

MCA - MDT Highway Technical Meeting  
December 14, 2022 – via in Person and Video Conference

**JOINT MEETING – 2:00 PM**

Participants:

**MDT:**

Jay Manuel  
Dustin Rouse  
Oak Metcalf  
Rich Hibel  
Ted Thronson  
TJ Ramacker  
Dwane Kailey  
Jake Goettle  
John Schmidt  
Darrell Williams  
Matney Juntunen  
Clarissa Martin  
Bill Felton  
Jeremy Wilde  
Joe Green  
John McMillen  
Stephen McEvoy  
Doug McBroom  
Dean Jones  
Darin Reynolds  
Chris Trautman  
Mike Needham  
Shane Pegram  
Sean Cardwell  
Megan Stracham  
Jay Fleming  
Mike Dodge  
James Sullivan  
Matt Strizich  
Paul Bushnell  
Kathy James  
Megan Handle  
Clint Habel

**MCA:**

Mike Newton- Fisher Sand & Gravel  
Mike Sharp- Prince, Inc  
Zac Zupan- Sletten Inc  
Tony Ewalt- Sletten Inc  
Solomon Redfern- Helena S&G  
Hal Fuglevand- Knife River  
Colton Dean- Century  
Shane Nelson- Century  
Guy Slaybaugh- Century  
Cale Fisher- Riverside  
Mike Meredith- Rinker  
David Smith- MCA  
Jodie Tooley- MT Lines  
Jeremy Mode- CHS  
Brad Newcomb- Calumet  
Brad Meyer- Highmark Traffic Services  
Keith Johnston- Mountain West holding  
Russ Guab- Riverside  
Craig Alannen- McAsphalt  
Sean Cardwell- CHS  
Jason Kreth- Helena S&G  
Pat Baumgardner- MT Lines

## Specifications

The Department has no proposed supplemental revisions for the December meeting.

## MCA New Business

### **1. MSCR (Multiple Stress Creep Recovery)**

- a. Pat discussed new testing regimen that could result in new procedures and is causing concern.
- b. Newcomb questioned assistance with MDT. This is a countrywide change. Hamburg testing: Why wouldn't we be testing at 58?
- c. Metcalf discussed historical history of Hamburg test. MDT has never tested at 58. MDT changed it to a tiered temp check based on assumption 64 degree mark was the standard. 14 degree difference was then applied to other grade.
- d. Sharp: How much risk is MDT willing to take on?
- e. Metcalf: We are only doing this for 1 job this season. The intent is to explore this item. With tiered temp before, MDT needs to figure out a tiered loading binder grade. Environmental temp at this state is 58. MDT has been evaluating all binders that come into the state for the last several years. 64-28 binders are performing at 58V-34 level. Shouldn't be a difference. Growing pains and adjustments as things are worked through. MDT is seeing thermal cracking. This is the reason for the lower PG grade. Binders in 320PG system are performing as expected. Other supplies in the market are hitting other states that have this lower standard. MDT is asking for a 58v to perform at 50-deg C.
- f. Fisher: This is a great opportunity after partnering to share the risk for this change, since there is not a lot of data to support this change.
- g. Metcalf: MDT made this decision as current binders are already performing at level expected. Is it because grade went down to -34 and modifying will not give performance expected?
- h. Sharp: This should be slow and all risk is being placed on contractors with not a lot of research/experience from MDT.
- i. 58v-34 is the same as a 64-28, data shows. Not Hamburg data.
- j. Moon Creek failures with straight grade asphalt. Temp is critical.
- k. Geottle: Let's treat this year as a test/pilot and see how it goes. MDT and Contractor will share the risk as this process goes forward.
- l. Baumgardner: Revisit on next agenda.

## **2. MDT Lab Trailers**

- a. Baumgardner: MDT lab trailers provided to contractors broken. Asking that MDT provides better equipment.
- b. Davies: Heard the same from others. These are on the bureau chief's desk. Four new trailers ordered. \$95K each scheduled to show up in May. 5 DM's and asked if the trailers can be inspected prior to contractor picking them up for use. Wiring harness: Goal to get them all the same (7 pin). Until all the same, an adapter will have to be used.

## **3. AASHTOWare**

- a. Slaybaugh: Other DOT agencies have a view-only option to check status of submittals. Some even allow the contractors the ability to upload as well. Does ASHTOWare have the ability to upload? With the amount of documentation, it would improve communication and be a central place to check for items. Lots of efficiency lost in the emailing back and forth.
- b. Kathy: Not possible. User has to have an account in State IT. State IT doesn't allow for outside access. Doc Express was evaluated. Decision was made not to move forward. Discuss again in February meeting? MDT will provide an update.
- c. Kailey: Revisit which way to go on this....

## **4. Completion Date Contracts for Pavement Preservation Projects**

- a. MDT will look at ways they can put this on more projects.
- b. Geottle: No new completion date contracts. Trying to be flexible with all of them. Addressing these in the Q&A.
- c. Fisher: Fixed completion date at the end of the year. If MDT is more comfortable putting things out with a flex date. Give the contractor more flexibility on when it can be started. Gives the contractor more time. Also requested no more 15 day contracts. MDT will revisit and follow up.
- d. Green: WY and ID also use completion date contracts. Discussed. They use them, but not exclusively. If ID does a completion date, it's Sept 1<sup>st</sup>. WY uses traffic control lump sum. They pay for flaggers separately.

## **MDT New Business**

### **1. KLE**

- a. Kailey: KLE has not been paying subs in accordance with contract. MDT sent notice to abide by contract within 10 days. If they don't comply, MDT will pull bond. MDT understands this can be drastic but thinks it's justified.

- b. Dustin: Legal informed this is termination for clause. Billings district tried to make this right. Lots of subs affected by this issue. Several claims have been filed on the bond. Bonding company has not been receptive.

## **2. Nathan Zito**

- a. Kailey: Z & Z Asphalt was being investigated by FHWA. Court documents show that Nathan Zito attempted to create a monopoly and tried to execute a contract with individual who reported. Judge will render verdict in February. FHWA has not asked for Nathan or Z&Z to be disbarred. MDT believes that this individual should be disbarred, not company. MDT is hoping for disbarment for 3 years. Facing 10 years in prison and \$100K fine. Ownership of Z&Z now excludes Nathan, and it will be allowed to bid on MDT projects.

## **3. 2023 Legislative Session**

- a. Dustin: Carrying Alternative Contracting Bill in the 2023 session. Bill has been submitted to Governor's office. Feedback included whatever contracting method is eligible for federal participation can be implemented in MT. CMGC project alignments or progressive Design Build. The Transportation Commission would then need to approve of these contracting methods being added to MT. These meetings are public. MDT looking for firms with experience with CMGC. MDT is open to an MCA member or contractor that isn't competing for the project that can sit in and observe the scoring process.
- b. Most other bills are red tape clean up. BARSAs? ELDT for CDLs.
- c. Kailey: In Gov budget, there is a line item for \$100MM for MDT to be used as match for discretionary funds as well as redistribution funds. There are numerous discretionary grants. Focus on bridges. Over 4,000 bill drafts so far.

## **4. Partnering Summit**

- a. Clarissa/Matney: MCA/MDT summit done, went well. Training in Miles City on Feb 1<sup>st</sup>. Send people. One common feedback topic received was that there be more meetings throughout the year.

### **Old Business**

#### **1. Build America, Buy America**

- a. Metcalf: Not a lot has changed on this federal law. No choice but to try and comply with the guidance that wasn't given. MDT will work with contractors. Form is online. Not a lot of comments, just need signature on form. Look at materials manual. MDT is working on a report to provide list of materials in advance to identify what items will need BABA requirements.

## **2. DBE Program**

- a.** Handl: Submitted report to FHWA for DBE. 4% compliance last year with current goal of 6.5%. New goal submitted was 6.6% but will operate under 6.5% until change approved. Working with FHWA on how this number will go up. Trying to get more bidders. Disparity study in October covered how important relationships are. In-person bid letting. On any large project, MDT will host a pre-bid meeting to help and encourage more primes and subs working together. Jan 5<sup>th</sup> at 11:00 at Great Northern in Malta. Will also be virtual if you can't attend in person. MDT thinking of awarding more time to those who attend pre-meeting.

**John McMillan is replacing Joe Green.**

Kailey: Value Engineering is not being used. Would like Ad HOC committee to be formed to figure out what can be changed. Casey Durbin has volunteered to take part in committee.

Kailey: Would also like an Ad HOC committee on scheduling.