



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of South Carolina

ACEC-SC TRANSPORTATION COMMITTEE

Meeting Agenda

Tuesday, May 16, 2023

Michael Baker International,

Columbia, SC

[Zoom](#)

1. **Call to Order** Emily Swearingen, PE
2. **Welcome/Mission** Emily Swearingen, PE
3. **Approval of Minutes** All
4. **Review of Partnering Committee Meeting on February 23, 2023.** Partnering Committee Members
5. **Transportation Executives Committee & Transportation Subcommittees Work** Berry Still
Emily Swearingen
 - ACEC-SC Action Items
 - i. SF 330s
 - ii. Costs Survey
6. **SCDOT Updates to Low Volume Bridge Criteria** Emily Swearingen, PE
7. **Standing Committee Reports** Committee Co-Chair(s)
 - Mid-Level Designers Group
 - Construction Engineering & Inspections (CE&I)
 - Joint Design Build
 - Environmental
 - Traffic
 - Road Design
 - Hydraulic Design
 - Right of Way
 - Utilities
 - Bridge Design
 - Survey/SUE
 - Geotechnical
 - Professional Services
 - Bentley Open Roads
8. **Partnering Committee Meeting Agenda Items** All
9. **ACEC-SC Ex. Dir. Report -** Adam B. Jones
10. **ACEC National Transportation Update** Melvin C. Williams
11. **Future Meetings**

ACEC-SC/SCDOT Mid-Level Designers May 24, 2023

2023 ACEC-SC Transportation Committee Dates

 - August 3, 2023
 - November 9, 2023

ACEC-SC / SCDOT Partnering Committee Meeting Dates (Members only)

 - May 25, 2023
 - August 24, 2023
 - November 23, 2023

ACEC-SC/SCSPE Winter Meeting 2/15/2023

SC Engineering Conference & Trade Show 6/15-18/2023

 - ACEC-SC Annual Meeting 6/15
 - CEO Roundtable 6/15

ACEC-SC Kick-off Membership Meeting August 3, 2023

ACEC-SC/SCDOT Annual Meeting December 13, 2023
12. **Other Business**
13. **Adjourn**



AMERICAN COUNCIL OF ENGINEERING COMPANIES

Transportation Committee Meeting

February 9, 2023

Michael Baker International

Call to order: The meeting was called to order by Transportation Committee Chair Emily Swearingen, PE (AECOM) 2:03 PM. Introductions were then made.

Approval of Minutes: The meetings were approved without objection.

Review of Partnering Committee Meeting: Chair Swearingen touched on what was discussed at the Partnering Committee Meeting. The meeting minutes were in the packet.

SCDOT Pilot Two-Step Procurement: Darrin Player and Nick Pizzuti joined the meeting from SCDOT to discuss the two-step procurement pilot program they are launching.

2-Step Procurement Pilot – Darrin Player and Nick Pizzuti:

- A bridge project is on the tentative list to test the 2-step procurement method
- 2 steps consist of: 1. RFQ 2. RFP
- SCDOT intends to test on one project and then seek feedback
- Step 1 – RFQ: 10 page limit focused on the qualifications of the team including team structure/organization, key staff, project experience and past performance. SF 330s will be used in this step and well as the 2-tier workload scoring. SCDOT will shortlist up to 5 teams and those teams will be informed of their Step 1 scores. Step 1 scores will roll into Step 2.
- Step 2 – RFP: Shortlisted teams will submit a technical proposal for evaluation and selection.
- A key bit of feedback that SCDOT will be seeking is how much time is appropriate between the shortlist being published and the due date of the RFP.
- The selection committee will be the same for both steps and Darrin and Nick will sit on the first selection committee.
- 2-step procurement will only apply to project-specific opportunities. On-Calls will remain the same.
- SF330s can be stored in ProjectWise and RFQ submittals can request that Procurement pull a specific SF330 to insert into the review packet.

Transportation Executives Committee: TEC Chair Berry Still, PE, discussed the action items coming from the TEC regarding SF 330s and perceived cost escalation at SCDOT. He asked the committee to help the Professional Services Committee work on a streamlined 330s process. It has to be a uniform, comprehensive, 330 process that will not cause SCDOT to do more work. He stressed that all the consultants have to be on board with this for it to work. It would be put in one time a year and then updated as needed.

- TEC will do a Pro and Con list of what other states around us do.
- We will create a SF 330 process that is:
 - Uniform/Comprehensive
 - One time a year, needs to be comprehensive
 - All consultants have to be on board with this (so it is a level playing field)
 - Has to not add work to SCDOT.

We also need help doing a peer state review of costs on Bridge and CE&I. TEC, Emily, bridge subcommittee, and CE&I subcommittee are working on the methodology. Then we'll let them look at the methodology, and then we will move forward. We will need your feedback on this.

- Discussion ensued on what we will look at, how they will perceive it, etc.

Standing Committee Reports:

- Mid-Level Designers: working on meeting
- CE&I report below: see the minutes provided in the packet.
- Alternative Delivery: See the minutes provided in the packet.
- Environmental: See minutes in packet
- Traffic: see minutes in packet
- Road Design: see minutes in packet
- Hydraulic Design: see minutes in packet
- Right of Way: see minutes in packet
- Utilities: see minutes in packet
- Bridge Design: see minutes in packet
- Survey/SUE: see minutes in packet members to review.
- Geotechnical: see minutes in packet
- Professional Services: see minutes in packet
- Bentley Open Roads: no report

Swearingen said, if you're on the committee, hold meetings and report back to us. Committee Chairs need to attend.

Executive Directors Report: Executive Director Adam B. Jones gave the following report:

Legislative Update

- Legislation (potential)
 - Progressive Design Build
 - Representative Gary Brewer (HDR) is drafting legislation to give SCDOT & CTCs to have the opportunity to use Progressive Design Build as a procurement method.
 - Will only create the option to use it
 - DHEC/Permitting Septic Tanks after Design is sealed:
 - ✓ Representatives Chapman and Brewer have approached ACEC-SC/SCSPE to see if we would support a bill that would allow a Professional Engineer to design a site with a septic tank before the site is permitted by SCDHEC
 - ✓ DHEC seems to not have a problem with this, as in the end, the PE is on the hook for the design
 - They said DHEC needs more registered soil classifiers to speed up the permitting process
 - PEs can do Soil Classification
 - SCDHEC opening Mining Regulations

- ✓ Being pushed by Rep. Annie McDaniels because there is a mine in her district near a school
- ✓ DHEC has heard from industry and Rep. Gary Brewer that this could stifle infrastructure progress
 - SCDOT is exempt according to DHEC
- ✓ ACEC-SC created a list of industry stakeholders to provide DHEC if this moves forward

- Legislation

- H.3605 (LLR) – Primary Sponsor Speaker of the House Smith & LCI Chair Sandifer
 - ✓ Forbids Board to deny license just because they have a criminal record
 - ✓ Changes investigative process when someone is reported.
 - Licensee will be told whom they were reported by and why
 - Some exceptions
 - I take issue with this, but every other lobbyist I've talked to that works with Boards have no problem with it.
 - We can fight this in the Senate, but we need a coalition.
- H. 3607 (Building Codes) Primary Sponsor LCI Chair Bill Sandifer
 - Home Builder Bill, we've defeated for the past six years.
 - ✓ Changes adoption of codes to every six years
 - ✓ A coalition of contractors, architects, engineers, firefighters, insurance, and agri-business is against it again.
 - We would agree to agree upon language from 2019
 - Commercial three years Residential six years
 - We would still try to kill it in the Senate
 - Meeting with Sandifer on Monday
- H. 3748 (Modernization of SC Code 16-11-680/ John Scanlonville Act) – Surveyors bill
 - Introduced by Rep. Caskey. Co-Sponsors: Brewer, Erikson, Wooten, Whetmore, & Hartnett
 - Increases fine for moving survey monument to \$500/maker.
- Indemnity/Duty to Defend (Designer Fair Contracting Act)
 - Senator Alexander will Introduce it again this year
 - ✓ I will identify co-sponsors once it is introduced
 - Johnson, Bennett, Cromer
 - Working on new language
 - ✓ Adding definitions AGC wanted
 - ✓ I will talk with Alexander about putting it in Insurance. Sen Micahel Johnson volunteered to co-sponsor in Senate.

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- ✓ I will ask approach Representatives Sandifer, Hardee, Jason Elliott, Micah Caskey, and Roger Nutt in the House.
 - Rep. Gary Brewer (HDR) volunteered to co-sponsor
- ✓ ACEC-SC, ACEC-NJ, and ACEC-WI received a Minute Man Grant for a video to explain to members and legislators
 - <https://www.youtube.com/watch?v=JFKp7XLH56o>
- Fair Share Act / Lawsuit Reform
 - S.353 (Massey Bill)
 - ✓ Massey accidentally reintroduced the last session's bill.
 - Still going to introduce a bill with Senator Alexander as the lead sponsor
 - Same as 353, but deleting subsection F
 - This answers the Supreme Court's question
 - I've met with Senators Adams, Bennett, Loftis, & Williams on the issue
 - Currently have about 20 Co-sponsors
 - Need 26
 - 26 votes pass the bill
 - SCCLR hired First Tuesday to do PR for the issue
- Legislative Reception
 - Presentation by SCCLR's Tom Mulliken before was well received
 - Best turnout by Legislators in years (62)
 - SCDOT Leadership & Three Commissioners attended
 - I would have liked to see more Engineers
- Board of Registration
 - Are looking to fund taking the PE & PLS out of the Education Fund
 - ✓ \$100k/year
 - ✓ \$600k in the account
 - Jones asked to be on the committee discussing this but has yet to be appointed.
 - ✓ I want to suggest one-two ACEC-SC members & one-two SCSPE members sit on the committee if they do not allow me to sit on it.
- Engineering Excellence Awards
 - Emcee: Jeff Urbanchuk, ACEC Senior VP of Communications
 - 21 Entries
 - Gala was 2/8/2023
 - HDR Hugh K. Leatherman Terminal, Phase 1 Site Development' Palmetto Award winner
- Winter Meeting
 - 2/15/2022
 - Good Slate (thanks Environmental Committee)
 - ✓ Two Transportation Environmental Topics
 - ✓ Register [Here](#)
- Engineers Day on the Hill

- Reserved Blatt Building (9:00) room for a private meeting with Legislators & Association/Society Leaders
- Presentation at 10:30 (Lobby)
- Recognized in Balconies when they gavel in
- Proclamations from Governor, House (Rep Brewer) & Senate (Senator Bennett)
- RSVP [here](#)
- ACEC-SC Strategic Planning Retreat w/ Chuck Black
 - 3/17-19/2023

The meeting adjourned at 3:34 PM.

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ACEC-SC/SCDOT Partnering Committee Meeting

February 24, 2023

SCDOT HQ

Call to Order: The Meeting was called to order at 2:02 by co-chair John Boylston. The following were present: John Boylston, Leland Colvin, Maggy Hendry, Christy Hall (for a portion), Brent Rewis, Eric Burgess, Shannon Meder, Randy Young, Rob Perry, Wrenn Barret, Nick Pazzuiti, Darrin Player, Greg Davis, Robbt Isgit, Hamlin, Leah Quadlebaum, Raven Gambrell, Daniel Atkinson, Dan Chism, Chris Gaskins, and Adam B. Jones. A motion was made, seconded, and passed to approve the minutes from the November meeting.

SCDOT Update:

Deputy Secretary Leland Colvin thanked the consulting community for its work with SCDOT. He then reported:

- January Commission approved widening projects on three more segments of interstate
 - I-95 after Exit 33
 - I-95 NC state line to Florence
 - I- 26 little mountain to 385/85 split
- He noted that Rob Perry has been named “Chief Engineer for Bridges.”

Chief Engineers for Bridges, Rob Perry, reported

- The goal is 500 bridges in 10-year plan.
- Request for bridge money in the budget from Legislature
 - This will also help move port traffic
 - 26, 95, 85 first look
 - Never close interstate bridges; if so, short time
 - Not much change in project delivery
 - Rehabs
- Project Pipeline
 - Interstates advertising of I-95 from 21 -33 this quarter (widening)
 - I-26 looks for some form of the project between east of 95 to Ridgeville (187)
 - Figuring out the delivery method
 - Consultants will help.
- Standard Scope
 - Professional Services Subcommittee spoke about an effort Jenn Necker has been working on.
 - Standard Scope, so SCDOT people will all have the starting place (same time)
 - Nick Pazuitti is co-chairing this with Jen Necker
 - Process improvement internally is what the goal is.
 - Using on pilot projects now

Proposed Changes to Standard Specifications

- Robby Isgett said 2024 Book
 - Wrap up late summer/early fall
 - Go into effect in January 2024
 - Sending to AGC for industry comment

- Pay items will change
 - One division to another
 - Multiple pay items
 - Clean up on things
 - Pre-construction may have to address and change some of the pay items
- Will Consultants get to review this?
 - AGC will give input, and they're the primary target
 - Internal Engineering input will suffice (John's department vetted it)
 - Didn't see a need for Consultant input
 - Burgess, it would still be nice to review it so we can get used to it.
 - It will not be put out until it is "Camera Ready."
 - Construction Manual, CEI partners would want to be a part of that – Chism
 - Yes, we'll at least send it to sub-committee

Secretary Christy Hall, PE:

- Working with the legislature for more investments in infrastructure.
 - Bridges have got traction (House & Governor buy-in)
 - Senate has traction too
 - \$1 billion over five years
 - Infrastructure will be a place for investment for a while
 - Will help industry and state
- SCDOT is ready for investments from the state budget
 - Firms being asked to speed things up appreciate the cooperation on that from our community.
- Senate has some concerns
 - Working with members, tell them what the plan is
- Having Chief Engineer of Bridges, Rob Perry has showed sowed how SCDOT is picking Bridge Projects and how they conside with Act 114.
 - Are we addressing the needs of our freight program?
 - So we're going to a corridor program.
 - SC needs the freight corridors in good shape
 - Lots of repair/rehabs projects over replacement
 - New Money will be zeroed in on 26 & 95 for the Freight Program
 - Keep freight moving
 - Need to focus on our interstate systems first (26 & 95)
 - A billion sounds like a lot, but that will not go far...
 - Staying on the 10-year plan
 - Have to do some reassessing
 - Once funding is secured, Perry will dictate what goes to rehabs and what goes to replacements.
 - The maintenance office has done an excellent job with rehabs, so posted bridges off the interstate that will be put in the pipeline.
 - Three separate tracks of bridges

- Supplemental on top of what SCDOT is doing
- Secondaries, but the interstate is the focus

Limited Notice to Proceed: Invoicing & Payment Process

- The professional Services subcommittee discussed this
- When we can invoice, are there specific steps?
 - Is this case by case, or will there be something posted on how this done
- The process is not any different, except that it goes to a negotiator
 - Consultants can only invoice for direct labor & direct expenses
 - Sub consultants are a direct expense
 - Colvin, internally they, are working with Nick, Maggy, & Darrin to keep consults whole if you have to pay subs/expenses (out of pocket)
 - Not paying overhead until a contract is signed
 - DBEs are saying they're not getting paid in a timely fashion
 - CEI is a lot of it
 - TEC talked about this, but Consultants have to help us. You NEED to pay these folks in a timely fashion.
 - Every 30 days
 - If a sub did work, not a prime, you still invoice
 - IF NO WORK ON THE ENTIRE CONTRACT IS DONE, DON'T INVOICE
 - DBEs have had to take out personal loans or lose staff because they're not getting paid
 - 6-7 months after Prime had been paid, the DBE hadn't been paid

Bentley Open Roads Committee

Iris: Significant progress.

- SUE & Survey is done
- Concerns are traffic and pay items list (end of the year on pay items and earthwork.)
- Update at the highway engineers conference
- RFP for Autodesk is out there
 - On Bentley track but using all tools
- ACEC-SC folks are doing their part
- Stuff will be on the website
 - Good videos
- Timeline?
 - The schedule now is targeted 11/2023 for pilot projects
 - End of the year, if they go well
- 2024 all new projects
 - Saying everything goes well

Low-Volume Bridge Criteria

- Looking at a reevaluation of low volume criteria.
 - Being utilized for a few years
 - Engineers have said where it falls short

- Looking at risk-based approaches
- Applying different standards and different approaches to see if changes need to be made
- Going around to districts
- Looking at preconstruction
- Looking at different state DOTs
- Getting ACEC-SC input
- SCDOT will see what, if any, changes need to be made before sending it to FHWA
- Rob Perry:
 - Low Volume Criteria kept coming up, so they're taking a look at it
 - Had a kickoff meeting with pre-construction
 - Meeting with districts next week
 - They do have a standard they will follow
 - They may get to the end and not make any changes, but they're looking at it
 - ACEC-SC will vet it
- Big on Senior Management's radar (Cost is an issue with bridge replacement)
 - Talked to TEC to see how to save dollars
 - DOT looks at this, too, to see if they're asking for more than we need
 - Should we lower the risk tolerance it may

Transportation Executives Committee Initiatives:

- 330s, looking at a way to make this easier on both sides (streamline)
 - Six weeks
 - Professional Services Committee is looking at this
Creating a methodology on that
- Design/CEI Cost
 - Cost for bridges in SC vs. other states
 - Regional differences? Scope Differences?
 - This is how it is done.
 - This is how it cost

Standing Committee Reports

- Alternative Delivery: Chris Gaskins went over the minutes from the last meeting. Find those [here](#).
- Mid-Level Designers: Jones said they are working on the next meeting now.

ACEC-SC Executive Directors' Report: Adam B. Jones Reported:

- Legislation (potential)
 - SCDHEC opening Mining Regulations
 - ✓ Being pushed by Rep. Annie McDaniels because there is a mine in her district near a school
 - I understand McDaniels has recently changed her stripes on this
 - ✓ DHEC has heard from industry and Rep. Gary Brewer that this could stifle infrastructure progress

- SCDOT is exempt according to DHEC
 - ✓ ACEC-SC created a list of industry stakeholders to provide DHEC if this moves forward
 - Indemnity/Duty to Defend (Designer Fair Contracting Act)
 - ✓ Senator Alexander will Introduce it again this year
 - I will identify co-sponsors once it is introduced
 - ✓ Worked on new language
 - Added definitions AGC wanted
 - I will talk with Alexander about putting it in Insurance. Sen Michael Johnson volunteered to co-sponsor in Senate.
 - ✓ I will ask approach Representatives Sandifer, Hardee, Jason Elliott, Micah Caskey, and Roger Nutt in the House.
 - Rep. Gary Brewer (HDR) volunteered to co-sponsor
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 - <https://www.youtube.com/watch?v=JFKp7XLH56o>

- Legislation

- S. 30/ H 3120: I-95 Corridor Authority Act: Establishes an authority that will carry out economic development, health, and educational improvement activities which, in the opinion of the authority, will improve the economic conditions in its member counties and are located in a member county or an adjacent qualified census track
- SJR 225: Gas Rebate Fund: Will give taxpayers a rebate when gas exceeds \$4.00/gallon
- S. 165: Board of Regulation & Professions and Occupations: Allows some professionals to be licensed through mentorship, also makes it so boards can't deny on criminal record alone
- S. 290 Transportation Facilities Projects: Provide amends 4-37-30 to give tax/toll dollars to Mass Transit
- S. 361/H. 3747: Allows Secretary Hall to approve contract extensions and then be ratified commission.
- S. 532/H. 3748: Modernization of SC Code 16-11-680/ John Scanlonville Act) – Surveyors bill
 - Introduced by Senator Davis in the Senate and Rep. Caskey. Co-Sponsors: Brewer, Erikson, Wooten, Whetmore, & Hartnett
 - Increases fine for moving survey monument to \$500/maker.
- ✓ S.533/H.3503: Fair Share Act / SC Justice Act (Joint & Several Liability)
 - Alexander and 19 other co-sponsors
 - All committee Chairs except for Rankin

- S.353 (Massey Bill)
 - Massey accidentally reintroduced the last session's bill.
 - Same as 353, but deleting subsection F
 - This answers the Supreme Court's question
 - ✓ Working on Senate Bill first, but House Bill has been introduced
 - Need 26
 - 26 votes pass the bill
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 - H.3605: (LLR) – Primary Sponsor Speaker of the House Smith & LCI Chair Sandifer
 - ✓ Forbids Board to deny license just because they have a criminal record
 - ✓ Changes investigative process when someone is reported.
 - Licensee will be told by whom they were reported and why
 - Some exceptions
 - I take issue with this, but every other lobbyist I've talked to that works with Boards has no problem with it.
 - We can fight this in the Senate, but we need a coalition.
 - H 3228: Occupational & Professional Licensing; allows DACA/DREAMERS to be licensed if they are here legally
 - ✓ ACEC-SC sees this as a workforce issue and supports this
 - H. 3726 Statewide Education Workforce Development Act, in short will help promote STEM in K-12 and help with our workforce issues
 - H. 3515 Entrepreneur Freedom Act: repeals licensure laws for Geologist, Landscape Architects, therapists, teachers, and more
 - ACEC-SC sees this as a way to erode licensure.
 - Our Member firms employ Landscape Architects & geologists, so we oppose this legislation.
- Legislative Reception
 - Best turnout by Legislators in years (62)
 - SCDOT Leadership & Three Commissioners attended
 - ✓ Appreciate your attendance
- Board of Registration
 - Are looking to fund taking the PE & PLS out of the Education Fund
 - ✓ \$100k/year

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- ✓ \$600k in the account
 - Jones asked to be on the committee discussing this but has yet to be appointed.
 - ✓ I want to suggest one-two ACEC-SC members & one-two SCSPE members sit on the committee if they do not allow me to sit on it.
- Engineering Excellence Awards
 - 14 DOT award-winning projects
- Winter Meeting
 - 2/15/2022
 - HNTB's Joy Riley presented on Environmental Justice
 - HNTB flew in an expert on EVs & EV Charging and spoke about NEVI and EVs
- Engineers Day on the Hill
 - Good turnout
 - ✓ Resolution by Entire House of Reps
 - ✓ Resolution by Sen Sean Bennett
 - ✓ Governor's Resolution
 - 80+ in attendance
- ACEC-SC Golf Tournament is April 17, 2023

Future Events:

- ACEC-SC Golf Tournament: April 17, 2023
- Partnering Committee Meeting May 25, 2023
- SC Engineering Conference & Trade Show – June 15-17, 2023
- ACEC-SC /SCDOT Annual Meeting - December 13, 2023

- J. OVERTIME, EXTRA-PAY SHIFTS, MULTI-SHIFTS. Where the cost to SCDOT may be affected, this BASIC AGREEMENT should be performed, so far as practicable, without the use of overtime, extra-pay shifts, or multi-shifts, and, in particular, without the use of overtime as a regular employment practice. Any required overtime, extra-pay shifts, and multi-shifts will be limited to the minimum needed for accomplishment of the specific work, will require prior written approval by SCDOT, and will be paid in accordance with Consultant's existing overtime policy.

SECTION VI. MODE OF PAYMENT

- A. MONTHLY INVOICES. Consultant shall invoice SCDOT monthly for services performed under this BASIC AGREEMENT, Consultant shall be paid monthly based on an approved invoice. Monthly or partial payments, at the discretion of SCDOT, may have appropriate retainage withheld until completion and acceptance of the work.

ACCEPTABLE INVOICES. SCDOT considers an acceptable invoice to include:

1. A breakdown of man-hours by classification and rate
2. A line item for overhead
3. A breakdown of the fixed fee
4. A breakdown for other direct costs
5. A breakdown for subconsultant services
6. Signature of certification by an authorized representative of the firm
7. SCDOT's Project Manager may request additional certifications relating to work performed.

NOTE: For approved unit cost BASIC AGREEMENTs, numbers 1 and 2 may be combined and identified by services, volume, and rate. Numbers 3, 4, and 5 shall be by breakdown costs.

- B. PROMPT PAYMENT CLAUSE.

1. Consultant is prohibited from holding undisputed invoices submitted by subconsultants for more than 30 days after receipt of the invoice. Additionally, subject to the provisions on retainage provided in Paragraph (2) below, when a subconsultant has satisfactorily performed a work item of the subcontract, Consultant must pay the subconsultant for the work item within seven calendar days of Consultant's receipt of payment from SCDOT. A subconsultant shall be considered to have "satisfactorily performed a work item of the subcontract" when SCDOT pays Consultant for that work item. In the case of a second or third tier subconsultant, the seven-day time period begins to run when the first tier subconsultant receives payment from Consultant or when the second tier subconsultant receives payment from the first tier subconsultant.
2. Consultant may withhold as retainage up to five percent of a subconsultant's payment until satisfactory completion of all work items of a subcontract. "Satisfactory completion of all work items of the subcontract" shall mean when SCDOT accepts the last work item of the subcontract. Consultant must release to the subconsultant any retainage withheld within

seven calendar days of the date Consultant receives payment from SCDOT for the last work item of the subcontract or within seven calendar days from SCDOT's acceptance of the last work item of the subcontract, whichever is the latest to occur. However, upon written documentation of good cause provided by Consultant and written concurrence by SCDOT's Deputy Secretary for Finance and Administration, Consultant may continue to withhold the five percent retainage.

3. Prior to receiving payment of each monthly invoice, Consultant shall: (a) certify to SCDOT that the invoice is complete and that its subconsultants have been paid for work covered by previous invoices, for which they are entitled to be paid, in accordance with paragraphs (1) and (2) above, and (b) submit verification that Consultant has received similar certifications or evidence from its subconsultants that lower tier subconsultants have been paid in accordance with paragraph (1). No payment will be made to Consultant unless such documentation / certification is received or SCDOT has issued written approval for delayed payment and required status reports as follows:
 - i. The obligation to promptly pay subconsultants (all tiers) or to release retainage does not arise if there is a legitimate subcontract dispute with first tier and / or lower tier subconsultants. If there is such a subcontract dispute, Consultant may submit a written request to SCDOT to approve a delay in payment to the subconsultant which shall explain the nature of the dispute and identify relevant subcontract provisions as support. The explanation may include those reasons set forth in the SC Prompt Pay Act (S.C. Code § 29-6-40). Payment to the subconsultant shall not be withheld without prior SCDOT written approval.
 - ii. Consultant shall submit a status report of the dispute in each monthly progress payment. The status report shall contain:
 - justification for the continuation of nonpayment in the form of a pending judicial proceeding, alternative dispute resolution (ADR) process, or administrative proceedings as evidence of why the delay shall continue; or
 - a certification that the matter is resolved and payment has been issued to the subconsultant (first tier and / or lower tier subconsultants).
4. Failure to comply with any of the above prompt payment provisions shall constitute a material breach of the contract and shall result in one or more of the following sanctions: (1) no further payments being made to Consultant unless and until compliance is achieved; (2) monetary sanctions; and / or (3) Consultant being declared in default and being subject to termination in accordance with the provisions of this BASIC AGREEMENT.
5. Any subconsultant who believes it is due payment in accordance with the Prompt Payment Clause may request information from SCDOT's Professional Services Contracting Office

(PSCO) as to whether and when payment for the subconsultant's work has been made to Consultant. If payment has been made to Consultant, and a subconsultant certifies to PSCO that the subconsultant has not been paid within seven calendar days of SCDOT's payment to Consultant or paid as provided in paragraph (1) for sub-tiers, PSCO will notify the Deputy Secretary for Finance and Administration. If SCDOT has not approved the delay in payment pursuant to paragraph (3) above, appropriate remedies set forth in paragraph (4) will be applied. On federally funded projects, the subconsultant may contact the Federal Highway Administration should SCDOT fail to address the non-payment issue.

6. Consultant agrees by signing this Agreement that it will include this clause titled "PROMPT PAYMENT CLAUSE," provided by SCDOT, without modification, in all subcontracts with its subconsultants. Consultant is responsible for requiring all of its subconsultants to include this PROMPT PAYMENT CLAUSE in all lower tier subcontracts. If Consultant knowingly enters or knowingly allows a subconsultant or lower tier subconsultant to enter into a subcontract without the PROMPT PAYMENT CLAUSE, SCDOT may apply the appropriate remedies set forth in paragraph (4) or pursue other available remedies, including breach of contract.

SECTION VII. GENERAL PROVISIONS

SCDOT and Consultant mutually agree as follows:

- A. OWNERSHIP OF DOCUMENTS. Basic notes, sketches, charts, and other data prepared, furnished, or obtained under this BASIC AGREEMENT are the property of CONSULTANT during the performance period of this AGREEMENT. No material produced in whole or in part under this BASIC AGREEMENT will be subject to copyright in the United States or in any other country. Upon the Effective Date of this Agreement, Consultant grants SCDOT a nonexclusive license to reproduce the Project Documents for the purposes of, but not limited to: promoting, using, maintaining, upgrading, or adding to the Project. Upon completion of the Project or upon default by Consultant, Consultant shall provide copies of all Project Documents to SCDOT in the format designated by SCDOT.

SCDOT shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data, or other materials prepared under this BASIC AGREEMENT.

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Prompt Payment Certification

Contract Number
Contract Amount
Payment Number
Invoiced to Date
Current Invoice Amount

_____ certifies to SCDOT that the invoice is complete and true and that its subconsultants have been paid for work covered by previous invoices, for which they are entitled to be paid, in accordance with paragraphs (1) and (2) of the Prompt Payment Clause in the master or basic agreement, and certifies that Consultant has received similar certifications or evidence from its subconsultants that lower tier subconsultants have been paid in accordance with paragraph (1) of the Prompt Payment Clause in the master or basic agreement.

Signature

Printed Name

Consultant



Mid-Level Transportation Designers' Meeting

Please join us in person or virtually!

When – Wednesday, May 24, 2023

Time – 1:00 pm – 2:00 pm

Where – SCDOT Auditorium or Zoom

ACEC and Me

(What does ACEC do? How does ACEC impact Mid-Level Designers? and more!)

**Presented by:
Adam Jones & Jeff Mulliken**

Attendees may earn 1 Professional Development Hour (PDH).
You must attend to receive credit.

If you cannot attend in person, please click [here](#) to register and you will receive the link to the live stream.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_1za-9E-YShmEipZILUteMw

After registering, you will receive a confirmation email containing information about joining the webinar.

Your friendly ACEC Mid-Level Design Committee contacts

Sara Lelli – SLelli@parrishandpartners.com or 803-978-7620

or

Tameika Bostic – bostictl@scdot.org or 803-737-0457

MEETING MINUTES

Quarterly ACEC CEI Subcommittee Meeting

SCDOT HQ – Director of Construction Office
955 Park Street
Columbia, SC 29201

May 3, 2023
10:00 AM

- I. Opening Comments Nick Waites / Russ Touchberry

Attendees:

SCDOT – Nick Waites, Clay Richter, Jeremy Yuhas, Nick Pizutti

ACEC – Russ Touchberry, Ricky Ward, Steve Mangin (via phone)

- II. Discussion of Projects on Tentative List All

Current projects:

I-26 at I-95 Interchange – Q2 2023 Advertisement through Alternative Delivery Group. The structure of the CEI Scope was unknown by those present. Alternative Delivery group is still working out the make-up of the CEI procurement and once finalized, it will be put on the Professional Service website.

I-26 Corridor Improvements MM 125-137 – Aug 2023 Advertisement through Director of Construction office. SCDOT anticipates the request for CEI services will closely resemble recent advertisements of similar size projects related to requested personnel and scope.

- III. Discussion of Projects Not on Tentative List SCDOT

The Alternative Delivery Group anticipates a request for CEI services for another DB Bridge package should be expected in Q3/4 of 2023.

I-20 Over Wateree has been awarded to a Design-Build Team and will be administered by the Alternative Delivery Group. Those present were not certain if CEI support would be needed by District 1. Since no requests have been made to procure turn-key CEI services, it would likely be handled through the On-Call if required.

- IV. Old Business

A. Two-Step Procurement Process - SCDOT (Updates)

Procurement does not have any plans to utilize this process on CEI procurements during the trial period. After the trial period it will be evaluated for use on some portion or all procurements depending on results.

B. SF 330 Streamlining – Open Discussion

ACEC is discussing this internally with member firms. It is also being discussed within the Professional Services subcommittee. SCDOT has sent a survey to other states to determine how this process is handled by them.

C. Cost Escalation Concerns (Construction & CEI) – Updates

ACEC has developed the process to work with member firms for the collection of data, to evaluate the data relative to how business is done in SC and develop potential recommendations for SCDOT related to cost escalation concerns.

D. Vehicle Fuel Rates – SCDOT

SCDOT has established one standard vehicle rate and it will be updated as warranted. The current rate is set at \$3.59/gallon, vehicle daily rate of \$44.57, and blended monthly vehicle base rate of \$980.50. More details can be found at the SCDOT website here: [Vehicle Rate Memo 3.15.2023.pdf \(scdot.org\)](#)

E. New Specification Update – SCDOT (January 2024 Release)

The January 2024 release date is still the goal of SCDOT. There will be a limited to be determined number of copies in print for distribution and will be available electronically.

V. New Business

A. New On-Call CEI Program – SCDOT

The new On-Call negotiations were completed last week, and the Basic Agreements are being prepared by the Procurement Office. SCDOT anticipates an early June start for Work Orders under the new program. Items of note:

- Sign and return the Agreements ASAP to keep things moving.*
- Make sure you have an updated approved staff list with the DOC office before billing for services through the On-Call.*
- SCDOT has streamlined the invoicing process by removing a step for more efficient invoice processing.*

- SCDOT also said they will make partial payments if there are small issues with invoices to be resolved instead of holding an entire invoice until everything is resolved.

B. Organizational Update – Director of Construction & Alternative Delivery

Director Of Construction Office:

Director of Construction – Robbie Isgett

State Construction Engineer – Clay Richter

Road Construction Engineers – Nick Waites (Dist. 2, 3, & 1 (temp.)/On-Call)

– Jeremey Yuhas (Dist. 4 & 6)

– Pat McKenzie (Dist. 5 & 7)

Bridge Construction Engineers – Doug McClure (Dist. 3 & 4 (splitting 1))

– Josh Quattlebaum (Dist. 6 & 7 (splitting 1))

– Michael Humphries (Dist. 2 & 5 (splitting 1))

Alternative Delivery Group:

Construction Manager – David Rister

Construction Project Manager CCR – David Rogers

Construction Project Manager (TBD) – John Burns

(SCDOT provided the attached map.)

VI. Closing Comments

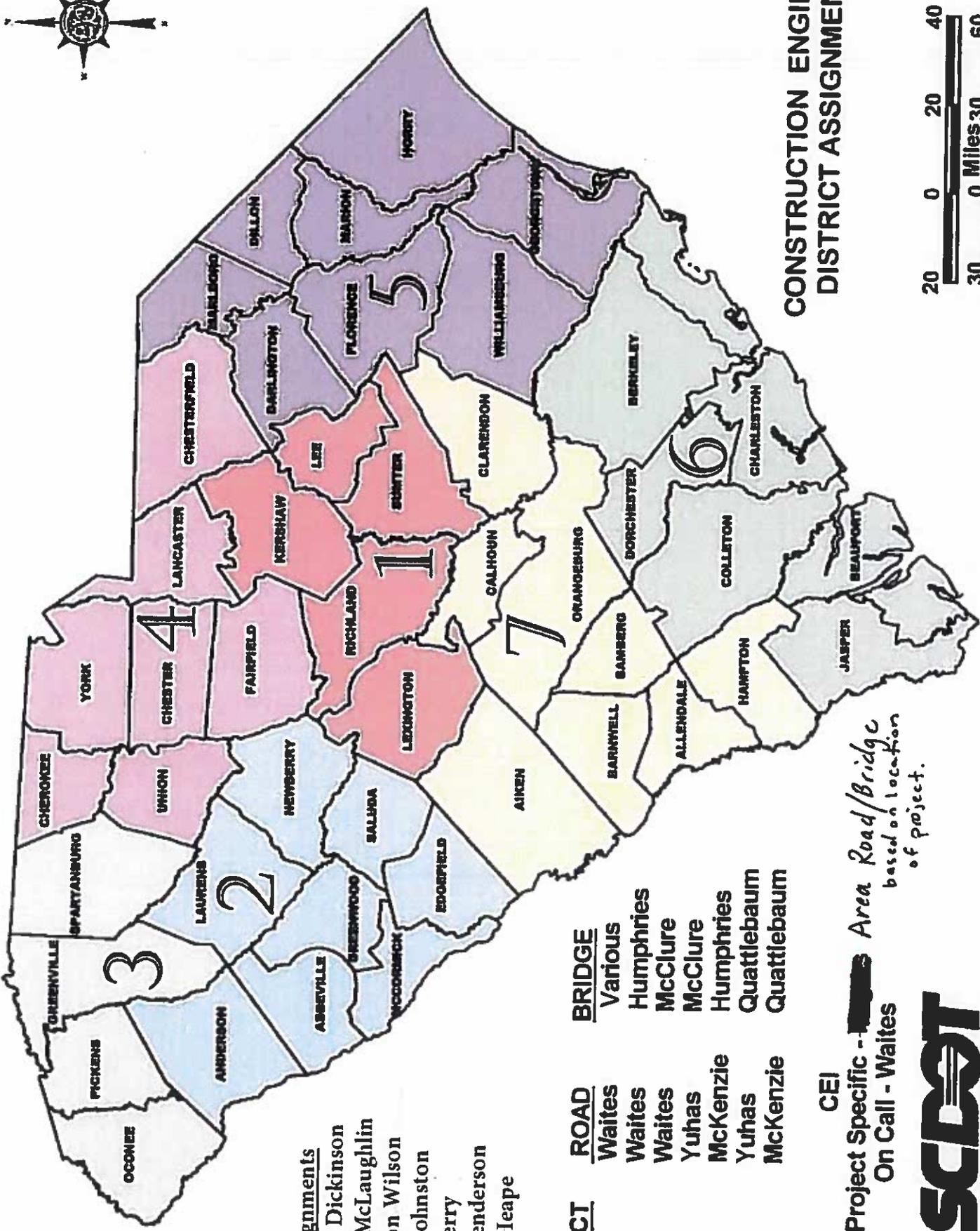
Nick Waites / Russ Touchberry

** ACEC Follow-Up – Determine if a fourth member is needed with Tim Sewell’s departure*

** Video Pipe Inspection details were forwarded to ACEC on April 18th, 2023*

** Next Meeting Scheduled for July 26th at 10:00 am, Room 303A*

** Final meeting of 2023, Nov. 1 at 10am*



**CONSTRUCTION ENGINEER
DISTRICT ASSIGNMENTS**



DEA Assignments

- 1 - Robert Dickinson
- 2 - Kevin McLaughlin
- 3 - Brandon Wilson
- 4 - Jason Johnston
- 5 - Kyle Berry
- 6 - Tim Henderson
- 7 - Brian Heape

DISTRICT

- 1 Waites
- 2 Waites
- 3 Waites
- 4 Yuhas
- 5 McKenzie
- 6 Yuhas
- 7 McKenzie

BRIDGE

- Various
- Humphries
- McClure
- McClure
- Humphries
- Quattlebaum
- Quattlebaum

CEI

Project Specific - Area Road/Bridge
On Call - Waites
based on location
of project.



South Carolina Department of Transportation

Meeting Minutes
SCDOT/ACEC/AGC Alternative Delivery Sub-Committee Meeting
3/22/2023 @ 9:30 AM

I. Welcome/Introductions
Meeting Attendees

SCDOT	ACEC	AGC
<ul style="list-style-type: none"> • Jae Mattox • Ben McKinney • Maddy Barbian • Trapp Harris • Brian Gambrell • Carmen Wright • Tyler Clark • John Caver 	<ul style="list-style-type: none"> • Andrew Smith (HDR) • David Taylor (Stantec) • David Russell (JMT) • Michael Ulmer (ESP) 	<ul style="list-style-type: none"> • Chris Boyd (Crowder) • Lee Bradley (Blythe) • Rob Loar (Reeves) • Pete Weber (Dane)

II. Project Updates

In Construction

- Carolina Crossroads Phases 1 & 2 – Under Construction
- Closed and Load Restricted Bridges 2021-1 – District 4 with eight bridges. Under construction
- Cross Island Parkway Toll Conversion – Substantial completion reached.
- US 301 over Four-Hole Swamp – Under Construction
- Bridge Package 14 – Project awarded to Lee Construction on 12/29/22.

In Procurement

- Bridge Package 15 – Bridges in Florence, Anderson, and Chester. Pending award to E.S. Wagner.
- Bridge Package 16- Five primary load restricted bridges in Pickens. In procurement, RFP released 3/9/23. Public Announcement Q2 2023.
- I-20 over Wateree, River and Overflow Bridges – In procurement, Public Announcement 3/29/23.
- I-26/I-95 Interchange Improvements – In procurement, RFP for Industry Review released 3/15/23.
- Carolina Crossroads Phase 3 – Teams shortlisted and preparing Technical Proposals, December 2023 Award.

2023 Anticipated Procurements

- Bridge Package 17, 20 and 19 (in that order).
 - Won't put Package 17 out until July (TBD), push 19 to 2024
- Long Point Road/Wando Port Interchange – SCDOT and Consultant are working towards finalizing the project's Environmental Assessment and seeking a FONSI by Fall

2023. Public hearing is scheduled for 5/4/23. Procurement is anticipated to begin in Q1 2024, no firm RFQ date has been decided; details forthcoming. We are anticipating award and execution of contract in Q1 2025.

- Received Environmental Assessment approval, Public Hearing May 2nd,
- I-85 at I-385 Wall Improvements. Procurement is anticipated in 2023.
 - Still in planning phase & determining how to execute the project.
- I-77 Exit 26 Interchange & Connecting Roads (Associated with the proposed Scout Motors plant). Procurement is anticipated in late 2023.
 - November-January procurement beginning
 - RS&H is doing the DB prep work. Contract negotiations underway
 - Working with Department of Commerce & Thomas & Hutton (developer's engineer)
 - Graphic on the Scout Motors website
 - Potential for multiple DB projects (2 or more)
 - Exit 24 & 27 interchange improvements may be necessary.

2024 and beyond

- Mark Clark Extension – Pursuing Final EIS and related documentation/permits. RFQ anticipated in 2025+. Currently seeking matching funds from SIB/JBRC.
- Low Country Corridor East – Currently in project development and NEPA. Procurement timeframe TBD. Public involvement meetings held in October 2021.
- I-26 Widening – MM 165 to 176, Changed to Design Bid Build Delivery Method
- I-26 Widening – MM 176 to 187, Changed to Design Bid Build Delivery Method
- I-95 Widening – MM 8 to 21. Design-Build prep work underway with LNTP. Procurement anticipated in 2025.
- I-95 Over Great Pee Dee River bridge replacement. Received planning grant (~\$700k). HNTB to execute work associated with the grant. Decision will be made during that work for the design-build construction grant.
 - Potential for overflow bridge replacement, as well.
- I-95 over Santee (Lake Marion) bridge replacement – DB prep work is underway.
 - Project has been delayed due to grant application timeline, anticipate procurement to begin in 2024.
- Low Country Corridor West and I-26/I-526 Interchange – EJ mitigation in 2023; first phase RFQ in 2028.
 - Five phases are currently being evaluated for project delivery type.
- I-85 @ US 278
 - Public Meeting was held 3/21/23
 - Funding by Anderson County, construction not currently funded
- Note: Additional project information has been posted to the website: [SCDOT Design-Build Overview](#).

III. Action Items from 1/18/2023 Meeting

SCDOT

- **SCDOT/ACEC/AGC** to discuss potential new RFQ language suggestions and/or scoring techniques for SOQ evaluations with stakeholders. **[OPEN]**
 - Ongoing discussion through recent procurements.
 - Discussion regarding key individuals below.
 - SCDOT has to discuss with policy committee.
 - Room for SCDOT to grow
 - Leave open to encourage discussion & it be an ever evolving process
- **ACEC/AGC** to poll and involve members in order to look for examples across industry in order to establish positive potential adoption of PDB, CM/GC, and other methods. **[OPEN]**
 - 2023 we may be able to schedule a separate committee or group discussion regarding recent industry moves and examples in other parts of the country.
 - Significant information received from various sources, SCDOT asking for any countrywide information the community hears about.
 -
 - ACEC and AGC would like to help & move that forward due to nationwide trends in this direction.
 - SCDOT leadership is still considering the best approach to legislative measures.
 - North Carolina is currently pushing this legislation.
 - SCDOT attended the DBIA conference last week. Progressive Design-Build was a hot topic, but many states agree that it is not the answer to all of the challenges with traditional design-build. SCDOT is currently focusing on traditional best-value design-build methods and how to continually improve those processes.
 - ACEC and AGC desires to get that legislative piece in place so that SCDOT can have the option to use Progressive Design-Build when appropriate.
- **AGC** to review, discuss, and provide particular erosion control items that have been problematic and could benefit from Unit pricing. **[OPEN]**
 - Risk shift, but you're united in the approach. Team approach
 - Silt fence, rip rap, check dams, maintenance
 - Limiting to the larger projects, multi-year interstate jobs
 - Maintaining erosion control is hundreds of thousands to millions of dollars.
 - **SCDOT asking AGC to provide a specific list of items [ACTION]**
 - Approach it like patching with unit prices & contractor would estimate an amount & if contractor overruns they get paid based on that unit price.
 - NCDOT is contemplating the same thing.
 - **Will request Rister to attend the next meeting & review that list. Will continue this discussion next time. [ACTION]**
- **SCDOT** to issue memorandum regarding the proposed process for complex bridge peer review requirements. **[CLOSED]**
- **SCDOT** will identify and include other industry design-build projects in future meeting project updates. **[OPEN]**
 - SCDOT to consider County/City DB projects

- Request ACEC/AGC to assist in identifying & SCDOT will include in the meeting minutes **[ACTION]**
- Dorchester County
- Laurens County – small bridges
- SCDOT will prioritize the sharing of data and information as early as possible during pre-procurement meeting/presentation. **[CLOSED]**
 - Noted. Early coordination meeting will be held as early as possible.

IV. Complex Bridge Peer Review Requirements - Update SCDOT

- Comments from industry incorporated into peer review document and language and sent back out for industry feedback.
 - Being used on CCR Phase 3
 - Addendum issued this week
 - Was never intended to review every single bridge in a project
 - Curved steel girders & seismic, SCDOT capped at 2 requests for independent peer review
 - Independent firm to run modelling check, cannot perform any other work on project
 - Include firm & duration/manhour estimate in Peer Review Package submittal
 - Peer Review Package is a required submittal prior to technical proposal due date. RFP will spell out package requirements
 - Pass/Fail grading with confidential meetings to discuss any concerns prior to approval
 - Revised “long span” structure type to include spans over 300’
 - Removed “may” statement for additional SCDOT requests
 - 26/95 Industry Review did not have these changes, these will be pushed out with the final RFP and continue to evolve as CCR3 version is updated.
 - ATCs could impact the number of reviews. Will be discussed during the ATC process.
 - Once Peer Review package is approved, teams will have clear understanding of what to bid.
 - ACEC – if there are multiple design firms & each require a peer review.
 - Lead Designer making sure peer review comments are dispersed to each design firm where applicable.
 - SCDOT should ask for the consistency in the peer review application.
 - Certification – EOR statement saying the other designs are consistent with the peer review comments made on the other reviews. Alternatively, each EOR from different subs will be subject to the same peer review requirements.

V. Discipline Specific Discussion: Geotechnical

- LNTF
 - Improvements had been made recently. Design-Bid Build process has recently changed, contractor can bill up to half of the LNTF amount.
 - Contractor/Designers are not getting paid until official NTP. There is often a 3 month gap where they are not getting paid (i.e. geotech mobilization).
 - Schedule dictates the process & geotech is already behind when official NTP is approved.
 - SCDOT is generally doing enough preliminary geotech work up front.
 - ACEC states there is generally enough information to produce a preliminary report, but SCDOT cannot drill the entire job. Drilling subs is the hold up.
 - Same basic concept can be applied, cash flow going earlier. Design mobilization.
 - Design notice to proceed & construction notice to proceed (Georgia?)
 - LNTF 1 & LNTF 2 (85/385)
 - Are any other states doing something similar? Recommendations to approach? [AGC & ACEC] [ACTION]
 - Can SCDOT allow a percentage of the design fee under the LNTF?
 - Contract time is the day after the announcement before the schedule is approved.
 - There is SCDOT benefit to owning the geotechnical efforts being done if a contract is not executed. [ACTION]
- Differing Ground Conditions
 - SCDOT works to identify projects with subsurface risk and provide relief in certain circumstances. Limiting risk (ex. Port Access)
- GDM 2022
 - Educating the industry as a whole about revisions and new content.
 - If there is seismic instability – structural mitigation is now another option in addition to geotechnical mitigation. Structural mitigation design example provided in the Appendix
 - ACEC – we need help identifying where those locations are upfront. During the prep phase, those areas need to be identified. Front loading structural/geotech firms to review.
 - AGC – Consider having all teams bid ground improvements, cost sharing mechanism.
 - SCDOT does not want to be prescriptive to the solution & leave the door open to design innovation
 - Biggest lift is the working together of the structural engineer & the geotechnical engineer during pursuit phase.
 - SCDOT works to alert design build pursuers to any red flag items identified during the prep stage.
 - Prep documents should be as specific as possible with order of magnitude.
- Low Volume Bridges

- More information in the PCDM 2017-11
 - Being revised currently
- The intent is to not have full blown reports for the small bridge packages.
- SCDOT wants to be consistent with Bid Build.
- Concise reports, limit filler.
- MSE walls with piles – accommodating downdrag as wall is built out. Including the downdrag load in pile capacity calculations vs. restriking piles after settlement has ceased. Design-build teams have been stretching piles to the structural limit & reducing cost. Value is not necessarily in the reduction of cost, but in the field being able to handle the unknown issues that arise with some excess available pile capacity.
- BDM update to address downdrag.

VI. Temporary Pavement Design

- Implementing a new process, including language in the RFP instructions to allow design teams to submit temporary pavement designs along with ATC's.
- Temporary pavements are typically provided for a minimum 3-year period. The new process allows the DB teams to provide a design based on their specific temporary MOT configurations and durations.
- I-26/I-95 RFP language implementation.
- The intent is to not review 10 different designs, but more alternative materials. Discussion will be had during the ATC process.
- General idea is to match the SN with the timeframe. Will look into language to narrow down the designs submitted.
- AGC asking for more emphasis on shoulder cores.
 - SCDOT identifies this as a risk item. It's a spot location result.
- Up to the DB teams to obtain additional cores. Has been done in the past & some are beneficial & some are not.
- Ultimate responsibility for the temporary pavement design goes to the contractor, but puts the SCDOT at risk.
- This new approach's purpose is the integration of the teams & SCDOT during the procurement process. Past experiences keep SCDOT more involved, 26/95 will be a step towards turning over that responsibility.
- SCDOT will consider adding language to limit to short, medium & long term pavement designs. Brackets of ranges based on temporary MOT duration.
- Minimum section will be provided.

VII. Open Discussion

- DB Prep Team ATC Reviews
 - Review of the 2017 letter from ACEC. See November 2017 Meeting Minutes
 - Is there a way to designate certain ATCs not be reviewed by prep team
 - Suggestion to not use the design-build prep team for fear of being offensive to the ATCs, but concerns about how to bring another team up to speed.

- Prep teams are instructed to not be “design-build designers” but more conservative designs that provide proof of concept.
- SCDOT is providing oversight to deter any prejudicial review.
- SCDOT only intends to use the prep team as a technical expertise resources in most cases. Sometimes the team will have to review the entire ATC, but more times it will be a resource.
- ACEC to provide additional feedback before giving a revised official letter. SCDOT will have internal discussion. **[ACTION]**
- Utility Delays & how the agency is handling them. Consistency
 - Bring in Utility for next meeting or two.
 - ACEC Utility Subcommittee
 - Jason Byrd & Utility Director
 - Dedicated utility coordinators for each project & the utilities just do not respond.
 - LD’s – what’s reasonable to assume when it comes to utility delays
- Bridge Packages
 - Are we getting into more prescriptive design & less ATC’s applicable? Are we losing innovation?
 - Base hydraulic analysis is being provided now, as requested from this committee.
 - During procurement of the emergency packages, it was hard to level the playing field.
 - Minimums have been included to balance the playing field.
 - Best Value – not low bid
 - New list of bridges will be forthcoming.
 - SCDOT is open to feedback into the delivery of the future bridge packages.
 - Less procurements, larger packages are potential.
 - Suggestion to extend procurement duration for the more difficult bridge packages.
 - Utility conflicts are an ongoing issue with each package, SCDOT working to head off issues early.
- Bond issue. CCR Phase 3.
 - Payment bond & performance bonds are on the website now that insurance companies will accept.
- Move back agenda meeting two weeks before subcommittee meeting
- AGC to research other states’ utility approaches. **[ACTION]**

VIII. Action Items

- **SCDOT/ACEC/AGC** to continue ongoing discussion for potential new RFQ language suggestions and/or scoring techniques for SOQ evaluations with stakeholders.
- **ACEC/AGC** to poll and involve members in order to look for examples across industry in order to establish positive potential adoption of PDB, CM/GC, and other methods.
- **AGC** to review, discuss, and provide particular erosion control items that have been problematic and could benefit from Unit pricing. SCDOT asking AGC to provide a specific list of items

-
- **SCDOT** will request David Rister to attend the next meeting & review that list. Will continue this discussion next time.
 - **SCDOT** will identify and include other industry design-build projects in future meeting project updates. Request **ACEC/AGC** to assist in identifying & **SCDOT** will include in the meeting minutes.
 - **AGC/ACEC** to research Geotechnical LNTP approaches by other states & bring recommendations for updating SCDOT's current process. **SCDOT** to consider the benefits of to owning the geotechnical efforts being done if contract is not executed.
 - **ACEC** to provide additional feedback on design-build prep teams being utilized for ATC reviews before giving a revised official letter. **SCDOT** will have internal discussion.
 - **AGC** to research other states' utility approaches.

IX. Next Meeting Date: 5/17/2023 @ 9:30 AM

ACEC Environmental Committee Meeting Minutes

March 1, 2023

11:00AM

Committee Members in Attendance

Jennifer Satterthwaite, Chair

Andy Ruocco

Lee Williams

SCDOT Environmental Services Office Staff in Attendance

Chad Long, Director

The meeting began at 11:00AM via Teams. The following items were discussed during the call:

- SCDOT has a new traffic noise policy that will bring SC closer to policies in GA and NC. The new rules are more “noise wall friendly” and SCDOT anticipates an increase in noise walls moving forward, especially in urban areas. The noise rules will not be retroactive and will only apply to projects that have not begun purchasing right-of-way (ROW).
- US Fish and Wildlife Service (USFWS) has new guidance on the northern long-eared bat because the FHWA programmatic agreement did not account for year-round coastal bats. SCDOT is requiring surveys for projects currently in ROW or construction on a case-by-case basis. They are dividing projects into three main buckets: no effect, habitat assessment with NLEB NLAA, and bat-specific surveys (acoustics/netting). They will be looking at projects that involve heavy tree clearing or clearing in stands adjacent to forests when weighing survey requirements.
- SCDOT is looking at doing a small-purchase agreement with companies who are equipped to do bat surveys. Procurement is working on compiling a list of those companies.
- GDOT will host a bat training class in early May and SCDOT will have a session on bats and USFWS updates at the ACEC Engineers Conference.
- SC Department of Natural Resources (DNR) is recommending habitat surveys for Rafinesque big-eared bat. A state-listed species, typically it would not be a requirement to do surveys; however, SCDHEC/OCRM has included the surveys in the CZC requirements and can deny a 401 permit if state-listed species have been associated with waters in the project study area. This only relates to known populations of state-listed species.
- There are new Waters of the US rules that expand the list of exclusions.
- SCDOT Permitting continues to work with USC to improve the online permit portal. They are asking for any and all feedback from users. There should be a mechanism coming for users to report any issues or glitches.

- SCDOT is planning an environmental workshop for May that will include updates from ESO about public involvement, bat updates, and greenhouse gas emissions. They are looking for more topics of interest. Please email any suggestions to Chad Long at ESO.
- SCDOT is in the process of hiring a liaison for USFWS. That person would be imbedded within USFWS but would focus on SCDOT project review.
- The Environmental Compliance On-call should be coming in late summer.
- Keith Walker will be a new permitting coordinator; he starts March 15.
- SCDOT is working on a mitigation app to help identify credits
- SCDOT is about to release a statewide solicitation for mitigation credits to allow them to lock in pricing and availability for upcoming projects. This would be similar to an on-call where they would approach the first offeror for credits and move down the list accordingly as needed.
- SCDOT is looking at alternative mitigation in the Catawba River watershed. They are working with the USACE to include culvert improvement and replacement and restoration of stream health as mitigation credit.

Meeting adjourned at 11:40.

Next meeting is scheduled for April 5 at 11AM

ACEC Environmental Committee Meeting Minutes

April 26, 2023

11:00AM

Committee Members in Attendance

Jennifer Satterthwaite, Chair

Andy Ruocco

Lee Williams

SCDOT Environmental Services Office Staff in Attendance

Chad Long, Director

The meeting started at 11AM via Teams. The following items were discussed during the call:

- Chad stated that there weren't many updates since the last call.
- ESO plans to release a SOP document for the tricolored bat that will be based on the document in use in GA to maintain regional consistency
- Consultants are being asked to use the Survey123 form that has been developed in ArcGIS to do preliminary habitat assessments. Those interested in access need to contact Joe Lemeris at SCDNR
- Any bridge project is going to require survey/inspection
- There is no official certification that ESO is requiring to do bat surveys; however, if acoustic surveys are going to be used, someone with extensive experience (resume) will need to interpret the acoustic data
- A survey plan has to be developed and approved by USFWS
- Consultant training expected for May has been pushed to summer and ESO is requesting ideas for topics of interest
- Document levels for rural interstate projects will be non-programmatic categorical exclusions. ESO will use the NEPA checklist to ensure that EA-level examination is not necessary
- ESO is working on a statewide procurement procedure for mitigation credits. More information coming on that

Meeting Minutes

Subject: ACEC – SC Traffic Subcommittee

Date: Friday, February 03, 2023

Location: Webex

Attendees: Jacob Nelson, AECOM
Nick Matthews, RS&H
Josh Mitchell, Stantec
Graham Malone, HDR

Attendees Column 2 (Tab to add more rows)

The group met at 1:30 on Friday, February 3rd, 2023 and discussed several topics that we felt were relevant and current to the industry. The following topics were brought up:

- Getting a better understanding of how the leadership changes at HQ would affect the industry. Would like to see how the department backfills Rob Perry's position. If Brent Dillon takes over full-time, who backfills his role? Once we have some clarity on how the office will be structured, we thought it would be beneficial to learn about any policy changes, new processes, etc.
- Regarding routine signal timing efforts, it seems like there may be an avenue to provide proactive signal timing efforts through the consultants in the state. Knowing that sometimes District resources are stretched and regular retiming efforts may not be easily undertaken, consultants can be a resource to help. This also fosters an environment where regular retiming is valued and would likely improve things like quality of life, air quality/emissions, and safety. There are many different models for how this could be done in GA, NC, and AL.
- Integrated Corridor Management as an idea – involves the use of a consortium of stakeholders like EMS, wrecker crews/towing trucks, police, DOTs/municipalities, transit agencies, railroad companies, etc. The theory is that the group agrees to respond to corridor needs in various ways to provide an integrated way of managing conditions on a day-to-day basis. This could also apply to workzone traffic control measures. SCDOT may be implementing something like this on I-95. There was a presentation given about this subject, but the group didn't have it readily accessible.
- Related to ICM, the group felt like having updates on the state's efforts to implement co-located management hubs would be of value.
- The group discussed whether the State would be interested in implementing an ICE policy, perhaps as part of the planning process? Could be a efficient way of methodically selecting an intersection type that benefits operations, safety, and multi-modal context. Ron Hinson may have mentioned that at one time the Department was exploring ICE but so far there is no official policy statement.
- Safety topics were discussed:
 - o Recently, crash data has been given out from the Office of Safety that appears to come from a new database program. It seems like crashes are snapping to a GIS

layer and there was an observation that this was removing the lat-long data, which is helpful to have in certain instances. More info on this is needed.

- It was also brought up that having some more uniformity and/or a defined process for conducting predictive studies would be beneficial. Perhaps the Department could even implement an effort to develop safety performance function coefficients based on state data. Consultants could be a partner on this process. It was mentioned that Eugene Taylor may have been working on something related to this.
- The group discussed what next steps looked like and generally agreed that it may be good to wait until the restructuring at the Traffic HQ was settled before trying to get a meeting set up with representative(s) from HQ.

MEETING MINUTES

ACEC-SC/SCDOT Roadway Design Subcommittee

Meeting Date: April, 25th 2023, 10:00 AM

Meeting Location: SCDOT HQ

Invitees:

Sam Pridgen (SCDOT)

Andrew Fisher (Arcadis)

~~Iris Neal (SCDOT)~~

Chris Ulmer (AMT)

~~Carol Hamlin (SCDOT)~~

~~Justin Lyles (RK&K)~~

~~Seth Lown (SCDOT)~~

Mitchel Cooper (Kimley Horn)

~~Ashar Saeed (SCDOT)~~

Names with strikethroughs were not present for the meeting. Mitchel Cooper and Chris Ulmer are joining the subcommittee for 2023.

Ongoing Items:

1. RDM Updates
 - a. No updates are expected until 2023-2024
2. Design Exception Policy & Design Variances
 - a. Policy issuance is pending resolution of comments, FHWA Review, and BDM updates. Each unit will have their own appendix (Road, Structures, Hydro, Geotech).
3. Code of Federal Regulations Changes & Impacts to Design Guidance
 - a. No update. SCDOT still needs to meet with FHWA regarding 3R criteria on interstates. This mostly affects in-house SCDOT design on pavement projects / special maintenance projects.
4. Excel Spreadsheets
 - a. The excel sheets are a tool provided by SCDOT.
 - i. Per Iris Neal, the excel sheet can be modified by the consultants to eliminate the rounding errors in the Right of Way Data Sheet.
Action Item - Iris Neal will verify that the spreadsheet is calculating correctly per previous coordination with SCDOT Right of Way
Action Item - Iris Neal will review the pay item descriptions on the Summary of Estimated Quantities sheet to see if it matches P2S
5. SCDOT provided Survey
 - a. When surveys are provided by SCDOT, is the engineer liable if issues arise with the provided survey?

Iris Neal followed up with an email on 10/6/22 to further clarify that SCDOT's policy remains the same and can be found in Section 22.2.6.1.1 of the Roadway Design Manual.

The intent is the R/W Plats provided by contactors as part of the As-builts will eventually solve this issue in the future. There are no plans to change South Carolina laws/statutes. Currently, there is no legal requirement for full boundary surveys on SCDOT projects.

For other survey issues (example - drainage invert bust, locational issues with building corners), Typically the individual survey licensee assumes most of the responsibility and the individual engineer licensee relies on this information but must inform the surveyor of obvious survey issues and is therefore partially responsible. Financially, engineering firms must have PL/PSPL/SIR/etc. in place as appropriate to do business with SCDOT.

6. Top of Curb Profiles

- a. There was a growing consensus that it's unnecessary for the top of curb profiles to be a designed vertical alignment, and instead could be a spline grade with station, elevations, and offsets at a defined interval.
 - i. **Action Item - Seth Lown will reach out to the Construction Office to get their opinion.**
 - ii. **Action Item - Carol Hamlin will discuss with Rob Bedenbaugh to get background on why vertical alignments are required.**
 - iii. Andrew Fisher pointed out that the top of curb profiles are used for drainage design when a proposed DTM is unavailable
 - iv. SCDOT is discussing internally. SCDOT is having initial discussions to have the data in a tabular format with no designed profile. Andrew stated that top of curb profiles at large intersections (large corner islands, roundabout bypass lanes) are typically more problematic and sometimes require a designed top of curb profile. The linear mainline/sideroad normal cross sections with curbs at a relatively constant offset from centerline rarely have issues requiring a designed profile. The group acknowledged most contractors are converting the designed curb profiles to spline grades anyways to build projects.

7. Sam Pridgen inquired if the committee meetings could be viewed, but not participated in, by other consultants to help with engagement for younger engineers.

- a. Andrew Fisher confirmed with Adam Jones the meetings can be recorded with MS teams and posted to the ACEC-SC first word email bulletin.
- b. Sam requested the future sub-committee meetings be a live stream with moderated mute mode for participants. Intent is for participants to be muted.

Action Item – Andrew Fisher will follow up with Adam Jones and the Transportation Committee on this.

New Items:

1. SCDOT Personnel Changes – Randy King RPG 2 DM, Maddy Barbian Alt. Delivery Roadway Lead, CT York RPG 1 PM, Lyle Lee Planning Manager, Beth Faulk Assistant DM RPG 4.
2. Supplemental Design Criteria for Low Volume Bridge Replacement Projects (Low Volume Bridge Design Manual) – SCDOT is looking to update this. The selection criteria and guidance will change. ADT threshold may more up, but no higher than 1200. SC primary routes will not be eligible. Design exception requirements will be clearer. FEMA bridges will be allowed.

3. ORD quick update – ORD workspace development is going well. Roadway is being finalized, hydro and geotech are on-going, piloting for bridge workspace is underway, and SCDOT has received deliverables for surveys and SUE.
 - a. SCDOT is concurrently working on an SCDOT state kit for Autodesk.

4. Plan Presentation of Superelevation: Other nearby states display superelevation data graphically with arrows in the plan sheets while SCDOT primarily uses the reference data sheets and cross section sheets. Moving the transition data/text notes off the cross section sheets and into the reference data sheets or even plan sheets would allow more automation both with current geopak, as well as future ORD. It will help contractors as well as hydro staff to make this change in South Carolina.
 - a. SCDOT is open to considering this change. The group agreed more of the Georgia method is preferable, NCDOT method not favorable. Something like the GDOT method would show arrows and slopes for begin SE, 0% cross slope, Begin Max SE, End Max SE, 0% cross slope, End SE. Partial stations would be labeled. Openroads automates this.

5. Plan Presentation of Construction Limits: SCDOT currently labels offsets in feet for cut and fill limits. Other nearby states display construction limits graphically as just cut or fill without a text numerical label for the offset from centerline. GDOT actually uses a line style to show cut and fill graphically. Changing our South Carolina roadway plan practice to show cut and fill graphically without numerical offsets from centerline would allow more automation both with current geopak, as well as future ORD. Some Districts are accepting this for Encroachment Permit projects.
 - a. SCDOT is not considering this change. This is an issue with ensuring Environmental Compliance during construction. SCDOT is working with Bentley to have Bentley either change ORD or Bentley will provide an MDL app for SCDOT projects.

6. Topographic Station Offset text in plans: Currently indicated in the SCDOT RDM as a should and not a shall. Nearby adjacent state DOTs do not have this requirement.
 - a. SCDOT is not considering this change. The R/W office and districts still use this information. The ORD workspace will automate this a little better than Geopak. The ORD format will look different than past SCDOT Station Offset text.

7. Plan Presentation of design items in color: Would SCDOT be open to exploring using color on design plans? Some examples could be having color used for drainage, erosion control, environmentally sensitive areas etc. This is done for Utility Coordination Plans in South Carolina for complex projects currently, but would be good for other parts of a complete Roadway plan set also.
 - a. SCDOT is open to considering this change. More discussion to follow.

8. Does Sam Pridgen or the support office have a top recurring 1-3 comments that are coming up on projects that consultants can be made aware of?

- a. Design Speed versus Posted Speed. The functional classification of the road will control design speed. Typically the Posted Speed is 5 mph under design speed, but, HQ Traffic or District Traffic may lower the posted speed well below design speed. Do not simply set design speeds 5 mph higher than posted speed without checking the functional classification requirements.
 - b. Related to above, the design criteria submittal is a good initial check, but, full approval of design speeds will occur at 30% preliminary plans / DFR plans.
9. Any plans for the RPG's, Districts, and the Support Office to move to BlueBeam plan reviews and plan comments like Alternative Delivery Office?
- a. Alt. Delivery & RPG 2 have implemented. RPG's 1 & 4 are testing, need to ask PM to use on a project.
 - b. Support Office still developing internal processes (SCDOT closed session versus status zero comments)

Next Meeting: Kimley-Horn office, Date and Time TBD, Andrew will send Doodle poll. 1st week of August preferred, will be mid July otherwise.



**ACEC-SC / SCDOT Partnering Committee
Bridge Subcommittee Meeting**

Date:	Thursday, April 27 th
Time:	10:00am – 11:30am
Location:	In-person Rm 400
Meeting info:	TEAMs Mtg Link – Mtg ID: 222 326 339 067 (passcode: Yu5mPF) TEAMs phone call in # +1 786-636-1440 (phone conf ID: 459 630 225#)

Agenda Items

1.	<p>Introductions –</p> <p>Attendees</p> <p>Terry K. (SCDOT)</p> <p>Glenn P. (SCDOT)</p> <p>Hongfen L. (SCDOT)</p> <p>Matthew B. (SCDOT)</p> <p>Jerry P. (SCDOT)</p> <p>Josh Q. (SCDOT)</p> <p>John C. (SCDOT)</p> <p>Lalith G. (SCDOT)</p> <p>Keith P. (M&H)</p> <p>Chris G. (RS&H)</p> <p>Grant H. (HL)</p>
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Continued discussions

2.	<p>Status Updates for New & Upcoming SCDOT Documents, Policies & Procedures</p> <ul style="list-style-type: none"> • Any significant updates regarding: <ul style="list-style-type: none"> ○ Structural Design Manual Project- Chapter 10 (Structural Concrete) in review until May 29. Chapter 5 (General Requirements) consensus meeting was held 4/31 after our meeting. ACEC comments for Chapter 11 (Structural Steel) have been taken into consideration. ○ Design Memos/Seismic Design Memos Updates <ul style="list-style-type: none"> ▪ Low Volume Bridge Memo – ACEC reviews will begin week of June 5. Bridge types will refer to Manual but they are interested in other types and specifically mentioned press-brake formed tubs. Length limit may increase or be eliminated. Traffic count may be increased. ▪ Seismic Memo – Changes coming due to Geotechnical considerations for lateral spread. Looking to consider Design Variance for plastic hinge underground for OC I bridges. SDC A columns will require 24d_b development (previously had not been prescribed). Clarifications on geometric constraints for shear keys. ▪ Bar Bending memo – Will allow 60' galvanized bars. Coming soon.
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	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ US Customary bar designations – Coming soon. ○ Standard Drawing Update Project – Standards will be included for FIBs, BTs, flat slabs, cored slabs. They will also include an instructional bulletin similar to FDOT practice. They are considering placing load rating files on PW for efficiency sake. ○ Open Bridge Modeler – Working on logistics of creating 2D sheets using paper space and annotation scale. Sheets will be 22x34. SCDOT is currently working on creating preliminary plans on a pilot project. ○ Bridge Development Reports template ○ PSCDM 23 implementation update <ul style="list-style-type: none"> ▪ recommend vs compliance ○ PSC girders- Lateral Stability requirements – compare with I-20/Wateree ○ GDM update for extreme events requiring structural mitigation ○ DOT Support is creating Draft design variance process ○ Adjacent Box Beams Bluebeam Review – Recently closed. They were only a sample so that systematic issues are not propagated. They will allow for 0 and 15° skews. They will be conservative; for example no tension in the precomposed tensile region. ○ Seismic design committee updates – They are about to sign paperwork to start drafting manual. They still could utilize more bridge engineers to review from the consulting community. They are trying to consider overall hazard risk to the system; for instance route importance will be considered in classifying seismic (risk) category. ○ Bridge design cost escalation – News to those in attendance from SCDOT
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New Items	
3.	Technical Discussions
4.	Upcoming Training
5.	Administrative
	Tentatively schedule next meeting week of 7/17
	End meeting 11:51AM

- J. OVERTIME, EXTRA-PAY SHIFTS, MULTI-SHIFTS. Where the cost to SCDOT may be affected, this BASIC AGREEMENT should be performed, so far as practicable, without the use of overtime, extra-pay shifts, or multi-shifts, and, in particular, without the use of overtime as a regular employment practice. Any required overtime, extra-pay shifts, and multi-shifts will be limited to the minimum needed for accomplishment of the specific work, will require prior written approval by SCDOT, and will be paid in accordance with Consultant's existing overtime policy.

SECTION VI. MODE OF PAYMENT

- A. MONTHLY INVOICES. Consultant shall invoice SCDOT monthly for services performed under this BASIC AGREEMENT, Consultant shall be paid monthly based on an approved invoice. Monthly or partial payments, at the discretion of SCDOT, may have appropriate retainage withheld until completion and acceptance of the work.

ACCEPTABLE INVOICES. SCDOT considers an acceptable invoice to include:

1. A breakdown of man-hours by classification and rate
2. A line item for overhead
3. A breakdown of the fixed fee
4. A breakdown for other direct costs
5. A breakdown for subconsultant services
6. Signature of certification by an authorized representative of the firm
7. SCDOT's Project Manager may request additional certifications relating to work performed.

NOTE: For approved unit cost BASIC AGREEMENTs, numbers 1 and 2 may be combined and identified by services, volume, and rate. Numbers 3, 4, and 5 shall be by breakdown costs.

- B. PROMPT PAYMENT CLAUSE.

1. Consultant is prohibited from holding undisputed invoices submitted by subconsultants for more than 30 days after receipt of the invoice. Additionally, subject to the provisions on retainage provided in Paragraph (2) below, when a subconsultant has satisfactorily performed a work item of the subcontract, Consultant must pay the subconsultant for the work item within seven calendar days of Consultant's receipt of payment from SCDOT. A subconsultant shall be considered to have "satisfactorily performed a work item of the subcontract" when SCDOT pays Consultant for that work item. In the case of a second or third tier subconsultant, the seven-day time period begins to run when the first tier subconsultant receives payment from Consultant or when the second tier subconsultant receives payment from the first tier subconsultant.
2. Consultant may withhold as retainage up to five percent of a subconsultant's payment until satisfactory completion of all work items of a subcontract. "Satisfactory completion of all work items of the subcontract" shall mean when SCDOT accepts the last work item of the subcontract. Consultant must release to the subconsultant any retainage withheld within

seven calendar days of the date Consultant receives payment from SCDOT for the last work item of the subcontract or within seven calendar days from SCDOT's acceptance of the last work item of the subcontract, whichever is the latest to occur. However, upon written documentation of good cause provided by Consultant and written concurrence by SCDOT's Deputy Secretary for Finance and Administration, Consultant may continue to withhold the five percent retainage.

3. Prior to receiving payment of each monthly invoice, Consultant shall: (a) certify to SCDOT that the invoice is complete and that its subconsultants have been paid for work covered by previous invoices, for which they are entitled to be paid, in accordance with paragraphs (1) and (2) above, and (b) submit verification that Consultant has received similar certifications or evidence from its subconsultants that lower tier subconsultants have been paid in accordance with paragraph (1). No payment will be made to Consultant unless such documentation / certification is received or SCDOT has issued written approval for delayed payment and required status reports as follows:
 - i. The obligation to promptly pay subconsultants (all tiers) or to release retainage does not arise if there is a legitimate subcontract dispute with first tier and / or lower tier subconsultants. If there is such a subcontract dispute, Consultant may submit a written request to SCDOT to approve a delay in payment to the subconsultant which shall explain the nature of the dispute and identify relevant subcontract provisions as support. The explanation may include those reasons set forth in the SC Prompt Pay Act (S.C. Code § 29-6-40). Payment to the subconsultant shall not be withheld without prior SCDOT written approval.
 - ii. Consultant shall submit a status report of the dispute in each monthly progress payment. The status report shall contain:
 - justification for the continuation of nonpayment in the form of a pending judicial proceeding, alternative dispute resolution (ADR) process, or administrative proceedings as evidence of why the delay shall continue; or
 - a certification that the matter is resolved and payment has been issued to the subconsultant (first tier and / or lower tier subconsultants).
4. Failure to comply with any of the above prompt payment provisions shall constitute a material breach of the contract and shall result in one or more of the following sanctions: (1) no further payments being made to Consultant unless and until compliance is achieved; (2) monetary sanctions; and / or (3) Consultant being declared in default and being subject to termination in accordance with the provisions of this BASIC AGREEMENT.
5. Any subconsultant who believes it is due payment in accordance with the Prompt Payment Clause may request information from SCDOT's Professional Services Contracting Office

(PSCO) as to whether and when payment for the subconsultant's work has been made to Consultant. If payment has been made to Consultant, and a subconsultant certifies to PSCO that the subconsultant has not been paid within seven calendar days of SCDOT's payment to Consultant or paid as provided in paragraph (1) for sub-tiers, PSCO will notify the Deputy Secretary for Finance and Administration. If SCDOT has not approved the delay in payment pursuant to paragraph (3) above, appropriate remedies set forth in paragraph (4) will be applied. On federally funded projects, the subconsultant may contact the Federal Highway Administration should SCDOT fail to address the non-payment issue.

6. Consultant agrees by signing this Agreement that it will include this clause titled "PROMPT PAYMENT CLAUSE," provided by SCDOT, without modification, in all subcontracts with its subconsultants. Consultant is responsible for requiring all of its subconsultants to include this PROMPT PAYMENT CLAUSE in all lower tier subcontracts. If Consultant knowingly enters or knowingly allows a subconsultant or lower tier subconsultant to enter into a subcontract without the PROMPT PAYMENT CLAUSE, SCDOT may apply the appropriate remedies set forth in paragraph (4) or pursue other available remedies, including breach of contract.

SECTION VII. GENERAL PROVISIONS

SCDOT and Consultant mutually agree as follows:

- A. OWNERSHIP OF DOCUMENTS. Basic notes, sketches, charts, and other data prepared, furnished, or obtained under this BASIC AGREEMENT are the property of CONSULTANT during the performance period of this AGREEMENT. No material produced in whole or in part under this BASIC AGREEMENT will be subject to copyright in the United States or in any other country. Upon the Effective Date of this Agreement, Consultant grants SCDOT a nonexclusive license to reproduce the Project Documents for the purposes of, but not limited to: promoting, using, maintaining, upgrading, or adding to the Project. Upon completion of the Project or upon default by Consultant, Consultant shall provide copies of all Project Documents to SCDOT in the format designated by SCDOT.

SCDOT shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data, or other materials prepared under this BASIC AGREEMENT.

- B. INFORMATION TECHNOLOGY. All program management systems, software, or information technology products developed or utilized by Consultant for the project shall be able to interface with information technology systems utilized by SCDOT. All systems, software, or information technology developed for this project shall become the sole property of SCDOT upon Contract completion, including any source code. No program management systems, software, or information technology products produced in whole or in part under this BASIC AGREEMENT will be subject to copyright by Consultant. SCDOT shall have unrestricted authority to publish, disclose, distribute, and otherwise use, in whole or in part, all program management systems, software, or information technology products prepared by Consultant, or its subconsultants, under this BASIC AGREEMENT.

ACEC/SCDOT Professional Services Committee DRAFT Meeting Minutes

Meeting #2023-Q2

May 4, 2023, 9:30 AM ET

SCDOT – 955 Park Street, Room 400

Attendees:

SCDOT: Jennifer Necker (Co-chair), Darrin Player, John Boylston

ACEC-SC: Eric Dickey (Co-chair), David Beaty, Chris Jordan, Rick Reiff

1. Update on Professional Services upcoming outlook/tentative list

- I-26 MM 172 - 187 will be added to the tentative list soon (anticipated July advertisement). CT York scheduled to be PM. It will be advertised with full scope, but SCDOT may keep some services in house.
- I-26 MM 145 – 165, awarded in 2022, SCDOT is considering extending to MM 172 for the interstate widening.
- SCDOT is reviewing the bridge program. They were over programmed and with inflation pressures, have more bridge projects than funding right now. Once decisions are made, SCDOT will follow the normal periodical of assessing the internal workloads and if needed, utilize the on-calls or project specific advertisements. As soon as SCDOT determines a project will be advertised the Tentative List will be updated. . Currently the focus of the bridge program is to replace closed bridges; first starting with Primary Routes and then Secondary. Potentially some bridges currently in development could be delayed for construction if the bridge is structurally sound.
- For I-95 MM 8 - 22, SCDOT has not decided to go to design-bid-build or if the project will remain design build.
- At the recent CTC Statewide meeting, local government asked if they could use SCDOT's on-calls for local roads. SCDOT is determining if allowable and looking at the possibility of revamping TAP on-call scope to include support for local municipalities/counties as an option. Would be different from Local Government on-call, which is for grants.
- TAP on-call will be chaired out of Pee Dee RPG 2, Ken Martin, and advertisement date is pending.
- Roadway on-call chaired out of Lowcountry RPG 1, Derrick Goodman.
- Bridge on-call chaired out of Midlands RPG 3, Berry Mattox.
- SCDOT clarified staff cannot just pick a firm off the on-call. They go through a secondary selection process for each Task Order. There is no Two Tier (Workload Criteria) in the secondary selection process – but they do look at individual availability.
- SCDOT recommends updating org. charts (plus resume and SF 330) with on-calls if there are changes to key individuals, including subs. When they go through the

secondary selection process and see an org chart showing key individuals they know are no longer with a firm, it can affect a team's score for that Task Order selection.

2. Streamlined/Uniform SF 330 (in coordination with TEC directive)

- For the two-step selection pilot, SCDOT has changed the language in the ad stating they will only require SF 330 resumes for “key” individuals and “critical” individuals (next level below key). This is current language in draft RFP - A current Standard Form 330 (SF 330) must be on file with the SCDOT Professional Services Contracting Office. All parts of the SF 330 must be completed in its entirety for the key individuals and all other individuals that are considered critical to the success of the project for the team to include the prime consultant, any sub-consultants and any sub-contractors. If current SF 330 is on file with the SCDOT Professional Services Contracting Office then it is not required to submit form with this advertisement proposal; however all sub-consultants and sub-contractors must also be on file if they are deemed key or critical. If a current SF 330 is not on file the form must be included with consultant's proposal. SF 330 can be updated at any time with the Professional Services Contracting Office.
- SCDOT to review the following SF330 discussion points for all advertisements:
 - Defining the terms “Key Individual”, “Critical Individual”, and “Other Individuals” will continue to be left to the consultants. I don't think we agreed to define these terms, we were leaving that up to the consultant.
 - SCDOT will review/revise current RFQ language that says, “All parts of the SF 330 must be completed in its entirety for the prime consultant, any sub-consultants and any sub-contractors.” It's the intent of the SCDOT to only require SF 330s for individuals/firms deemed key to the project. SF 330s are not required for firms that don't have any key/critical individuals.
 - SCDOT will not specify who should be “key” or “critical” individuals, it's up to the consultants.
 - If the firm has a key or critical individual, then the firm is also considered key or critical and will need a SF 330.
 - SCDOT to review/comment on DRAFT Recommendations to Streamline SF 330 (April 14 ,2023).

3. SCDOT Standard scope and invoice updates

- No \$0.00 invoices. \$1.00 invoices yes, bill if there is any effort during the billing period from the Prime or any subs. Do not hold sub invoices if the Prime has no work during the period. SCDOT will not require a Monthly Update if there is no work

during the billing period but consultant and SCDOT PM should maintain open communication.

- For projects on the shelf, SCDOT is open to consider adding fee for salary increases after xx number of years (i.e. Construction Phase Services invoices xx years after initially scheduled). Cost escalation tabled for future discussion.
- SCDOT to provide a standard invoice example.
- For the standard scope research project, phase 1 is complete and phase 2 and phase 3 have been approved. Phases 2 and 3 will take about four years and will incorporate the fee estimating template.
- SCDOT requested manhour fee templates successfully used from other states.
- SCDOT is open to phased scopes to better set fees for future effort (i.e. eliminates cost escalation issues for future services like Construction Phase Services for shelved/delayed projects).

4. SCDOT 2-step Selection model

- Two-step selection pilot project scheduled for early May (targeting next week or two for advertisement). Step 1, typically Technical Criteria 2-5, will include full SF 330 and Step 2 will be technical approach (typically Technical Criteria 1).

Professional Services Meetings for the rest 2023:

- Tuesday, July 25, 2023, 9:30a
- Thursday, November 2, 2023, 9:30a
-



ACEC-SC Executive Director's Report as of 5/16/2023

Legislative Update: The General Assembly adjourned Sine Die last Thursday. There was no Sine Die resolution, which lays out what can be taken up during the off-season, so Governor McMaster called them back for a special session starting today. They are taking up the abortion bill again as well as the Budget conference committee is meeting. They are expected to be done by Memorial Day weekend.

This will give ACEC-SC the summer and fall to make in-district meetings to continue strengthening our relationships and educate them on Indemnity/Duty to Defend, the need for sustained infrastructure funding, and the passage of the Justice Act.

Legislation:

- DHEC/HBA-SC/Soil-Classifiers/Septic Tanks Proviso
 - Both a DHEC Proviso and LLR Proviso were adopted into the House Budget.

For Fiscal Year 2023-24, DHEC must accept the submittal of a soils report that supports a permit evaluation for a conventional septic system, as defined and outlined in DHEC regulation 61-56, Appendices A-P from the following individuals:

1. A professional engineer licensed by the South Carolina State Board of Registration for Professional Engineer and Surveyors who has been issued a registration from the Department of Labor, Licensing and Regulation and the Soil Classifiers Advisory Council, who has been certified by DHEC as successfully completing their onsite wastewater training program and has paid a fifty dollar certification fee to DHEC to cover administrative costs.

For Fiscal Year 2023-24, the Department of Labor, Licensing and Regulation and the Soil Classifiers Advisory Council are directed to process and issue registrations for professional engineers licensed by and in good standing with the South Carolina State Board of Registration Professional Engineer and Surveyors, who have been certified by DHEC as successfully completing their onsite wastewater training program, and paid the applicable administrative fee. The registration shall be administratively issued by the Soil Classifiers Advisory Council within fifteen days after receipt of a registration request that includes the certification of completion issued by DHEC, and following payment of a twenty-five dollar registration fee to cover administrative costs.

Legislation:

- H.4300 (SC Appropriations Bill /Budget):
 - Due to increased asks and the Board of Economic Advisors (BEA) estimating less new revenue than forecasted, the House cut money initially proposed to boost SCDOT's bridge program.
 - The bill still has allocations for SCDOT for litter (\$8 Million) and the CTCs (\$250 Million). There are a few other projects with earmarks that will help keep our members busy.
 - Below if there is only a dollar in the earmark, it means they will get some money, but it will be negotiated in the Conference Committee.

- Pickens County - Highway 183 between Greenville and Pickens County: \$10 million
 - Chester County - High Mast Lighting Ex 65, I-77: \$450,000
 - Dorchester County - Pedestrian Crossing for Bacons Bridge Road: \$2.2 million
 - Town of Summerville - Central Ave. Pedestrian Safety Sidewalk: \$400,000
 - Devine Street Corridor & Accessibility: \$1.5 million
 - City of Columbia - Assembly St Railroad Grade Separation Project: \$10 million
 - City of Columbia - Williams Street Gateway: \$7 million
 - City of Columbia - Beltline Blvd Redevelopment Projects: \$2 million
 - City of Conway - Carolina Bay Construction: \$677,000
 - Lexington County - Local Stormwater Management: \$200,000
 - City of Easley Traffic Congestion Mitigation: \$1
 - City of Sumter North Mainstreet Corridor Improvements: \$1
 - Elevate SC-22 Over Waccamaw River: \$1
 - Highway 90 Improvements and Expansion: \$1
 - Southern Evacuation Lifeline Permitting and Engineering: \$1
- S. 399 (DHEC Split)
 - Bill splits DHEC in to Department of Health and Department of Environment
 - Both Cabinet Agencies
 - Department of Admin will give guidance for split
 - On the way to Governor's Desk
- S. 604 ARPA funds to RIA are on their way.
 - The governor signed [S.604](#) into law on April 20, 2023.
 - RIA is getting an additional \$586,633,226 for water and sewer infrastructure projects for which grants have already been applied.
 - \$100,000,000 will be made available for projects designated by the Secretary of Commerce that are significant to economic development projects.
 - These projects can get up to twenty million dollars per project.
- H.3515 (Entrepreneur Act): This bill eliminates many licenses. Two of which are employed by ACEC-SC Member Firms (Geologist & Landscape Architects)
 - No movement
 - I will be leading a panel at the ACEC Conference for NAECE about Licensure Issues and Legislation.
- S.533/H.3503 (Fair Share Act/Lawsuit Reform):
 - Hearing on April 11, 2023
 - Testimony was given in favor
 - Trial Bar on their heels
 - If another hearing is given, we will not testify
 - Like/Follow South Carolina Coalition for Lawsuit Reform on social media.
- H.3748/S.532 (Survey Monument)
 - In House Judiciary Criminal Law Subcommittee
 - Speaker Pro-Tempore Tommy Pope signed on as co-sponsor
 - Pope will lean on the Subcommittee chair.
 - Spoke to the Sub-committee Chairman, Rep. Jeff Johnson, for a subcommittee hearing in early 2024

- H.3607 (Building Code Adoption):
 - No move since the last meeting, but keeping an eye on this
- H. 4086 (Residential Builders Practice Act):
 - Passed House
 - Will try to amend in Senate as it contradicts our practice act in areas
- H. 3605 (LLR)
 - Senate Amended
 - House agreed with amendments
 - Received Second Reading on 4/26/2023
- Indemnity/Duty to Defend: Broad form Indemnification/Duty to Defend/Designer Fair Contracting Act: AGC pointed out that some of the languages goes against some of the Architects Practice Act.
 - These contracts are dictated by OSE, and AIA-SC is having their attorney speak to OSE's attorney.
 - Still waiting on AIA-SC
 - THIS WILL BE OUR PRIMARY TALKING POINT DURING THE OFFSEASON IN-DISTRICT MEETINGS

Minute Man Grant(s):

- ACEC-SC is going to put in an ACEC Minute Man Grant for help to pass Designer Fair Contracting Act & the Justice Act

Inter-Agency Working Group on EVs:

- Met Tuesday, April 25, 2023
 - Heard from Dominion, Duke, and Santee Cooper
 - Reliability is the number one need
 - Rollout is important
- Went into an executive session about the RFP/SCOPE

SC Engineering Conference & Trade Show:

- Charleston Marriott 6/15-17/2023
 - Sponsors needed
 - Book your rooms now

ACEC-SC 501 (c) 3:

- ACEC-SC voted to establish a C-3 for research projects
- The ACEC-SC Infrastructure Works Research Institute is conducting a research project with USC about the IJA Economic Impact in SC.

ACEC Consulting Congress Day:

- ACEC and all ACEC Member organizations will be on Capital Hill for Consulting Congress Day on June 13, 2023. Our priorities are below:
 - Multi-year aviation program
 - Water Resources Development Act
 - IJA Implementation
 - Energy/Permitting
 - Workforce
 - Research & Development Amortization
 - PPP/Far Credits Clause