

1-20-23 AGC/WSDOT Administration Team Meeting Notes

Announcements

- Introductions/Guests

Attendees

WSDOT

- Amy Amos
- Dan Lewis
- Thomas Brasch
- Shane Spahr
- Chris Tams
- Brian White
- Chuck Meade
- Jackie Bayne
- Gregg Storey – Statewide Project Management Specialist for Unifier

AGC

- Arti O'Brien - Advanced Government Services
- Doug Siebert - Advanced Government Services
- Aubrey Collier - APWA & City of Lacey
- Jerry Brais - APWA & King County
- Quinn Golden - Granite Construction
- Ken Hallquist - Walsh
- CJ Handforth - IMCO Construction
- Cory Christensen - KLB
- Derek Compton - Graham
- Jay Byrd - One Alliance
- Jarret Garcia - Valley Electric
- Mark Scoccolo - SCI Infrastructure
- Gary Martindale - FHWA
- Tim Hayner - Cascade Civil Construction
- Greg Waugh - Max J. Kuney
- Jason Streuli - Merlino Construction
- Phil Wallace - Kiewit

New Business:

- Meeting Minutes Review
- Unifier Winter Enhancements
 - Gregg Storey presenting ongoing projects for WSDOT Unifier System
 - 2023 Construction Admin. Process Enhancements & E-Construction Phase 2 System Replacement Projects
 - Fall and Spring will be the two updates to the software; Fall to be a wholesale update, Spring to be a troubleshooting update

- Chris Tams - if there are any process improvements or recommendations that anyone has to Unifier, Gregg leads the team to investigate and spearhead those changes
- GS - WSDOT has a support desk for the Unifier software, please submit any questions or issues to the help desk, Gregg's team really pays attention to this; also, please take the annual survey to help improve Unifier for everyone
- Greg Waugh - is there a window that we must work on improvements for the system?
 - GS - they can modify and improve the system in perpetuity
 - GW - AGC and WSDOT put together a flow-chart of notification milestones in the Contract; would like to see an option in the system for formal and informal correspondence/transmittals, instead of have notification in e-mail and then import that e-mail into Unifier
 - GS - That is a consistent issue, there may be an option in Unifier that would be a simple e-mail style notification within e-mail
 - Chuck Meade - is there optionality to be able to tag additional e-mails when using notification processes in unifier?
 - GS - there could be that optionality, would be beneficial to meet with Gregg and the team to discuss several items for improvement, sit down to discuss the process and the individual improvement; there are a lot of areas for improvement, just need folks to clearly communicate the problem and what the potential need or solution could/would be
 - Amy Amos - is the Unifier Dashboard going to be up and running soon?
 - GS - not sure when it will be up and running, working some kinks out and further vetting the license requirements from Oracle
 - CT - Dashboard is a construction program wide look, budget, CO's, etc.; dashboard is just for DOT employees for the time being
 - AA - it is challenging with having consultants involved in the process, having to download submittals and forward to consultants; can they be allowed access to the system?
- E-construction topics
 - Equipment Watch Software - has an add-on to the software that allows PE's to compose FA payment sheets in the software, discussing piloting this add on in the future
 - Cory Christensen - KLB just started using X-Tracker system for FA, they have to upload all of their equipment rates into it, but after this is done the software is really useful
 - HQ CN team is looking at additional tools to help with E-construction, not just Unifier
 - Looking at E-ticketing systems; there is a peer exchange meeting on this item in the near future to discuss the best practices and needs for the industry in the future
- AGC Annual Meeting Feedback

- CC - really liked the format with the videos and then the awards
- Jay Byrd - great to be in person, great to get to connect with the industry; venue was OK, it would be good to have more space next year for networking
- Phil Wallace - will have maybe three rooms next year, more room to socialize, will change up the food selections a little bit; overall, really happy with the turnout at the meeting
 - Used to do a project review, would like to see that implemented again next year
- CT - liked the forum of going around and asking folks questions, would like to dedicate additional time next year to this round robin questioning
- GW - had a suggestion of having the tables have a breakout style conversation where they could report back to the rest of the group about the tables' comments/ideas; also, potentially use a survey prior to the meeting to collect ideas and discussion topics
 - Venue was convenient for the folks flying in
- Force Account Markups Update
 - CT - subcommittee met yesterday, just kicking off the discussions for the FA markups discussion; goal for the subcommittee to have this topic hopefully agreed on by the summer break
 - Discussion was had on what items qualify as services; the group has a start on a list of "services"
 - JB - challenge for them as surveyors to agree with prime contractors as what a proper hourly rate is for their service (all of their specialty equipment)
 - GW - section in the spec. that talks about what determines what can be called a service vs. what is a subcontractor; would like to work with the group to better differentiate what "acting as a subcontractor" actually looks like, maybe that isn't the best differentiator
 - Jason Streuli - would like to have the discussion of having biohazard cleanup services be an invoice service, not FA
 - Thinks that maybe approvals in the PEO are taking longer because of the PE's authority
 - Shane Spahr - has seen that most discrepancies in CO pricing usually has to do with pricing risk
 - PW - sick leave changes may affect previous pricing agreements
 - Cost of money is going up; timely payments are going to become even more important
 - Discussed interim change orders to pay for agreed on work/entitlement and leave the "delta" on the table for discussion
 - GW - there was a lot of mapping performed for following a payment from WSDOT to prime to subcontractor (prompt pay)
 - Arti O'Brian - not sure where the map is or what the next steps in the process are, but frustrated that this item seems to have fallen through the cracks
 - Granite did a good job of mapping this, Greg feels they were getting pretty far down the road with this issue

- CT - let's put this on the agenda as an Action Item to keep this moving; GW to send the map and information to CT, CT to coordinate with Jon Deffenbacher to bring this issue back to life
- MVWBE Update
 - Jackie Bayne - Secretary's office needs to look at attainment numbers and what the goal study says before WSDOT can really make any decisions on goals
- Disparity Study
 - Jackie Bayne - consultant is conducting stakeholder surveys, will be reaching out to Contractors in the spring; study is on schedule to be completed this summer
- Contract Closeout with Electronic Records
 - CT - some project offices are seeing that some Contractors are reluctant to close out all open records in Unifier, which is required by the Contract
 - WSDOT is going to make the Unifier spec. require this to be done or Contracts aren't going to be closed out
- 6-20 Buried Structures Quality Control Requirements
 - CT - there has been several instances of buried structure engineered working drawings be submitted without QA/QC being performed; our B&SO has been doing a lot of QC on these submittals; WSDOT is working on additional language to include in the specifications the requirement for a "certified" QA/QC process to have taken place by the Contractor
 - Derek Compton - sounds like WSDOT is progressing on having standard plans for some of the buried structures; hoping those standard plans will eliminate some of the need for this
 - CT - we've heard that some of the firms that are designing these structures don't have additional engineers to perform these checks, they'll have to hire someone else to perform this QA
 - GW - contractor designed structures are really difficult because there is a short bid time for engineers to perform the designs of the buried structures; there is a fair amount of unknown and risk priced into these buried structures; a lot of risk on the size of projects (5-10M) that these items are included in
- Carbon Cap and Trade
 - CT - our spec. Changes to Existing Laws cites RCW 39.04.120 - "if the successful bidder must undertake additional work" - WSDOT is trying to understand what "additional work" the cap-and-trade act generates
 - CC - Will the fuel escalation cost take the additional cost of diesel into account?
 - CT - yes, if cost of fuel goes up, the fuel escalation should account for this
 - Mark Scoccolo - the reporting requirements are appx. 500K gallons of diesel, some contractors may cross this threshold, and some may not; there hasn't been a carbon tax auction yet, so there really probably hasn't been any effect on the price of diesel
 - There will be additional administrative work, at a minimum, in order to comply with this law

- Steel Escalation Opt. in/out timing
 - CT to discuss this with Gary Martindale as to legally how/if WSDOT can incorporate some opt in/out timing for steel escalation
- Standard Weekly Meeting Topics
 - Payments, schedules, submittals, RFI's, COs, goals
- BABA Update
 - Gary Martindale - no update on BABA waivers currently, Gary will doublecheck with his group on the status of these
- Wage Escalation
 - There is an existing bill out right now that usurps existing contract language for locking wage rates; Bill HB1099 requires contracts to pay the prevailing wage in place when the work was performed
 - CC - prevailing wages are typically updated twice a year, so these adjustments would have to be made semi-annually
- Arti O'Brian - arrow board question; new requirement that all arrow boards need to be "smart" now; these retrofits are around \$1500/board; is this a hard requirement?
 - CT - this is a part of the WSDOT Work Zone Safety Initiative; this will be a hard requirement; costs to upgrade those boards should be included in the Contracts
 - Existing contracts should be looked at
 - CT to call Arti O'Brian to update on this issue
- Contract Time
- Sick Leave Usage

Action Item

- If you have a pre-construction or weekly meeting agenda format that you like to use on your projects, please bring those to the next meeting. We are trying to make these more standard and consistent for our PEs and Contractors
- GW to send the map and information to CT, CT to coordinate with Jon Deffenbacher to bring this issue back to life
- CT to call Arti O'Brian to update on the Smart Arrow board implementation

Old Business

- Meeting Minutes Review
- Fuel Escalation Update (Kevin)
- Section 1-09.6 Force Account Changes (2024 Changes)
 - What items activities should be services
 - Simplify the current process to eliminate confusion
- Removal of Structures or Obstructions FA
- Steel Escalation Opt-in Dates
- Small Business Capacity Building
- Select Meeting Dates for Winter-Spring 23

Other Topics (Time Permitting):

- Action Item Review (15 minutes)
- Next Meeting
 - February 17th, 2023

2-17-23 AGC/WSDOT Administration Team Meeting Notes

Announcements

- Introductions/Guests

Attendees

WSDOT

- Amy Amos
- Dan Lewis
- Kyle McKeon
- Colin Newell
- Shane Spahr
- Chris Tams
- Brian White
- Chuck Meade
- Jackie Bayne
- Thomas Brasch

AGC

- Aubrey Collier - APWA & City of Lacey
- Jerry Brais - APWA & King County
- Quinn Golden - Granite Construction
- CJ Handforth - IMCO Construction
- Derek Compton - Graham
- Jay Byrd - One Alliance
- Jarret Garcia - Valley Electric
- Greg Waugh - Max J. Kuney
- Jason Streuli - Merlino Construction
- Derek Compton - Graham
- Mike Hall - Tucci
- Reggie Wageman - Atkinson
- John Salinas - Salinas Concrete

New Business:

- Meeting Minutes Review - no comments from the group
- Pre-Bid Questions
 - Shane Spahr - has heard from Contractors that the current 1-3 answers isn't working; do all the Contractors go and look at the posted Q&A on the advertisements? Not consistently
 - Mike Hall - doesn't think WSDOT has a timeframe as to when WSDOT will answer questions from the bidders, that would help
 - Tom Brasch - this is in the Contract, usually last questions are Thursday prior to the bid
 - Greg Waugh - the other two answers that Greg is wanting us to consider "Yes" and a "No"; also wants WSDOT to consider Pre-bid meetings
 - TB - their PE office sometimes does answer yes or no, but this often gets changed from Region or HQ
 - Chuck Meade - often we try to provide a little bit of context to the 1-3 answers

- MH - context would really help; if WSDOT publishes the Q&A, how does WSDOT see this as a liability?
 - Chris Tams - WSDOT doesn't require that Contractors are required to review the Q&A
- Jerry Braise - King County distributes their Q&A to all of the proposal holders, limiting their liability
- Derek Compton - publishing the Q&A can be a way to distribute risk, making sure all the Contractors are aware of potential issues
- GW - from a Contractor perspective, they receive a lot of questions from subs and suppliers, sometimes they see multiple potential subs ask the same questions
 - From a bid in accordance with the contract perspective, that answer can drive a really tough bid decision from the Contractor
- SS - WSDOT has to evaluate our answers to questions from a Contract risk and a bid opening timing perspective considering construction schedules/seasons (i.e. fish windows)
- MH - they would like to see something more than just "Bid it per the Contract"
 - GW - if there is an answer that is bid it as you see it, then that is an indication that if there is an item not included, that that item simply was missed
- TB - the Q&A sheet has a reference column, if PEO answers with a reference, do the Contractors review the reference? Mixed bag, some do and some don't.
- GW - WSDOT answering questions effectively will help all the bidders compete better for WSDOT's bids
 - Does WSDOT accept the Contractor accepting phone calls to the PE's pre-bid? The conversations really help.
 - CM - the conversations are good, but we usually ask the Contractor to submit the question in writing after the phone conversation; we want to make sure that the playing field is equal for all of our proposal holders
 - Brian White - similar, SCR usually takes the phone calls but then needs them in Q&A to be fair
- GW - a major headache in the addenda process is that the plan sheet is replaced, but nothing in the plan sheet is clouded as being replaced, that doesn't indicate what changed to quickly show them what has changed
- Force Account Markups Update (review services list/schedule follow up meeting)
- LS Bid Items (Earthwork, etc.)
 - GW - seeing a lot of LS items come in (earthwork, contractor supplied structures, etc.); this is often affecting the quotes they get from their subs, DBEs often aren't prepared to take on LS work so it can be challenging to bring them on and meet goals; if the LS item requires engineering, that requires more time and generates more risk
 - This is really hard on the engineering because Contractors are soliciting quotes, not entering subcontracts, and in those instances the subs aren't contractually obligated to their work within the quote
 - CT - WSDOT is requiring there to be adequate information in the contract in order to bid the quantities and placement of the earthwork items; WSDOT is going to require DTMs to be included as an electronic file included with the advertisement documentation
 - MH & GW - what is WSDOT's reluctance to just include the earthwork items as bid items, especially if WSDOT has a tight control on all of the quantities and locations, etc.?

- CT - some of this requires a heavy contract administration burden (inspection and office engineering)
 - SS - there often aren't hold points for measurement/survey during excavation and some fill operations, it can be a timing and a safety issue to have inspectors in the tight quarters with all of the Contraction equipment
 - CT - we are working on standard plans for multiple buried structures, should be published late summer/fall 2023
- GW - would WSDOT consider using a drone for interim or final quantities?
- X-tracker, CostTrax, and FA Tracker ([Home - CostTrax](#))
 - CT - Discussed wanting to pilot/explore some faster all-encompassing Force Account software; WSDOT is looking at expanding Equipment Watch software to include their FA package (CostTrax)
 - Reggie Wageman - one thing we want to make sure the software can do is make corrections to existing or submitted FA sheets
- Steel Escalation Opt in/out timing- No adjustments to current practices
 - The opt-in will have to occur prior to execution of the Contract
 - Jason Streuli - maybe the only time we'd like the opt-in timing longer would be in DB because the designs aren't finalized
- Arrow board upgrade timing
 - Previous meeting we discussed if WSDOT was going to allow TC companies time to make this implementation
 - Short answer is No, Contractors have to follow the GSP's and make this implementation
- Sick Leave Usage
 - Will have to watch the current legislation to see how the bill plays out (Senate Bill 5111)
- Standard Weekly Meeting Topics
 - What does the group think is a good weekly meeting agenda for our Contracts; would like to come up with a framework of a weekly agenda that can be used as a guide
 - Safety
 - Environmental
 - Schedule - 3/4 week lookahead
 - RFI/Submittal Status
 - Payments
 - DBE/EEO tracking
 - DMCS/Payrolls/SOIs/RTS
 - Unifier Construction Submittals (materials, etc.)
 - Change Orders
 - New Business
 - Old Business
 - Closeout
 - If attendees have good examples of weekly agendas please send them to Chris/Chuck for inclusion in guidance that we'll be including in the Construction Manual
- BABA Update
 - 2 CFR 184; adding some Construction Materials to the BABA requirements
 - Fiber optic cable, paint, coatings, brick, and engineered wood products
 - Aggregates are exempted, except when used in a manufactured product (catch basins, etc.)

- Why are some temporary materials (silt fence) included in the Buy America/BABA requirements?
 - Language is that any product that is "consumed" by the project has to meet the requirements.
- Right now there is no de minimus threshold
- Contract Time
- Mandatory Goal Evaluation
- Roadmap update - Jackie Bayne
 - Evaluating whether we are going to go to a mandatory goal requirement for Women and Minority program
 - Should be done with the evaluation this summer and rolling out the determination probably toward the Fall

Old Business

- Contract Closeout with Electronic Records
- 6-20 Buried Structures Quality Control Requirements
- Unifier Winter Enhancements
- AGC Annual Meeting Feedback
- MVWBE
- Carbon Cap and Trade
- Wage Escalation
- Meeting Minutes Review
- Fuel Escalation Update (Kevin)
- Section 1-09.6 Force Account Changes (2024 Changes)
- What items activities should be services
 - Chris Tams presented a list of services that have been tabulated; this list will be a base for the services discussion moving forward
 - Pipe TV
 - Vac truck
 - Pipe jetting
 - Survey
 - Testing
 - Geotechnical service
 - Operated equipment (crane)
 - Water truck/dump truck
 - Logging
 - Sweeping
 - Saw cutting/coring/demo
 - Contaminated material handling/disposals (asbestos, lead, petro)
 - Surveying
 - HDPE pipe welding
 - Sand blasting
 - Manhole lining
 - Security
 - Hydroseeding
 - Biohazard abatement
 - Buried tanks
 - Concrete pump truck
 - Diving

- Manufacturer startup service
 - Sanitation
 - Well decommissioning
 - Aerial Surveys
 - Diamond Grinding
- Will circulate the list with the meeting minutes
- Simplify the current process to eliminate confusion
- Removal of Structures or Obstructions FA
- Steel Escalation Opt-in Dates

Other Topics (Time Permitting):

- Action Item Review (15 minutes)
- Next Meeting
 - March 24th, 2023

3-24-23 AGC/WSDOT Administration Team Meeting Notes

Announcements

- Introductions/Guests

Attendees

WSDOT

- Jon Keeth
- Amy Amos
- Shane Spahr
- Chris Tams
- Chuck Meade
- Jackie Bayne
- Thomas Brasch
- Justin Hammond

AGC

- Aubrey Collier - APWA & City of Lacey
- Jerry Brais - APWA & King County
- CJ Handforth - IMCO Construction
- Arti O'Brian - AGS
- Doug Siebert - AGS
- Derek Compton - Graham
- Jay Byrd - One Alliance
- Jarret Garcia - Valley Electric
- Greg Waugh - Max J. Kuney
- Jason Streuli - Merlino Construction
- Derek Compton - Graham
- Brook Shore - Atkinson
- Ken Hallquist - Walsh Co.
- Mark Scoccolo - SCI Infrastructure
- Tim Hayner - Cascade Civil Co. and Kerr
- Gary Martindale - FHWA
- Corey Christensen - KLB

New Business:

- Meeting Minutes Review - no comments
- Force Account Markups Update (review services list)
 - WSDOT has seen inconsistencies as to how FA markups (prime + subcontractor markups) and services have been administered throughout the state
 - Goal - we want a fair spec. that is clear so it is able to be bid and administrated consistently
 - First order of work, what is and what isn't a service?

- If an item of work/labor has a prevailed wage, that cannot be a service
- List that was generated has a color code to it - red, not a service; yellow - turned to green during the meeting; green, YES (will be a service); purple, more questions on the operation
 - Pipe welding - why isn't HDPE welding easy to generate a TEM charge?; manufacturer will provide a trainer to train Contractor staff to perform the welds; aren't paying prevailing for the trainer
 - Jon Keeth - are we seeing pipe welding on FA much? - not necessarily
 - JK - want to build some flexibility in the specification to allow the Contractor and PEO be able to agree on services for non-standard or atypical operations
 - Corey Christensen - asbestos pipe; if they run into asbestos pipe, they stop, hire a service to come in and dispose of it in its entirety
 - JK - operations in red are per the specifications subcontracting; insurance, prevailing wage, subcontract documentation
- Jay Byrd - his charge out rate for all of the labor/equipment is less than what a summation of TEM adds up to because of their specialty survey equipment
- Greg Waugh - some of these prevailing wage items use specialty equipment and may not have FA rates established
 - For emergency items, usually the work is from portal to portal, may not get folks to take on the work if WSDOT only pays FA
 - Mark Scoccolo - every time a prime has any paperwork from a sub or service, the prime has a cost to handling that administration
 - The situations that can be challenging are typically the one-off subcontracts
- JK - deviations to the list that was generated will be reviewed by HQ in order to maintain consistency and make changes where necessary
 - If it truly is an emergency, hopefully the Contractor and the PEO can work out the terms in a CO
 - Vac-truck seems to be a common item we're hearing from Contractors, this one may take more consideration; sweeping is another operation that needs considered
- WSDOT is not looking to change the Labor, Equipment, Materials markups, but are looking at prime and services markups
- 2nd part of the discussion - Prime markup on subcontractors and lower tiers
 - CC - biggest issue for Contractors are 3rd or 4th tiers, the 7% doesn't stretch far

- CJ Handforth - you can get 4th tier in electrical contracts with specialty equipment
- JK - wanted to take a look at the graduated markups, what is appropriate, what the markups actually pay for
- Chris Tams - WSDOT is considering making services and subcontract markups be 12%; no graduated scale
- CC - In the case of a third tier sub, the 3rd tier receives their markup of FA rates, then the subcontractor and the prime have to split (however they choose) the graduated subcontractor markup
- JK - WSDOT is proposing that a service will be marked up 12% only, the lower tier and prime have to negotiate what that split will be
- MS - under the current system, if a service comes out for a 1st tier sub, does the sub get the 21% and the prime get the graduated markup?
 - JK - no, Contractors either get the graduated markup or the services markup
- Tim Hayner - Construction manual defines the intent for FA payments, essentially to cover the cost of the contractors/subs performing the work; every Contractor in the tier tree (prime, sub, 2nd tier, etc.) has cost associated with administering the work
 - JK - we want to maintain that intent; WSDOT used to have more strict limits on how much % work that tiers of contractors could self-perform or subcontract
 - Are Contractors asking us to pay more or tell the Contractors what the tier level markups should be?
 - TH - both
 - GW - depending on how far the tier goes, not all the O/H that the markup is for will be covered for all of the subcontractors
 - Subs have to deal with inconsistency from the Primes on how they'll administer that markup, what they can expect
- JK - wants to acknowledge a trade-off; WSDOT doesn't specify where the markup goes, that is for the contractors to negotiate; if WSDOT dictates a tier %, GC doesn't have any room to negotiate
 - This may generate more markup to split in a single tier subcontract, and less with multiple tiers; the vast majority of subcontracts for WSDOT work is only one tier
- GW - feels it may be best if WSDOT dictates what a first tier sub gets for lower tier markup, so it is clear and there is no negotiation; this would cover 90+% of the subcontracts on the jobs
- MS - the contractors shouldn't be getting less than they are getting from markups now
- CC - a flat 12% on a second tier situation, everyone will be losing money
- JK - would the Contractors be willing to "justify" or show what an appropriate markup would be for different tiers?

- MS - this would be challenging because there are so many different scenarios and different subcontractor management efforts that the primes would have to deal with
 - JK - are there some things the Contractors want WSDOT to look at in regard to advancing this conversation?
 - CC - agrees that on WSDOT work there isn't much FA work, but LA's use our specs. And they do have a lot of FA work
 - Aubrey Collier & Jerry Brais - they just want to make sure any adjustments in the specification are clear/fair and that the Contractors know what they are going to be paid
 - CT - goals at the end of this conversation:
 - Services are marked up once: % to be continued to be discussed
 - Graduated markups are confusing to administer; want to simplify this markup structure: % to be continued to be discussed
 - AGC/WSDOT Admin to reconvene 4/28, want to get a subcommittee before that date to iron a lot of this out; can WSDOT draft up changes to the text of the 1-09 sections that we're proposing to revise and distribute to the group?
- BABA Update
 - Changes in the Federal Register, additional products in construction materials (brick, fiber optic, paint, etc.), after comment period
 - WSDOT Construction Bulletin was published with the goal to help project staff and others to determine what category each material lands in
 - Temporary materials will be exempt even if they are "consumed" by the project
 - If it's two or more products, the material should be in only one category - manufactured or construction product
 - A lot of products that previously were "manufactured products" are going to need the iron and steel within those products as applying to the BABA requirements
 - Aluminum - if making the product into a structural shape was made by one company, then another company uses that shape to create another product, if these two conditions were met, the aluminum was considered made in America
 - Aluminum requirements may be changed to align more with the Steel requirements
 - Next Bulletin update will have some guidance about the documentation associated with the new requirements
 - Gary Martindale - there is a process for project specific waivers, it is complicated and arduous, has to go through State, Fed, and Made In America offices for approval; long lead time for this process
 - JB - is WSDOT Local Agencies going to be helping LA's through this process?
 - Will need to discuss this with Kyle McKeon
- Contract Time
- Topic From Mike Hall

- Contractors would like WSDOT to provide an unlocked version of the plans
 - Contractors can print the file to a new name and then can change pdf components if the Contractors want
 - JK & CT - thinking WSDOT should just publish this process in a new construction bulletin
- Sick Leave
 - Looks like this is going to pass as part of this year's legislation; sick leave will have to be paid out at the end of the year
 - GW - weekly certified payroll doesn't track S/L
 - What do the Contractors think for a % that we need to incorporate? 2.5%? Labor would go from 29 to 31.5%
- Scheduling Specifications
 - WSDOT is updating our scheduling specifications, would like to work with this team on working those updates; we may want a spec. for smaller/simpler projects and a more robust set of requirements for larger/longer jobs
- GW - seeing more projects that have award processes are taking longer than typical (not as long as the spec. allows)
- Project Closeout Poster
- Prompt Payment Flow Chart
- Question and Answer during Bid Period

Old Business

- Pre-Bid Questions
- Force Account Markups Update (review services list/schedule follow up meeting)
- Roadmap Update (Jackie)
- LS Bid Items (Earthwork, etc.)
- X-tracker, CostTrax, and FA Tracker ([Home - CostTrax](#))
- Steel Escalation Opt in/out timing- No adjustments to current practices
- Arrow board upgrade timing
- Sick Leave Usage
- Standard Weekly Meeting Topics
- BABA Update
- Contract Time

Other Topics (Time Permitting):

- Action Item Review (15 minutes)
- Next Meeting
 - April 28th, 2023

AGC Admin Team Agenda – April 28th, 2023

Announcements

- Introductions/Guests

Attendees

WSDOT

- Jon Keeth
- Amy Amos
- Shane Spahr
- Chris Tams
- Chuck Meade
- Jackie Bayne
- Brian White
- Thomas Brasch
- Jeff Deal
- Earl Key
- Kyle McKeon

AGC

- Aubrey Collier - APWA & City of Lacey
- Jerry Brais - APWA & King County
- CJ Handforth - IMCO Construction
- Arti O'Brian - AGS
- Jay Byrd - One Alliance
- Greg Waugh - Max J. Kuney
- Reggie Wegman - Atkinson
- Mark Scoccolo - SCI Infrastructure
- Gary Martindale - FHWA
- Corey Christensen - KLB
- Gary - Valley Electric
- Ken Hallquist - Walsh Co.
- Quinn Golden - Granite Co.

New Business:

- Meeting Minutes Review
- DBE Specification Revisions/Trucking Updates
 - Significant Changes
 - Removed Regular Dealer requirement to be on a certified list per OECR
 - They will need to be listed on the OMBE website, will be certified overall rather than the need to be certified on a per job basis
 - Updated description of Good Faith Effort

- Trucking credit forms; will be accepted 5-days after bid opening
- Will include the cleaned-up version of the new DBE spec. to the group with meeting minutes
- DBE Trucking 1:1
 - 1:1 Trucking - for every one truck working as a DBE, the DBE subcontractor could lower tier a truck and receive DBE credit for that one truck (1:1 basis)
 - Wanting to poll the group to see if the group wants WSDOT to reinstate the 1:1 Trucking moving forward
 - CJ Handforth (CH) - if a DBE rents additional trucks, aren't they acting as a broker, and don't we recognize that in the commitment - yes
 - Jackie Bayne (JB) - yes, we've always allowed that, this would just be reinstating the 1:1 - this is subbing the 1 truck, not renting another
 - Most DBE contractors aren't allowed to count their subcontractors toward their commitment; DBE's have always been able to lease trucks, staff them, and count them; the 1:1 is a DBE subcontracting non-DBE truckers on a 1:1 basis and counting that toward their commitment
 - Earl Key (EK) - is everyone in favor of reinstating the 1:1??? - Yes
- DRB Resume Review
 - Committed to reviewing DRB resumes once a year, plan is to add this task to our June meeting; Chris T. plans on send the resumes to the same group as last year for review prior to the meeting
- Force Account Markups Update (review services list)
 - WSDOT has been asked to review the labor, material, and equipment standard FA rates; deferring that to future conversations; focusing on Services and Prime Contractor Mark-ups
 - Have refined and added some tasks to the recent "Services" list
 - Current spec. allows WSDOT/Prime to cover the scope of work via "service" if subcontractors will only accept subcontract via invoice; will take some documentation and procuring bids for the work, but still will be eligible for service
 - Greg Waugh (GW) - discussed adding some language to the Construction Manual guidance to help navigate the "services" process
 - Service markup rate will remain the same, there will be no additional prime markup on the services markup rate
 - Didn't get included in the services list:
 - Pipe jetting
 - Crane services
 - Logging
 - Sandblasting
 - Manhole lining
 - Hydroseeding
 - Mark Scoccolo (MS) - logging is a pretty broad term, what happens when we have some different type of selective clearing? Falling near highway or powerlines, etc? Fallers typically will not perform this work with prevailing wage

- Yes, there are specific tree removal/trimming operations that aren't considered logging
 - Proposing to continue to have graduated rates on markups (rates won't change), but increase the amounts for the graduated tiers
- SOP 914 Geotextile Sampling
 - Cory Christensen (CC) - running into issues; limited work space on the job site, manufacturer is close to the project, but the SOP requires sampling at the job site; "all rolls sent to the job site"; can the material be sampled at the manufacturer for Project acceptance?
 - Amy Amos (AA) - have had this issue on projects before where there is a tight timeframe; working with Mats lab they have been able to work around sampling at the site
 - Chris Tams (CT) - has discussed with HQ Materials - one of the issues with this is the FHWA auditing, the intent is to sample as close to the installation point as possible
 - Jerry Brais (JB) - is this the same as stockpiles off site? Samples are taken off-site
 - Jon Keeth (JK) - are we talking about Approval? Or Acceptance? - Approval is approving the project for use with our Agency; Acceptance is for the actual material batch that is going to be incorporated into the project
 - Tim Hayner (TH) - if sampling/testing has been consistently good, can we move toward a manufacturer cert. acceptance?
 - CC - not questioning that the material needs to be tested for acceptance, just wanting to change the location for sampling for project acceptance
- Project Closeout Poster
 - GW - ongoing task still remains to marry the project closeout flowchart to the project notifications flowchart, make sure these were saying the same thing
- Prompt Payment Flow Chart
 - Arti O'Brian (AO) - the subcommittee had presented the final draft to WSDOT
 - EK - OECR still has this and has reviewed it; in the interim OECR is going to pilot a 40/60 process on a mega-project; Earl will present their findings here and how this is working at a subsequent meeting
 - AO - the implementation of the 40/60 on a mega-project may not correlate to bid-build projects very well
 - Action Item - invite Earl Key to next meeting to report back on progress of implementing the 40/60 prompt pay specification
- Scheduling Specification
 - JK - No significant changes this year; WSDOT is looking to update our schedule specifications with more language similar to our DB schedule specification; more involved schedules will require a narrative, etc.; WSDOT is working on updating these for the next Spec. Book, will involve collaboration with this team

- MS - only concern is with Local Programs; consultants for these groups may lean toward type C for projects that it isn't beneficial; would like for WSDOT to really consider crafting guidance for the use of the schedules that are clear and descriptive
 - JK - will need to look at the Plans Prep manual and the Special provision instructions to look at the guidance
- Question and Answer during Bid Period
 - WSDOT has an internal Construction Engineer's meeting in May, we'll be discussing this at the internal May meeting and bringing that to this group for discussion
- BABA Update
 - No update at this time
- Contract Time
 - CT - sometimes projects require working on the weekend due to traffic closure restrictions; the group discussed thinking about charging work days for when the contractor works on the weekend; Contractors generally are in favor of keeping the weekend days as non-working days as it allows them to recover schedule if they want to
 - MS - would like WSDOT to consider the idea of contractor's working 4-10's and not being charged the 5th day
 - Reggie Wegman (RW) - this is really prevalent on night shifts because often there are only 4 efficient shifts to perform the night work (Mon - Thurs night)
 - JK - working days and when the contractor works are completely independent, WSDOT charges working days according to the time for completion specifications, contractors may work as they see fit and are allowed
 - Aubrey Collier (AC) - this can be a problem for Local Agencies; their staff is working Fridays anyway and the LA incurs the cost of the additional time on the 4-days; doesn't really see a benefit to the 4-10's for LAs
 - MS - there really is less impact to the public with 4-10's, i.e. only four days of traffic control setups
- E-ticketing
 - Main issue with this is having internet connections for e-ticketing in remote areas
 - WSDOT is piloting a Star-link Satellite connection for e-ticketing, this will be a mobile wifi for the project site for the e-ticketing use
 - Starting w/Eastern Region BST project
- Unifier - e-mailing
 - GW - some PEO's accept e-mail notification if followed up with Unifier notification; some PEO's will not accept e-mails as notification; can we continue to work on a Unifier option to have e-mails be integral to Unifier
- Work Zone Smart Tech
 - Smart Arrow Boards are in use, WSDOT has a GSP to implement these, will upload the information on popular navigation apps to show the lane closures, etc. in real time

- Work Zone Cameras - these have been approved legislatively, will be allowed implementation July 2024

Old Business

- Pre-Bid Questions
- Force Account Markups Update (review services list/schedule follow up meeting)
- Roadmap Update (Jackie)
- LS Bid Items (Earthwork, etc.)
- X-tracker, CostTrax, and FA Tracker ([Home - CostTrax](#))
 - GW - MJK and KLB have had a couple meetings concerning the X-tracker software and have found it to be very useful
- Steel Escalation Opt in/out timing- No adjustments to current practices
- Arrow board upgrade timing
- Sick Leave Usage
- Standard Weekly Meeting Topics
- BABA Update
- Contract Time

Other Topics (Time Permitting):

- Action Item Review (15 minutes)
- Next Meeting
 - June 9th, 2023

AGC Admin Team Notes – June 9th, 2023

Announcements

- Introductions/Guests

Attendees

WSDOT

- Jon Keeth
- Amy Amos
- Chris Tams
- Chuck Meade
- Jackie Bayne
- Thomas Brasch
- Shane Spahr
- Earl Key
- Kyle McKeon

AGC

- Jerry Brais - APWA & King County
- Derek Compton - Graham
- Arti O'Brian - AGS
- Doug Siebert - AGS
- Jay Byrd - One Alliance
- Greg Waugh - Max J. Kuney
- Reggie Wegman - Atkinson
- Mark Scoccolo - SCI Infrastructure
- Corey Christensen - KLB
- Mike Hall - Tucci & Sons
- CJ Handforth - IMCO Construction
- Gary Davis - Valley Electric
- Ken Hallquist - Walsh Co.
- Quinn Golden - Granite Co.

New Business

- Meeting Minutes Review
- Sick Leave usage on FA (law change effective Jan 24)
 - Chris Tams (CT) - would like to have the 2.5% show up on the certified payrolls in the labor rates and wanted to get feedback from the group
 - Corey Christensen (CC) - this would mean that the sick leave requirement would have to be prevailed, which it currently is not subject to certified payroll now, not subject to union agreement, adding it to certified means they'd have to pay union benefits on the added rate, which is a no
 - Mark Scoccolo (MS) - think it may be easiest to not include this for now
 - Arti O'Brian (AO) - adding this to the certified payroll would make this complicated for their payment software

- Greg Waugh (GW) - thinks it would be best if the cashout was at 2.5%, which is 1 hour for every 40 worked
- CT - OK, will not recommend this for inclusion on the certified payroll
- Diversity Roadmap (Jackie Bayne)
 - Jackie Bayne (JB) - Reviewed the overview of the diversity roadmap
 - WSDOT performed 2019 Disparity Study - asking for the Administration team to review to study
 - ACTION ITEM: CT to send this out to the team
 - MS - does it make sense, to promote inclusion, to include all of the disadvantaged groups to combine for the goal, rather than break them up as Minority, Women, Veteran, Small
 - JB - legally we cannot combine them; after the findings of the disparity study are implemented small will likely be dropped off the disadvantaged list
 - Earl Key (EK) - WSDOT will be adopting the DBE program for state funding; folks are worried about the Veteran goal because there is a very small pool of these companies to perform the work, if the disparity study identifies that there is an availability issue for Veteran it will likely drop off as well
 - JB - worked with Western WA University to perform a WA State Bonding Study; noted that there wasn't as much of a bonding issue as WSDOT has been made aware of, that may be in part of having a small sample size for the study
 - EK - this is the second study that has concluded that bonding really isn't the issue, rather that awareness of the available bonding programs is the issue
 - Mike Hall (MH) - the cost of bonding is the barrier, not just the ability to procure bonding
 - MS - the bonding agencies are going to look at the financial capacity of new businesses, which often times is the trouble area for the new businesses in procuring bonding
 - AO - this is a real problem for AGS and for other small and new businesses; this is a barrier to entry to working with WSDOT; WSDOT needs to discuss this specific issue with DBE's and new businesses, this knowledge and information isn't readily available/digestible for these businesses
 - MS - it would help to take this issue to the surety industry to understand how/what needs to be done in order to make some real progress for increasing participation
 - Jon Keeth (JK) - what is the schedule on the disparity study
 - EK - end of August is the schedule
- WSDOT commissioned study (Jackie Bayne)
- Contract Closeout
 - Timeliness of the LNI audits of certified payrolls is an issue for the primes; at the end of the job when the payroll audits are usually done, some subs are gone and it is very hard to get them to correct their payrolls
 - GW - is there a way WSDOT can have LNI perform interim payroll reviews?

- JK - WSDOT doesn't have a lot of clout with LNI, but we do have a relationship with them, so we can ask and see if LNI can help address this situation
 - ACTION ITEM: Noted a couple other things: apprentice hours, GFE's, punchlist, etc.; need some more boxes prior to physical completion letter
- CT - there are enough edits/changes to this flowchart that it will likely need to come back to the team for review in the Fall and not be adopted into the Fall update of the Construction Manual
- Gary Davis (GD) - can we look to add Prime Contractor Performance Report to this chart?
- Changes, protests, claims
 - 1-04.7 doesn't have a timeframe for the response from the owner; this is because there may be different timelines depending on the investigation that the owner needs to make
 - Problem with this there is no timeframe for the owner
 - ACTION ITEM: WSDOT will look to provide some timing language in the Construction Manual
 - CJ Handforth (CH) - supplemental information; if Contractor provides the additional supplemental information, but owner thinks that it may not meet the requirements, is that going to remove the contractor's rights for a claim
 - ACTION ITEM: WSDOT to look into adding language about "if Contractor doesn't provide required information" in the additional supplemental information
- GW - there was a Prompt Payment flowchart that the group was previously working on; the thought was to make sure this chart worked with the closeout and claims flowcharts
 - AO - has this flowchart file and will share with WSDOT
- FA Operated vs Standby
 - GW - this has become close to a stopwatch tracking from the inspectors in the field (almost per the minute), is this common between all parties? Perhaps we could make it a standard to round to the 15 or 30 minute mark?
 - Reggie Wegman (RW) - thought that the AGC/WSDOT Rental agreement detailed when to consider equipment status as standby, idle, operating
 - GW - this is mostly a problem with local agencies, even with misinterpretation of the AGC Rental agreement
 - CT - should be pushed to continue the discussion in the Fall
- Railroad Specifications and Unknowns
 - CT - these are in the new book
 - GW - MJK has done lots of work with BNSF; current specs and contracts don't have a comprehensive list of what is going to be required by the Contractor, and BNSF reserves the right to require Contractor for submittals, etc. that aren't identified in the Contract
 - This is really hard for Contractors and may not be good for the owner to have the primes bid

- JK - how do the railroads show the Prime what they are going to need to provide? Do they provide a manual? Or a citation to a plan?
 - GW - this is a piecemeal process from the RR to the prime
- ACTION ITEM: CT - let's make sure we bring this up at the beginning of the fall, making sure that Connie Raezor attends so she can be a part of the discussion
- "Immature Plans"
 - CT - WSDOT QC on new plans that are being advertised; seems to be a decline of the QC on new plans that are advertised
 - GW - hearing this is an issue at least on the East side; if plans aren't accurate, and WSDOT or owner is responsible for the Contractor not meeting the COA, doesn't feel the Contractors should be penalized for owner generated COA issues
 - JK - there is a process for this in the current general special provisions for dealing with COA affects due to owner changes; WSDOT evaluates a multitude of factors with each reduction in COA work
 - There are different scenarios, unit bid items and LS items; WSDOT doesn't know if LS COA changes are made until the Prime notifies WSDOT; this notification should be made as soon as the Prime knows
 - Unit bid, WSDOT will issue a CO to reduce the quantity and "may" require a GFE or a substitution
- Review Focus Areas
- Co-Chair Nominations
- Fall Meeting Dates
 - 9/15, 10/20, 12/1; 2024 dates to be established in the Fall
- ACTION ITEM: CC - last meeting we discussed Geomatics and keeping this issue going, can Corey get a contact in order to keep momentum and progress going with this through the summer?