



MINUTES

ICI/INDOT NORTHERN REGION JOINT COOPERATIVE COMMITTEE MEETING

9:00 A.M. TUESDAY JANUARY 21, 2020



INDOT – Vice-Chairman Jon Kruger, District Director of Construction (LaPorte), Josh Anderson (Ft. Wayne), Kent Borggen, EOD (Central Office), Melissa Cool (Ft. Wayne), Nathan Edwards (Ft. Wayne), Carma Foster (Ft. Wayne), Brandon French (Ft. Wayne), Donna Gushwa (Ft. Wayne), Tom Harris, Field Engineer (Central Office), Derrick Hauser, Field Engineer (Central Office), Michelle Hoos, EEO Officer (LaPorte), Diane Keefer, EEO Officer, (Ft. Wayne), Tom Keefer (Ft. Wayne), Mike Koch, Area Engineer (Ft. Wayne), Robert Lowman (Ft. Wayne), Dustin Meyer, Construction Engineer (Ft. Wayne) and Brad Taylor, Area Engineer (Ft. Wayne).

Industry – Co-Chairman Thane Knox (E & B Paving, Inc.), Don Adamson (Fox Contractors, Corp.), Rick Baumer (Primco, Inc.), Dave Beale (Walsh & Kelly, Inc.), Andy Brown (Phend & Brown, Inc.), Doug Brown (Phend & Brown, Inc.), Eldon Byler (Three Rivers Barricade & Equipment Co., Inc.), Josh Coulter (The Hoosier Co., Inc.), Gill Crespos, Jr. (Walsh & Kelly, Inc.), Brad Dreibelbis (E & B Paving, Inc.), John Dudlicek (Grimmer Construction, Inc.), Todd Fredrick (Primco, Inc.), Eric Graft (Brooks Construction Co., Inc.), Hannah Gritton (Rieth-Riley Construction Co., Inc.), Ed Holliday (Rieth-Riley Construction Co., Inc.), Charles Johns (Walsh & Kelly, Inc.), Tom Johnson (E & B Paving, Inc.), Dan Kinder (Primco, Inc.), Trenton Knox (E & B Paving, Inc.), Gregg Koppelman (E & B Paving, Inc.), Kerry Kupka (TCS, Inc.), Brent Lamb (Phend & Brown, Inc.), Josh McCormick (Rieth-Riley Construction Co., Inc.), Chris Mendoza (Walsh & Kelly, Inc.), Jeremiah Morrell (CMC Rebar), Gary Price (Phend & Brown, Inc.), Andrew Schouten (Phend & Brown, Inc.), Drew Snodderly (Rieth-Riley Construction Co., Inc.), Joe Thomas (Primco, Inc.), Nick Timmerman (E & B Paving, Inc.), Brian Trista (TCS, Inc.), and Jay Woenker (Brooks Construction Co., Inc.) and John Yadon (Rieth-Riley, Inc.).

Special Guest

Joiner Lagpacon - Federal Highway Administration, Indiana Division.

ICI Staff

Ashley Aiken and Dan Osborn.

Joint Cooperative Committee Charter

Mr. Thane Knox read the ICI/INDOT Joint Cooperative Committees' Charter Purpose statement.

ICI member and INDOT staff collaborate to develop solutions to challenges and share knowledge involved in performing the administration, construction, and inspection of INDOT and Local Public Assistance highway and bridge contracts.

WORK ZONE SAFETY

Moveable Wall

Mr. Osborn stated that moveable wall was used for several projects in central Indiana in 2019 including resurfacing and short runs for patching. He asked committee members if moveable wall is going to be used or considered for use in Ft. Wayne or LaPorte districts in 2020.

COMMENTS/QUESTIONS:

- Mr. Trista suggested the installation of permanent cross-overs to provide positive protection.
- Mr. Kruger stated that the cost of moveable wall systems is often more than traditional temporary barriers.

Law Enforcement Officers (LEO)

Mr. Thane Knox stated that INDOT has recently approved a revision to the LEO Recurring Special Provision. Mr. Koch added that revisions included a LEO pre-priced unit hourly rate increase from \$34 to \$60 per hour and training requirements. Ms. Aiken stated that the results from an ICI survey were utilized as evidence to increase the hourly rate. Mr. T. Smith added that the revision includes compensation for LEO training.

COMMENTS/QUESTIONS:

- Mr. Thane Knox stated that it is difficult to find available LEOs.
- Mr. Yadon questioned the amount of hours available on contracts and whether the hourly rate should be pre-priced. He added that LEOs charge contractors different rates. Mr. Kruger responded stating that the pre-priced LEO pay item eliminates potential strategic bidding for LEOs leading to more consistent utilization during construction.
- Mr. Trenton Knox asked if LEOs should be writing tickets? Mr. Kruger responded that worker protection is the primary focus and then queue protection.
- Mr. Thane Knox stated that Jason Spreen would like to know if contractors would be opposed to allowing INDOT staff to participate in contractor safety meetings or huddles. There was no opposition from industry representatives, and several stated they would welcome INDOT or consultant inspection staff. Mr. Kruger added that LaPorte staff has never been denied participation in safety meetings.
- Mr. Yadon asked the status of temporary steel barrier wall for type I (opposing traffic) applications. Mr. Fredrick stated that deflection of steel wall has been an issue. Mr. Coulter added that there are differences in steel and concrete dimensions and anchoring specifications that make the two difficult to compare equally.

Automated Speed Enforcement

Mr. Osborn stated that three bills have been submitted for consideration this legislative session. He stated that there has been more momentum for automated speed enforcement in work zones than in previous years.

COMMENTS/QUESTIONS:

Mr. Adamson suggested that committee members contact their state representatives to communicate support for this legislation. Mr. Osborn offered assistance to those wishing to learn how to contact their representatives.

SUBCOMMITTEE AND TOPIC UPDATES

INDOT/ICI/ACEC 360 Industry Engagement – Ft. Wayne and La Porte Districts update

Mr. Thane Knox provided a summary of the January 16, 2020 Ft. Wayne District 360 Engagement industry meeting including mentions of partnering and constructability solutions discussion. Mr. Adamson added comments about the recent meeting as well. Mr. Osborn stated that district meeting information and registration is available via the Indiana Constructors website. He also displayed the Indiana Transportation Team.org website.

Bridge Subcommittee – Meeting scheduled March 12, 2020

INDOT Storm Water Management Task Group

Mr. Osborn provided a brief overview of recent action regarding storm water management specifications. He stated that Recurring Special Provision (RSP) 205-R-636 was incorporated into the 2020 INDOT Standard Specifications book. He stated a new RSP, 205-R-706, including updated pre-priced temporary storm water pay items was approved in November 2019 and will be effective on March 1, 2020. He added that the INDOT Standards Committee already approved a revised version of RSP 205-R-706 last week including several updates. The updated RSP is scheduled to become effective June 1, 2020. He did not read all the updates but agreed to include in these minutes. See updates below.

General:

- SWQCP and formal inspections not required when a contract does not have any environmental permits
- Pre-Disturbance Meeting
 - required on contracts with SWQCP (has environmental permits)
 - held not more than 30 days prior to land-disturbing activities
 - no land-disturbing activities allowed prior to meeting
 - Contractor invites relevant staff and stakeholders;
 - Contractor, SWQM, SWQCP Developer, District Erosion Control Specialist, District Environmental Section Manager, Ecology and Waterway Permitting Specialist, and all relevant subcontractors
 - May be waived in part or full or with written permission
 - Should only be waived when minimal potential risk; such as a small 1-day pipeliner for an equalizer with no pump-around as it doesn't hold water regularly.
- Level 2 SWQM and SWQCP Developer – No longer accepting In-Training status
- Clear posting requirements for Rule 5 contracts
- Statement to follow posting requirements for other permits
- Requires manufacturer's installation and maintenance recommendations for manufactured BMPs. Contractor must follow most restrictive manufacturer's or INDOT's specifications (or as directed)

Pay Items:

- Separated SWQCP Implementation and Preparation
 - Stormwater Management Implementation (on any contract with temporary BMPs)
 - Pays for implementation of the site plan or SWQCP, inspections and SWQCP Preparation (pays for SWQCP, should be on any contract with environmental permits)
- Increased all Established Prices to reflect increased inflation and any other cost increases
- Added pay item for "Protected Resource Fence" and "Protected Resource Sign" in established pay items shown on the plans within the SWQCP, used to provide clear delineation for protected resources that have the potential to be impacted by construction operations.

Quality Adjustments:

- **No quality adjustments will accrue without prior written notification from the Engineer of the deficiency.**

Emergency Deficiencies

vs

General Deficiencies

Discharge of wastewater into hot spots

Failure to install or maintain BMPs

Breaking permit conditions

Not doing inspections or submitting them online

Beginning land-disturbing without SWQCP

Added permit posting specifically

24 hours to fix (includes weekends/holidays)

48 hours to fix

- Still allow alternate schedule if site conditions don't allow for access
- Quality adjustments \$200 per calendar day per item and stop when the deficiency is corrected, or for inspections stop when an acceptable inspection is performed
- **For unresolved emergency or general deficiencies, the Engineer may suspend work on the contract.**

Inspections:

- When inspections are required to be done by the Contractor's SWQM and submitted online:
 - No Permits = No SWQCP = No SWQM = No formal online inspections required
 - Water Quality Permits but No Rule 5 permit = Inspection once per calendar week (May be waived during winter months, or when work is paused if requested in writing)
 - Rule 5 permit = Inspection once per calendar week + end of day following a ½ inch or greater rain event (Rain event can satisfy weekly inspection requirement)
- Where to inspect and when to start and stop inspections clearly defined: All work areas associated with environmental permits, including drainage areas leading to BMPs or with the potential to impact protected resources
- Working on a new application to replace our current ITAP Contractor Field Assistant

CONTINUING IMPROVEMENT TOPICS

Project level pay item or by "DES" line item information included in January 15 regular letting

Mr. Kruger explained that project level pay item quantities has been a suggestion of the Northern Committee and is now available via INDOT's contract letting web page with the Notice to Bidders information.

NEW TOPICS

Temporary Construction Signs (801.04) – Basis of Payment and Measurement

Mr. Koch and Mr. Kruger reviewed and explained current difficulties for construction field supervision and contractor staff in measurement and payment of temporary signs. Specific attention has been placed on bundled contracts when the contract documents contain small quantity or a enough for one location. The current specification, that states that "moving" of signs is included in the unit costs, is difficult to enforce in these situations. Mr. Kruger stated that he would like to take the information discussed from this meeting and discuss with his peers in upcoming INDOT staff meetings. Mr. Osborn stated that he would like for this committee to generate a framework for a solution to present at the upcoming Statewide Joint Cooperative Committee ICI-Side meeting in an effort to develop a joint Statewide solution at the May Statewide Joint Cooperative Committee meeting.

COMMENTS/QUESTIONS:

- Mr. Byler suggested considering all temporary sign issues for solutions.
- Subcontractor members discussed the difficulty of bidding and estimating how a prime contractor will build or phase a project to know the estimate of the cost of moving signs.
- Several members commented that costs depend on whether partial completion is granted and whether signs need to stay up over the winter or other non-work periods.
- Additional discussion occurred about the feasibility and legality of removing signs prior to final completion. Mr. Brown stated that prime contractors must maintain owners' and contractors' liability insurance until final acceptance.

Trucking – Administrative and submittals requirements for DBE and non-DBE trucking

Lease agreements shall be submitted that include the lessor's name, list of trucks to be leased (VIN), agreed upon cost and method of payment. Leased trucks must display the name and identification number of the DBE.

COMMENTS/QUESTIONS

- Ms. Keefer stated that INDOT Equal Opportunity Division is providing training sessions; February 25 – Indianapolis, February 26 – Seymour and March 3 – Vincennes.
- Mr. Kruger suggested proactively submitting names of potential additional or substitute DBE firms.
- Mr. Knox asked Mr. Borggren about DBE utilization change requests. Mr. Borggren stated that only seven utilization change requests out of 160 last were denied. Approved utilization change requests do not lower the contract goal. Prime contractors may not receive compensation for contract line items completed by a non-approved DBE. Trucking-related change requests (notification) should be submitted as soon as feasible. Do not submit a utilization change request after substantial completion. Include a copy of change utilization communication with the DBE-3 form. Expect a revision to the DBE-3 form due to recent payroll reporting changes that occurred in 2019.
- Mr. Brown asked about DBE-3 for MWVBE. Mr. Borggren stated that reporting for state-funded contracts is on another form through the INDOT Contracts Division.
- Mr. Adamson reported on the ongoing ICI pilot program to assist small contractors with administrative, construction and human resources consulting.
- Mr. Borggren announced that INDOT EED is reviewing the methods and tools used to calculate contract goal percentages.

Open Forum

- Temporary Signage and Owners' and Contractors' Liability Coverage (OCP) – Mr. Brown stated districts are providing the Final Acceptance (F.A.) letter at different points during contract close out. Ft. Wayne has not provided F.A. letters at substantial completion (S.C.) while LaPorte typically provides at S.C.
- Structure Rim Elevations in Contract Documents – Mr. Dudlicek asked why INDOT does not provide structure rim elevations. The lack of elevation data has been especially difficult for roundabout projects.

- New Policies and Technology to Prevent Work Zone Accidents – Mr. Trista stated that it would be beneficial to proactively implement policies and strategies to reduce or eliminate potential hazards on roads. Mr. Kruger stated that a focus of the new LaPorte Deputy Commissioner concerns proper signage and messaging in and around work zones.