
ACEC/ITD Liaison Committee Meeting
December 10, 2024 - 3:00 pm
ITD HQ, C1 Broadway Conference Room
**Meeting Notes*

Attendees

ITD - Dave Kuisti, Monica Crider, Mohsen Amirmojahedi, Eric Staats, Aaron Scheff, Ronnie Winks
Consultants – See list below

Old Business

1. Introducing new Environmental Services Manager – Aaron Scheff

Aaron came over from DEQ. Worked there for 21 years and has been at ITD for almost one month. Experience with Brownfield cleanup projects.

2. TECM Update (carried forward from last meeting) –Eric Staats

Eric reported on three things:

- ***TECM has fully consumed their debt service with the sale of bonds. Funds earmarked for construction only, mainly on three corridors: I-90, SH-55, and SH-16 interchanges (and possibly for SH-75). No funds currently directed to design until additional funding is available. Hoping Legislature will continue to fund TECM.***
- ***Looking at changing some of the State legislation and code related to Garvee before exploring another round of funding, so likely to be put on the backburner for now.***
- ***Thinner staff; looking to augment. Currently have a hiring list and scheduling interviews. Erika Bowen is the new PM1.***

3. LHTAC Lump Sum Contracting Update (trial project) – Mohsen/Monica

- September 10, 2024 ACEC Research Institute Publication on LS Contracting

Justin to re-send link to ACEC publication on LS contracting to Monica and Mohsen, identifying any nuggets or sections that would be most helpful. ITD has been discussing LS internally and thinks that there may be some opportunities for narrowly focused project scopes or work tasks. They would like to test it out and see how well it works. It was suggested that it would fit well for the final design/PS&E phases of projects where most of the uncertainty and potential changes have been flushed out. Lots of DOTs/agencies across the country have been doing LS. Simpler invoicing process for both consultants and agencies.

ITD suggested that Consultants recommend projects to Districts, and Districts confirm with HQ to pilot some projects. HQ needs to have internal conversations with

Districts. Ease into LS (being used on some bridge inspection projects at ITD).

4. Consultant Services (CS) Policy/Contracting Process

- Awareness across ITD Districts of September 6, 2024 Memo

ACEC wondering how aware Districts are of the change to increase direct selection from \$100,000 to \$150,000. Some know but ITD to reiterate at RE Academy and PDC, and other opportunities.

5. Implementation of allowing Consultants to include certified wage rates with invoices – Monica C

Seemed to have consensus at last meeting that it would be good to implement, just need to roll out. Mohsen shared some concerns/confusion expressed by ITD districts about how administrators will maintain control of agreements. Discussion on difference between wage rate increases for invoicing and salary escalation in cost agreements. Also clarified that Additional Services contingency is not related and must be authorized by ITD. Dave K suggested that there's the appearance that we are getting rid a some kind of contract control mechanism, but it was clarified that it just comes down to the certified wage rates and Not-to-Exceed amount. Monica was comfortable to say "yes" to implement with assurance that contracted NTE doesn't change. Dave K suggested a twelve month trial period and then survey consultants and districts to determine if it's working for everyone. Mohsen to create memo to append agreements. Engage FHWA. Create effective date for all agreements. ITD to make sure vetted.

Separate issue - State Clauses regarding boycotting – ITD needs to take corrective action to ensure that following law for all open contracts. How to streamline for signatures on all open projects (>300 open agreements)? Have consultants provide list of open agreements with KN or agreement number. Work through Agreement Admin. Will be included in all RFPs/agreements going forward.

6. Updates to RFP Forecast are appreciated. Last update was August, 13, 2024

RFP Forecast has been helpful. Mohsen will be sending out this month. Working to send out quarterly.

7. DBE target-Justin W

- WTS planning DBE networking event in June 2025

Molly reached out to Ronnie. Still coordinating.

- Advanced notice from ITD to consultants of DBE goals would be very helpful

(consider including on RFP forecast)

Paul W asked when does ITD determine DBE commitment? Mohsen said it is the last thing to include in RFP. STIP shows funding source. ITD looking at overall 10% goals (2% Consulting, 8% Construction), but falling short on consultant side, so starting to see higher goals. Only a small fraction of race neutral participation.

Consultants need to document for Good Faith Effort (GFE). Send copy of outreach correspondence with Form 2398 for documentation. ITD has helpful guide for GFE on DBE website. [Microsoft Word - Helpful Guide for Good Faith Efforts](#). Ronnie working on GFE training but not rolled out yet. This year best ever for DBE participation, 9.33% overall for entire state (goal 10.11%).

Make districts aware of DBE firms.

Paul W asked how subs can track DBE subs? Use B2GNow to enter participation. Primes need to enter. Discussion about how to record Directs expenses by DBE firms under DBE participation. Ronnie to reach out to other states on how they record apply DBE participation for consulting Directs. Firms need to add DBE firms that are traffic control firms into B2Gnow to count their participation even though those are considered overhead.

Justin suggested adding time on RFPs for consultants reach out to DBE firms for proposals.

- What is ITD's plan/response to recent DBE Nov 2024 ruling in Kentucky? (<https://law.justia.com/cases/federal/district-courts/kentucky/kyedce/3:2023cv00072/103125/44/>)

ITD waiting on Feds for guidance. Ronnie gave insights on Kentucky lawsuit. 25 states affected; no states west of Mississippi affected.

- Ronnie Winks now point of contact for ITD's DBE program

8. New ITD Consultant Portal - Mohsen

Mohsen walked through the new portal and demonstrated account setup. Asked Consultants for Volunteers to test portal.

- **Consultants will be able to create an account with a personnel email address and associate with a company.**
- **One point of contact per company to manage users and access.**

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- **Submit company updated Overhead Rates**
 - **Digitally sign and approve Agreements**
 - **Add Service Categories on the Term Agreement and Submit online**
 - **There will be training prior to rollout in 2025.**

New Business

1. Program Delivery Conference Consultant Involvement/Support (liked 2023 approach)- Tim B

Mohsen on the PDC planning committee. He is good with Consultants participating, but expects there to be pushback from some. The 2023 Conference was good where 2 staff with <10 years of experience from each firm attended. Monica thinks D2 is planning the PDC.

If ITD is looking for presenters, Consultants willing to help.

Scheduled for April 22-24, 2025 at Riverside Hotel.

2. ACEC position paper on Digital Delivery-Molly L

- Likely require task force to advance the topic (could model after Oregon, Florida); often requires 5-10 years implementation schedule
- Will require development in risk management, file/plan protection, design manuals/standards and construction company capabilities

Monica and Mark Snyder working on sharing Ref files at bidding to start excitement for digital plans. ITD needs to let Consultants know at negotiations when planning to give ref files to contractors due to heavy effort to QC and cleanup files. ITD would like if a consistent disclaimer is provided on these files. Would be good to get a few examples of disclaimers by consultant and provide to ITD for starting point

Contractors prefer .xml files for models. Disclaimer needs to know that plans supersede models.

Consultants use AutoDesk more for smaller agencies and developers. Most state agencies use MicroStation. Molly said she only knew of two DOT's that are using AutoDesk.

Parking Lot

1. Additive Bid Items
2. Update to Environmental Services Categories for Term Agreement (Ester C)
3. Wage escalation allowance for projects that start mid-year and extend through the next year-Tim B
4. Increases to Consultant Term Agreement limits policy change update
 - RFI limits
 - RFP limits
 - Term agreement limits

Name	Consultant Organization
Tim Blair	J-U-B
Dave Butzier	AECOM
Paul Wasser	Schnabel
Bryan Foote	Horrocks
Bill Russell	Arduro
Justin Walker	Keller Associates
Ryan Olsen	GeoEngineers
Heather Carroll	Jacobs
Paul Ashton	Parametrix
Jeremy Robbins	NV5
Molly Loucks	Burges & Niple