

Meeting Minutes
SCDOT/ACEC/AGC Design-Build Sub-Committee Meeting
11/17/2021 @ 9:00 AM

I. Welcome/Introductions

SCDOT	ACEC	AGC
<ul style="list-style-type: none"> • Chris Gaskins • Clay Richter • Brooks Bickley • Ben McKinney • Jae Mattox • Brad Reynolds • John Caver • Randy King • <i>Chris Lacy</i> • Will McGoldrick • <i>David Hebert</i> • Daniel Burton • <i>Barbara Wessinger</i> • Brian Gambrell • Carmen Wright • Tyler Clark • <i>Tad Kitowicz*</i> • Pat McKenzie 	<ul style="list-style-type: none"> • Jim O'Connor • Erin Slayton • Walker Roberts • Aaron Goldberg 	<ul style="list-style-type: none"> • Dave Rankin • Pete Weber • Rob Loar • Lee Bradley

(Attended, Absent) *FHWA

- **Jae Mattox** selected as Preconstruction Alternative Delivery Engineer.
- **Rob Loar (Reeves)** to take over for AGC Chairman. **Chris Boyd (Crowder)** to fill **Dave Rankin's (Lane)** future vacant position.
- **Erin Slayton (HDR)** and **Jim O'Connor (JMT)** vacating sub-committee. **Aaron Goldberg (SME)** and **Walker Roberts (TranSystems, new Chairman), David Taylor (Stantec), David Russell (JMT).**

II. Project Updates

SCDOT

- Carolina Crossroads Phase 2 – Contract awarded to Archer-United
- Closed and Load Restricted Bridges 2021-1 – District 4 with eight bridges. In procurement. ATC Phase ongoing.
- Cross Island Parkway Toll Conversion – Nearing end of procurement. Bid-opening in December 2021.

- 2022 Anticipated Procurements
 - I-20 over Wateree, River and Overflow Bridges – Scope: Main river bridges to be replaced, overflow bridges to be rehabilitated. Inclusive within design-build contract. RFQ Spring/Summer 2022, executed contract 2023.
 - US 301 over Four-Hole Swamp – Expedited bridge replacement project, not emergency procurement. Two-phase approach, RFQ mid to late 2022. Anticipated \$10 to \$15 M project. Design-Build prep to be completed internally.
 - Carolina Crossroads Phase 3 – RFQ anticipated in mid to late 2022. Alternative Delivery will offer open forum anticipated January 2022 or earlier. New RFP Agreement Template to be offered for industry comment prior to procurement.
 - 2022/2023 Bridge Packages not currently scheduled but anticipated to begin procurement for first package in mid to late 2022. **Note below information.*
- I-26/I-95 Interchange Improvements – Funding available. Design-Build prep contract imminent. Current scope planned to include MM 176 – 187 for 2025 and MM 165 – 176 for 2027.
 - Separate prep contracts for interchange and widening projects anticipated.
 - Portions of I-26 widening project (MM 125 – 145) to be bid-build.
 - Future I-95 widening project (MM 0 – 8) to be bid-build.
- I-95 over Santee (Lake Marion) bridge replacement.
- Potential for new on-call for prep work.
- Long Point Road/Wando Port Interchange due to Longpoint Rd. interchange deficiencies. Currently in the process of a contract modification for preliminary and NEPA services (CDM Smith). 2023 to 2024 procurement.
- Mark Clark Expressway – Finalizing Supplemental EIS and moving forward with Final EIS in 2022 and related documentation. RFQ possible as early as 2023.
- Low Country Corridor West and I-26/I-526 Interchange – ROD (community impacts and R/W acquisition) is expected in 2022; first phase RFQ in 2027.
 - Five phases are currently being evaluated for project delivery type.
- Low Country Corridor East – Currently in project development and NEPA. Procurement timeframe TBD. Public involvement meetings held in October.
- *New bridge packages forthcoming. 180 bridges to be presented to commission in December 2021. Mix of DBB and DB project delivery are anticipated.

III. Action Items from 9/15/2021 Meeting

- SCDOT to circulate updated insurance and bonding language to ACEC/AGC for comment. Industry to provide comments, if any, to Tyler and Brian. **[CLOSED]**
 - Comments received and reviewed. Some industry suggestions, while valuable, will be “rejected”. Language intended to serve entire industry. The agency can’t and won’t “pick winners and losers” with regards to this language and how it is included in SCDOT contracts. Noted criticism in amount sought from insurance levels; certain projects would or could warrant higher coverage limits.
 - Drone usage discussion (regarding CGL policy and related endorsements for

insurance purposes).

- SCDOT to review and discuss examples of commitments from other states (provided by ACEC/AGC) and potential changes/implementation. **[OPEN]**
 - Continuing to review and discuss other examples from other states (i.e. FDOT, VDOT) and other materials.
 - Currently considering implementation of *additional* language related to cost-savings initiatives or value engineering possibilities.
- SCDOT/ACEC/AGC to discuss potential new RFQ language suggestions and/or scoring techniques for SOQ evaluations with stakeholders. **[OPEN]**
 - Ongoing internal discussion.
 - Goal is to have additional critical language implemented prior to 2022 procurements. Industry will have opportunity to review and comment.
- AGC to circulate current version of standard of care language to stakeholders for review and comment. **[CLOSED]**
 - ACEC and AGC provide feedback and many discussions were had with the industry and internally.
 - It was determined that the Office of Alternative Delivery will not implement any Standard of Care language within our templates at this time. Common law/state statute standard of care language covers those checks and balances.
 - In the absence of consensus, SCDOT would not need to insert itself in the contractor-designer relationship and the contract developed independent of SCDOT contracts.
 - Tools/language exists independent of SCDOT contracts.
 - AGC: Appreciates SCDOT recognition that this is an issue between contractor and their sub-contractor (i.e. designer in this case).
 - ACEC: Appreciates the attention given to the topic and requests for consideration. Worth mentioning that Standard of Care is addressed, in different language, within current and typical contracts with SCDOT (i.e. bid-build or prep contracts).
- SCDOT to coordinate with Director of Construction Office and Field Offices to determine a consistent Schedule of Values for design-build contracts. **[OPEN]**
 - Updates below within SOV topic.
- SCDOT to discuss current stipend determination method and potential of additional factor as requested. **[OPEN]**
 - Ongoing internal discussion. Additional risk discussion with industry would be beneficial for continuing to give appropriate attention and understanding to this matter.
 - SCDOT intends to incorporate additional factor related to the amount of work that SCDOT has completed (i.e. internal prep and engineering) as it relates to the stipend and embedded risks for Design-Build teams.
 - Industry requests additional meetings prior to or during (i.e. open dialogue) project development to better share in risk and information available. SCDOT will consider and likely intends to implement this opportunity for future projects.

- Projects with larger structural component is typical more expensive and could/should fetch a larger stipend.
- AGC will discuss and consider sharing how they calculate risks related to funding at time of technical proposal submittal in order to assist SCDOT with determining stipend amounts. **[CLOSED]**
 - AGC reached out with other SCDOT contractors or competitors. Quantifying risk (i.e. how a contractor is determining potential stipend amounts/requests) is currently not being shared eagerly. Complicated, sometimes proprietary, formulas utilized to determine this on each project.
 - Seven-figure contingencies for risk mitigation are common on large projects.
 - Additional stipend/contingency from Department would help further mitigate these risks and larger contingency amounts (i.e. additional shared risk).
- Clay/DOC to discuss scope for Contractor QC further with ACEC CE&I Committee and present feedback. **[OPEN]**
 - ACEC CE&I committee has not met. Clay to update at future sub-committee meetings.

IV. DBE Language Update

SCDOT

- Commitment of DBE professional services not going to be required at the time of bid.
 - Likely to be required at 30 days after contract execution
- The commitment requirement, evaluated for each project, will likely be ~0.4-0.5% (i.e. < 1.0%) of the overall design-build contract amount.
- Two goals; two individual commitments for construction and professional services. These commitment “packages” will be submitted separately.
- ACEC mentioned the potential lack of ability for DBE’s to secure adequate professional liability coverage in accordance with SCDOT RFP requirements.
- Good faith effort will be necessary and scrutinized that may later affect additional discussion and language.
- SCDOT to continue to discuss DBE language and range for percentages and update industry as available. **[ACTION]**

V. Self-Insurance

SCDOT

- Intent is potentially to allow for clarification/utilization of this within SCDOT contracts, if necessary, for firms that 100% self-insure.
- ACEC representatives (JMT, SME, TranSystems, HDR) do not self-insure.
- AGC representatives do not entirely self-insure.
- Addressing this topic or inclusion of language is determined to be unnecessary and will be dropped from consideration at this time.

VI. ATC Language: Non-Traditional Designs

SCDOT

- Proposal of language that requires submittal of non-traditional/non-standard designs as an ATC rather than arguing for them within the technical proposal.

- Issues have arisen when teams have submitted a design that might be an “acceptable” engineering process or approach, however, is not a typical method or solution utilized within SC or within the context of the project or location within the project.
 - I.E. implementing accepted design practices for a situation that it is originally not intended for.
- Potential utilization of confidential question process to better define this as well.
- Post contract execution issues could arise without clarification language being implemented.
- SCDOT wants to give designers the ability to have a “blank canvas” but wants to be a part of that conversation in order to determine what can or will be approved as a potential solution.
- SCDOT to internally discuss and determine appropriate verbiage for designs that are not commonly utilized or are non-standard (i.e. in SC). Language will be circulated for industry feedback. **[ACTION]**

VII. Schedule of Values

SCDOT

- Update from previous SOV list.
 - Superfluous and unnecessary items removed from list.
 - Added additional items to assist with specific items that were not captured within previous list.
- List is provided post-award on lump sum projects
 - Attachment “B” will include a list that are a “minimum” requirement based on project type and internal discussion.
- No change in process for when SOV is received from contractor (i.e. not required within technical proposal submittals).

VIII. Proposed RFP Changes

AGC

- Changes are intended to ensure RFP responsiveness is met by allowing items addressed within the CPM schedule not be found within the narrative.
 - The majority of schedule requirements are located within Appendices.
 - Specifically adjustments of CPM schedule location within narrative of RFP from 4.1 to within the appendix.
- SCDOT intent not to see this within narrative AND CPM schedule (i.e. eliminate duplication).
- No major objections from industry with initial feedback.
- SCDOT to discuss CPM schedule RFP language adjustment internally with policy committee and implement adjustments if deemed appropriate. **[ACTION]**

IX. Open Discussion

- SCDOT to administer and lead sub-committee for the foreseeable future.
- SCDOT intends to change the Design-Build Sub-Committee to the Alternative Delivery Sub-Committee starting in 2022.

X. Action Items

- SCDOT to review and discuss examples of commitments from other states (provided by ACEC/AGC) and potential changes/implementation.
- SCDOT/ACEC/AGC to discuss potential new RFQ language suggestions and/or scoring techniques for SOQ evaluations with stakeholders.
- SCDOT to continue to coordinate with Director of Construction Office and Field Offices to finalize a consistent Schedule of Values for design-build contracts.
- SCDOT to discuss current stipend determination method and potential of additional factor as requested.
- Clay/DOC to discuss scope for Contractor QC further with ACEC CE&I Committee and present feedback.
- SCDOT to continue to discuss DBE language and range for percentages and update industry as available.
- SCDOT to internally discuss and determine appropriate verbiage for designs that are not commonly utilized or are non-standard (i.e. in SC). Language will be circulated for industry feedback.
- SCDOT to discuss CPM schedule RFP language adjustment internally with policy committee and implement adjustments if deemed appropriate.

XI. Next Meeting Date: 1/19/2022 @ 9:30 AM

XII. Adjourn