

# LOCAL AGENCY REEVALUATION TASK FORCE

## Meeting Minutes

Thursday, December 9, 2010

8:30am CDOT Videoconference Facilities/Teleconference

### The following Videoconference Rooms were used:

ConfRoom-Video HQ-Room 159, ConfRoom-Video R2-Colorado Springs, ConfRoom-Video R2-Creekside, ConfRoom-Video R3-Room 308, ConfRoom-Video R4-Platte.

**Attendees:** Carol Anderson, James Barwick, Scott Brace, Shaun Cutting, Joan Fagan, Tim Frazier, Pete Graham, Art Griffith, Matt Jagow, Brian Killian, Neil Lacey, Dave Loseman, Heather McLaughlin, Nick Senn, Justin Stone, Karen Sullivan, Tim Tuttle, David Valentinelli, Jeff Wassenaar,

### WELCOME AND INTRODUCTIONS – Neil Lacey, CDOT Project Development

#### 1. Comments/Revisions to November 18th Meeting Notes

No comments. All previous meeting notes have been sent to be posted to the CDOT LA Re-evaluation webpage.

#### 2. Updates and Discussions

##### • Task Force Ongoing Activities – Neil Lacey

Group discussed highlighted items on the spreadsheet. They preferred that comments be expanded to summarize investigation in lieu of deleting items where changes could not be made.



LA Task Force  
Activities Tracking Board

**Bid items** – Staff Materials prefers that LA's use CDOT items but it is NOT required. Staff Materials can generate the 250 more quickly for the LA when standard items are used.

**Bid Savings Justification Process** – captured in change orders

**Engineering Estimates** – none

**Environmental** – Tim T wants to get with R4 Environmental to follow up on some issues (wetlands, clearances, etc.). Art wants to see some clarification for LA's who already have agreements in place (i.e. Douglas County's agreement with Corp for jumping mouse and willow planting.)

**OJT/DBE** – Staff EEO looking at comments from statewide meetings.

**Overlapping/concurrent processes** – none, regulations dictate steps

**Phasing** – none

**ROW** – summarize issues already agreed to by the ROW managers. **Action Item:** David V to tie the pre-application checklist to requirements in Ch. 8, ROW Manual.

**Preliminary Design** – **Action Item:** David V to add discussion of reimbursement for preliminary design (and difficulties) to the pre-application checklist.

**Prequal List of Contractors** – List indicates financial soundness only, not that the contractor is qualified to do the work. Jeff W would like the LA's to review contractors on LA projects and do an informal (outside of Contract Management System – CMS) evaluation but is unsure how information could be made available for LA's to review. Jeff W stated that he doesn't believe that the SB 228 requirement for evaluations should be applied to IGA's (CDOT rating LAs) or to consultants contracts because they are qualification based selections. Discussion between CDOT and Controller is ongoing on this issue.

**Process Regulation Changes** – Consideration is given to whether regulation changes impact LA projects when the Design/Construction Bulletins are issued.

**Stormwater/SWMP** – Policy Memo 31 clarification will be forthcoming in a DB. Dave L questioned why they can't have a spec to have the contractor pull the permits instead of the LA pulling them and having to transfer it to the contractor. **Action Item:** Neil will look into the sequencing and ties to ROW & environmental clearances vs. Federal authorization.

**Warranties** – Guidance was issued in a CB. Shaun reiterated that general warranties are not allowed on any project with federal funds. Art stated that for a LA project funded 100% by the LA and in CDOT ROW; a general warranty can be used.

##### • Local Agency Website – Neil Lacey

Good comments have been received to date. Group mentioned they'd like to see the following included: use layman's terms, links to those who have passed materials and construction inspection training, links to training/tests such as ECS, TCS, Payrolls, Work zone Design, etc. **Action Item:** Neil to schedule a follow up meeting with Louis Avgeris. Access to website: <http://www.coloradodot.info/business/designsupport>, doubleclick to "CDOT & Local Agencies" in tab at top left

- **Pre-application Document/Checklist – David Valentinelli**

Dave V hasn't received a lot of comments to date. Group felt there might be a little too much detail in some of the sections (hydraulics, 4f -historic clearances); estimating costs in haz mat section should be done with qualifiers, general timeframes useful. **Action Item:** Group needs to send in comments and drafts of any materials you want to have included in the checklist. Brian and Matt offered to work on a basic flowchart of the process.



LA Preapp  
General Clearance

- **Swapping Federal Funds with State Funds (Other States) – Scott Brace**

Region 2 is still trying to find a good project to try this with. Brian says R3 is hard pressed to find the state funds to do this, ditto for R1 per Matt.

- **Change Orders – Karen Sullivan**

Reviewed changes made to LA Manual to incorporate comments received through 12/3. More comments have since been received. Shaun provided written comments at the meeting. Art wanted additional clarification on 100% LA funded projects. Joan and Dave L. thought that minor over/under runs should be discussed in this section too. Karen suggested that some of these issues would be better addressed in a frequently-asked-questions or other format, vs. in the LAM itself. **Action Item:** Group needs to send in any additional comments by COB 12/17/10. Karen will revise LAM change order section and reissue for comment.



LAM 05 CH 08  
REV njl w resp.do

- **Policy Memo Chart & PM #23 – Neil Lacey**

The draft PM 31 has been sent out to regional coordinators for review and comments. Group agreed that we need to work on a form to address conflict of interest/manage risk – are we addressing just the designer vs. contract management or the bigger picture? Joan pointed out that the materials sent out by Neil appear to be looking at the bigger picture. Group agreed to just address the PM 23 issues at this time. **Action Items:** Group should review the draft PM 31 and send comments to Neil. Joan will check revision on Construction Activity Stormwater Discharge Permit (PM 27). Group will send examples of typical LA letter requesting waiver to Neil with intent of including these reasons as checkboxes on the form. Neil will work on draft of the waiver form.



Policy Memo Table  
for Local Agencies Re

- **Treya Contracting Effort – Neil Lacey**

Passed on issues at Oct 26 meeting. Neil assigned to task force.

- **Results of State Surveys on Cert & Acceptance and Tiered System – Neil Lacey**

No more discussion needed on this topic.

- **Tiered System – Brian Killian and Neil Lacey**

After investigation, using a tiered system for the entire LA program isn't practical. The process is the same whether the project is on or off system. We are implementing tiered systems in portions of the process (ROW and change orders). The risk based approach appears to be the most practical at this time but it doesn't rule out certification acceptance for the future.

- **Risk Assessment – Neil Lacey**

Neil wants to start working on an inspection form for the CDOT visits to the project site during construction. Frequency of the reviews would be based on the risk assessment factoring in LA experience, size and experience of onsite staff, project scope, etc. Neil believes this document is critical from the federal perspective. **Action Item:** Neil to start work on inspection form.



VDOTCNOversightGuide\_Final\_20807.pdf

- **FIPI's - examples of submitted documentation – info from other state DOT's**

**Action Item:** Neil and Shaun are scheduling a separate meeting with Randy Jensen and Andre Compton (both with FHWA) to discuss: FIPI's, in-kind match, "state furnish", etc. Regions and LA's welcome to participate.

3. **Next Meeting – Thursday, January 20, 2011** An updated Outlook message will be sent out for the January meeting and a new message to schedule one for February 2011.

**Meeting adjourned at 3:00 p.m.**