

MCA - MDT Highway Technical Meeting
April 21, 2021 – via Video Conference

JOINT MEETING – 2:00 PM

Participants:

MDT:

Pat Schwinden
Paul Jagoda
Joe Green
John MacMillan
Jake Goettle
Jeff Jackson
Pat Lane
Shannon Hahn
Darin Reynolds
Megan Handl
Doug McBroom
Matt Needham
Dean Jones
Meghan Strachan
Theresa Bousliman
Geno Liva
Dwane Kailey
Oak Metcalf
Matt Strizich

Contractors:

Pat Bomgardner
Cale Fisher
Don Brummel
JR Gonitzke
Lexie Acker
Hal Fuglevand
Kari Dvorak
Glenn Kautz
Deb Poteet
Russ ?
Clint H ?
David Smith
Keith Johnston
Solomon Redfern
Guy Slaybaugh

Anthony Butcher
Kerry Gray

SPECIFICATION CHANGES

1. 101.03 DEFINITIONS

Green: add definition of liquidated damages.

2. 102.07 BIDDING REQUIREMENTS

Bomgardner: we see certified payroll certificates. Does this belong somewhere else? Is it in here so bidders know the requirements?

Green: we will speak about that internally to see if there is a better place for that.

3. 102.10 DELIVERY AND PUBLIC OPENING OF PROPOSALS

4. 103.07 EXECUTION AND APPROVAL OF CONTRACT

Green: this will be delayed.

5. 107.01 LAWS, RULES AND REGULATIONS TO BE OBSERVED

Green: cleaning up special provisions.

6. 108.07 CONTRACT TIME AND DETERMINATION OF COMPENSATION AND EXTENSION OF CONTRACT TIME FOR EXCUSABLE, NONCOMPENSABLE, AND COMPENSABLE DELAYS

Green: clarifies the spec. only applies to working day contracts.

7. 108.08 FAILURE TO COMPLETE ON TIME

Green: spec update.

8. 109.12 TRAINING PROGRAM

Green: this is a special provision.

9. 210.03.7 Camera System

10. 210.04.3 Camera System

11. 210.05 BASIS OF PAYMENT

12. 401.03.23 Surface Tolerance for Flexible Pavement

Green: changes formatting and clarifies definition.

13. 407.02.1 Bituminous Material

Green: this should have been updated with a prior change.

14. 409.04.6 Sweeping and Brooming

Green: clarifies intent for turn lanes.

15. 602.02 MATERIALS

16. 602.03.4 Fill and Abandon Pipe

17. 602.04.3 Fill and Abandon Pipe

18. 602.05 BASIS OF PAYMENT

19. 605.02.3 Linear Delineation System

20. 605.03.13 Linear Delineation Systems

21. 606.03.14 Optional Terminal Sections

22. 612.02.1 Paint Coating Systems

23. 619.02.1 Delineator Panel.

24. 619.03.8 Delineators

25. 620.03.10 Marking Removal

Green: require water-blasting for removal.

Bomgardner: we think grinding is better for different applications. There are times water is not the best tool. Other methods make more sense in some cases and are more efficient.

Keith Johnston: we think grinding is better in some instances. Water is great for double yellow --- but for crossovers, they are short and will be grooved anyway. Other parts of the project will be covered with chips or something else. It seems wastefully expensive with little benefit.

Green: I will get with Jeremy to review this further. We may need to hold off and work on this a little.

26. 701.06 RIPRAP

Green: requires the use of optical software.

Bomgardner: we are curious to know how this works and how reliable the measurement is. We are hearing of instances of physical measurement coming up with a different result compared to the optical measurement. Sounds like the technology is not quite ready.

Jagoda: we have heard these concerns. We have worked with the software company. We are very confident with the measurements. This is gradation only.

Fuglevand: riprap has been visually inspected traditionally. What is the problem with the change.

Jagoda: this is a high-risk matter. FHWA asked us to change our inspection. We need the right gradation. We want to measure before it is in place.

Fuglevand: do you have to spread the pile to measure?

Jagoda: we have a method lined out.

Fuglevand: my point is do we really need this more accurate method to measure riprap?

Jagoda: as mentioned, this is a high-risk area. As mentioned, this is starting from FHWA.

Clint: the more technical this becomes, the more expensive and difficult it is to obtain this from small suppliers. If it gets too technical, small guys are just going to stop supplying. Maybe the standards need to be a little looser.

Jagoda: we are willing to pay the right price when we are getting the right material.

Slaybaugh: we spoke about this once before – can MDT go to the source to measure. It doesn't make sense to transport before its measured. Federal highways are not using this to my knowledge. If they are imposing, why are they not using the method.

Jagoda: contractors can use this themselves. They can measure on-site. Additionally, we pay in place. That is why they measure on-site.

Slaybaugh: FHWA is doing the Holman count . . . why is MDT requiring this?

Jagoda: they are not, but we thought it was the best method.

Chris Riley (FHWA): we generally advise states of new technologies available. I do not really have the best information. I will look into it.

Dwane Kailey: it is imperative that the size is correct. We have had some projects where the riprap failed. We would like contractors to invest in this . . . it is affordable. For now, we will measure, but we will not certify. We will only certify on-site. You can just take a picture and send it in.

Jeff Jackson: the resource agencies are wanting to minimize riprap. That all factors into the gradation. We used to just be able to slap riprap in . . . I don't think we can do that anymore.

27. 704.04 LINEAR DELINEATION SYSTEMS

MCA New Business

1. 401.03.24 Rumble Strips

Bomgardner: in 2019, there was discussion regarding fog sealing within 10 days. We asked that requirement be removed and they be fog sealed before winter. MDT had agreed to change the spec . . . and then covid hit.

Green: we spoke about that internally and put something together. Then, MDT decided to leave the requirements in. We were concerned that they would maybe be missed and that water would get in.

Gonitzke: this has been discussed the last few years. The 10 limitation is problematic. The 12/19 meeting, MDT was going to remove that spec. That has changed?

Green: the benefits of pavement protection is too significant.

Goettle: we want to ensure the rumble strips get installed before winter. The key is we want the rumble strips installed and sealed if not chipped. If we leave those open, they likelihood of failing is higher. I do not recall agreeing to take away the 10-day deadline. From our perspective, that needs to be there.

Cale Fisher: This is really a scheduling issue. We have more than simple paving jobs. We have chip jobs as well. Getting all that scheduled is difficult.

1. Material price adjustments and force majeure

Bomgardner: resin manufacturers have been hit hard with disasters. Marking materials are difficult to obtain. The price is much higher and bids are out of whack. We wanted to bring this up with MDT and let you know this is coming up.

Green: we would be happy have a discussion.

Goettle: we have not seen anything specific. I don't think we can do anything without having specific matters before us.

Darin Reynolds: we are looking at adjusting the base price for steel. It is spiking 30%.

Slaybaugh: are you seeing the steel adjustment spec being used?

Reynolds: that is not clear yet. I am not sure.

Gonitzke: is MDT looking for project specific examples?

Goettle: yes. That would be helpful.

MDT New Business

1. Disadvantaged Business Enterprise (DBE) program updates

Patricia Schwinden (office of civil rights): we undertaking a disparity study.

Megan Handl (office of civil rights): we will be working with BBC Research on this. We will including airports as well. Looking for participants in the prime contractor focus group.

Fuglevand: what is the disparity you are trying to measure?

Handl: it is a measure of how many DBEs are available compared to the number that got the work.

David Smith: the airport contracts seem new. Can you speak to that?

Handl: some of these airports are beginning to build terminals. To be clear, this is for MDT airports. Not the big regional or internationals.

Handl: we met our DBE goal in 2020 and are doing well so far in 2021.

2. 2021 Legislature update Dwane Kailey

Kailey: not much to report. Nothing major for MDT. HB 630 is the Cares 2 funding. That covers the \$102M that MDT is getting for Cares 2 funding. 50% for maintenance, the rest to our redbook process. We have a list of potential projects we hope to advance. HB 130 has been signed. That was about alternative projects. SB 392 is on the way. This pushes us to allow telecom in the right of way. This requires us to include pipelines as well. This will require FHWA approval. HJ 42 is a study to allow bike paths along I-90, US 2, and US 200. HB 102 is the gun law. Allows individuals with a CWP to carry almost anywhere. MDT cannot prohibit.

3. Customer Service Survey Dwane Kailey

Fuglevand: I think this is a great idea. Make sure there is availability for comments.

4. Plan Holder List Website Update Darin Reynolds

Reynolds: looking for feedback on the usability. We are looking at adding some fields for estimator on the plan-holders list.

Bomgardner: adding an email would be helpful. Sounds like a good idea. A direct number for the estimator would be helpful.

5. Website FTP Internet Explorer Darin Reynolds

Reynolds: the FTP file transfer protocol is having issues. It is more of a technology advancing problem. We are looking at options in the future. It looks like internet explorer will not be supported in the near future. Right now, IE should be able to work. Chrome and Edge may not work. If you look at the links, there are some instructions on how to use some work-arounds that may allow you to access the necessary materials.

Additionally, there may be some contractor company IT issues depending on security settings.

Bomgardner: this does not seem like the most robust solution. Are there future plans to address these accessibility problems.

Reynolds: we are working on it. It will likely be a few months before we identify the scope of the issue.

Theresa Bousliman: if there are problems, please let us know. We have ways to examine how FTP is being used. We are looking at different options. Is there something you are using to share files with other entities other than FTP?

Slaybaugh: I know we are using Google drive a lot.

Reynolds: we are trying to update our contracting and bidding website. We would welcome any suggestions or comments.

6. Traffic Paint Availability Oak Metcalfe

Metcalfe: we are seeing difficulty in obtaining paint.

Bomgardner: we are seeing a specific problem with resin (pvc, hdpe). We will likely run into supply problems.

Gonitzke: we are going to run out of paint and epoxy. I have some materials with a 20% markup in price . . . and likely cannot even get the materials. Some resin plants are not operating yet.

Metcalfe: these are critical materials. We can't put mix down and not stripe it. We can't install culverts due to lack of steel. There may be some work-arounds . . . but this could bottle-neck a lot of projects. MDT need to discuss this internally.

Gonitzke: if we find potential alternate material, are you the contact person to see if we can use it?

Metcalfe: yes. But there is a lot to consider going forward. This is turning into a significant issue.

7. Plant Mix Industry Virtual Meeting Oak Metcalfe

Metcalfe: I would like to have a plant mix industry meeting in the next few weeks. There is information we would like to present. Incentive and servicing information. We can also give that info at a future highway tech meeting.

Smith: I do not think another meeting is a good idea right now. Contractors are just getting underway. We can put it out in our newsletter. And we can speak about it at the next highway technical meeting.

Jeff Jackson: Oak and I will get material to you. We would be happy to speak at the next highway tech meeting.

8. Spec book update frequency Joe Green

Green: this is currently updated quarterly. We are going to move to twice per year. If there are emergency changes, we have a method to do this. Are there any questions or concerns?

Bomgardner: that sounds good to us.

Old Business

1. MDT Claims Process Jake Goettle

Goettle: We started speaking about this last year. We have been working with some members of MCA and MDT to identify improvements we can make.

We used a lessons-learned process to review prior claims and discuss what we can alter in the future. We are also using a claims avoidance team.

We are looking at changing the time-frame. Moving from 1 day to 3 days to submit a notice of claim (after partnering is underway).

Changing certified claims from 7 days to 14 days.

We hope there is always an opportunity for face-to-face meeting --- we do not think that needs to be in the spec itself. That should always be available.

2. Partnering Jake Goettle

Goettle: Partnering will be in all contracts. We want to do partnering first and pre-con second.

Goettle: in HB 2, I hope we get an FTE to implement partnering in MDT. We would like to get this info on our website.

Fuglevand: are we going to have an in season partnering training?

Smith: I think we are having one this summer. June or July. The rest will be done next winter.

Goettle: I believe we want to offer at least 1 in the summer. The rest in the winter.

3. MCA-MDT Environmental Task Force meeting Jake Goettle

Goettle: we had some good meetings. We implemented some changes – bid item for BMP specific to T & E species. We will identify where the BMPs are needed. We also have 3rd party monitoring. MDT will hire the monitoring --- not the contractor. There will be monitoring before work and during the contract. We expect to have more meetings after this season.

TENTATIVE MEETING DATES 2021

Feb. 17

Apr. 21

June 16

Oct. 20

Dec. 15