

MEETING MINUTES
NCDOT / ACEC-NC / CAGC ALTERNATIVE DELIVERY SUBCOMMITTEE

Date: July 25, 2023 at 10:00 a.m.

Location: **In Person:** Riverwood Conference Room - Century Center Building B
Virtual: Microsoft Teams

I. **Welcome and Introductions** (Tim)

II. **NCDOT / NCTA Items** (Tim)

1. Announcements

- a. Vacant Assistant Manager Position
- b. Welcome to Tim McFadden in his new role
- c. Thanks to Malcolm Watson for his leadership in the interim

2. NCDOT Updates

a. Status of ORD implementation in Design-Build

- Still on hold. No rollout date from technical services.
- AGC is planning to start a small group to look at modeling capabilities and figure out what contractors need from ORD.

b. Update to NCDOT Submittal Guidelines

- NCDOT hopes to finalize the updates to the guidelines in next two weeks and will solicit feedback from the subcommittee. Basically, the updates will establish all electronic submittals.

c. PDB Workgroup

- The new PDB Workgroup will meet for the first time on August 14 at 1pm.
- PDB is within the agency bill, which has run into obstacles in the legislative session. Current legislation is 5 PDB projects for \$500m per project..
- It is possible that the bill won't pass. But the workgroup should continue to move forward with establishing procedures.
- A new CMGC project being considered is for the ferry division. Submittals for CMGC would be like DBB submittal guidelines. Procedures need to be developed for bid package and submittal package.

d. Electronic Bids for DB Projects

- NCDOT is entertaining going to electronic bids. Question: does industry have concerns with this approach? Initial thoughts were that electronic submittals are okay, but the timing for access to make changes to initially submitted bids may need some additional consideration. Should pricing be able to be changed up to the bid opening date, or should the ability to make changes be cut off before the opening (e.g., two days before technical presentations or bid opening)? Subcommittee needs to think about the impacts, and we agreed to revisit this topic at the next meeting.

e. 2024 Standard Specifications (January 2024 Let)

- These are out and will take effect January 2024 let.



f. Vegetation Plan Provision (NCTA Version) on DB projects

- This is in the ESC scope of work. NCDOT is looking at adopting the NCTA provisions for DB projects. For not, consideration for adoption is just for NCTA and DB projects. Tim will check with Jeremy to see if it will also be adopted on DBB projects.
- Question: Does every DB project deserve this approach? Maybe just for the bigger grading projects.
- Timing: possibility of it going into the I-26 Asheville project. If Division is good with it, it will probably go into the final RFP. If not, probably will be done on the Gastonia project.

g. Permanent Vegetation Establishment Provision

- This is a special provision edit that Jeremy proposed to clear up discrepancies:

“Once the Engineer has determined that the permanent vegetation establishment requirement has been achieved at an 80% vegetation density (the amount of established vegetation per given area to stabilize the soil) and no erodible areas exist within the project limits, the Contractor will be notified to remove the remaining erosion control devices that are no longer needed. The Contractor will be responsible for, and shall correct any areas disturbed by operations performed in permanent vegetation establishment and the removal of temporary erosion control measures, whether occurring prior to or after placing traffic on the project.”

- Purpose is to clarify density requirement.
- Discussion regarding clarification on how to judge the 80% density/coverage. NCDOT commonly uses the “hula hoop rule” for acceptance: anywhere you throw a hula hoop should have 80% density.
- Other questions discussed: Is seeding and matting acceptable or does the inspector need to see grass? Is acceptance of the whole job commonly held for one small area? In this case the contractor must continue to maintain the whole job when there is only one small area in question.

3. NCTA Updates

- a. Ron McCollum – Moving forward with 540 Phase 2. B project letting August. A project letting in October.

III. Upcoming Design-Build Projects (Anticipated DB List)

(Tim)

- Updated DB list distributed after the meeting.
- I-5718 - \$1.25 billion may be low estimate. Possibly doing the bridges in this project as a bundle. There are multiple options on splitting up this project.
- May add U-6044 Cox Rd Intersection to the I-5719/U-5800 project. Construction estimate does not yet include rehab work at Catawba or the Cox Rd Intersection.
- R-2576 Mid Currituck – let date will likely shift out, and cost estimate likely will go up. NEPA document resisted legal challenge and “good to go”. No advertisement date since the let date is not settled, nor is the procurement approach.
- DOT is about to start a process to go through the STIP for projects over \$50m and assess best procurement method. This could potentially generate more projects. This may take about 6 months. Industry is interested in hearing more about the NCDOT screening tool as a future topic for this subcommittee.
- Comment was made that all the DB projects are big and complex. Are there opportunities to do the smaller/mid-range projects as DB? It was also noted that



there has not been an express DB project for a while.

IV. Carolina AGC Items

(Victor)

a. Progressive Design-Build Update

- Already talked about

b. Electronic Submittal of Technical & Price Proposals

- Already talked about

c. Railroad Flaggers

- Follow up from the last meeting. Getting Rail Pro responsiveness has been very difficult. Concern is being charged with LD when there is no control over the Rail Pro sub. Other issues discussed: Who pays for 24-hour notices? Rail Pro won't sign a subcontract agreement and require laws of TX for litigation. Quote requires contractor to provide COI (when they are the sub). Also wanted a W9. They don't have typical insurance limits. There was a six-month backup for flaggers on Johnston County and the county went forward without the work. Not going smoothly. Contractors are being delayed.
- Brian/Wiley/Troy requested a list of the complaint items so they can raise the issues to Rail Pro.

V. ACEC Items

(Brian)

a. New Subcommittee Members

b. Utility Relocation Oversight Responsibility

- a. Discussion about who is responsible for monitoring/inspecting UbO relocation construction for Design-Build projects, the design builder or NCDOT?
- b. NCDOT provides utility relocation and oversight bid-build projects, but this responsibility is not addressed in NCDOT's DB RFPs. RFP language clarification would help to establish it as a responsibility of either the DBT, NCDOT or perhaps a separate third-party contract for utility relocation oversight.
- c. There are instances where lack of UbO construction oversight on DB projects has led to utilities installed in incorrect horizontal and vertical locations, thus requiring more time to re-relocate, or have other utilities or the DBT revise their plans.
- d. For DB, NCDOT views "coordination" to include the relocation oversight. It was discussed that clarification of the RFP language may avoid confusion. NCDOT will revisit the RFP language to determine if clarifications are needed.

c. Geotechnical Data – Timeliness and Communication

- a. It was recognized that NCDOT has solicited feedback from shortlisted teams to collect additional geotechnical boring data during pre-bid. In this case, it was noted that the quicker NCDOT can provide the additional data, the more benefit it will see from it. Updating the teams on the schedule would help them plan ahead. Providing results in groups of borings rather than when all is complete would also be useful to industry.
- b. Malcolm commented that for I-26, they asked teams for boring locations, communicated with Division to get every location requested, and have given a schedule to the teams.

VI. Next Meeting – Tuesday, November 7, 9:30am, Century Center.

(Brian)

VII. Meeting Adjourn

