

## AGC/WSDOT ROADWAY TEAM

### Meeting Summary: February 21, 2013 Meeting

#### Attending:

	Member	Company	Phone	E-mail
	Bob Glenn	Lakeside Ind	360-533-0610	<a href="mailto:bglen@techline.com">bglen@techline.com</a>
X	Dan Glover	Tucci & Sons	253-922-6676	<a href="mailto:dgllover@tucciandsons.com">dgllover@tucciandsons.com</a>
X	Bill Grady	KLB Constr	425-355-7335	<a href="mailto:billg@klbconstruction.com">billg@klbconstruction.com</a>
	Brad Halvorson	Kiewit	425-255-8333	<a href="mailto:bradhalvorson@kiewit.com">bradhalvorson@kiewit.com</a>
	Gil McNabb	WSDOT	206-440-4758	<a href="mailto:mcnabbg@wsdot.wa.gov">mcnabbg@wsdot.wa.gov</a>
X	Mike Morishige	WSDOT	360-704-3271	<a href="mailto:morishm@wsdot.wa.gov">morishm@wsdot.wa.gov</a>
X	*Mike Fleming	WSDOT	360-705-7830	<a href="mailto:fleminm@wsdot.wa.gov">fleminm@wsdot.wa.gov</a>
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	Scott Stephens	Totem Electric	253-383-5022	<a href="mailto:scott@totemelectric.com">scott@totemelectric.com</a>
	Ken Stone	WSDOT	360-570-6642	<a href="mailto:stonek@wsdot.wa.gov">stonek@wsdot.wa.gov</a>
X	Chris Tams	WSDOT	360-442-1341	<a href="mailto:takd@wsdot.wa.gov">takd@wsdot.wa.gov</a>
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\*Team Co-Chair

Minutes are available online at:

<http://www.wsdot.wa.gov/biz/construction/IndTeams.cfm#AGCRoadTeam>

#### Introductions:

Personnel and Table of Org changes in the Construction Office were shared, including having one ASCE assigned to regions/mega projects as the point of contact for all Administrative, Roadway and Bridge related issues. Denys Tak is no longer on the WSDOT/AGC Roadway Team. He is now working under Craig McDaniel in the Construction Office working on policy and Chris Tams from SWR has taken his place on the team.

#### Minutes of Other Team Meetings

- **AGC/WSDOT Admin Team** – Discussed new requirements and guidance regarding Call Before You Dig. There's a new system for reporting a strike called DIRT (Damage Incident Reporting Tool). When marks are placed they are to be maintained by the contractor at least 45 days and longer as needed. Most in the group were aware of the new requirements. Other changes have been made and are available on line.

- Follow up discussion on the review of the Force Account terms being done by the WSDOT/AGC Admin Team. Ten other states with similar business structures were reviewed for how they implement force account. All of those states had lower force account rates than what WSDOT does. There are several areas that need improvement such as more consistency statewide in how force account is implemented and paid for (invoices, equipment rates, specialty services....). The Admin Team will continue to pursue improvements.
- **AGC/WSDOT Structures Team** – No Comments

### **Old Business**

- WSDOT still plans to pursue an embankment in-place and lump sum TESC pilot project (s) in the future. Mike will follow up with the SR522 Bickford project to see how the NPDES transfer and lump sum TESC is working out.

### **New Business**

- Mike shared the letter from FHWA regarding clarification of manufactured products under Buy America. Basically items such as cabinets, clamps, fittings, sleeves, washers, low strength bolts, nuts, screws etc..... are not subject to Buy America coverage. This is different than where we were in the past and caused a lot of paperwork and time to work through. The FHWA and WSDOT letters are attached regarding this clarification.
- The change order process will be going through a lean workshop effort to try and streamline the process and eliminate waste. Mike asked for feedback and the team mentioned that there are variations in how change orders are processed around the state. Also mentioned was late processing and payment of change orders after an agreement had been made, using force account as a default and becomes basis for change order instead of assigned risk up front, and consider electronic change order processing. Team members were going to think on the issue more and provide additional feedback at the next meeting.
- Mike discussed an NCHRP study he is a panel member on regarding the development of a guide on selecting and implementing sustainable highway construction practices. The study will be looking for volunteers from the construction industry to participate in an on-line survey and a potential follow up phone interview to ask about company practices and ideas. Wanted to notify the group in the event they are interested or are contacted.
- Mike provided an update on the CRC project. The tentative schedule for issuing the RFQ is this coming May and the final RFP at the end of the year with NTP by summer of 2014. This is an aggressive schedule and will most likely change.

### **Next Meeting Dates**

- **March 21<sup>st</sup>**
- **April 18th**



January 15, 2013

TO: Region Plans Engineers  
Region Documentation Engineers  
Region Construction Engineers  
Region Project Development Engineers

THRU: Pasco Bakotich *PBW*

FROM: Jeff Carpenter *JC*  
360-705-78

SUBJECT: **Clarification of Manufactured Products under Buy America**

On December 21, 2012 the FHWA sent out a memo to clarify their position with regard to application of Buy America requirements to manufactured products.

The FHWA memo reads in part as stated in italics below, clarifying statements are added in bold:

*The FHWA deems a product to be manufactured predominantly of steel and iron if the product consists of at least 90% steel or iron content when it is delivered to the job site for installation. To clarify; the 90% is a percentage of the total monetary value of the manufactured product. To determine the 90% value, divide the raw steel or iron cost by the total manufactured product cost (without taxes, shipping, handling or other fees applied), and if the percentage is equal to or greater than 90% of the final manufactured product cost then Buy America applies.*

*For purposes of applying Buy America and determining whether a product is a steel or iron manufactured product, the job site includes the sites where any precast concrete products are manufactured. To clarify; in the specific case of "precast concrete products" the casting yard is considered part of the "job site" for Buy America purposes, and therefore the iron or steel materials delivered to precast yard are subject to Buy America. (rebar, grates, etcetera)*

The second page of the memo lists several typical "*miscellaneous steel or iron components,*" that are exempted from Buy America. The list is not intended to be all-encompassing, but rather reinforces a concept that the myriad minor iron and steel subcomponents used to assemble products are not subject to Buy America. This exemption applies to manufactured items as well as on site fabrication.

*The miscellaneous steel or iron components, subcomponents and hardware necessary to encase, assemble and construct the above components (or manufactured products that*

*are not predominantly steel or iron) are not subject to Buy America coverage. Examples include, but are not limited to, cabinets, covers, shelves, clamps, fittings, sleeves, washers, bolts (this does not mean high strength bolts), nuts, screws, tie wire, spacers, chairs, lifting hooks, faucets, door hinges, and etcetera.*

Typical examples;

- Steel electrical conduit installed at the site,
  - 90% rule applies
    - BA criteria applies
- VMS sign
  - 90% rule applies
    - BA would typically not apply
- VMS steel supporting structure
  - Specifically called out in the bulleted list (12/21/12 Memorandum #HIPA-30)
    - BA criteria applies
- Electrical cabinets,
  - Exempted as “*miscellaneous steel or iron components,*”
    - BA typically would not apply
- Off the shelf or special order catch basins,
  - This qualifies as “*precast concrete products,*”
  - “*the job site includes the sites where any precast concrete products are manufactured,*”
    - Materials are subject to BA criteria
- Standard nuts, bolts, fasteners for mounting signs
  - Exempted as “*miscellaneous steel or iron components,*”
    - BA typically would not apply
- High strength bolts/anchor bolts,
  - BA criteria applies
- Bridge Expansion Joint,
  - Nuts, bolts fasteners
    - Exempted as “*miscellaneous steel or iron components,*”
      - BA typically would not apply
  - 90% rule applies as it is delivered to the site
    - BA may or may not apply
- Walls, regardless of type
  - Nuts, bolts fasteners
    - Exempted as “*miscellaneous steel or iron components,*”
      - BA typically would not apply
  - MSE straps or equivalent
    - BA criteria applies
  - Precast elements
    - See “*precast concrete products*” criteria

- Materials are subject to BA
- Assembled on site
  - Materials as they are delivered to the jobsite,
  - BA criteria applies

The 90% rule applies to items that are manufactured offsite and delivered to the jobsite as a unit (except in the case of precast concrete where the point of manufacture is considered the jobsite.) Walls that are assembled on site are not considered a manufactured item and therefore are not subject to the 90% rule as a unit. The individual materials must meet buy America when they are delivered to the job site.

This FHWA memo does not require any change to current specification language concerning Buy America. This memo does not impact the requirement for materials permanently incorporated beyond the exemption of the noted minor items.

You may apply this clarification of the Buy America requirements to your current contracts. Consistent determinations of the application of Buy America are critical to our ability to enforce this requirement statewide. Therefore, if you have unusual items that do not lend themselves to the criteria, contact your Assistant State Construction Engineer for a determination.

Updates are being made to Construction Manual Chapter 9-4 Specific Requirements for Each Material, which will address the Buy America documentation requirements for material acceptance.

Please give this information wide distribution as appropriate.

If you have any questions, contact Craig McDaniel, 360 705 7823 or Mike Grigware 360 705 7831.

EJC/mgj

cc: Jay Alexander CPD&M 47325  
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Ahmer Nizam-Utilities 47329  
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Anthony Sarhan-FHWA

## AGC/WSDOT ROADWAY TEAM

### Meeting Summary: November 21st, 2013 Meeting

#### Attending:

	Member	Company	Phone	E-mail
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	Anthony Sarhan	FHWA	360-753-9412	<a href="mailto:Anthony.sarhan@fhwa.dot.gov">Anthony.sarhan@fhwa.dot.gov</a>
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\*Team Co-Chair

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#### Introductions:

Mike and Dave provided a quick update on the filling of two ASCE positions at HQ Construction, replacing Dave Jones who is going to the Materials Lab and backfilling a vacancy left by Stuart Bennion. It is anticipated one of the positions will basically take over Dave Jones' areas and the other be assigned a few PE's along with being more engaged in the technical structural issues.

#### Minutes of Other Team Meetings

- **AGC/WSDOT Admin Team** – No comments
  
- **AGC/WSDOT Structures Team** – No Comments

#### Old Business

## **New Business**

- Frank brought up some concerns regarding how we measure street cleaning and some the complications it has created. He said they are charged by their subs for the time in between performing the actual sweeping and believes this should be paid for by WSDOT or somehow accounted for. He gave an example where they were not being paid for transport time between areas of the project even though it was a continuous operation and they had no other option for getting the sweeper from one location to another other than a long route due to staging and the project layout. The current specs only allows for payment of actual sweeping time. It was agreed that WSDOT would review this specification for possible revisions to account for this issue. A couple ideas discussed included payment by lump sum, pay off of invoice, making it incidental to other work or measuring per day.
- Had some discussion about contractor versus WSDOT surveying on projects. It was shared that often times WSDOT will provide the surveying based on workforce availability and varies between regions and even project offices. Frank said that from his perspective either way works as long as the WSDOT surveyors can stay ahead of their work.
- An issue that has come up in the past and is again being pushed as being standard practice is providing electronic data files during the bid period such as DTM's and earthwork runs. Some project offices have been providing this data after the project is awarded and others have not. WSDOT is considering making a change to our specifications and policy to provide this information during the bid period.
- WSDOT is completely revising Section 1-04.4(2) regarding CRIP's to incorporate actual language detailing the criteria and parameters in lieu of referring to the construction manual for this information. Adding this language would lay out the process in detail and become a part of the standard specifications. Draft language has been developed and will be finalized in the near future.
- Cost escalation was brought up as to whether it should continue to be included in contracts or not. Frank shared that he thought it made sense to leave it in and account for the continued volatility of the market.

## **Next Meeting Dates**

- **January 16th**