The ACEC/OTA/ODOT Construction Management Working Group met on November 14, 2023.  In attendance were Shawn Davis, Will Snipes, Geoff Covalt, and Rick Bond.  Topics discussed are below:

* ODOT Construction Engineers met recently to discuss the issue of flexibility to substitute key personnel on projects.  The consensus is that the primary Inspector should remain on the Key Personnel page.  Substitution can be OK with good communication and justification (vacation, sick, etc.) but they want the primary to be the primary.  Many times the selection of a consultant firm for a project is based on the availability of a specific inspector or Resident Engineer.
* ODOT CE’s also stated that reviewing invoices can be confusing when the Key Personnel job classes don’t match the Contract/TOPS job classes- (Resident Engineer vs. Engineering Manager 2; Project Manager vs. Construction Manager; Auditor vs. Project Manager 1; etc.)  One suggestion is to have a “billed as” line under the name in the Key Personnel sheet.
* ODOT CE’s also discussed somehow standardizing mileage reimbursement on task orders.  No decision was made.  It will be difficult to arrive at one method due to the difference in a firm’s established accounting practices.  Much of it is driven at the corporate level and there is a reluctance to change.
* ODOT stated that delayed invoicing is a problem.  The example was given of a project that had been completed and time charges for services was received months later, with charges up to a year old.  It was pointed out that monthly invoices are required contractually by the 10th of the following month.  Also discussed was the fact getting these in by the 10th is an issue for some and 30 days after month end is more reasonable.

ODOT encouraged everyone to stay current.

* ODOT advised that there is interest in trying more Risk Based Inspection and asked for input.  RBI is not a problem for Engineering support or Lab support.  The issue is managing the primary inspector.  If the consultant has a part-time inspector who doesn’t need a full-time paycheck, or if small projects are bundled to account for a full time effort for the inspector, then it is no problem.  Bundling can present a problem if the jobs don’t start and finish concurrently.  Mr. Green commented that there is private sector liability issue that should be discussed further.
* ACEC asked for clarification on the process or restrictions when an ODOT employee leaves and goes to work for a consultant.  ODOT suggested talking directly with Sarah Penn, ODOT’s General Counsel.
* ACEC asked if any decisions have been made regarding the CM contracting methods- On-Demand not-to-exceed limits; solicitation for CM services on larger, stand-alone projects; IDIQ type contracts where all task orders are encumbered from one large funding source.  Director Davis favors a free market approach with no artificial constraints but no formal decision has been made.  Mr. Green commented that this approach has been considered in the past by Senior Staff and decided against.  Further discussion and consideration is required.
* ODOT stated that consultants are rated before the final invoice is approved, and that the ratings will be integrated into the selection process.  ACEC asked if these ratings can be made available to the consultant.
* ODOT advised that the Construction industry has inquired about providing a quality control line item. QA will still be performed by ODOT / Consultant personnel.