

# ACEC Oregon

AMERICAN COUNCIL OF ENGINEERING COMPANIES OF OREGON

## Meeting Minutes

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**SUBJECT:** ODOT/ACEC Liaison Committee Meeting

**DATE:** May 5, 2006

**TIME:** 9:00 AM – Noon

**LOCATION:** HR Training Center, 2775 – 19<sup>th</sup> ST SE, Salem, Conference A

### Attendees:

<b>Name</b>	<b>Agency/Firm</b>	<b>Email</b>
Bob Carson (Co-Chair)	Mason, Bruce & Girard, Inc.	<a href="mailto:bcarson@masonbruce.com">bcarson@masonbruce.com</a>
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**Attendees (Cont.)**

Tom Wilcox  
Dan McIntier

Berger/Abam  
Lochner

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## 1. **Welcome/Introductions**

The meeting was opened with self-introductions.

## 2. **Status of Action Items From Prior Meetings (Bob Carson)**

No carryover action items.

## 3. **Office of Project Delivery (Tom Lauer)**

- The Agreement to Agree (ATA) contracts previously held by ADU are now being administered by OPD.
- AGC has voiced concern to ODOT about the large size and shape of the Design-Build bundles currently planned in Stages 4&5. Bob Pappé, Design-Build Program Manager, will be reevaluating the size and shape of these bundles.

## 4. **Oregon Bridge Delivery Partners Update (Mark Swatta)**

Mark provided a handout with selected updates highlighted in the following bullets:

- A/E Selection Process
- Latest Selections
- Stage 4 & 5 Developments
- Program Status

The details of the 4 topics of the OBDP presentation can be found in the next few days at the following link: [http://www.oregon.gov/ODOT/HWY/OPD/ACEC\\_ODOT.shtml](http://www.oregon.gov/ODOT/HWY/OPD/ACEC_ODOT.shtml) (click on Liaison Committee)

- OBDP will be preparing draft Statements of Work for the 4 remaining Design-Bid-Build bundles. Tom Lauer and Mark Swatta indicated that this decision was made to reduce scoping investment of the A/E firms and reduce the scoping timeframe by 2 months.
- Tom Lauer indicated that OPO will focusing on the “Change Management Process” this summer to look at opportunities to accelerate schedule.

## 5. **Region 1 Consultant Procurement Process (Paul DePalma)**

- Tom Lauer introduced the topic by indicating that the director has been having many conversations with the Disadvantaged-, Minority-, Women-owned, Emerging Small Business (DMWESB) community regarding the Department’s performance. The Department is currently looking for new ways to reach the DMWESB firms.
- Paul has devised a new consultant selection process which is aimed at increasing DMWESB participation while still following the Quality Based Selection (QBS) process. The process includes:
  - Completion of a 6-page “registration form” with basic business license, tax information, discipline check-boxes, and DMWESB certifications (if applicable). A draft of the RFP was distributed in the meeting and is available at: [http://www.oregon.gov/ODOT/HWY/OPD/ACEC\\_ODOT.shtml](http://www.oregon.gov/ODOT/HWY/OPD/ACEC_ODOT.shtml)

- Firms will check one (and only one) of the three tiers of contract value for projects which they would like to compete:
  - <\$50,000
  - \$25,000 - \$125,000
  - > \$100,000
- The goal is to have small firms competing with small firms and increase opportunities for smaller firms to contract with ODOT as a prime.
- The 6-page “registration form” RFP (Region 1 only) is anticipated to be out June 15<sup>th</sup>.
- Firms will be allowed to add or change information at any time after the initial selection process (estimated to be approximately 45 days).
- The registration process will likely be completely re-issued every 2 years.
- Region 1 will likely utilize a separate RFP for contracts valued at more than \$500,000
- Region 1 will be working with the Office of Civil Rights (Michael Cobb) to train small businesses on “how to be successful” on issues such as contracting, insurance, etc.
- There will be no requirement to utilize subconsultants for this solicitation. ODOT will select individual firms for each discipline.
- Feedback to the draft process may be provided to Paul DePalma or Donnell Fowler prior to 5/19.
- Questions / Comments to the Process
  - Question – Will this process dilute contracting mechanisms for medium to large firms?
  - Comment – It will be important to determine a clear criteria for which ATA’s (Full Service, Discipline Specific, Region 1) ODOT will utilize for a given project type.
  - Comment - ACEC could mentor smaller firms to provide training.
  - Question – How will ODOT respond to the DBE issue?
  - Answer - Tom Lauer – The director is really looking to show diversity with contracting. ODOT has a DBE “Aspirational Target” for entire program of 18%. The goal for individual contracts is 0. Federal guidelines resulting from the 9<sup>th</sup> Circuit Court decision are not clear regarding race and gender neutral programs. ODOT is seeking additional clarification.
  - Answer – Dale Hormann – the “Aspirational Target” is a good-faith effort which uses the same process as the previous DBE Goal. While it is not a requirement, it is a statement of intent of best effort.
  - Comment – DEA is setting up a job fair for small businesses to help overcome the roadblocks to doing business with ODOT. The next job fair is 5/10/06.
  - Comment – The process required to respond to the Discipline Specific solicitation presented major hurdles to small firms. This process was much more cumbersome than the on-call contracts issued previously.
  - Comment – ODOT is currently taking a fresh look at their contracting procedures in an effort to help overcome these challenges.

## **6. Procurement and Contracts Standing Committee Update (Donnell Fowler)**

- No comments were received to the committee’s workplan. The workplan generally includes a general evaluation of the procurement processes and standard terms & conditions to identify opportunities to streamline.
- The committee has reviewed the template documents and identified gaps. Donnell requested suggestions to improve the document by May 11.

- The committee is gathering data from the DMWESB community in an effort to create a template for smaller/lower risk contracts as well as the standard template.
- The committee's next meeting is 5/25.

#### **7. Technology Transfer Standing Committee Update (Karen Tatman)**

- Their work plan is in place.
- The committee currently has 3 focuses:
  - Placing Quality reports on their website and distribute those to the Discipline Leadership Teams (including meeting and event times and dates). Cathy Nelson is leading this focus. The goal is include industry and local agencies in the ODOT Discipline Leadership Teams to provide broader input.
  - Developing an electronic list of ODOT manuals that are pertinent to our group. They are working on a comprehensive list, including Federal Highway Administration resources. A goal is to develop a robust search engine to help retrieve ODOT manuals on particular design topics.
  - As to Usability and Compatibility, they are looking to create portals to entry pages for consultants and local government.
- The committee welcomes input and meets 1 time every two months.

#### **8. Ad-Hoc Conference Planning Team – March Conference Debrief (Ingrid Saltvold)**

- 200-250 people participated in the March conference
- The committee had a good response to the survey (62 people) with overwhelmingly positive feedback.
- Karen recommended adding the training committee to the list of standing committees.
- Thanks were expressed to the committee members for all of their efforts in putting together this excellent workshop.

#### **9. Project Delivery/Management Systems Standing Committee Update (Jim Evans)**

This committee is refining their delivery process.

- The committee has developed a flow chart describing the ODOT Design-Bid-Build process. The flow chart is located at:  
[http://www.oregon.gov/ODOT/HWY/OPD/ACEC\\_ODOT.shtml#Standing\\_Committees](http://www.oregon.gov/ODOT/HWY/OPD/ACEC_ODOT.shtml#Standing_Committees)
  - The committee was disappointed in receiving only 12 comments to the process survey.
  - The committee will be extending the deadline for comments to 5/19/06.
  - The committee meets on the afternoon of 5/5 to review the comments and build a work plan. The committee will meet again in 3 weeks to review new comments.

#### **10. ODOT Audit Report – Comparative Cost of Consultant Service (Tom Lauer)**

- The Secretary of State's Audit Division has reviewed several consultant performed jobs in the 2001-2003 timeframes and prepared an audit concerning the cost of engineering services. The Department has accepted the following recommendations contained within the report:

- Be more prepared in negotiations;
- Have sufficient review staff to properly review consultant estimates;
- Modify the reporting and contracting systems.
- While many of the aspects of the audit are dated, the Agency generally agrees with the findings and anticipates future audits.

#### Comments / Questions

- Comment - Mel Sears indicated that ACEC has a difference of opinion with the results of the audit. The details will be discussed in the afternoon's Steering Committee meeting.
- Comment (Ken Husby) – Audits only evaluate what is in the auditor's plan. As a result, audit results may miss a bigger picture.
- Question (Steve Litchfield) - The audit noted several major limitations which may affect the accuracy of the results. Are these limitations generally recognized by ODOT?
- Answer (Tom Lauer) – ODOT has no major changes planned as a result of this audit.
- Question (Scott Nebeker) – The audit left both the Department and Consultant community with somewhat of a black-eye. How is the Department planning to respond to the audit?
- Comment (Bob Carson) – A significant comment of concern that the ODOT overhead rate does not include the true cost of doing business.
- Answer (Tom Lauer) – Tom believes that a direct cost comparison is not really applicable as ODOT and its delivery methods have changed substantially since 2001-2003. ODOT believes that the use of consultants was appropriate, more flexible, and more cost effective when you look at the total cost of ramping up for the OTIA III program.
- Question (Mel Sears) – What are the internal perceptions?
- Answer (Tom Lauer) – Tom agreed that some internal discussions of the audit and its recommendations may be appropriate to alleviate misconceptions.
- More general discussions about the focus on low-cost may not be providing the best value.

#### NOA's (Tom Lauer)

- Kevin Boyle advised to carefully review the special conditions attached to 404 permits. On three separate projects, OBEC has received special conditions from the Division of State Lands indicating that the permit is not valid until a demolition plan (provided by the construction contractor) is approved. OBEC has resolved by inserting performance specifications (in Section 290) and key Biological Assessment language into the actual permit.
- Paul DePalma indicated that ODOT has entered into an IGA with the Port of Portland for interchange improvements at Airport Way / I-205. ODOT will issue an RFP to consultants in 2-3 months.

*The meeting was adjourned at 11:45AM.*

#### Upcoming Meeting Schedule

Upcoming meeting dates are: July 14, September 15, and November 3. The default meeting time is 9:00AM to noon. Upcoming meetings to be held at HR Training Center, 2775 – 19<sup>th</sup> ST SE, Salem, Conference A.

*Meeting minutes taken by Steve Litchfield, HNTB Corporation.*