



**SCDOT/CAGC Joint Committee Meeting
January 26, 2011
Minutes**

Attendees

**Marty McKee, Thrift Development Corp., CAGC Co-Chair
Ken Atkinson, Palmetto Corp
Reid Banks, Banks Construction Co
Scott Fant, Sloan Construction Co, Inc.
Ted Geddis, HRI Bridge Co.
Sally Paul, SPC, Inc
Ben Whetstone, CR Jackson/Satterfield
Mark Ashmore, Ashmore Bros.
Greg Cook, Mountain Creek Contractors
John Jordan, Cherokee, Inc.
Chris Davis, Sanders Bros.
Leslie Hope, CAGC**

**John Walsh, SCDOT
Leland Colvin, SCDOT Co-Chair
Jason Johnston, SCDOT District #4
Mark Attaway, SCDOT Utilities
Russ Touchberry, SCDOT Construction
Brian Parnell, SCDOT
Chad Hawkins, SCDOT OMR
Clem Watson, SCDOT
Charles Eleazer, SCDOT
Claude Ipock, SCDOT Construction
Jay Hawkins, SCDOT
Bryan Jones, SCDOT
Kyle Berry, SCDOT
Robbie Isgett, SCDOT District #1
Jim Porth, SCDOT District #7
Merritt Vann, SCDOT
Tim Henderson, SCDOT District #6
David Glenn, SCDOT District #6
Patti Gambill, SCDOT Construction
Stephanie Jackson-Amell, SCDOT District #3
Rob Bedenbaugh, SCDT Preconstruction
Steve Ikerd, FHWA
Milt Fletcher, SCDOT OMR
Bryn Jones, SCDOT District #1
Nathan Hinkle, FHWA**

Todd Steagall, SCDOT
Al Barwick, SCDOT
Lee Neighbors, SCDOT
David Kinard, SCDOT
Matt Lifsey, SCDOT
John Boylston, SCDOT
Dennis Garber, SCDOT
Merrill Zwanka, SCDOT
David Rister, SCDOT
Mitchell Metts, SCDOT
Kevin Harrington, SCDOT

The meeting was called to order by Marty McKee with introductions.

John Walsh informed the attendees that the department has \$860 million worth of contracts (state and federal) that they plan to let this year.

Old Business

Update CPM Schedule Spec

Issue: Develop a simpler CPM Schedule Specification for small/short projects. Changes to the Schedule Specification include schedule complexity, dollar amounts, and the number of bid items.

Discussion: Patti Gambill informed the group she was still in the process of working on this spec and has finally received comments from all interested parties. SCDOT is trying to correctly identify projects that need database analysis and trying to get the information into a spec so the contractors know how SCDOT comes up with a contract.

Action: SCDOT plans to continue working on this spec and hopes to have it out mid-year. This item will roll off the agenda until SCDOT has completed their work.

Borrow Material Spec Issues

Issue: Updating the Borrow Material Spec. There is significant concern about the material SCDOT is requiring due to the availability, cost, and the time needed to locate, obtain, and test.

Discussion: Leland Colvin reported SCDOT is working with the pre-construction division and OMR to determine if SCDOT can specify soil types, or look at going another route.

Action: SCDOT is meeting with geo techs from S&ME and F&ME on Feb 2. They will try to narrow down a soil type if at all possible in lieu of specifying friction angle and phi angle.

Update Pipe Spec

Issue: Determining the class of pipe that can be used.

Discussion: There is some concern from contractors about knowing what class of pipe to use and where/when. Tables will be added to the plans that should take care of specifying the pipe classification.

AGC would like for SCDOT to reconsider the fill height tables and possible back fill requirements. Marty has talked with CCPA. Their reference is ASHTO and the SCDOT verbiage is more stringent and the inconsistencies are causing problems. A lot of private and local entities use SCDOT specifications which also creates additional problems.

Leland Colvin indicated that SCDOT is now using design criteria for pipes now that were not used in the past. The design life is 75 years.

Action: Classification tables should be coming out in the construction plans now. CAGC asked if SCDOT could go a step further and review the pipe classes with the contractors and producers. Leland is to schedule a meeting through Marty.

Thermo Shortage – Latest Information

Issue: There is an on-going shortage of thermoplastic pavement marking tape and there is expected to be another spike in prices after the first of the year.

Discussion: SCDOT is still hearing that the prices are going to be going up. Suppliers have provided letters indicating another price increase. For the January letting prices were all over the place. SCDOT didn't see a lot of changes reflected in the bids, which makes it hard for the department to address the problems. SCDOT said if the subs have been put on notice that there is another price increase expected, not sure what else, we, as the owners can do.

Action: SCDOT looking at using paint and/or epoxy as possible alternatives to thermo on contracts that were let prior to January, 2010. SCDOT is meeting with the DCE's to discuss this and other issues as well. SCDOT would like to have alternative bid items in contracts this summer.

Environmental Issues – Wetlands Permit

Issue: There is new emphasis from Army Corp of Engineers (ACOE) on permit enforcement. SCDOT will need feedback from the Contractors as the general permit is being reviewed and discussed.

Discussion: SCDOT meeting with Corps on Feb 4 to discuss the proposed language for the new general permit. SCDOT requests that CAGC review the permit language once it goes out on public notice and submit comments. The permit is expected to be out in mid-Feb for a 30-day public comment period.

Action: Leland will let Leslie know when the permit goes out for public comment. Leslie will pass info along and coordinate feedback from the Contractors. SCDOT needs literature on the manufactured mats.

Design Build Subcommittee

Issue: The Design Build Subcommittee, to assist SCDOT in creating good design build public policy for the SCDOT and the Contractors, has been established

Discussion: Several members of the committee are attending a conference and will begin some of the conversations while at conference. Jim and Claude have met and they have a list of items to discuss. First topic ATC's.

Action: The first committee meeting will be held Feb 15. This will become a subcommittee report for the next meeting.

Contractor Status

Issue: The Contractors would like to see a Monthly Status Report at each meeting.

Discussion: Leland Colvin handed out a few graphics which are part of the report provided to SCDOT senior staff every month. There was a decrease in the amount of projects that are on time this month

Action: Leland will provide updated handouts at every meeting and will email to Leslie to include in the minutes as well.

Prompt Payment Issues for Subcontractors

Issue: Because of prompt payment clause, Contractors are required to pay the subs in a timely fashion. SCDOT says the Prime Contractor still has to pay even if the subcontractor walks off the job. Due to Federal and State requirements SCDOT has to include Prompt Payment verbiage in the contracts and don't have much wiggle room.

Discussion: Through the prompt payment clause Prime Contractors have to pay the subcontractors for work performed. Contractors asked if they could include language that will no longer require the Prime Contractor to honor prompt payment clause if a subcontractor walks off or if the Prime is notified the sub does not plan to finish the project. If there is non- performance, is the Contractor allowed to hold payment? There is state law that addresses prompt payment and SCDOT's language is based on state law. Federal reg addresses prompt payments to DBE sub-contractors as well.

Action: SCDOT needs to know if subs are not submitting their paperwork, but not sure that SCDOT can provide the hammer the Contractors are looking for. Contractors need to provide letters to SCDOT to withhold a line item, on a case by case issue, if needed based on sub-contractor's failure to submit required paperwork. The CAGC would like to research state law and federal regulations and submit revised prompt payment verbiage to SCDOT for consideration. State law Section 29-6 – 30 and 49 CFR 26.29. Feedback requested by end of Feb.

New Business

Safety Topic

Issues: Truck Mounted Attenuators (TMA).

Discussion: In reviewing the TMA's on recent job sites, SCDOT has found that many Contractors do not maintain lane closures during construction activities. Accident discussed, showed that the TMA was located at the beginning of the project and not at the lane closure. Recommend using TMA's on the approved SCDOT project lists. Guidelines that can be followed to increase weight (sand an option). TMA is to be 100 ft in advance of the work zone area, but once defined, needs to be moved up.

Action: Will rotate safety topic each meeting. CAGC will address it at the next meeting.

New NOI form for NPDES General Permit

Issues: There is a new NOI Form for Borrow Pits

Discussion: In effect as of January 1, 2011

Action: For Information – Leslie has already notified the CAGC members.

Changes to SCDOT Concrete Technician Certification

Issues: Level 1 and Level 2 Program sampling and testing

Discussion: Level 1 is for producers and Level 2 is for technicians doing sampling and testing. Level 2 requires Level 1 certification and is a two-day program. Currently certified techs will be grandfather in. USC handles certification.

Action: For Information – Leslie has already notified the CAGC members.

Scheduling of Lettings & Completion Dates on Resurfacing Projects:

Issues: Matter of Scheduling. Need to spread out the scheduling and allow for some flexibility.

Discussion: Could there be some adjusting to the schedules, to spread them out. Some of the projects tie-into another ongoing resurfacing project and if another contractor gets the project, SCDOT would be required to pay two mobilizations and additional Permanent Construction Signs There would be a cost savings if the entire section of roadway was placed on one contract. Allowing for some flexibility, will allow Contractors to plan better if the project letting dates and completion dates are spread out.

Action: Maintenance has been asked to be aware of these issues **but** it depends on the funding source and type of project. SCDOT will consider spreading out the projects. SCDOT would consider giving the contractor the option to choose their start date and then allow 30 days to begin.

PAM#8 – ROW Plats & Monuments

Issues: A new special provision and specs for platting all new right-aways is in place.

Discussion: These changes are in effect as of January, but not retroactive. It is a line item. Special provision right now, may tweak once comments received.

Action:

Interim Bridge Construction Engineer

Issues: Charles Matthews retired effective Feb 2.

Discussion: Jan and Feb, interim Bill Mattison; March and April, David Rister. Retirement Drop-in is Feb 8 for Charles.

Action:

Subcommittee Reports:

Roadway Subcommittee

Chris Davis will take over as the Co-Chair. No meetings in December, no report.

Bridge Subcommittee

Ted Geddis reported the subcommittee had worked to create a draft for new Crane Safety Regulations. This was a great partnering session and both sides worked together to update the specification due to changes in OSHA Rules. Hopefully in the spec in April.

Project Development - No report

Utility Subcommittee - No report- Leslie informed the group that discussions and meetings with the Utilities are on-going and we are pushing to reach a compromise on legislation that can be passed this session.

Supplier Subcommittee - Met in November and heard from supplier that thermo issue will be an on-going issue. Couplers are an in-going issue as well.

Other Business

Contracts for day paving or night paving. Contractors would like to have this listed, clearly, on each project. If need to change, handle on a case by case basis.

Day and night notations are listed in some contracts, others coming on board after January letting.

Holding subcommittee meetings on same day of Joint Committee meetings. Each subcommittee is to discuss advantages/disadvantages at the next subcommittee meetings and report back to the Joint Committee.

Warm Mix Asphalt: SCDOT is working to develop a new federal-aid specification. A warm mix specification has been in place for approximately 2 years for state funded projects only. To date, SCDOT has let approximately 200,000 total tons of WMA in the 2010 and 2011 State program

Leslie discussed SC Supreme Court Ruling: Legislation has been filed to address a recent SC Supreme Court Decision which negatively impacts your Commercial General Liability Insurance Coverage.

[S. 431, by Sens. McConnell](#), Rankin, Setzler, Campbell, Shoopman, Davis, Reese, Bright, L. Martin, Alexander, S. Martin, Fair, Cromer and Bryant was filed last week and referred to the Senate Banking and Insurance Committee, which is chaired by Sen. David Thomas (Greenville).

In the House, two bills have been filed, H. 3449 by Herbkersman and Skelton, which was referred to the House Labor, Commerce and Industry Committee and [H.3498](#) by Herbkersman, which was referred to the House Judiciary Committee.

The SC Supreme Court issued a 5-0 ruling in January that will significantly impact the insurance coverage our members maintain. To put this in the most simple of terms, this is BAD NEWS for the construction industry. The ruling defines “occurrence” as “an accident, including continuous or repeated exposure to substantially the same general harmful conditions”. Therefore, if there is never an occurrence (as there virtually never will be under the Crossman opinion), then the general contractors have paid for worthless coverage.