

Innovative Contracting Advisory Committee
Meeting Minutes
May 20, 2010

Attendance

Nabil Haddad, CDOT, Innovative Contracting Program Manager (Facilitator)
Keith Molenaar, Professor, CU Boulder
Tyler Weldon, CDOT, Region 1 Project Engineer
Dave Poling, CDOT, Region 2 Program Engineer
Scott Ellis, CDOT, Region 4 Resident Engineer
Kathy Young, State of Colorado Attorney General's Office
Randy Jensen, FHWA Program Delivery Engineer
George Tsiouvaras, ACEC, TSH Consulting Engineers
Tim Maloney, CCA, Edward Kraemer & Sons

Dick Osmun, CDOT Bridge, Guest

Misc. Discussions

Nabil gave a brief overview of the Modified Design Build (MDB) project delivery method at CDOT. What are we trying to achieve? What would be an acceptable ICAC product/outcome? A successful outcome of the ICAC's MDB discussion/effort is to produce new guidelines (Pilot Request, Report, Flowchart) that will be approved by FHWA.

Dave Poling and Scott Ellis informed the group that the two current CDOT MDB projects have websites up and running on the new www.coloradodot.info website.

George Tsiouvaras informed the group that there is a newly formed ACEC Innovative Contracting Shadow Committee which is readily available to assist the ICAC and be a resource.

Action Items from Last Months' Meeting

The group had lengthy discussions regarding a myriad of current MDB issues, and collectively agreed that more options need to be instituted in the current CDOT MDB project delivery method.

Summary of MDB Discussions

- It was collectively agreed that depending on the specific project goals, establishing a two-phase MDB selection process, in addition to the current single phase selection process, would be beneficial to both the owner and the contractors.
- In a two-phase selection process, teams are short-listed based on qualifications. The bids for the short-listed teams are then evaluated, and the lowest bidder is selected.
- Unlike Design-Build projects, there will be no stipend paid to the non-selected short-listed teams, as MDB projects are typically smaller in scope and complexity than Design-Build projects. Contractors should not spend an excessive amount of time developing bid packages, and there was no added value for the owner to pay a stipend for innovation or intellectual property.
- Risks should initially be well defined and allocated to the best party that can mitigate them.
- Confidential Industry Review or Alternative Technical Concepts (ATC's) Meetings between CDOT and the short-listed teams should be an added option to all MDB projects. This option is currently used by Region 2's US 24 and SH 67 MDB Faster Bill Bridges project.
- Increased communication between CDOT and the short-listed Teams would increase trust, expedite the process, reduce many gray areas, and improve the quality of the bid package.
- Only certain aspects (i.e. bridge, pavement) of larger MDB projects should be open to innovation.
- Selection Guidelines should be established for the three proposed MDB options:
 - o Single Phase MDB (existing process)
 - o Two-Phase MDB (Short-list then select low bidder)
 - o MDB with ATC's (Confidential Industry Review Meetings for either the Single Phase, or the Two-Phase process)

Action Items

The group's assignment for next meeting is to come up with ideas on how to establish short-listing criterion for the proposed two-phase MDB process. One possible scenario is to streamline the RFQ process currently used on Design-Build projects.

Remaining Prioritized Future Topics of Discussions and Reasons

- 2a) Modified Design Build (Dave Poling, Matthew Pacheco, George Tsiouvaras, Scott Ellis). (Missteps in process, lack of clear guidelines, lack of clear framework, lack of clearly defined quality requirements)
- 2b) Risk Assessments, i.e., educating, increasing usage, developing, including the Industry (Keith Molenaar, Ed Archuleta). (Big push from FHWA and industry, increasing trend, clearly defined roles/responsibilities, better management of project funds)
- 4) QA/QC on Innovative Contracting projects, specifically for Design-Build projects (Dave Poling, George Tsiouvaras, and Matthew Pacheco). (No set standard guidelines, major cultural shift, better project end-results)
- 5) Best-Value Procurement Method. (Becoming more prevalent, transparency, clear owner requirements, minimizing subjectivity)

Remaining Un-Prioritized Future Topics of Discussion

- Clarity and transparency of project goals
- Celebrating Successes (Awards, Sharing Lessons Learned, etc...)
- Local Agency and other stakeholder involvement (Utilities, Railroads, etc...)
- Updating Manuals and Guidelines
- Training and outreach to CDOT, the industry, and the public
- Staffing Requirements for major Innovative Contracting Projects
- Contractor pre-qualification
- Insurance Requirements
- Lobbying for legislation that allows usage of Innovative Contracting techniques
- Innovative Contracting techniques for ARRA or Fast track projects
- The future relationship between the ICAC and the CDOT Bridge Enterprise
- Local Agency Innovative Contracting Projects (Roles and Responsibilities)
- Subjectivity and how to deal with it
- RFP Requirements
- Green Contracting Provisions

Next Meeting

Thursday, June 17, 2010 from 10:30 am until Noon
CDOT HQ Bridge Conference Room 107B, 1st Floor