



WRAP-UP

ICI/INDOT REGIONS JOINT COOPERATIVE COMMITTEE WINTER 2023 MEETINGS



WORK ZONE SAFETY

“Highway worker” is now included in the definition of FHWA’s required Highway Safety Improvement Program Vulnerable Road User Safety Assessment.

Mr. Osborn reported that A Vulnerable Road User Safety Assessment is an assessment of the safety performance of a State with respect to vulnerable road users and the plan of the State to improve the safety of vulnerable road users as described under 23 U.S.C. 148(l). (23 U.S.C. 148(a)(16)).

As part of the Vulnerable Road User Safety Assessment, the State shall use a data-driven process to identify areas of high risk for vulnerable road users. (23 U.S.C. 148(l)(2)(A)). The State must consult with local governments, metropolitan planning organizations (MPOs), and regional transportation planning organizations that represent a high-risk area (23 U.S.C. 148(l)(4)(B)) and **develop a program of projects or strategies to reduce safety risks to vulnerable road users in areas identified as high-risk (23 U.S.C. 148(l)(2)(B))**. Additional information about each of these requirements is provided below.

Temporary barrier wall (TBW)

(Northern Region) Mr. Kruger Metal reemphasized that contractors use the latest manufacturer’s installation instructions. He stated that INDOT has generated internal guidance.

(Central Region) Mr. Hartwick spoke about maximizing the use of the available temporary barrier walls. He urged greater wall evaluation consistency through education and communication between industry, INDOT, and consultants. He explained that reducing subjectivity is critical in considering TBW. Several participants indicated that there are existing resources to evaluate TBW.

MOT for MOT – What MOT Planning is Typically Deficient or Omitted?

The Committees discussed plan aspects that could be improved by adding lane shift and associated traffic control details in plans. MOT contractors report that without this detail they are forced to take on additional liability that their insurance policies may or may not cover. Additional time and cost are expended post award mitigating the lack of design plan detail associated with communicating with project supervision and affected stakeholders. Lighting, sign, and guardrail contractors report work adjacent to shoulder or outside construction limits is often forgotten in MOT details. This work often requires a lane closure. Shoulder strengthening planning is also crucial including work associated with phased construction. Cross-overs also needed a dedicated MOT phase for construction and removal. MOT implementation tables are recommended, especially for bundled contracts. Contractors also urged consideration of Indiana Highway Congestion Policy (IHCP) modification to allow for MOT implementation. One example of a conflict between IHCP allowed activity versus actual field direction is use of an LEO instead of TBW resulting in an effective lane closure due to the move-over law. Constructability review & comment (via 18 month letting list) should be considered to improve contract letting documents. There is concern about truck mounted attenuator (TMA) use for lane closure and pre-stage MOT set up. TMA use that is not included in plans, however advantageous for motorists and workers, increases contractors’ liability risk. Other references were mentioned including the INDOT Roadside Maintenance guidance and the MUTCD (Manual on Uniform Traffic Control Devices). INDOT

Workzone Safety should be engaged. Mr. Novak asked, “What is the highest-cost MOT component?” Labor and TMAs were the responses.

Law Enforcement Officers – Review Use, Recommendations, and Related Discussion

The Central Committee learned that INDOT is working internally to evaluate the industry’s safety practices utilizing trained LEOs for critical MOT and protecting workers.

Northern region members learned that Ft. Wayne District Area Engineers are tasked with evaluating whether to include the LEO Recurring Special Provision (RSP) in contracts prior to letting. Mr. Koch explained that he decides by evaluating project characteristics such as queuing potential and protection for workers and motorists. Mr. Spreen presented a placard that INDOT staff uses for guidance in LEO utilization.

Contract/Project Temporary Sign Coordination and Removal

Mr. Osborn relayed INDOT Deputy Commissioner Roland Fegan’s sentiment on this topic at the December 8th ICI/INDOT Statewide Joint Cooperative Committee meeting. Mr. Fegan stressed that those developing, reviewing, and working on projects post-award should specifically check on potential signs, detours, and related MOT inter-contract conflicts.

Specifying Temporary Black Out Tape – Contractors urge designers to include a blackout temporary tape pay in contracts versus one catch-all 6-in. temporary tape pay item. (Central Region)

Central region – Ms. Zakutansky explained typical tape widths for yellow and white tape are 4” or 6” (except for skips on the interstate that are 5”) and black-out is 6” but it’s often specified as 5”. Because blackout tape is much more expensive than white or yellow tape, industry urges INDOT and designers to ensure that contracts include a separate 6” black-out tape pay item.

[INDOT Work Zone Safety / Live Speed Website](https://its.ecn.purdue.edu/mobility/deltaspeed/) <https://its.ecn.purdue.edu/mobility/deltaspeed/> and **[511 website](#)**

Mr. Osborn relayed attendees are able to find these webpages that display real time traffic data on INDOT’s website.

Purchase Order Funds

Mr. Osborn stated that this topic was presented and discussed at the 12/8/22 ICI/INDOT Statewide Joint Cooperative Committee meeting. He suggested that the committee discuss opportunities to review P.O. funds including preconstruction and progress meetings and regular communication about key contract issues. Also, discuss what processes are currently in place to avoid and mitigate deficient P.O. funds. Discuss how P.O.s for INDOT contracts project or DES. #s are required to be managed.

INDOT’s central office construction division representatives Derrick Hauser, Joe Novak, and Jacob Blanchard attended the Southern, Central, and Northern meetings respectively to help lead the discussion. They all communicated that they would like to hear about situations when contractors report deficient funding for unexpectedly long durations. They reported that once properly requested the funds are available within a couple weeks.

The most prevalent suggestion from all is to proactively review P.O. funds and estimate needed funds to forecast deficiencies. Attendees were not aware of available data or a process to predict when individual pay items would be not be funded as a P.O. prevalently covers multiple pay items. Attendees in all three regions asked about P.O. funds by DES number availability via iTAP.

SUBCOMMITTEE AND TOPIC UPDATES

Questions & Answers prior to Letting Day (Northern region)

Mr. Kruger stated that questions are routed through Area Engineers. AEs typically answer contract questions and forward design and asset related questions to the designer of record. Questions suggesting revisions received after the Wednesday prior to the letting date will typically not be processed or will be answered bid as planned due to lack of time.

Buy America

Build America, Buy America Act (BABA). [Public Law 117-58](#) in the Infrastructure Investment and Jobs Act, [Public Law 117-58](#).

Mr. Osborn stated that no additional waivers have been approved and industry should follow RSP 106-C-277 for federal aid contracts and RSP 106-C-278 for State-funded contracts.

Indiana Transportation Team

- 1/18/23 ITT Partnering Conference, District Updates (<https://www.indianatransportationteam.org/Booklet>)
- District Committee Topics (*district committee output in booklet linked above*)
 - Crawfordsville – Formalized Decision-Making Rights
 - La Porte – After Action Review
 - Fort Wayne – Modeling the Feedback Loop
 - Seymour – Cross-Training & Soft Skills
 - Vincennes – Pre-Construction Meetings
 - Greenfield – Progress Meetings

No Bids Below (NBB)

ICI and INDOT collaborated on Indiana code (law) language to revise the INDOT contract award language to allow award for a low bid of \$3 million or less and is one of three bids. The current language requires the low bid is \$1 million or less and is one of four bids.

Additional pertinent legislation includes house bill 1015 “Worksite Speed Control Pilot Program” (in Senate) and Construction Manager / General Contractor & Progressive Design-Build also included in INDOT’s agency house bill 1049.

INDOT representatives stated that they are listening to industry feedback and working to incorporate suggestions to alleviate this issue. INDOT is struggling to justify engineers’ estimate adjustments due to the quickly increasing bid history.

Attendees suggested several aspects contributing to NBB including material escalation & availability uncertainty, multi-closure projects, inter-contract/project coordination, tight schedules, and age of design aspects.

Contract Compliance

Reminder to include current wage determinations in subcontracts. INDOT, under the urging of FHWA, is planning additional measures to improve payroll submission performance.

Commercial Useful Function (CUF) – Mr. Osborn reminded attendees that INDOT will perform checks to confirm that subcontractors are *responsible for the execution of the work of the contract or a distinct element of the work . . . by actually performing, managing, and supervising the work involved.*”

Subcommittees and Task Groups – Mr. Osborn reviewed current ICI and INDOT administered subcommittees and task groups. ([ENCLOSURE A](#))

Specifications and Materials – Key Revisions and General Updates

- No. 53 Aggregate, allowable fine particles 5-13% – Testing memo 22-03 ([ENCLOSURE...Testing Memo 22-03](#))
- Concrete mix changes – Testing memo 23-01 ([ENCLOSURE...Testing Memo 23-01](#))

CONTINUING IMPROVEMENT TOPICS

Rock Excavation for Culvert Structures, Measurement and Payment

Mr. Gough offered that if INDOT does not foresee adding measurement and payment language to the Standard Specifications, he recommends directing designers to not include conflicting pay items in contracts.

Plant Growth Layer (PGL)

Mr. Brown, Phend & Brown/R-R, expressed concern that contractors continue to struggle bidding and performing requirements of the PGL specification due to lack of soil meeting the specification criteria. Mr. Holtz offered that Fox Contractors successfully implemented the PGL specification on a recent I-65 contract in the Crawfordsville district. Mr. Novak stated that INDOT is currently reviewing the specifications and feedback received from industry and INDOT discussions in the 2021-22 task group meetings.

NEW TOPICS

Prime Contractor On-Site Supervision

Mr. Spreen asked industry about supervision and foreman training and expectations. He is concerned about INDOT or consultant inspection communicating through the subcontractor supervision and making decisions in some cases due to inexperience. He stressed communication of roles and responsibilities at preconstruction meetings.

OPEN FORUM

Cement Supply Update (*Southern Region*) – A committee member asked if anyone had a cement supply update or forecast for 2022. Responses included normalizing in late spring or summer when Lehigh cement plant is running normal production. An INDOT representative added that excusable non-compensable change orders have been granted for unforeseen cement (concrete) unavailability.

Pavement Removal (*Southern Region*) – A committee industry member urged greater bid document accuracy concerning existing pavement makeup and physical properties.

Asphalt Millings and IC 203 (*Southern Region*) - Mr. Kreutzjans urged use of the IC 203 form in disposal of millings.

Speed Display Sign Assemblies (*Central Region*) – Mr. O’Keefe asked INDOT whether the “Temporary Worksite Speed Limit Sign Assembly, Continuous” are considered an A or B sign? Mr. Courtney replied that the A & B sign designation is struck in RSP 801-T-232 and buggies are not to be used. He added that buggies may be added through a change order but should not be by the inclusion of a USP.

Requesting Addition of LEO RSP in Prebid Questions (Central Region) – Mr. Courtney recommended context inclusion in pre-bid questions about LEOs.