onto contractors, and it adds more cost. Another issue with locals wanting to get involved with storm water management for batch plant sites that have an approved ECIP. Locals are charging additional fees as well. DOT may need to provide options for sites in the future if locals keep pushing for extra fees and expensive measures on temporary sites.
- Chad – Is this a change in expectations or change in types of operations?
- Matt – It's individuals being different than others and having different expectations. This is potentially a legislative change that is needed.
- Krissy – The CMM does talk about locals and that we don't have legal authority on conditional use permits.
- Brandon – WisDOT projects are exempt from borrow and waste sites but not from commercial sites. Locals often use conditional use permits for pits/quarries that regularly supply materials beyond just WisDOT projects (reference Wisconsin State Statute 85.193 for exact language). We are working on advising local agencies more in the design phase on potential cost impacts of requesting/using more restrictive language.
- Chad – Designers should be setting expectations with locals.
- Brandon – What action is industry looking for from this group?
- Matt – No action needed from this group at this time. Just wanted to bring up for awareness and hoping for support from the people in this group.

6. Contractor Withholding on Projects (Industry)

- Combined with topic 7. Notes are provided in the topic below.

7. Future Retainage on Projects (Industry)

- Matt – Is WisDOT willing to look at retainage again? FHWA pushed us to get rid of retainage a few years ago. Since then, contractors are dealing with poor performance and issues with subcontractors with no retainage to protect themselves.
- JR – Several times a subcontractor doesn't finish a job and the prime doesn't have funds to hire somebody else to finish the job.
- Chad – We don't pay until work is complete so how are they making more than they should. Where is the risk to the prime?
- Matt – There is a lot of risk from unions going after a prime after the project for union fees, subs not paying their suppliers, and also paying another subcontractor to complete the work at higher costs than the bid cost. ASP-4 is not just first tier subcontractor anymore, it's all subs and suppliers now. The prime should be able to have their own language in their subcontracts to protect themselves.
- JR – We are requesting a subcommittee to review set-offs and retainage.
- Brandon – BPD is aware of a project specific issue that has been referred to our legal counsel for review of set-off language on projects. From a retainage discussion, we can look at building a subgroup to investigate potential changes to how retainage is addressed. The subgroup should include department, industry, and FHWA members.

- **ACTION: Brian and Matt to work on building a working group. Benjie will discussion with her team for FHWA involvement. JR and Chad Hayes also volunteered.**

8. Milling Next to Curb Expectations (Industry)

- Matt – Milling next to new curb is an issue and there will be some chips and repairs in doing this work. Out of sequence is an issue because traffic can't be on milled surfaces.
- Brian – We've got some draft CMM language out to industry and are awaiting feedback.
- Matt – We'll review it.
- Chad – We hear from regions too. Regions do think there is a lack of attention to detail by the contractor at times. The concerns with the milled surface being open for extended periods is that we are creating bathtubs and having water get into subgrade. I sent questions to the other states; nine states answered and said there shouldn't be damage and all damage is on the contractor. Seems to mostly be an issue in one region with one contractor.
- Matt – Maybe we need to look at projects this year in the field and get a better idea of what is happening on these projects. No need to discuss more now.

9. E-Contracting (Department)

- Brandon – We are trying to streamline process from contract award to contract execution. It's paper contracts right now and we are looking into doing an electronic process. Looking for contractors that would be willing to work through a test process with us to ensure it works well before implementation. We are looking to target the June letting to try and implement this so the test projects would be prior to June.
- Matt – Industry is in favor of this and will look for volunteers. Are we also doing E-bonding?
- Brandon – We are not implementing E-bonding at this time but that could be further evaluated in the future.
- JR – Michels can help.
- **ACTION: Brandon to work with Reilly (BPD Proposal Management) to get information to Matt and get additional volunteers.**

10. Additional Topics (All)

11. Next Meeting – Need to reschedule - Thursday, August 21st proposed change to August 14th

- **ACTION: August 14th does not work for all participants. Brian to email the group with options for a revised date for the summer CCAW meeting.**