



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

January 16, 2019

MEMO TO: Jeff Allen, Michael Alford, Dellon Baker, Carl Barclay, Christopher Conerly, Shannon Douglas, Randy Garris, Shanese Green, Ron Hancock, Bruce Hazle, Scott Hidden, Brandon Hill, Justin Hill, Ryan Ilg, Berry Jenkins, Ben Johnson, Steve Kite, Wiley Jones, Ben Lanier, Don Lee, Dan Lieberman, Clark Morrison, Brenda Moore, Dennis O'Connor, Michael O'Shields, John Pilipchuk, Glenn Pratt, Jeff Saunders, Ian Scott, Brian Skeens, Lamar Sylvester, Adam Tipton, Kevin Thomas, Dave Tolley, Brian Webb, Chris Werner

FROM: R.E. Davenport, Jr., PE
State Contract Officer

SUBJECT: NCDOT-AGC Roadway Subcommittee Meeting Minutes

The subject committee met on January 8, 2019 at 10:00 a.m. in the Pamlico Conference Room at the NCDOT Century Center.

Response for Erosion Control

Michael Alford

Mr. Alford noted inconsistencies on how erosion control is being administered across projects and specifically an issue with only paying for Response for Erosion Control for repairs. Mr. Sylvester and Mr. Harris discussed the intent of the provision was to pay for the necessary maintenance of erosion control devices and will provide training/feedback.

Towing Ordinance

Michael Alford

Mr. Alford shared that Mr. Cliff Braam, Regional ITS Engineer, indicated that contractors could not place green stickers on vehicles to have them towed. Mr. Braam explained that only NCDOT or law enforcement could issue the tow ordinance stickers. The I-40 Design Build contract contains a special provision which requires the Design Build Team to issue these stickers and have vehicles removed within 20 minutes. Mr. Jones will follow up with the Regional ITS staff for clarity.

Electronic Bidding Update

Ron Davenport

Mr. Davenport explained that Expedite bidding software will begin phasing out after the January let, and the Department is moving to AASHTOWare Project Bids. It is expected to be an improved bidding software product with the new Digital ID being used for both Central and Division lets. Beginning with the February letting, the Central highway lettings will use

Project Bids only. Divisions will begin using the new software in March and all Division lettings will require the use of the new software in April.

DBE Provision Changes

Lamar Sylvester

Mr. Sylvester noted that the purpose of the revision was to comply with updated federal guidelines on DBE replacements. The provision now includes the reasons that are federally compliant which allow DBE replacements and clarifies the time limit for a DBE company to respond to the replacement is five business days rather than five calendar days. Mr. Alford suggested a modification to the paragraph which says that issues could cause contractors to be removed from the approved bidder's list for six months. Mr. Sylvester noted that the Department would conduct an investigation and consider intent prior to any disqualification.

Mentor-Protégé Program

Berry Jenkins

Mr. Jenkins asked if any firms got a solicitation from the Office of Civil Rights regarding supporting the mentor-protégé program. One of the suggestions in the letter apparently referenced allowing the protégé firms to use equipment and office space for free. Mr. Jenkins noted that this could cause legal issues. He noted that AGC has provided suggestions to the Office of Civil Rights on how contractors could support new firms and encourage a strong mentor-protégé program. A strong mentor-protégé program would include the contractor, subcontractor, and the Department inspector. Mr. Sylvester said he would follow up with OCR.

Steel Tariffs and Utility Delays

Berry Jenkins

Mr. Jenkins asked how the impact of the proposed steel tariffs was impacting projects. The committee noted that most suppliers have not had issues with supplies and timeframes seem to be typical; however, some utility suppliers would not hold their prices. Mr. Barclay noted that his team met with Frontier in order to support and understand their processes. He stated that if there are utilities that contractors identify as impacting project completions, his team is willing to meet with regional utilities to facilitate. The discussion noted some utilities are no longer accepting right of entry and holding out for full Right-of-Way prior to starting their work.

Outreach

Berry Jenkins

Mr. Jenkins noted the nonprofit Passage Home provides support and education to strengthen community and reduce poverty. Part of their mission is to train future employees for the construction industry. They are seeking part-time instructors. He encouraged industry participation as an opportunity to inspire interest in the construction industry and develop a larger labor pool.

Cash Balance

Berry Jenkins

Mr. Jenkins asked if project lettings were slowing in the west due to decreasing cash balances. No one from the Department had heard anything other than move projects along as standard business. Lettings are not slowing. Mr. Harris noted that maintenance projects may be slowed due to FEMA not reimbursing as much as expected.

Changes Environmental Resources Agencies

Berry Jenkins

Mr. Harris provided an update on the changes at the Department of Environmental Quality Land Resources. Division of Energy, Mineral and Land Resource (DEMLR) Acting Director is now Mr. Danny Smith, previously the Water Quality Program Supervisor in the Raleigh

Regional Office. He noted that NCDOT has yet to have a 2018 annual review. He noted that the rules that covered how NCDOT handles diamond grinding residuals changed in 2018 and treatment options are still being discussed. One concept which was not adopted but discussed was wastewater pits within the Department's Right-of-Way might be handled like wastewater treatment plants which would require a permit. Mr. Harris asked the committee for helpful ideas on how other states are handling these issues. Mr. Jenkins noted that Mr. Bivens represents industry on the Sedimentation Control Committee.

Division Websites and Online Certified Payrolls

Lamar Sylvester

Mr. Sylvester shared that IT improved the performance of Division websites, and he has been working with IT to provide one site for all project advertisements across all Divisions. Divisions have been working to improve the timeliness of postings as well. Mr. Jenkins noted that he has seen improvements.

Mr. Sylvester shared the new bidding software has a complimentary module that allows for electronic submission of certified payrolls called AASHTOWare Civil Rights. A limited pilot of a few projects is anticipated this fall and more information will follow.

Weather Impacts on Projects

Jeff Allen

Mr. Allen asked for clarification on the counties declared disaster areas by FEMA and asked if the Department was considering relief for the wet weather beyond the FEMA Hurricane relief. Mr. Hill noted that other projects beyond those in the declared disaster area were impacted by hurricane preparation but not compensated. Mr. Sylvester noted that the Department is discussing 2018 weather impacts and no formal determination has been made.

CEI vs Contractor Hiring of Ex-NCDOT

Jeff Allen

Mr. Alan discussed the different rules for ex-NCDOT hires for contractors and CEI firms. Mr. Sylvester noted that the difference was due to the role of the employee. With the CEI firms, the new hire will still be working for the Department though employed elsewhere. The rules regarding not allowing ex-NCDOT employees to work on projects they had previously work on was to avoid potential conflicts of interest.

Timely Estimate Payments

Lamar Sylvester

The committee discussed processing time of estimates has become an issue on some contracts. Mr. Sylvester has pulled reports to analyze the issues related to delayed payments. The Construction Unit is providing training to specific offices as needed. He noted that a proactive approach would be to resolve quantity issues throughout the month. Most contracts are ending on the last day of the month which is against the guidance of having an even distribution of estimates each month on the 7th, 15th, 22nd, and end of the month. By evenly distributing the estimates dates, processes are less likely to bottleneck.

Next Meeting

The next meeting of this committee is scheduled for **Tuesday, February 26, 2019** at 10:00 a.m. in the Riverwood Conference Room at NCDOT's Century Center B.

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