



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

June 30, 2008

MEMORANDUM TO: AGC-DOT Joint Cooperative Committee Members  
FROM: E. C. Powell, Jr., P. E.  
State Construction Engineer  
SUBJECT: Minutes to the Joint Committee Meeting

The Joint Cooperative Committee of the Carolinas AGC-DOT met at 10:00 AM on May 22, 2008, in the EIC Room of the Transportation Building located at 1 S. Wilmington Street in Raleigh.

Members and attendees present included:

Debbie Barbour	Randy Garris	Michael McKoy	John Sullivan
Kevin Burns	Brad Goodson	Graham Moore	Shannon Sweitzer
Alan Cahill	Ron Hancock	Jason Peterson	Lamar Sylvester
Brad Caldwell	Berry Jenkins	Ellis Powell, Jr.	Bill Tomlinson
Terry Canales	Drew Johnson	Allen Raynor	Steve Varnedoe
Jack Cowsert	Bob Lofling	Johanna Reese	Rick Vick
Queen Crittendon	Michelle Long	Bill Rosser	Sherell Williams
Steve DeWitt	Mike Long	Ron Shaw	Sim Wooten, Jr.
C. A. Gardner	Jeff Mann	Jule Smith	Jim Wyngaarden

*AGENDA*

*Project lettings.....Debbie Barbour*

- Ms. Debbie Barbour advised that the four major projects for calendar year 2008 will let by the end of the year. The four projects are as follows.
  - R-2554BA – US 70 (Goldsboro Bypass) in Wayne County
  - R-2301A – US 17 (New Bern Bypass) in Craven and Jones Counties
  - U-2519E – Fayetteville Outer Loop in Cumberland and Robeson Counties
  - R-2719A – Crescent Road in Lenoir County

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TRANSPORTATION BUILDING  
1 SOUTH WILMINGTON STREET  
RALEIGH NC

***21<sup>st</sup> Century Transportation Committee.....Johanna Reese***

- Ms. Johanna Reese advised that the 21<sup>st</sup> Century Transportation Committee will continue to work through 2009. The Committee has introduced one bill that exempts Interstate Maintenance funding from the equity formula, which will allow the Department to use maintenance funds where needed most. Ms. Reese also advised that the Governor’s Budget included the phase out of the transfer of funds from the Highway Fund to the General Fund. The budget included phasing out \$25 million, of which the majority of the \$25 million would go to the North Carolina Turnpike Authority (NCTA) for gap funding. The House Appropriations Committee recommended a reduction in the phase out amount to \$21 million and the entire amount be used toward NCTA’s gap funding. Ms. Reese advised the phase out will be reoccurring. The House and the Senate have introduced a bill allowing the North Carolina Department of Transportation to pay Disadvantaged Businesses Enterprise (DBE) firms directly when firms are not paid promptly due to reasons other than performance issues. The Carolinas Association of General Contractors (CAGC) will submit specific issues that may occur if the bill passes to Mr. Berry Jenkins. Mr. Jenkins proposes to discuss the issues with Representative William Wainwright and Senator S. Clark Jenkins of the 21<sup>st</sup> Century Transportation Committee and Legislative Program. Ms. Reese advised that NCDOT has requested to expand the public/private partnership to allow the DOT authority of planning, designing, constructing, operating and maintaining projects with public/private partnerships. The CAGC has raised concerns regarding the bid process in reference to the public funds; therefore the DOT will add language to clarify the bid process. Ms. Reese advised that DOT has requested a revision of the informal bid limits for contracts with Small Business Enterprise firms. The DOT has requested to change the limits from \$1.2 million and \$500,000 per project to a \$1.2 million and \$500,000 annual limit per project or to raise the overall limit of the projects to \$2.5million.

***General Liability Insurance.....Steve Varnedoe***

- Mr. Steve Varnedoe advised that the limit for liability for the Department was raised to \$1 million per person for Tort Claims. The Attorney General’s office has asked the DOT to look into including language in the provisions of the contract naming the NCDOT as an additional insurer. Mr. Ellis Powell has worked with Mr. Bob Hargett of the Attorney General’s Tort Claim Office to create draft language for the provisions and sent them to the CAGC for comment. Mr. Berry Jenkins asked if this would also be a requirement for subcontractors. Mr. Rick Vick wanted to know what time frame would apply to the policy, (i.e. from begin construction to the acceptance date.) Mr. Varnedoe suggested the industry discuss this issue with their insurance carriers and provide comments to be shared with the Attorney General’s office. Five contractors agreed to provide comments.

***DOT's Experience Qualifications for Contractors/Subcontractors.....Kevin Burns***

- Mr. Kevin Burns advised that the number of items for which the Department requires contractors to have specified experience has increased. The types of work that require experience are mostly geotechnical operations. Mr. Burns stressed that many prime contractors are capable of performing these items of work, but there are currently no provisions for them to gain the required experience. Some items of work include drilled piers, micro piles, and specialty walls. This item has previously been discussed at the Structure Subcommittee meeting, but changes have not been initiated. Mr. Burns requested that the Department reevaluate these requirements. Ms. Debbie Barbour indicated that she would request the Geotechnical Unit Head, Mr. Njorge Wainaina, to investigate this matter further.

***N.C. Turnpike Authority.....Steve DeWitt***

- Mr. Steve DeWitt advised that the North Carolina Turnpike Authority (NCTA) advertised for a predevelopment agreement for the Mid-Currituck project June 2, 2008 and proposed to have an executed agreement by the end of 2008. The estimated cost for the project is \$550 million. Mr. DeWitt advised that the NCTA will meet with both the asphalt and concrete paving associations to discuss a concept allowing a bid alternate for pavement that includes life cycle cost analysis. The NCTA hopes to use this concept on the Monroe Connector Bypass project in 2009. Mr. Shannon Sweitzer advised that he attended a DBE outreach meeting that was organized by the Office of Civil Rights. NCTA and the DOT's Alternative Delivery Unit gave overviews of proposed design build projects. Over 50 firms participated and were given the opportunity to make contacts with each other regarding the upcoming work.

***DBE/MBE/WBE Joint Check Policy and Bid Runner Update.....Ellis Powell/  
Michael McKoy***

- Mr. Ellis Powell advised the Department is considering a programmatic approach for the use of joint checks. The Department is not required to approve joint checks on a case by case basis, but it is required to have notification of the use of joint checks and is required to audit projects where there is a use of joint checks. The Federal Highway Administration (FHWA) deemed the programmatic approach to be acceptable. Ms. Terry Canales and Mr. Michael McKoy will draft procedures for the use of joint checks and identify the circumstances where the use of joint checks is allowed. After the procedures have been reviewed and approved by the FHWA they will be distributed to the CAGC for comment.
- Mr. Michael McKoy advised that Bid Runner was not an adequate tool for the requirements of the good faith effort, it only meets the requirement for the submission of

the written correspondence between the prime contractor and the subcontractor for solicitation and follow up contacts. There was discussion that Bid Runner does not provide all the information that is wanted by various groups. Ms. Terry Canales suggested that the Department form a focus group including prime contractors and subcontractors, to discuss what information Bid Runner should provide to fulfill the requirements to make Bid Runner an acceptable source for the good faith effort. The Department will present the recommendations from the focus group to Bid Runner. Mr. Drew Johnson is the contact person for the CAGC. Mr. Ellis Powell stated that the Office of Civil Rights and FHWA should be included in the focus group.

***Holiday and Weekend Lane Closures.....Graham Moore***

- Mr. Graham Moore advised that the contract provisions for holiday, weekend, and special events lane closure restrictions should include language that gives the Resident Engineer authority to consider the lane closure restrictions during special events and authority to modify the lane closure restriction based on the actual need of the lane closure, such as restrict traffic in only one direction. Mr. Ellis Powell advised that he had previously received comments about this issue from Mr. Berry Jenkins and he sent the information to Mr. Stuart Bourne of the Work Zone Traffic control Unit and Mr. Ron Hancock. Mr. Bourne advised Mr. Powell that he will take it under consideration for future projects. Mr. Hancock will present this to the Contract Time Committee for consideration in regard to the directional issue.

***Railroad Flagging Proposed Provisions.....Industry***

- The Department presented and discussed a draft proposal of the Railroad Flagging provision during the last AGC/DOT Bridge Committee meeting. The intent of the proposed provision is to minimize the overrun of railroad flagging on projects with multiple bridges. The industry was not receptive of the proposed change and submitted comments to the Department. The Department is working to revise the draft provision with consideration of the industry comments.

***Prequalification of Firms for Purchase Order Contracts.....Terry Canales***

- Ms. Terry Canales advised that the Department is in the process of developing an implementation plan for the prequalification of firms that perform work on Purchase Order Contracts (POC) only. The application for prequalification for POC contractors has been approved. Ms. Canales advised that there will be two applications online, one for prime contractors for central let projects and the other for subcontractors for central let projects and for POC contractors and subcontractors. Upon implementation, every level of contractor will be prequalified with the exception of the Small Business Enterprise (SBE)

firms. The Department is working on an implementation plan to be sent to the CAGC for review. Prequalification of POC firms will not be a requirement until 2009 to allow for firms to apply and go through the prequalification process. The prequalification of POC firms will help increase the pool of contractors that prime contractors may use as subcontractors for central let projects, and allows the Divisions to know the contractors that have been prequalified and to know their safety index rating.

***Floating Date of Availability for Bridge Replace.....Mike Long***

- Mr. Mike Long suggested that the Department begin implementing floating dates of availability for bridge replacement projects. This would be helpful for projects that have moratoriums. Mr. Berry Jenkins advised this issue was discussed during the AGC/DOT Bridge Committee meeting.

The meeting scheduled for July 17, 2008, has been cancelled. The next meeting is scheduled for September 18, 2008 at 10:00 A.M. in the Chief Engineer's Conference Room at the North Carolina Department of Transportation Equipment and Maintenance Facility located at Beryl Road in Raleigh.

SRW/kdl

- cc: Mr. Dan DeVane  
Mr. A. W. Roper, P. E.  
Ms. Susan Coward  
Mr. W. F. Rosser, P. E.  
Mr. W. S. Varnedoe, P. E.  
Ms. D. M. Barbour, P. E.  
Mr. J. G. Nance, P. E.  
Mr. L. D. Love, P. E.  
Mr. C. L. Jones, P. E.  
Mr. J. V. Barbour, P. E.  
Mr. Art McMillan, P. E.  
Mr. R. A. Hancock, P. E.  
Ms. T. A. Canales, P. E.  
Ms. M. G. Long, P. E.  
Mr. M. L. Sylvester, P. E.  
Mr. Michael McKoy  
Ms. S. R. Williams  
Ms. J. H. Reese  
Mr. D. G. Lee, P. E.  
Ms. Queen Crittendon

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Mr. Allen Raynor, P. E.  
Mr. R. A. Garris, P. E.  
Mr. J. E. Cowsert, P. E.  
Mr. B. G. Jenkins, Jr., P. E.  
Mr. S. D. DeWitt, P. E.  
Mr. C. A. Gardner, P. E.