

**ODOT/Industry Leadership Group**  
**January 20, 2006**

**Attendees:** (See Attached Attendee List)

**Steel Escalation Specifications Update:**

Bob Pappé gave an update on the status of the steel escalation rule implementation. The temporary rule has been approved. The permanent rule is moving forward, to date no comments have been received. It is hoped that it will go to the Commission in February for final approval.

Bob has received two retro active claims to date. He provided the attached handout that provided general information on the types of information that were provided as well as suggestions for how contractors could improve their submittals to make them easier to review.



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**Lane Rental Specification:**

Scott McCanna gave a presentation on where ODOT is with the use of lane rental specifications. He indicated that we had implemented a lane rental specification recently on a project on I-5. Because the specification was put together at the last minute, they are currently working on revisions to make it easier to understand and bid appropriately. The specification was being used to provide an incentive/disincentive to the contractor to look at more efficient (less traffic interruption) ways to accomplish the work. It was pointed out that the rental costs were set so high that there was no way a contractor could afford to intentionally take a lane during the rental period.

There were also question regarding how ODOT would treat the contractor should an accident occur in the work zone that would delay when they could open the lane. It needs to be clear that the contractor will not be charged lane rental in those instances.

A subcommittee was formed to provide Scott a review of the revised specifications. It includes:

- Scott McCanna – ODOT
- Jeff Gower – ODOT
- Byron Perry – OBDP
- Dave Mingo – Cascade Bridge
- Tim Hendrix – Wildish

### **Unit Price Specification Revision:**

Dale Deatherage shared a proposed specification (see attached) ODOT is working on that would change our specifications to not allow a contractor to include a zero unit cost for any bid item. It also would require all unit costs to be listed to the nearest \$0.01. This change is necessary to accommodate ODOT's contract payment system capabilities. No negative comments to this proposal were expressed by industry. There was a question regarding how we would deal with items that had been deleted by addendum. Apparently contractors no often put zero in for the unit cost on these deleted items. Dale will look into and address this issue as he further refines the specification revision.



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### **Third Party Neutral:**

Ted Aadland raised the topic of third party neutrals (TPN). He indicated that ODOT and the industry had jointly supported the increased use of this tool to help resolve disputes on our projects. He was concerned because he heard recently that ODOT had rejected the recommendation of the TPN. Ted was concerned that if the TPN were going to be rejected whenever they did not agree with the PM, that they would lose credibility and no one would want to use them.

It was pointed out that the use of TPN has increased, this was the first time ODOT had not accepted the recommendation although contractors in the past have chosen not to accept. The process is specifically set up to be non-binding and needs to stay that way. ODOT has accepted a number of TPN recommendations that did not go in its favor. ODOT must feel that the TPN did a credible review and followed the agreed upon process. If either of these do not occur, the Agency needs the ability to reject the recommendation.

There was concern expressed regarding having the Project Manager have authority to reject the TPN recommendation. It was felt that if the PM is already involved in the dispute that a higher level should get involved in the review of the TPN recommendation before rejecting it. This would add credibility to that decision and also help speed up the process should the recommendation be rejected. Another suggestion was made that the specifications should be changed such that if either party rejected the recommendation of the TPN that they would be responsible for 100% of the cost of the TPN.

Both of the above suggestions will be reviewed internally within ODOT and a proposal returned at a future meeting.

### **Rapid Reconstruction Pilot:**

Lynn laquinta from OBDP discussed a pilot project they are working on to introduce rapid reconstruction of bridges in Oregon. She handed out the attached preliminary specification for the pilot project , which will be the Pendleton- North Powder project on I-84. There was some concern expressed regarding the type C schedule that the specification included. It was suggested that they need to clearly identify this in the specifications to assure it was not missed by the contractors bidding the project. Another concern was in trying to do this on a rail road overcrossing. The time requirements in the specifications are extremely tight and the rail companies are noted for the need to adjust times when tracks can be closed. This was perceived to be a large risk for this particular project.

The project is scheduled to go to bid in March and will involve a mandatory pre-bid meeting scheduled for March 10. It was suggested that they try to have a constructability review prior to the project going to bid to help identify any major problems. Lynn will work with Tracy Harris to see if this could be arranged.

Also, OBDP is scheduling the bridge moving company to come to Oregon and make a presentation on their technology. Industry representatives will be invited.



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### **Feb. 10 Agenda Review:**

The preliminary agenda for the larger ODOT/Industry meeting scheduled for February 10 was reviewed. After discussing, it was agreed to extend the meeting until 4:00 pm and revise the break out sessions to include only the Electronic Bidding presentation and the presentation on How a Contractor prepares their bid. All other sessions will be for the entire group.

### **NOA:**

The issue of insurance requirements on ODOT projects was raised. The basic question being that new requirements have substantially increased the cost of insurance. Are the increased costs worth what we get from the reduced risk to the agency? Jeff will work with Doug Tindall to schedule a meeting to discuss.

### **Next Meeting:**

Because we will be holding the large meeting on February 10, there will be no leadership team meeting on February 17. The next meeting of the leadership team will be on March 17.

**January 20, 2006 – ODOT/Industry Leadership Group**  
**List of Attendees**

Jeff Gower	ODOT - Construction
Greg Miller	AGC
Tim Hendrix	Wildish
Jessica Adamson	AGC
Bob Pappé	ODOT – Contract Administration
Wynnette Gentemann	ODOT – Procurement
Tom Lauer	ODOT – Roadway Section
Ron Reisdorf	ODOT – BDU
John Osborn	ODOT – Region 1
Mike Long	ODOT – Region 2
Bob Reinhard	Hooker Creek
Forrest Fischer	CH2M Hill
Mo Dichari	OBDP
Dave Mingo	Cascade Bridge
Ted Aadland	Wildish
Scott McCanna	ODOT – Traffic
Dale Deatherage	ODOT – Specifications
Lynn Iaquina	OBDP
Byron Perry	OBDP