

**CONTRACTORS ONLY MEETING – 1:00 PM**

**Specification Changes**

105.17.2 – Final Acceptance

- Removing notarization required. Will accept digital signature
- No comments

105.03.4 – Table of Contractor Submittals

- Will provide a link instead of submitting paper copies in the contract.
- No comments

105.08.7 – Method of Measurement

- Eliminating A and C. finish grade control will no longer be done for payment. Will instead be in bid items.
- Bridge survey will be incidental to other items.
- Cale Fisher: Would like to know why
- Guy Slaybaugh: the cost is going somewhere. It will be put in other bid items.

106.01.1 – Source of Supply

- No comments

108.07.4 – Delays

- Adding “pandemic.”
- Guy Slaybaugh: Inquire with MDT if MDT is seeing major delays from contractors.

109.07 – Stockpiled materials

- MDT doesn't want to pay for materials until they are mostly installed
- Jodie Tooley: some items do have over/under runs. Other materials will not have over or under runs (eg.: poles). MDT is trying to avoid paying for things that are not going to be used. If contractors have to give a credit to MDT, this would be a big cost to contractors up front; contractors would have to carry the expense on their books for several months. My suggestion is to change to when bid item is complete. Additionally, MDT is estimating the quantities . . . why should contractors have to front the cost?
- Cale Fisher: it would be nice if we could get paid for materials up front.
- Jodie Tooley: this will incentivize contractor to attempt to time their orders and deliveries this just right instead of stockpiling up front. That risks materials not actually being on site and available when needed. MDT should pay for the benefit of material being stockpiled ahead of time and available.

551.03.7(B) – Liquid Membrane Forming Curing Compound

- MDT wants the curing compound applied when the forms removed.

- No Comments

#### 606.03.2 – Installing Posts

- No comments.

#### 704.01.10 – Retro-reflective Sheeting

- Aaron Gray: Don't see any significant changes here.
- No comments

### **MCA New Business**

#### 406 Forms (quantities reported v. actual installed)

- Guy Slaybaugh: bring up the discussion. Contractors cannot know this ahead of time.

#### DBE

- David Smith: Didn't hit the DBE quota last year.
- David Smith: many of the listed DBE's are not actually highway/aviation and many are not from MT. Quota is fine, but the actual number of qualified DBEs available to prime contractors needs to be accurate.
- Cale Fisher: We understand these are coming from the Feds, but has MDT ever stood up saying its unrealistic and here is why?

### **JOINT MEETING – 2:00 PM**

#### Participants:

##### MDT:

Oak Metcalfe  
Joe Green  
Doug McBroom  
Paul Bushnell  
Jake Goettle  
Jen Jewett  
Paul Jagoda  
Chris Riley (FHWA)  
Dwane Kailey  
Matt Collingwood  
Darin Reynolds  
Dean Jones  
Jim Davies

#### Contractors:

Pat Bomgardner, Montana Lines

Kary Gray, Highway Specialties  
Aaron Gray, Highway Specialties  
Guy Slaybaugh, Century Companies  
Cale Fisher, Riverside  
David Smith, MCA  
Jodie Tooley, Montana Lines  
Brian Thompson, BKBH

#### 105.17.2 – Final Acceptance

- No comments

#### 105.03.4 – Table of Contractor Submittals

- No comments
- Joe Green: This will be a link the contract.

#### 105.08.7 – Method of Measurement

- Joe Green: Items will no longer have their own bid but will be included in other items.
- Guy Slaybaugh: is there more of a reason why? Is MDT trying to downsize the number of bid items? The cost will still be somewhere . . . what exactly is the reasoning? Can we include contractor provided survey?
- Joe Green: We don't think there is as much work between finish grade and sub-grade with technology. For bridge survey, there is still a lot of work, but its difficult to know when to pay for it. It would be easier to pay for if it were a part of another item.
- Guy Slaybaugh: there isn't pushback from the MCA here, we were just looking for explanation.
- Darin Reynolds (MDT): did we want to coordinate this with road design?
- Joe Green: Correct. This spec will not be implemented until October 2020.

#### 106.01.1 – Source of Supply

- Joe Green: can receive lists electronically now.
- No comments

#### 108.0704 – Delays

- Joe Green: We need to add pandemics.
- Guy Slaybaugh: We have no comments, but are looking for an update from MDT on the entirety of the COVID situation (later in agenda).

#### 109.07 – Stockpiled materials

- Joe Green: MDT is realizing at the end of the project there are unused materials. If we were to pay when 80% installed, it will prevent negative final payment on project.
- Guy Slaybaugh: we have comment here.
- Jodie Tooley: we have some items do have over/under run. But we also have other items that almost never vary or are rarely over/under estimated. This spec change makes the

contractor have to carry the cash flow. Can we target this to certain bid items (the problem ones) instead of to every class of materials? This appears to be shifting too much burden on contractors.

- Joe Green: we will evaluate your comment:
- Cale Fisher: There is usually a 6-month gap between contract and notice to proceed. This spec change would mean contractors would begin buying materials 6 months before they get paid for it.
- Guy Slaybaugh: can MDT provide an explanation for the spec change?
- Joe Green: no-one on this call can provide that information. We will get back with MCA on this.
- Dwane Kailey: does this have to do with federal contracts?
- Joe Green: No.
- Dwane Kailey: We have been getting pressure from FHWA. FHWA has rules where only things are allowed to have a credit. Right now, MDT pays estimates and then have this credit later. We are getting pressure to eliminate credits from FHWA.
- Chris Riley (FHWA) yes. That is FHWA. This is coming from DC. My team here has tried to explain that this is a natural part of the contracting/construction business, but it has fallen on deaf ears in DC.
- Guy Slaybaugh: it doesn't make sense to require MCA to front the money. It will cause contractors to attempt perfectly time delivery of materials. We don't want to get into the situation where materials are not ready and available when they are needed.

#### 551.03.7(B) – Liquid Membrane Forming Curing Compound

- Joe Green: we may move this to a different section.
- Guy Slaybaugh: no comment

#### 606.03.2 – Installing posts

- Joe Green: We are just making sure this makes it into the spec book
- Guy Slaybaugh: no comment

#### 704.01.10 – Retro-reflective

- No comments.

### **MDT NEW BUSINESS**

#### Buy America

- Oak Metcalfe (MDT): we are trying to make this better for everyone. There is a disconnect between MDT and contractors regarding things not being administered consistently. We would like to put together some training for MDT people and contractors. MDT could come to the MCA meeting and do a presentation. MDT could go to each district to do a presentation to get that information out there. Does MCA have any input on best delivery?
- Oak Metcalfe: we have a presentation that better shows what the material requirements are for Buy America. We hope to link specific materials to the bid items.
- David Smith: MCA could host at annual meetings.

- Oak Metcalfe: if this item number code becomes something we all want to use, it could become part of form 406. That way you could cut and paste into the form 406. At some point, we may then be able to get rid of form 406 (maybe).

#### ASTM Retro Reflective Sheeting and Traffic Control

- Jeremy Wilde: We will move forward with the reflective requirements on the control barrels.

#### Pilot Car Driver Certification

- Jeremy Wilde: MDT is looking into requiring pilot car drivers be certified flaggers. It would help bolster the flagger pool. We want to get pilot car drivers certified as flaggers. I have heard that many contractors already require pilot care drivers to be flagger certified. Is there any MCA comment?

#### Paper Bid Submission and Public Bid Openings

- Darin Reynolds: what does MCA think about continuing the process of paper bids? We usually have a few paper bids submitted. Usually smaller contractors. We are exploring requiring electronic submission only. We could try it for an interim period of time. There is currently some concern about disease transmission via standard parcel mail. I plan on reaching out to smaller contractors to solicit their opinion.
- David Smith and Guy Slaybaugh: All electronic is fine.
- Jake Goettle: we attempted to go all electronic a few years ago. We received some pushback from small contractors are few years ago. We don't want to eliminate bidders, so we want to be judicious and not put up any barriers. There may be a way to help cover the cost of the price of electronic bidding software for those that do not currently have that ability.

#### Standard Provision and Contract Docs linked to Webpage

- Darin Reynolds: I have not heard negative feedback on electronic spec book. It seems redundant to have some things in the contract that are already in the online spec book. Any comments on items that should not be linked to that are currently in the proposal?
- Jake Goettle: we have not heard many negative comments on electronic spec books.

#### COVID 19

- Jake Goettle: MDT is still mostly working from home. The lab is staffed and has been. Most of pre-construction is home working. I have only heard of a few projects with delays or material issues. It seems to be operating fairly smoothly and construction work continuing. We are looking at the end of May or early June to have people back in the office. Do MCA members have issues or concerns?
- David Smith: any update regarding gas tax collections? Will there be a full slate of projects through this year?
- Dwane Kailey: fuel revenue is lagging. Distributors are stocking up because demand is so low. Tax is paid at distributor, not at the pump. Our working capital is still good and we still think we can deliver the full program through the year.

#### **MCA New Business**

## 406 Forms

- Guy Slaybaugh: quantities reported vs. actual installed. It sounds like the EPMs are looking for actual installed numbers up front.
- Oak Metcalfe: from materials standpoint, we are only interested in 406 at the end of the job. The purpose of the form is to satisfy the Buy America requirements. I don't think the form 406 needs to be re-submitted if reported vs. actual installed is different. If you have docs that cover the Buy America requirements, even if extra installed, then it should be ok. The information we need is if the new material is from a different lot number or heat number. There shouldn't be need to submit the paper work twice. I need to discuss with FHWA. I am aware of the issue and will follow up.
- Guy Slaybaugh: the way MDT sees it is that the planned quantities should be sufficient? This appears to be coming from EPMs in the field. The problem is that they wanted actual installed numbers before the project was completed.
- Oak Metcalfe: we are looking for the mill cert or the letter from the fabricator that the bridge beam was manufactured in the US. We may need to do some internal education.
- Joe Green: when I was in the field office, we were looking for certification that everything was made in the US. If it is different, we need guidance for the field crews.
- Oak Metcalfe: there does seem to be some misunderstanding. I see the contradiction.
- Guy Slaybaugh: Prime contractors have to rely on sub-contractor knowledge of what was actually used. The Prime may not actually know.
- Oak Metcalfe: if we don't need to stand on quantity, then this may be easily solvable.

## DBE

- David Smith: We have been looking at DBE criteria and how MCA has not been meeting the requirement. I am hoping to meet with Christiansen (MDT) and Schwinden (Civil Rights) re: DBE. We want to meet the spirit of the law, but a lot of small sub-contractors do not actually meet standards or requirements.
- Jake Goettle: we did hear that we are close to meeting the DBE goal this year. We are right at the goal.

## Miscellaneous

- Jake Goettle: I am maybe hoping we can offer Zoom format in the future even when we get back to regular meetings.
- David Smith: we can do that at MCA. It would be a good way to keep people engaged.
- Joe Green: I wanted to demonstrate how changes between spec book versions will be indicated. (\*Joe then demonstrated on shared screen\*). Changes are shown in redline and there is a list of changed specs that link to the corresponding changed specs.