

## ACEC VT/ Vermont Agency of Transportation Meeting

June 20, 2007

Chaired by Greg Edwards

### Attendees:

|                                              |                                                 |
|----------------------------------------------|-------------------------------------------------|
| Mark D. Richter, <i>FHWA</i>                 | Alan Neveau, <i>VTrans</i>                      |
| Greg Edwards, <i>Stantec</i>                 | Dale Spaulding, <i>Louis Berger Group</i>       |
| John Lens, <i>GeoDesign</i>                  | Bob Klimm, <i>PB Americas</i>                   |
| Dale Gozalkowski, <i>CHA</i>                 | Brian Clogston, <i>Louis Berger Group</i>       |
| Frank Ambrosio, <i>URS Corp.</i>             | Chris Baker, <i>VHB</i>                         |
| Marvin W. Miller, <i>Green International</i> | Janis Dewey, <i>VTrans</i>                      |
| Jim Bush, <i>VTrans</i>                      | Rich Larochelle, <i>CLD</i>                     |
| Kevin Marshia, <i>VTrans</i>                 | Daniel Hudson, <i>CLD</i>                       |
| Chris Bean, <i>CLD</i>                       | Chris Bean, <i>CLD</i>                          |
| Rich Tetreault, <i>VTrans</i>                | Lon Wixon, <i>McFarland Johnson</i>             |
| Helen Estroff, <i>VTrans</i>                 | And Morse, <i>VTrans</i>                        |
| Mike Lozier, <i>VTrans</i>                   | Peter Howe, <i>Fay Spofford &amp; Thorndike</i> |

### Topics and Items Discussed:

1. **Strategic Highway Safety Program – Presented by Kevin Marshia** (His handout is attached) Behavioral emphasis – Involves VTrans and others in the transportation field (see website: [highwaysafety.vt.gov](http://highwaysafety.vt.gov))

#### **Information from Kevin Marshia – See attached spreadsheet**

- Iowa & Maine are advanced in statewide approach to safety improvements;
  - VT – 80 fatalities/year and 2000 major injuries (life altering);
  - VTrans safety group is looking at projects in a task force approach to get more “efficient” solutions – gave the example of deciding on a \$200,000 solution with a close look at factors influencing safety vs. a \$2,000,000 solution previously considered before the “close look”;
  - Highway safety group needs VT engineers to be represented; and
  - Opportunity for additional input from ACEC.
2. **Bulletin 3.5 – Mike Lozier (Contract Administration)**
    - VTrans contracting plan has been sent to Agency of Administration – one final waiver request is being negotiated with Agency of Administration – schedule is not specified;
    - Retainage Topic – A waiver to avoid retainage is being requested by VTrans;
    - Next meeting topic to include discussion of outcomes and resulting contract terms.

3. **QBS for LTF** – Al Neveau - Manual being updated now
  - See attached handout. Al will accept comments from ACEC; and
  - See website for updates – VTrans.
  
4. **Consultant Financial Information** – **Janice Dewey** - VTrans
  - Update financial information annually (AF-38) Include a copy to VTrans project manager;
  - Subs must have their financial information submitted before their (sub's) work starts;
  - Discussed “Corrections” on prior year's invoices for actual audited Overhead Rate – Janice Dewey/Jim Bush say to do so;.
  - And Morse/Jim Bush recommend monitoring MLA (due to Overhead changes) but don't need to send requests continuously. Look more closely toward project completion; and
  - Sub agreements must be sent to Contract Administration (3 copies) for all projects.
  
5. **Consultant's Corner**
  - Professional Liability Update – ACEC reported no action with Agency of Administration recently.
  - VTrans is looking at NH's policy when E/O claims are initiated. (The general policy is that if VTrans needed to pay for an item anyway, then it will be paid for by VTrans. If a design error creates more costs than would have been incurred without the error, then VTrans will ask for reimbursement.)
  - Chris Baker asked if VTrans is being sued more frequently now. Rich Tetreault/Jim Bush say no, about the same as in past years. Jim says that very small claims have dropped off.
  - Upcoming RFPs – Program Development and Engineering Services retainer contract out in 4-6 weeks; and
  - Rail to follow in 1-3 weeks from PDES RFP.
  
6. **Upcoming Meetings & Potential Topics** – **Sept. 12, 2007/Dec. 12,2007**
  - VTrans Strategic Plan – Solicit presentation from consultant - RSG;
  - Design Liability Awareness – The group suggested a Workshop on Flexibility of Design Parameters Timothy Newman from CH2M Hill based on his presentation at a recent CSS Seminar);
  - AASHTO – Subcommittee on design: Meeting results, update improvements;
  - VTrans Contracting Plan – Update/results;
  - Project Development process – Update; and
  - “Lessons Learned” session.

JUNE 29/2007

HANDOUT FROM  
AL NEVEAU ON THE  
LTF PROGRAM PROCUREMENT

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## SELECTION OF A DESIGN CONSULTANT

Selection of a design consultant must be done through a competitive procurement process as detailed below. All perspective design consultants must be on the VTrans qualified list, or found eligible for addition to this list by the VTrans Contract Administration Section, to be considered as a qualified source. A selection committee will need to be formed and the Agency will participate in the selection as a member of this committee. Supporting documentation of this process is the responsibility of the municipality.

## PROCUREMENT PROCEDURES FOR NON-CONSTRUCTION SERVICES

The following summarizes what municipalities must do to meet federal regulations regarding non-construction procurement procedures. This summary is meant as guidance and does not replace what is contained in the Code of Federal Regulations (CFR), specifically 49 CFR 18 and 23 CFR 172 as well as US Code: Title 40, Chapter 10, commonly called the Brooks Act.

Responsibility for procuring these services rests with the municipality. Services must always be procured according to state and federal regulations. Accordingly, it is expected that you will confer with VTrans prior to undertaking any action that may adversely affect your project's federal reimbursement eligibility. Municipalities should be prepared to provide detail and documentation of procurement decisions to VTrans.

The type of procurement process is dependent on the services being sought. The Brooks Act requires that a qualifications based process be followed for architectural and engineering services. This type of procurement is referred to as QBS or Qualifications Based Selection. What constitutes architectural and engineering services is further defined or clarified in federal regulations as being one of the following: program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services with respect to a construction project. QBS must be used for any contract in excess of \$100,000 per federal regulations. This amount pertains to the total contract amount at the end of the contract, including any amendments to the contract that might occur. Anticipating the possibility of contract amendments, it is expected that the municipality will use a QBS process for architectural and engineering services as defined above if it is estimated the initial contract amount will be \$65,000 or greater. For non-architectural and engineering services, a small purchase procedure or simplified acquisition process will be used. For architectural and engineering services with an estimate of less than \$65,000, the municipality may choose to use either a QBS process or a small purchase/ simplified acquisition process. Details on these processes are detailed below.

### • QBS PROCESS FOR ARCHITECTURAL AND ENGINEERING SERVICES

The municipality shall solicit services via a Request for Qualifications (RFQ). A Scope of Services will need to be developed and a cost estimate shall be prepared for municipal and VTrans use only. The RFQ solicitation shall clearly state what the basis of selection will be. Awards are made through negotiation with the most qualified firm that offers such services, assuming successful negotiations can be made.

- **PROCESS FOR NON-ARCHITECTURAL AND ENGINEERING SERVICES**

(This process may also be used for architectural/ engineering services if the contract amount is expected to be less than \$65,000)

| Estimated Cost of Work | Type of Procurement Procedure |
|------------------------|-------------------------------|
| Under \$1,000          | Document Choice               |
| \$1,000 to \$10,000    | Small Purchase                |
| \$10,000 to \$100,000  | Simplified Acquisition        |
| Over \$100,000         | Formal Acquisition            |

- **Document Choice** – The municipality shall document why a particular source was chosen as well as the amount of the services and provide this documentation to VTrans.
- **Small Purchase Procurement** – The municipality must solicit price quotations and/or proposals from three or more sources that customarily offer the services. Choice of service providers should not be based solely on cost. Follow-up documentation of this process must be provided to VTrans, to include: a description of the qualifications sought in the solicitation and why the chosen source meets their needs. Also provided should be a description of the prices charged by the sources and an explanation as to why such charges are both cost effective and reasonable.
- **Simplified Acquisition Procurement** – The municipality shall solicit services by requests for proposals. A scope of services and cost estimate shall be prepared for municipality and VTrans use only. Written proposals from three or more sources that customarily offer these services shall be sought via a request for proposal. It shall be clearly stated to all sources what the basis of selection will be. Awards are generally made based on technical merit and responsiveness to the scope of services. The comparative costs of the proposals may be considered but should not be the main basis of selection. Follow-up documentation must be provided to the Agency in support of the process and the chosen source.
- **Formal Acquisition Procurement** – This process is similar to the simplified acquisition process but a broader range of applicants must be sought. In order to accomplish this, it is suggested that municipalities advertise in a larger, area wide newspaper such as the Burlington Free Press and coordinate with the LTF Project Supervisor to include your solicitation on the Vermont Business Assistance Network (VBAN).

## PROPOSAL EVALUATION AND SELECTION

A selection committee is formed, to include a VTrans representative and at least two (2) municipal representatives. A municipal contact is identified in the RFQ/ RFP and will be the person to answer all questions and receive all proposals. Other than routine questions, all questions must be answered in writing and distributed to all potential proposers. This is to ensure that all proposers have received the same information. The RFQ/ RFP's are then issued, as outlined above, with a specific deadline (date, time & place) when the proposals are due. Late proposals cannot be considered.

Once the proposal deadline has passed, copies of the Technical Proposals will be sent to the selection committee members for them to evaluate. For the non-QBS process, if Cost Proposals were sought, they shall be held unopened by the receiver until the committee meets to discuss the evaluations. In this instance, the Cost Proposals may be opened and examined once the Technical Proposal rankings are discussed. If after evaluation of proposals, there are questions on one or more of the proposals, it may be advantageous to hold interviews with consultants to clarify issues.

The selection committee selects a consultant after weighing all information. In some cases the governing board of the community (i.e.: Selectboard, City Council) will need to concur with the recommendation of the selection committee. The municipality then prepares a documentation letter for project files. The municipality also prepares letters informing all proposers of the selection. A contract is then prepared, subject to VTrans concurrence, then signed by the municipality and the selected consultant.

June 20, 2007  
 Handout on SHSP  
 from Kevin Mander

OUTREACH AND  
 TRANSITION

| SHSP Page        | Strategy | Functions   |                |                |                         |
|------------------|----------|-------------|----------------|----------------|-------------------------|
|                  |          | Legislation | Infrastructure | Law Compliance | Performance Measurement |
| CEA 1            | 1        |             | X              |                |                         |
| Run-Off-The-Road | 2        |             | X              |                |                         |
| SHSP Page 32     | 3        |             | X              |                |                         |
|                  | 4        |             | X              |                |                         |
|                  | 5        |             | X              |                |                         |
|                  | 6        |             | X              |                |                         |

|               |   |   |  |   |   |
|---------------|---|---|--|---|---|
| CEA 2         | 1 | X |  |   |   |
| Young Drivers | 2 |   |  | X |   |
| SHSP Page 39  | 3 | X |  |   | X |

| SHSP Page                              | Strategy | Functions                                                                         |                |                |   | Performance Measurement |
|----------------------------------------|----------|-----------------------------------------------------------------------------------|----------------|----------------|---|-------------------------|
|                                        |          | Legislation                                                                       | Infrastructure | Law Compliance |   |                         |
| CEA 3<br>Intersections<br>SHSP Page 46 | 1        | Improve operation at intersections                                                | X              |                |   |                         |
|                                        | 2        | Improve visibility by providing enhanced signing and delineation                  | X              |                |   |                         |
|                                        | 3        | Improve maintenance and visibility of signs and markings                          |                | X              |   |                         |
|                                        | 4        | Improve geometry at intersections                                                 |                | X              |   |                         |
|                                        | 5        | Implement physical changes on the approaches to and at intersections              |                | X              |   |                         |
|                                        | 6        | Increased enforcement and traffic control devices at intersections                |                |                | X |                         |
|                                        | 7        | Reduce speed at intersections                                                     |                | X              |   |                         |
|                                        | 8        | Increase public awareness at High Crash Locations                                 |                |                |   | X                       |
|                                        | 9        | Implement local program for identifying and prioritizing High Crash Intersections |                | X              |   | X                       |

|                                    |   |                                                                                       |   |  |   |   |
|------------------------------------|---|---------------------------------------------------------------------------------------|---|--|---|---|
| CEA 4<br>Seat Belt<br>SHSP Page 57 | 1 | Raise awareness of the importance of safety belts & the link to air bag effectiveness |   |  |   | X |
|                                    | 2 | Pursue a standard safety belt law                                                     | X |  |   |   |
|                                    | 3 | Increase enforcement of traffic safety laws in Vermont                                |   |  | X |   |
|                                    | 4 | Engage the Vermont business community in mitigation efforts                           |   |  |   | X |

| CEA                                       | SHSP Page | Strategy | Functions                                                            |                |                |                         |
|-------------------------------------------|-----------|----------|----------------------------------------------------------------------|----------------|----------------|-------------------------|
|                                           |           |          | Legislation                                                          | Infrastructure | Law Compliance | Performance Measurement |
| CEA 5<br>Impaired Driving<br>SHSP Page 62 | 63        | 1        | Improve the public awareness of impairment                           |                |                | X                       |
|                                           | 64        | 2        | Improve the public awareness of the consequences of impaired driving |                |                | X                       |
|                                           | 65        | 3        | Convince the public that DUI apprehension is likely                  |                | X              | X                       |
|                                           | 67        | 4        | Convince the public that punishment is likely                        | X              |                | X                       |

|                                                      |    |   |                                                 |   |  |   |
|------------------------------------------------------|----|---|-------------------------------------------------|---|--|---|
| CEA 6<br>Speeding Aggressive Driving<br>SHSP Page 68 | 69 | 1 | Convince the public that punishment is likely   | X |  | X |
|                                                      | 70 | 2 | Educate the public to why it is dangerous       |   |  | X |
|                                                      | 71 | 3 | Convince the public that apprehension is likely |   |  | X |
|                                                      | 72 | 4 | Improve the education of novice drivers         |   |  | X |
|                                                      | 73 | 5 | Develop a remedial driver education course      |   |  | X |

|                                |    |   |                                                                                 |   |   |   |
|--------------------------------|----|---|---------------------------------------------------------------------------------|---|---|---|
| CEA 7<br>Alert<br>SHSP Page 74 | 75 | 1 | Enact cell phone restriction legislation                                        | X |   |   |
|                                | 76 | 2 | Install shoulder and/or centerline rumble strips                                |   | X |   |
|                                | 77 | 3 | Enhance effectiveness/awareness of safety rest stops                            |   | X | X |
|                                | 78 | 4 | Increase driver awareness of dangers associated with distractions while driving |   |   | X |

802-674-5943

Fax to: John Lens  
GeoDesign

6/20/2007 - ACEG/VTRANS

Attendees:

| name              | affiliation              | e-mail                        |
|-------------------|--------------------------|-------------------------------|
| Greg Edwards      | Stantec                  | greg.edwards@stantec.com      |
| MARVIN W. MILLER  | GREEN INTERNATIONAL      | m.w.miller@greenintl.com      |
| Janis Dewey       | AOT                      |                               |
| RICHARD TETREAULT | VTRANS                   | richard.tetreault@state.vt.us |
| Mike Lezer        | VTRANS                   | mike.lezer@state.vt.us        |
| Jim Bush          | VTRANS                   | Jim.Bush@state.vt.us          |
| And Morse         | VTRANS                   | And.Morse@state.vt.us         |
| DALE SPAULDING    | Louis Bergeron           | dspaulding@louisberger.com    |
| BRIAN CLOOSTON    | " "                      | bclooston@louisberger.com     |
| PETER HOWE        | FAY SPOFFORD + THORNDIKE | PHOWE@FSTINC.COM              |
| BOB KLIMM         | PB                       | Klimm@pbworld.com             |
| Helen Estroff     | VTRANS                   | helen.estroff@state.vt.us     |
| Alan Neveau       | VTRANS                   | al.neveau@state.vt.us         |
| Kevin Marshia     | VTRANS                   | Kevin.marshia@state.vt.us     |
| JOHN LENS         | GEODESIGN                | j.lens@geodesign.net          |
| Mark D. Richter   | FHWA                     | Mark.Richter@fhwa.dot.gov     |
| Frank J. Ambrosio | URS Corp.                | frank_ambrosio@urscorp.com    |
| Chris Baker       | VHB                      | cbaker@vhb.com                |
| DALE GOZALKOWSKI  | CHA                      | dgozalkowski@cha-llp.com      |
| Rach Laocelle     | CLO                      | raacl@cedagencies.com         |
| Daniel Hudson     | CS                       | danh@dldesigners.com          |
| Lon Wixson        | MJ                       | LWIXSON@MJINC.COM             |