

Attendees:

ODOT: Dan Anderson, Steve Cooley, Diana Foster, Wynnette Gentemann, Tiffany Hamilton, Brenda Marcus, Mark Matthews, Bob Pappé, Angela Ramos, Joe Squire, and Marge West

Industry: Tyrone Bailey, Larry Gescher, Tim Hendrix, Dave Mingo, Jeff Moreland and Brad Sullivan

FHWA: Chris Bucher

Notes: Barbara Harriman

Disparity Study Consultant, Keen Independent Research, Dave Keen

Keen Independent Research has been chosen as the consultant to conduct the 2016 ODOT disparity Study. Their task is to analyze whether there is a level playing field for minority- and women-owned firms in the Oregon transportation contracting industry and in its own contracts. This information will help ODOT operate the Federal DBE program for its federally-funded contracts. There are many ways stakeholders can be involved and informed. Input collected throughout the study will be considered and incorporated into the final report which will conclude spring of 2016. Keen will be looking at eligibility and non-eligibility groups as well as compare areas that have less availability.

Expected study outcomes:

- Keen determines the relative availability and utilization of minority- and women-owned contractors
- ODOT uses the report data in establishing its overall DBE Goal for FFY 2017 - 2019
- DBE utilization information is used to determine what portion of the goal should be met through the use of contract goals and which DBE groups qualify to meet contract goals
- Recommendations for improving small business contracting opportunities with ODOT

Public meetings will take place from 3-5pm at the following locations:

2/23 ODOT Region 4 in Bend

2/24 ODOT Region 3 in Roseburg

2/26 OAME Large conference room in Portland

2/25 ODOT Transportation Building in Salem

Stakeholder interviews will take place spring and summer of 2015. See the study website at ODOTDBEstudy.org. Questions, comments, or request of an interview can be submitted through the website, by email at info@ODOTDBEstudy.org, or by calling the study hotline at 503-660-8865.

Industry feedback included:

- One size does not fit all; geographic area affects the ability to reach the set goal greatly.
- Low bid contracting and meeting goals is particularly challenging. City of Portland has offered more flexibility and training for its CMGC contracts, Trimet is easier to work with – Dave Keen should look at its model.
- Setting goals does not seem to be working.
- DBE subcontractors need mentoring and training so they are qualified to do the work.

Action: Invite Dave Keen back to the ODOT Industry Leadership group to give an update in the fall.



Office of Civil Rights Update, Tiffany Hamilton

DBE Debarment and Good Faith Effort

Industry requested clarification on options available if a subcontractor is debarred. Tiffany clarified decertification and debarment are two separate issues.

Decertification – Certification shows whether subcontractor meets DBE eligibility requirements.

- If a DBE is decertified while a project is already underway, and the prime contractor has *already executed an approved subcontract* with the DBE, payment for the DBE's work may still count toward the contract goal, provided the DBE also meets CUF requirements.
- If a DBE is decertified *prior to execution and approval of its subcontract*, the prime contractor must commit enough subcontract work to a substitute DBE to meet the goal, or make adequate good faith efforts to do so.

Debarment – If a subcontractor is federally debarred or is put on the BOLI list of ineligible contractors after the subcontract is signed, is contractor allowed to substitute?

Action: Tiffany will contact FHWA to inquire whether federal or state debarment while subcontract work is underway provides good cause to the contractor terminate and replace a subcontractor on ODOT or Local Agency contracts.

DBE Goal Update

Tiffany reviewed the January 2015 DBE goal status.

- DBE Prime = 0%
- DBE Sub = 24.2%
- Overall DBE = 3.1%
- RC Portion = 1.6%

Bidders can continue to expect to see higher DBE goals over the next year to assist in meeting the overall goal, particularly the race conscious portion. Please see attached reports.



DBEReport.pdf

Construction Update, Joe Squire

Construction Streamlining Initiative

Currently going through the PSE final acceptance process. Holli has scheduled 12 meetings with ODOT stakeholders to review process and forms. Currently identifying paper flows in non-field tested materials. The group is also looking at pollution liability insurance.

e-Construction

A peer exchange with ODOT and Michigan DOT (MDOT) will take place on March 11, 12 to share knowledge on MDOT's e-Construction "paperless" system and ODOT's 3D Design and Automated Machine Guidance (AMG) process. FHWA is sponsoring the travel for MDOT as part of the Every Day Counts 3 (EDC 3) initiative. Currently MDOT is the leader in e-construction "paperless" systems and ODOT in 3D Design and AMG. In the meeting both will share knowledge and offer guidance for navigating this new technology. FHWA will also be writing a technical paper on the peer exchange and share nationally through the EDC 3 Initiative.

Management of Surface Soils

Due to lead contaminated soils in Region 1, more testing has been completed in surrounding regions to determine if the contamination is a statewide issue. We are working with DEQ to re-evaluate the analysis as DEQ feels this does not meet the standard. ODOT is working on a proposal as more data comes in from research analysis.

Average Days to Award

Wynnette clarified the process for average days to award for a contract is 57 days and is broken out by: Bid Opening, Notice of Intent to Award (3 days), Contract Award (30 days), Contractor delivers executed contract (15 days), Agency executes contract (7 days) and Notice to proceed (5 days). See attached summary.



OPOHandout.docx

Action: Wynnette will post data to website summarizing how ODOT is delivering on average days to award. She will also include when a project bid is being protested.

Wage Determination -Road Miles versus Air Miles, Diana Foster

Diana Foster reported back her findings from BOLI regarding the calculation of zone pay distance versus air miles and area 5 electricians. Distance is considered road miles from residence or city hall, whichever is nearest to the project. BOLI will be including

the IBEW zone pay map for area 5 in future rate books to help clarify. There are various “free zones” to be aware of when calculating Area 5 electricians: 30 mile “free zone” around Portland City Hall and 15 mile radius around five cities: Astoria, Seaside, Tillamook, Hood River and The Dalles. There is also a “free zone” at the Oregon coast along Hwy 101. It extends west from the highway to the ocean and extends east 10 miles from the highway. If project is inside one of these “free zones”, there is no zone pay required for people performing duties of an electrician. See attached map.



WageCalculator.pdf

Motorcycle Signage for Grinding Jobs, Bob Pappé

Industry inquired why ODOT does not have a similar signage law as Washington DOT for warning motorcycles of road conditions in a work zone area. Contractors report more accidents occur involving motorcycles in a construction work zone area compared to other vehicles. Bob communicated we do not have supporting data that documents accidents by vehicle. New legislation would need to occur in Oregon for the display of road condition signs to specific vehicles.

Office of Project Letting Updates, Brenda Marcus

Bidding Volume Trends Report.

Brenda Marcus reviewed the January Bidding Volume Trends Report. Brenda also communicated there are more projects coming up, but are less in scale.

http://www.oregon.gov/ODOT/HWY/OPL/docs/pdf/Bidding_Volume_Trends.pdf

Postponements

Industry would like ODOT to identify the issue for when a postponement is announced. Additional requests in regards to postponements are below:

- Need to see the addenda sooner.
- Stacking jobs is challenging.
 - Industry does not want to change the bid day from Thursday.
- The bigger the job the earlier they start putting the bid together.
- Contractors need flexibility to change a bid, if a change is proposed.
- Do not change the order of bid items; it is too hard on the contractor.
- Postponement should consider what issue is being addressed; some are more difficult than others for the contractor to include in their bid.
 - Pricing for a quantity is not significant, so no need to postpone.
 - Staging changes are very difficult to incorporate quickly, so a postponement is better.

Brenda also requested feedback from Industry on DB Section 170 Legal Relations and Responsibilities. ODOT would like to mirror the industry standard for Design Build. The group suggested Brenda send the specification out to the Administrative specification group through specification committee review process.



DBSection170.0.pdf

Specification Committee Updates, Dan Anderson

- 290 – Geo Environmental - Meeting was held 1/9. Collecting technical advice before publishing from ODOT Technical Resources who did not attend the meeting.
- 256 / 510 – Trying to schedule a meeting. Dan is working with ODOT and Ric to identify who needs to attend the meeting. At some point ODOT will send out a new doodle poll and schedule a meeting. Currently waiting on ODOT.
- 225 – Dan has broken the comments out into about 50 changes separated into 5 groups. The first group of changes was processed in January.
- 1100’s Waterline Committee (ODOT / APWA) sent out in December, for comment to committee, putting in Boilerplate Specials format that will be sent out to Industry for a 3 week review.
- Certified Local Public Agency 2015 version template is posted.
- Addenda – Dan has sent out 9 Addenda in the past 10 days regarding the bid booklets. Letter of clarification for 5th and 12th to help offer guidance for saving Bidx. All bid items can be exported into new format. Dan has now updated the 2015 Bid Booklets (eBids) to the new BidExpress® language updates required by DOJ.

NOA

- Bid Item Numbering – Construction Section will investigate options when placing new bid items into a contract during the time period between advertisement and bid day.
- FHWA and e-Construction – Form 1273 is now accepted via electronically. Joe is checking with FHWA to see if we can use this form for all construction projects. See attached CA002 Memo.



CA003_Form734-196
4.pdf

- ODOT is expecting legislation to pass regarding closing up freeway medians with cable barriers. Over the next several years, there is potential for ODOT to offer more work to close up freeway medians.

AGC/ODOT Annual Meeting Agenda Discussion, All

Barbara Reported as of January 29th there are 175 registered for the conference: 53 are ODOT and 122 are from Industry. The Join.me webinar tool will be offered to those in outer regions. Please be sure to encourage folks to register at: www.agc-oregon.org.

The Next Meeting will take place March 13, 2015 from 10-11:30am.

2015 ODOT Industry Leadership Meeting Schedule

All meetings will take place on the fourth Friday of the month. Meetings conflicting with a holiday or special event are rescheduled through the below proposed dates noted with an *.

January 30 *

February 20 * (Annual Meeting)

March 13 *

April 24

May 29 *

June 26

September 25

October 23

December 4 *

All meetings take place from 10:00am to noon in the ODOT Materials Lab Large Conference Room, 800 Airport Rd SE, Salem, 503-986-3000.

(No meeting scheduled in the months of July, August or November.)