MnDOT Design-Build Program

Industry Outreach Report

September 2012

Prepared by Parsons Brinckeroff for MnDOT

Your Destination...Our Priority

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Executive Summary

Purpose:

MnDOT has established a mature Alternative Delivery program since legislation authorization in 2001. In 2006, an industry forum was conducted to improve the delivery of design-build projects. In an effort to continuously improve the program, a follow up Industry Outreach was performed in 2012. This outreach consisted of circulating a questionnaire and holding one on one meetings with industry to solicit open feedback from contractors, engineers and Owners (MnDOT and FHWA) for program level improvements. This report presents the results of the questionnaire responses and feedback provided in the one-on-one meetings. This report further provides recommended actions to help improve the overall Program based on the information and feedback received.

Timeline:

One-on-one meetings were conducted between March 19 and May 4, 2012. Individuals were selected by MnDOT Division Director Jon Chiglo who represented a cross section of industry involved in large and small design-build projects. Surveys were sent to each individual and John Bale from Parsons Brinckerhoff met with respondents to clarify responses and record additional feedback. No other MnDOT or Parsons Brinckerhoff employee was involved in the meetings. Names of the participants were kept confidential. Participants of the one-on-one meetings included individuals from 10 contactor firms; individuals representing 10 engineering firms; 14 individuals representing MnDOT District/Offices and FHWA.

Findings (based on the results of the questionnaires and interviews):

General

MnDOT has a well established alternative delivery (Design-Build) program which successfully delivers transportation projects. The program is generally accepted and supported throughout the industry. Over the years, contractors, engineers and MnDOT have developed expertise to effectively delivery design-build projects. The comments and recommendations represent a fine tuning of the program rather than an outright overhaul. The comments and recommendations are genuinely intended to help drive this Program to a world class design-build delivery program.

Themes

Three primary themes surfaced during the outreach: Consistency; Training; Project Selection.

1. Consistency throughout the design-build process was important to both industry and Owner individuals. This includes procurement; project management and oversight.

    a. Procurement documents are viewed from different perspectives between the industry and Owner, however, it was clear the documents have evolved with each project and it's time to bring them back to a consistent standard.

b. Inconsistent Project Management for both the OCIC office and the MnDOT project manager.

   - Turnover in the OCIC has made it difficult for the office to follow a consistent process during procurement.

   - Furthermore, the district Project Managers do not have the experience or depth to consistently manage design-build during construction.

c. And oversight services are not viewed to regularly follow established guidelines and procedures during design and construction. This leads to varied expectations for the level of design and quality assurance for the contractor.

2. Training was commonly brought forward as a solution to the consistency theme. A cause-effect based approach should be used to determine the root cause of the issue prior to developing the training program. Training opportunities would include:

   a. Improve contractor understanding of alternative contracting methods
   b. Clarify the role each office or organization has in the Design-build process. As an example, the role of OCIC, Districts and Consultants. Apply consistently across all projects.
   c. Develop consistency with all Project managers.
   d. Provide consistent application of design and construction verification.

3. The right delivery method for a project is perceived to be a solution to reducing the number of procurements that are delayed or proposals that are rejected due to non compliance with budget or schedule. Delaying Notice to Proceed or accelerating the procurement process makes it difficult for the industry to prepare proposals which result in efficient use of funding. The program would be more effective if the delivery method for projects was identified early and based on consistent criteria.

Recommendations

Although the current Program is well received by most participants of the outreach process, there are areas that lend themselves for improvement. The following recommendations are provided to help increase the prowess of the existing Program while addressing several of the recurring comments or suggestions for improvement by the outreach participants:

1. Develop an RFP template for Book 1, Book 2, Book 3, and RID. Providing more complete and consistent RFP documents relate to other common suggestions including: personnel experience, requirements, consistent quality requirements, proper risk transfer and avoiding more stringent specifications than traditional delivery. The template should provide for the following:

   a. Clear contract language for consistent implementation by project managers
   b. Guidance for vetting information to include in contract versus including in RID
   c. Guidance for vetting the proper assignment of project risks
   d. Establishing a known and consistent quality control and quality assurance program
   e. Guidance on design-build team personnel requirements

f. Guidance for selecting a procurement and oversight team

2. Work with the ERM in developing a project selection tool that will be used for vetting project delivery and procurement methods. The vetting process should establish a systematic risk based approach to selecting alternative delivery types. Vetting projects is also related to having more complete and consistent RFP documents as described in recommendation 1. The risk analysis should consider:

   a. Risks associated with scope, stakeholders, timing, and budget
   b. Methods for estimating projects and assigning contingency to the project to avoid under funding
   c. Guidance for risk based progress of design

3. Review the ATC process for consistencies and inconsistencies to provide insight on whether claims of inconsistency or lack of willingness to accept innovation is a viable concern. Draft a white paper proposing a training program that will be beneficial to the DB program including industry and Owner personnel. The White Paper should address protocols for developing, submitting and evaluating ATCs.

4. In response to suggestions for additional training the following two step training recommendation is provided:

   a. To assist industry (Contractors and Engineers) in preparing proposals, establish a simple training program to be held quarterly. An initial training consisting of a 2 to 4 hour workshop followed with bi-annual lunch hour training updates. Additional benefits will include continued industry interaction and the ability to answer additional questions during standard training sessions. This training should cover:

      - Contents of the RFP and location of the material on the provided electronic copy and web based site
      - Guidance on MnDOT's web site and applicable internet links
      - Guidance on the appropriate information to be contained in given forms and associated proposal paperwork
      - Format and content of technical proposals and SOQs
      - Guidance on electronic bid submittals
      - Guidance on RID and it's use

   b. Develop a training program administered by OCIC for MnDOT personnel and oversight consultants. This training program should be robust and should include topics such as:

      - Methods and objectives of oversight

- Required qualifications for team members
- Methods for determining key personnel and qualifications requirements for design-build teams
- Project manager training regarding contractual interpretation and role
- Training for executing the time period between notice of award and NPT1

5. There appeared to be diverging positions regarding objective versus subjective scoring, awarding 50 points for responsive proposals or not, and whether selection was driving towards low bid and away from best value. MnDOT's approach is similar to much of the transportation industry that currently scores and selects a contractor through a combination of price and numerical scoring. The price is revealed through a public price opening and the apparent winner is identified through an equation at the price opening based on numerical scores determined earlier by a scoring committee. The apparent winner is the ultimate winner unless something in the award of the contract is revealed (i.e., there is no re-evaluation of whether the price and technical score together is the best value).

   One of the design-build industries leading organizations has a best practice that promotes what is known as a most probable cost analysis after opening price proposals prior to announcing an apparent successful proposer. The best practices also promote adjectival scorings to allow the Owner the most flexibility in evaluating a best value for the project. Although current statues will not allow either of these methods of evaluation, it is recommended to prepare a white paper that would suggest changes to the current scoring and selection method that would promote best practices. The white paper would address an industry and governing body outreach to discuss how these processes can be used while maintaining transparency to allow MnDOT the opportunity to capture best value for projects.

6. Establish an industry (AGC/ACEC) outreach process that incorporates regularly scheduled (bi-annual) meetings for industry and MnDOT to discuss salient issues in the alternative contracting program.

7. MnDOT management should provide a clear mission statement complete with authority lines for OCIC and disseminate through districts and the Central Office. Review the need for staffing based on OCIC mission statement. If justified, the mission statement should provide a means for career growth in several of the lower key positions within OCIC.

8. Evaluate the use of design-build low bid, CMGC and ID/IQ alternative delivery. The evaluation should include: (refer to Questions 13 and 14 for more detail of the proposed evaluation)

   a. Review the goals of each delivery type
   b. Evaluate whether completed projects met the determined goals
   c. If goals were met disseminate to the industry the stated goals and how the program is achieving the goals

d. If the goals have not been met establish a white paper to redirect the program to achieve the stated goals
e. If the program is new CMGC and ID/IQ articulate the goals of each delivery type to industry
f. A process for continued improvement

9. Provide design-build best practice discussion forums for industry regarding several areas that industry tends to have angst where there should not be concern if there was a better understanding of the intended transfer of responsibility for design-build delivery. Associated with this training would also be a need to enforce the responsibility to the party and release of the control by MnDOT. Topics suggested include:

   a. Quality – design-build capitalizes on many of its benefits by placing quality verification on the design-build team. This would include all aspects of quality what is commonly known as quality control and assurance, but more clearly explained the burden of proof of quality is their responsibility of the design-build team. The Owner performs oversight of the process.
   b. Staff qualifications – numerous comments from industry indicated the Owner should have the same level of experience that the design-build team is required to provide. In many fields of design-build the Owner is not knowledgeable of the design or construction methods. In these industries, Owners rely on the design-build team to provide the expertise to complete the project. Owners will often have access to experts but only use them to resolve issues if they arise.
   c. Quantity risk is inherent in design-build and that this risk is transferred to the contractor within the constraints of the contract.

Introduction:

In an effort to provide for improvement to the existing Design-Build program, MnDOT through the General Engineering Consultant conducted an Industry Outreach program in the spring of 2012. The program consisted of both a questionnaire and follow-up one-on-one meetings with participants.

Crafting the questions was an iterative process to ensure that questions do not lead industry to respond in a predictable manner. The questions were open ended to encourage detailed feedback. Initially 26 questions were drafted ranging in topics from; clarity and consistency of RFP documents, consistency of Project, managers, OCIC and Districts, usefulness of RID information to more to questions requesting feedback on risk and overall feedback on the likes and dislikes of Design-Build best value and low bid delivery types.

An additional 4 questions were developed in response to feedback at several AGC/ACEC meetings held with MnDOT. The final item on the questionnaire was a request for additional feedback that was not related to the initial 30 questions.

In conjunction with developing the questions, the level of participation was established. Although there was interest in establishing an outreach program that could encompass all of industry, the practicality of this approach was not feasible. A subset representing a diverse cross section of Industry was ultimately selected. Overall the questionnaire was distributed to 34 participants, 10 Contractors, 10 Engineering firms and 14 from MnDOT and/or FHWA. The individuals and firms selected representing small to large contractors and engineering firms and individuals from a cross section of MnDOT ranging from Project Managers, to discipline leads to oversight personnel.

The participants and responses have been kept confidential in order to promote candid responses.

Purpose:

The questionnaire and one-on-one meetings allowed MnDOT to obtain, non restricted comments and feedback from industry open forums are sometimes less conducive to open opinions). The purpose was to analyze the feedback and establish areas within the Design-Build delivery program that can be improved.

Timeline:

The questionnaires were distributed in February, 2012. One-on-one meetings were conducted between March 19 and May 4, 2012.

Results:

The results of the Outreach are presented in this report and appendix. The results are organized by question in sequential number through the report. Each question presents a summary of the responses, in:

- Graphical form if the response is yes, no or numerical
- Categorical form if the responses were detailed explanations to a question

In the latter, responses are categorized by response in categories starting with A and continuing alphabetically for the number of categories responses could be rationally segregated into. Generally the number of categories is on the order of 5 to 8 (E though H) but have as few as 1 category and as many as 18 categories (R). The alphabetical lettering has no relationship to the response or importance thereof, they are simply an organizational tool. Each category is a brief paraphrasing of the main topic the responses represented. All responses by question and category are presented in their entirety in the appendix. The exception is, the responses were edited to eliminate direct references to individuals or companies, and as deemed necessary to eliminate the inference of an individual or company.

The graphical representation and categorical presentation of each question is followed by a conclusion section that presents the conclusions of the body of the responses found in the appendix generally presented through the categorical representation.

A recommendations section follows, as applicable, providing general recommendations based on the feedback from each question.

Due to the interrelationship of many questions, the executive summary captures and organizes the recommendations into format that is conducive for developing an action plan.

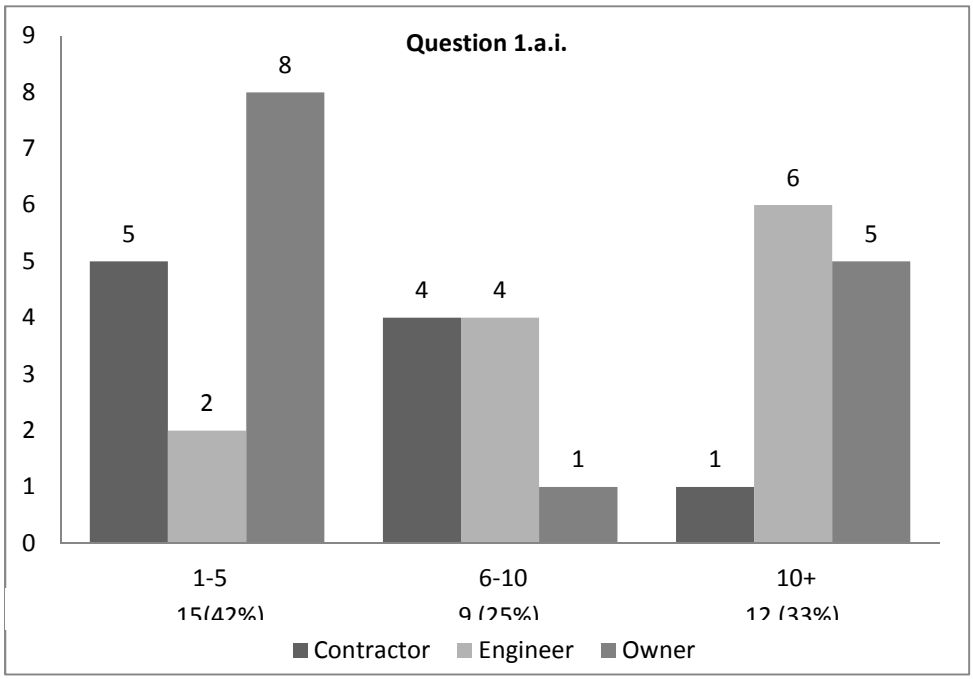
Legend:

The following provide guidance for interpreting data presented in the tables presented in the body of the report:

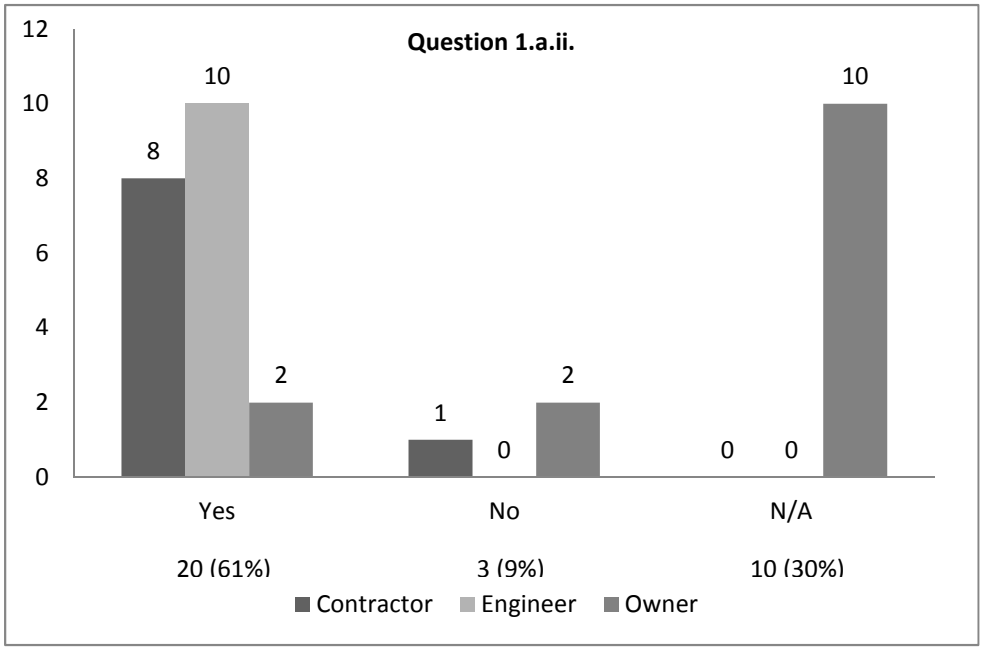
- Percentage below categories in the graphs represents the percent with respect to all responses for that category
- Code, A, B, C, etc represent a categorical segregation of responses
- C – Contractor response
- E – Engineering Firm response
- O – Owner response
- Total – represents the summation of response for that category for contractors, engineering firms and owner respondents

Question 1a: Have you participated in Design-Build Best Value?

How many?



Have you been on a successful team?



What went well with your experience?

Code	Theme	C	E	O	Total
A	The ATC process	3	0	0	3
B	Partnering/Teamwork	4	3	3	10
C	The ability to provide and accept innovative solutions	1	7	3	11
D	The Best Value process	1	2	2	5
E	Quality of product provided	0	1	1	2
F	The clarification and oversight processes	0	3	2	5
G	Having an experienced PM from MnDOT	2	1	0	3
H	Able to deliver projects faster	1	3	1	5
*	Misc	6	3	2	11

Conclusions:

Respondents most commonly indicated the ability to provide innovation as what went well with their experience in best value design-build. This was followed by the fellowship and teamwork gained working as a team on a project. Additional areas included, respondents felt the best-value process functioned well and was clear, as well as indicating the clarification oversight process functioned well and was beneficial and appreciated the fact that projects could be delivered faster.

Recommendations:

Continue to structure RFP's to promote innovation and partnering. Innovation was a major indicator of what made design-build a good experience. However, responses and comments associated with what to do to improve design-build (question 1.a.iv) included sixteen for improving openness and consistency of the ATC process which is one of the venues to infuse innovation into design-build projects. Refer to recommendations for question 1.a.iv for further recommendations.

The responses to a good experience with partnering were not necessarily referencing a formal partnering process. Rather they referenced relationship building that is somewhat intrinsic with the design-build model. Therefore it is recommended to continue to foster these relationships by continuing to require and promote interaction amongst the Owner and contractor teams through regularly schedule meetings for design and construction and other means that promote open communication.

What recommendations would you make for improvement?

Code	Theme	C	E	O	Total
A	Provide better definition and consistency to what the Quality requirements are	8	3	0	11
B	Better application of Risk Transfer	2	7	1	10
C	DB has more stringent requirements than DBB	8	2	1	11
D	Provide more thorough or complete RFP documents	2	4	6	12
E1	Evaluation scoring continue or discontinue the guaranteed 50 points for responsiveness	3	5	2	10
E2	Evaluation scoring – other	11	9	10	30
F	Project selection/stable program	7	6	8	21
G	Increase the Stipend on projects that justify it	1	3	0	4
H	MnDOT and/or contractor personnel qualifications	3	4	4	11
I	Improve consistency of approach and enforcement of documents during proposal and execution	2	5	1	8
J	Improve consistency or eliminate Warranties	1	2	0	3
K	Consider the timing of projects	2	3	2	7
L	More consistency and/or openness to the ATC process	0	15	1	16
M	Increased or decreased OCIC Authority	1	0	4	5
N	Training for contractor teams and/or MnDOT personnel	4	4	6	14

Conclusions:

There was a wide array of suggestions for improving the best-value approach to procurement. Many of the responses and suggestions received to this question resurface in other questions. The majority of responses were centered around the scoring and evaluation process. (Codes E1 and E2, combined 40

responses.) Although the best-value approach was one that was cited as a success by several respondents there seemed to be an outweighing of suggestions for improvement in this area. The largest contingent of suggestions were with removing the guaranteed 50 points for having a responsive proposal, six specific responses request a retraction of this approach, one response to another question specifically likes this approach. Other prominent suggestions regarding scoring were to make the process more objective, which was raised by four contractors in contrast to making it more subjective which was raised by several respondents. Several respondents (six) indicated the current form of scoring was resulting in an essentially driving the process to a low bid selection and thus driving that mentality in the bidding process. Finally there were suggestions to guard against bias's and to ensure the scoring members were experts and that they performed sufficient due diligence on their scores to avoid improper high or low scoring.

A second recurring theme was the project selection process should be re-evaluated to help ensure projects are vetted properly (Code F, 21 responses) to guard against recent changes in delivery types, and just overall proper delivery method selection.

Other suggestions were to simplify the ATC process (Code L, 16 responses) and provide more training (Code N, 14 responses). These were followed in frequency by; providing more complete procurement documents (Code D, 12 responses), better consistency regarding quality control and quality assurance responsibilities (Code A, 11 responses), risk transfer and a closely related topic that design-build enforces more stringent requirements than design bid build (Codes B and C, 10 and 11 responses respectively). A final theme raised by more than 10 respondents we vetting the qualifications of MnDOT and contractor personnel (Code H, 11 responses)

Recommendations:

Question 1 was an open ended question requesting responses regarding overall improvement t for the design-build program. As a result many of the responses are redundant with responses to specific questions throughout the remainder of the questionnaire. There are several themes of suggestions with sufficient responses for improvements associated with this question that warrant recommendations:

1. Develop a RFP template for Book 1, Book 2, Book 3 and RID. More complete and consistent RFP documents, (Code D, 13 responses) is related to other common suggestions including , vetting personnel experience, quality requirement consistency, proper risk transfer and avoid more stringent requirements under DB (Codes, H, A, B, and C, 11, 11, 10 and 11 responses respectively). The whole of these 76 total industry suggestions indicate that a new contract template should be developed to address the current concerns. The template should provide for the following:

    a. Clear contract language for consistent implementation by project managers

    b. Guidance for vetting information to include by contract versus including with RID.

    c. Guidance for vetting the proper assignment of project risks

d. Establishing a known and consistent quality control and quality assurance program

e. Guidance on design-build team personnel requirements

f. Guidance for selecting a procurement and oversight team

2. Work with the ERM in developing a project selection tool that will be used for vetting project delivery and procurement methods. Vetting projects (Code F, 21 responses) is related to having more complete and consistent RFP documents as described in recommendation 1. The risk analysis should consider the method of estimating projects and assigning contingency to the project to avoid under funding.

3. Review the ATC process for consistencies and inconsistencies to provide insight on whether claims of inconsistency or lack of willingness to accept innovation is a viable concern. Draft a white paper proposing a training program that will be beneficial to the DB program including industry and Owner personnel. The White Paper should address protocols for developing, submitting and evaluating ATCs.

4. In response to suggestions for additional training the following two step training recommendation is provided

    a. To assist industry in preparing proposals establish a simple training program to be held quarterly. An initial training consisting of a 2 to 4 hour workshop followed quarterly with lunch hour training updates. Additional benefits will include continued industry interaction, ability to answer additional questions during standard training sessions. This training should cover:

        i. Contents of the RFP and location of the material on the provided electronic copy and web based site

        ii. Guidance on MnDOT's web site and applicable internet links

        iii. Guidance on the appropriate information to be contained in given forms and associated proposal paperwork

        iv. Format and content of technical proposals

        v. Guidance on electronic bid submittals

        vi. Guidance on RID and it's use

    b. Develop a training program administered by OCIC for MnDOT personnel and oversight consultants. This training program should be robust and should include topics such as:

        i. Methods and objectives of oversight

ii. Required qualifications for team members

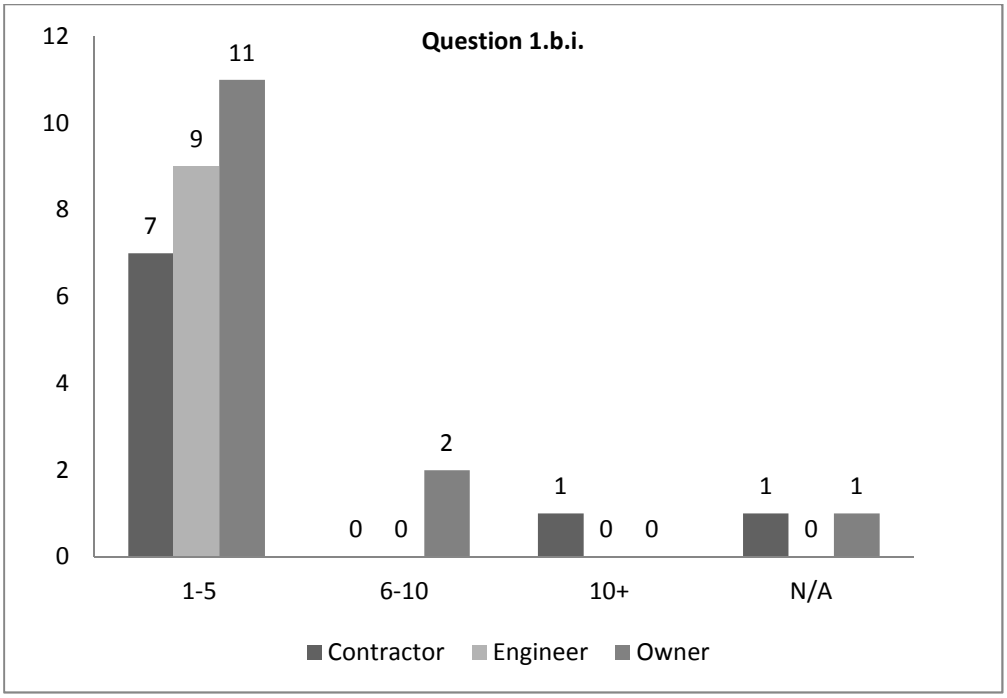
iii. Methods for determining key personnel and qualifications requirements for design-build teams

5. As seen by the responses coded as E1 and E2 there appeared to be diverging positions regarding; objective versus subjective scoring, awarding 50 points for responsive proposals or not, and whether selection was driving towards low bid and away from best value. MnDOT's approach is similar to much of the transportation industry that currently scores and selects a contractor through a combination of price and numerical scoring. The price is revealed through a public price opening and the apparent winner is identified through an equation at the price opening based on numerical scores determined earlier by a scoring committee. The apparent winner is the ultimate winner unless something in the award of the contract is revealed (i.e. there is no re-evaluation of whether the price and technical score together is the best value).

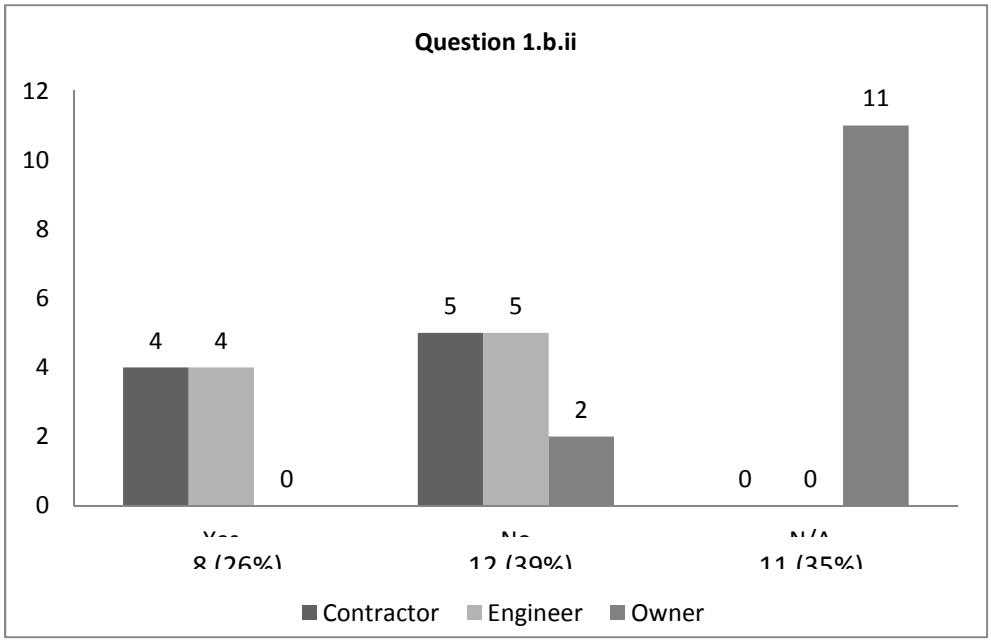
   One of the design-build industries leading organizations has a best practice that promotes what is known as a most probable cost analysis after opening price proposals prior to announcing an apparent successful proposer. The best practices also promote adjectival scorings to allow the Owner the most flexibility in evaluating a best value for the project. Although current statues will not allow either of these methods of evaluation, it is recommended to prepare a white paper that would suggest changes to the current scoring and selection method that would promote best practices. The white paper would address an industry and governing body outreach to discuss how these processes can be used while maintaining transparency to allow MnDOT the opportunity to capture best value for projects.

Question 1b: Have you participated in Design-Build low bid?

How many?



Have you been on a successful team?



What went well with your experience?

Code	Theme	C	E	O	Total
A	Nothing	3	4	3	10
B	Not applicable the project is starting now	0	1	1	2
C	Simple process	2	2	1	5
D	Team effort	1	0	2	3
E	ATCs	1	0	0	1
*	Miscellaneous	0	1	0	1

Conclusions:

The most common theme of DB low bid was nothing went well. However, more constructive benefits listed were the process was simpler and the team work was appreciated.

Recommendations:

Based on the overarching reaction of respondents that nothing went well some due diligence is required for continued use of this delivery type. It is recommended to implement a process to review the use of design-build low bid. The review should consist of:

- Review the goals of design-build low bid use.
- Evaluate whether completed projects met the determined goals.
- If goals were met disseminate to the industry the stated goals and how the program is achieving the goals
- If the goals have not been met establish a white paper to redirect the program to achieve the goals
- Include design-build low bid in the project vetting process recommended in response to Question 1.a.iv.

What recommendations would you make for improvement?

Code	Theme	C	E	O	Total
A	Provide a better scope definition/clearer documents/reduce time to prepare proposals	4	10	6	20
B	Continue to short list/pay stipend	6	3	2	11
C	Evaluate project selection methods/vet projects	9	3	6	18
D	Allow more ATC/communication during procurement	2	2	2	6
E	Provide training	1	0	1	2
F	Ensure proper MnDOT Personnel qualifications and staff	1	1	3	5
G	Share risk	1	1	3	5
H	Stop delivering projects this way	0	5	0	5

Conclusions:

The most common suggestions for improving DB Low Bid was to simplify the process, provide a very clear scope, vet projects more thoroughly, and provide a stipend even for single step processes. It is important to note, the majority position of those responding is that they do not want to participate in DB low bid and are doing it reluctantly currently. This position is offset by some of the smaller contractors.

Recommendations:

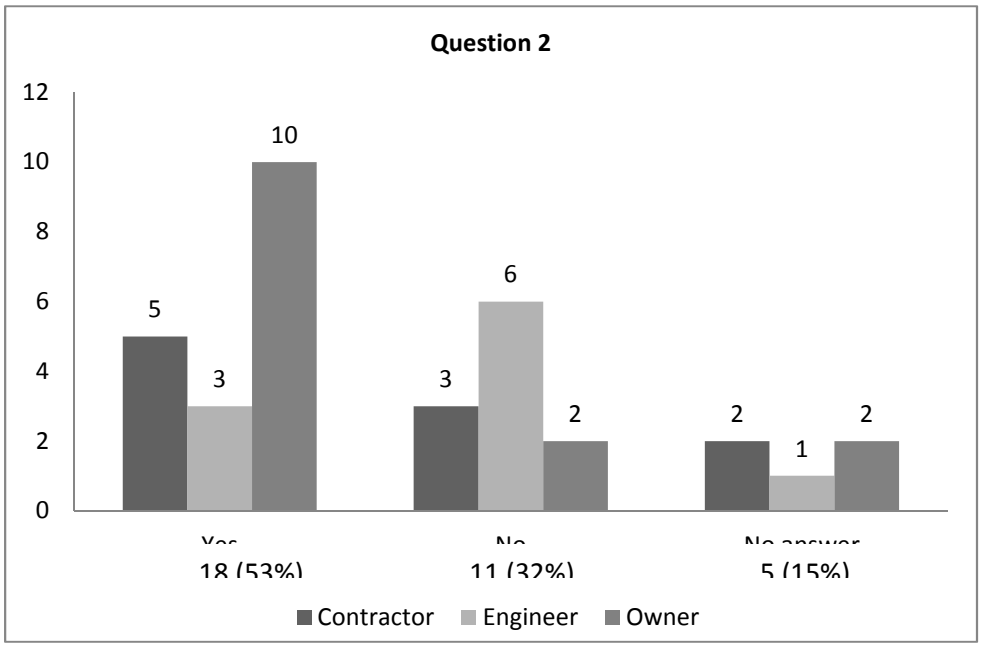
The following recommendations are provided for the design-build low bid process.

1. A due diligence of reviewing design-build low bid should be implemented. The review should consist of:

- Review the goals of design-build low bid use.
- Evaluate whether completed projects met the determined goals.
- If goals were met disseminate to the industry the stated goals and how the program is achieving the goals
- If the goals have not been met establish a white paper to redirect the program to achieve the stated goals

2. Prepare a contract template that provides guidance on ensuring the scope is clear and conceptual plans provided contain sufficient details and notations to clarify scope. Provide guidance for including reasoning of selecting this method of delivery in the RFP.
3. Include design-build low bid in the project vetting process recommended in response to Question 1.a.iv
4. Ensure the stipend is commensurate to the level of work asked of the proposers.
5. Evaluate whether risk sharing has been proper for this type of project and provide recommendations for risk sharing on new projects.
6. Allow one-on-one meetings for all projects.

Question 2: During the procurement process have you found the Request for Proposal documents to be consistent?



Code	Theme	C	E	O	Total
A	Are consistent or getting better	1	1	2	4
B	Wide ranging inconsistencies	1	1	1	3
C	Book 2 inconsistencies	2	8	0	10
D	Scoring criteria inconsistencies	1	1	0	2
E	Repeating errors	0	3	1	4
F	Information poorly organized and/or hard to find	0	1	1	2
G	Book 1 inconsistencies	2	2	0	4
H	Investigations/studies	0	2	0	2
I	Administration/Interpretation	0	2	1	3
J	Quantity of information	1	1	0	2

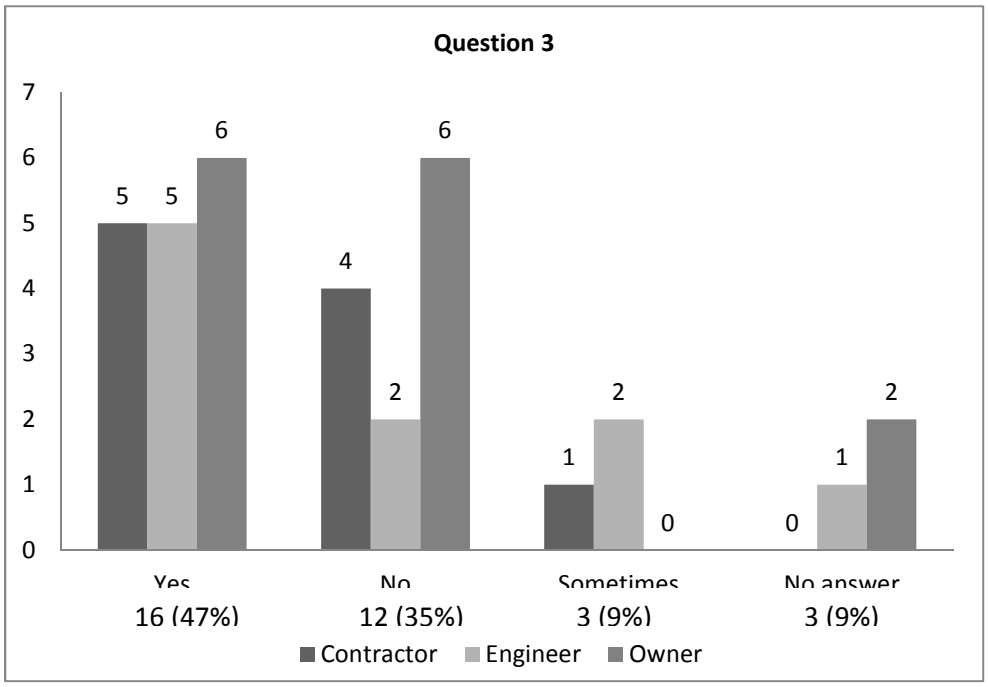
Conclusions:

Contractors were fairly even in indicating RFP documents were consistent and inconsistent with the areas indicated as being inconsistent ranging from insurance requirements, quality, PI, to wide ranging inconsistencies. For engineers, 70% indicated the documents were inconsistent stating areas such as inconsistencies in Book 2, Quality, and third party contacts as areas where inconsistencies are observed. In contrast, approximately 90% of Owners indicated the documents were consistent. However, there were comments of known inconsistencies from several Owner respondents. Additional common themes of inconsistencies encountered by respondents were carryover language from pervious procurements to finding conflicting information in individual sections of Book 2 or RID.

Recommendations:

MnDOT should develop a standard template reducing potential for carry over language and creating specific locations where proposers can traditionally find information. MnDOT should implement a QC process that cross checks design criteria between individual Book 2 Sections and also cross checks the information against RID information. Refer to Recommendation 1 for further Template recommendations.

Question 3: During the procurement process have you found Request for Proposal documents clear?



Code	Theme	C	E	O	Total
A	Clear or covered well with clarifications	5	2	4	11
B	Not clear, inconsistent language being presented in more than one location or from old documents	4	9	4	17
C	Scope clarity issues	3	3	6	12
D	VQM inconsistencies	1	1	0	2
E	Not clear due to volume of material to review	3	2	1	6
*	Miscellaneous	1	1	3	5

Conclusions:

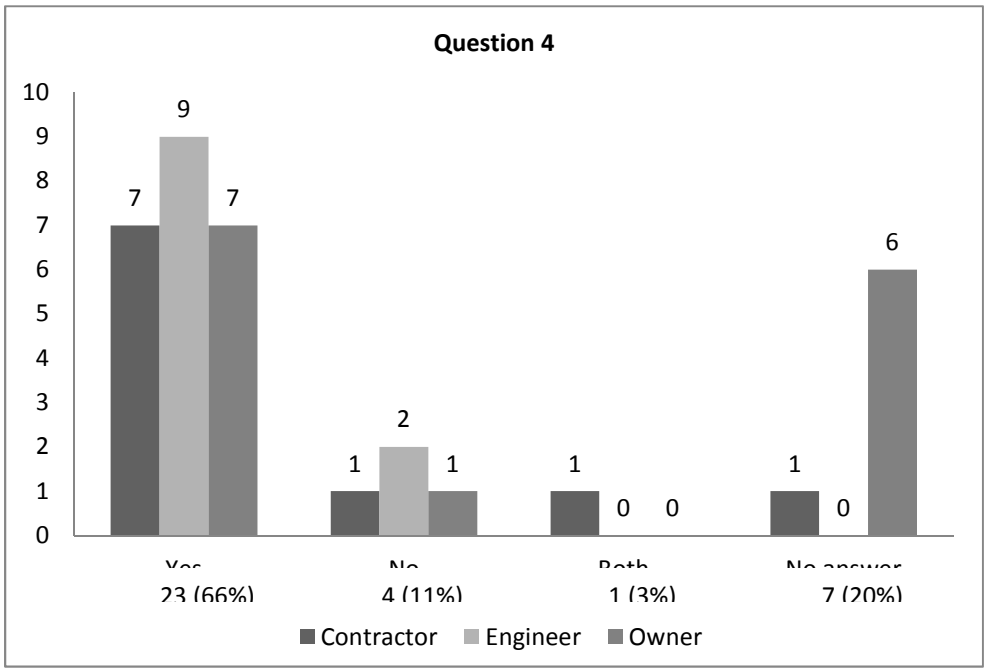
Overall 65 percent of the respondents either felt the documents were clear, sometimes clear or provided no distinct answer. Thirty-five percent indicated the documents were clear, with half of those being from Owners responses. Over 50% of the contractors indicated the RFP documents were clear. Those that disagreed tended to indicate inconsistencies between sections of the RFP or just the

magnitude of material to review made the process unclear and scope clarity as concerns. They point to the number of clarifications requested during procurements as confirmation. Approximately 80% of engineers indicated that the materials were either clear or mostly clear. Those that provided a dissenting answer generally indicated that the number of clarifications on projects supported this position but provided little detail. Owners, in contrast to nearly 90% indicating RFP documents are consistent (question 2) were closer to 50% in indicating the RFP documents were clear. Owners cited inconsistencies of language between sections and scope clarity issues. Additionally overall several respondents cited carry over language form prior procurements as adding to the lack of clarity and that the VQM section of Book 2 was often not clear.

Recommendations:

Provide a template of the RFP documents that reduces the probability of information found in multiple Sections. The template should identify a location that will be the repository location for project scope items to the extent possible. The template should provide guidance regarding RID and contract information vetting processes. Refer to Recommendation 1 for further Template recommendations. The template should establish a process for updates including timely lessons learned updates.

Question 4: During procurements have you found RID documents helpful?



Code	Theme	C	E	O	Total
A	RID is either helpful but has conflicts/errors or not helpful due to Conflicts/errors	1	3	0	4
B	MnDOT should vet RID more thoroughly on ownership	3	7	2	12
C	There is too much RID or not enough time to review	1	3	3	7
D	Confusing or in wrong location	2	2	1	5
E	Electronic issues	1	3	1	5
F	Conflicting enforcement	3	1	0	4
*	Miscellaneous	0	2	1	3

Conclusions:

The majority of respondents indicated that RID was helpful with only 11% indicating it was not helpful. With favorable responses there were suggestions for improving the RID package. Generally, the

consensus was more thought and vetting was needed on what material could be included contractually with Book 2 or in RID and for overall conflicts within RID. Additional comments included provide more material electronically, and to try to reduce the material included as RID. Overall there is an opinion that more RID should be contractual information the Owner accepts risk for.

Recommendations:

The primary recommendations for RID are:

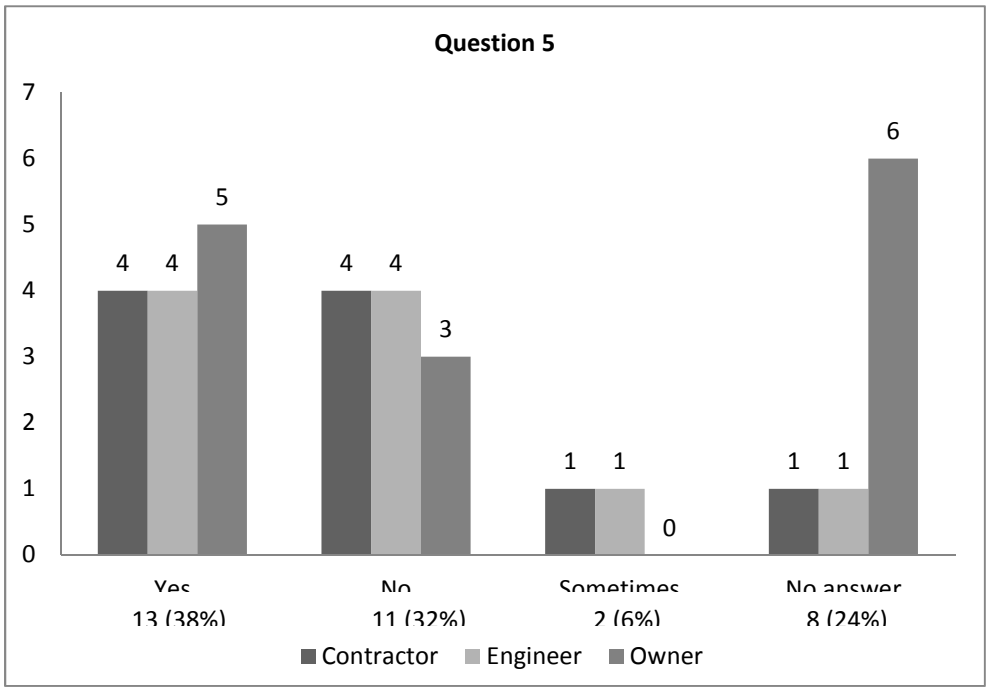
1. Provide a means for faster RID review. Provide a table of contents of RID information (a more complete Index) and potentially a folder matrix for where material is located. Name files more completely to allow easier detection of the file contents.

2. Through a project risk analysis, evaluate who is best to mitigate the risk of inconclusive or inaccurate RID information. Provide industry training on why material is placed in RID and how material can be utilized to assist in proposal preparation.

3. Provide a means for vetting RID and its accuracy.

Refer to Recommendation 1 for further Template recommendations. Refer to Recommendation 4 for further training recommendations.

Question 5: During procurements have you found the proper information in the RID documents?



Code	Theme	C	E	O	Total
A	Difficult to find information or too much information	3	2	0	5
B	Electronic media concerns	1	2	1	4
C	Lacking data initially	4	5	0	9
D	Quality of information	0	6	3	9
*	Miscellaneous	1	2	1	4

Conclusions:

Overall, it is approximately 50% on whether the proper information is provided in the RID package. The primary dissenting view states that more information on utilities and more information generally in a useable electronic form would be beneficial. Designers indicate that valuable time is spent recreating information that MnDOT has already paid to develop. Providing the information if only in RID would at least reduce the redundant time allowing stipend money to be spent on vetting innovation.

Recommendations:

1. Provide a template for MnDOT teams regarding how to develop RID to help ensure available pertinent information is included in an organized manual.

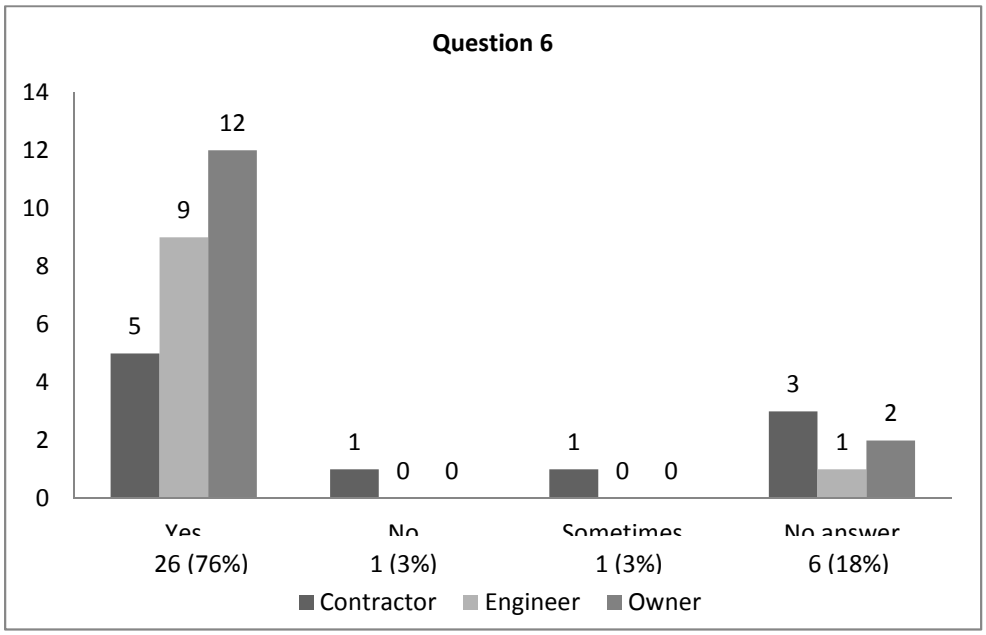
2. Provide a means for faster RID review. Provide a table of contents of RID information (a more complete Index) and potentially a folder matrix for where material is located. Name files more completely to allow easier detection of the file contents.

3. Provide a means for vetting what RID is needed and its accuracy (quality/time frame of data, etc.).

4. Provide electronic DGN files for designers. In low bid design-build projects, give consideration to providing PDF versions of design files.

Refer to recommendation 1 of Question 1.a.iv for further Template recommendations. Refer to Recommendation 4 for further training recommendations.

Question 6: During procurements have you found OCIC informative and helpful?



Code	Theme	C	E	O	Total
A	Very little interaction with OCIC	2	2	0	4
B	OCIC personnel have had a range of ability	1	1	1	3
C	OCIC has performed well	1	2	3	6
D	Not sure of OCIC's role	1	1	2	4
E	OCIC does not engage enough	0	2	1	3
F	OCIC oversteps authority	0	0	1	1
G	OCIC should have more authority	0	0	2	2
H	OCIC has not performed role well	1	1	0	2
*	Miscellaneous	0	1	1	2

Conclusions:

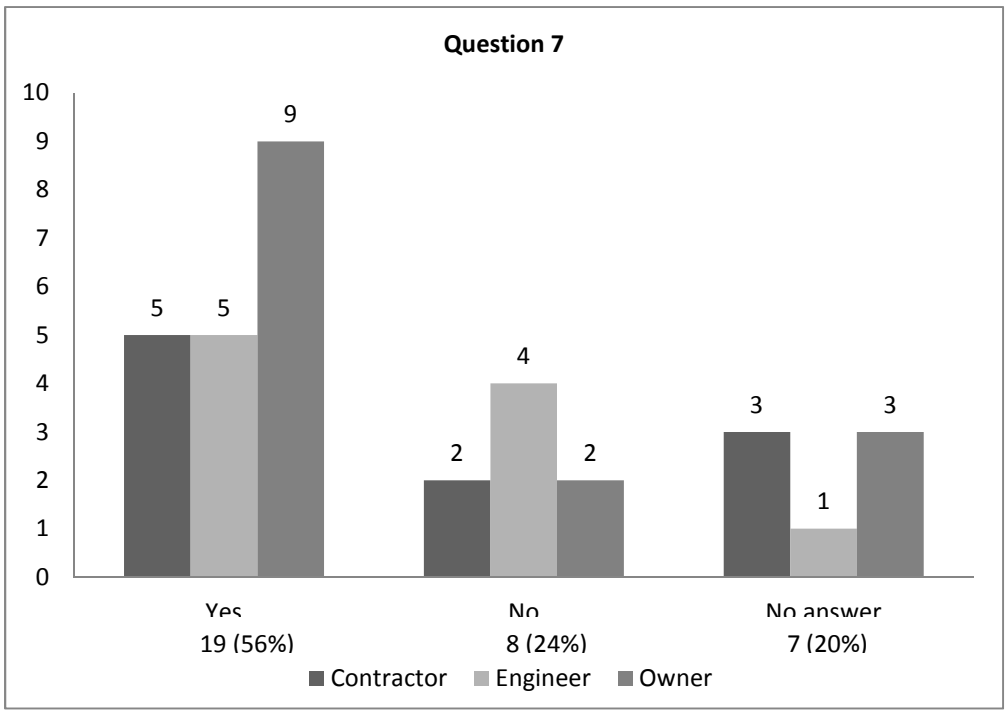
Overall consensus is that OCIC has been helpful on projects during procurement. There is some confusion regarding OCIC's role, with statements such as why is OCIC not involved past procurements

since they are in the office of construction or why are they involved in procurements if they are the office of construction and mixed input regarding whether OCIC should continue through construction, or only be involved with construction. There is some confusion as to whether OCIC is overseeing the procurement process or responsible for the procurement process.

Recommendations:

MnDOT management should provide a clear mission statement complete with authority lines for OCIC and disseminate through districts and the Central Office. Review the need for staffing based on OCIC mission statement. If justified, the mission statement should provide a means for career growth in several of the lower key positions within OCIC.

Question 7: During procurements have you found OCIC consistent?



Code	Theme	C	E	O	Total
A	Change over in OCIC personnel has been an issue	2	0	0	2
B	OCIC is managing inconsistent people in the district	1	2	0	3
C	OCIC provides inconsistent processes or verbal information	0	2	2	4
*	Miscellaneous	1	0	2	3

Conclusions:

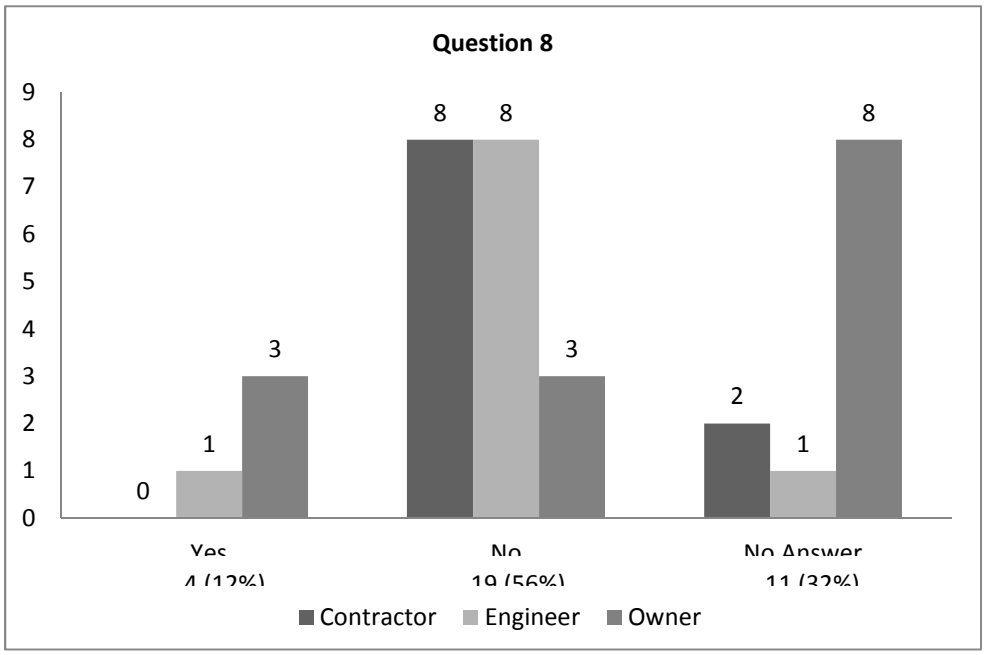
General consensus is that OCIC is consistent (19 of 27 responses). Feedback regarding improvement consisted of OCIC personnel turnover causing inconsistencies. Also there were references to some inconsistent direction and written processes in the RFP.

Recommendations:

Provide a means that OCIC staff can be challenged and obtain career growth opportunities within OCIC to maintain a consistent staff. Prepare RFP template documents to maintain consistency. Refer to

Recommendation 1 for further Template recommendations. Refer to recommendations of Question 6 for additional OCIC recommendations.

Question 8: During procurements have you found consistency between districts?



Code	Theme	C	E	O	Total
A	Contract document interpretation inconsistencies between districts	2	0	0	2
B	Districts administer the contracts differently	2	0	2	4
C	Contract and other RFP document changes are made between districts	4	4	0	8
D	Staff level/experience inconsistencies	1	6	1	8
E	Overall inconsistencies	3	3	2	8
F	Need more assistance by OCIC	0	1	2	3
*	Miscellaneous	0	0	2	2

Conclusions:

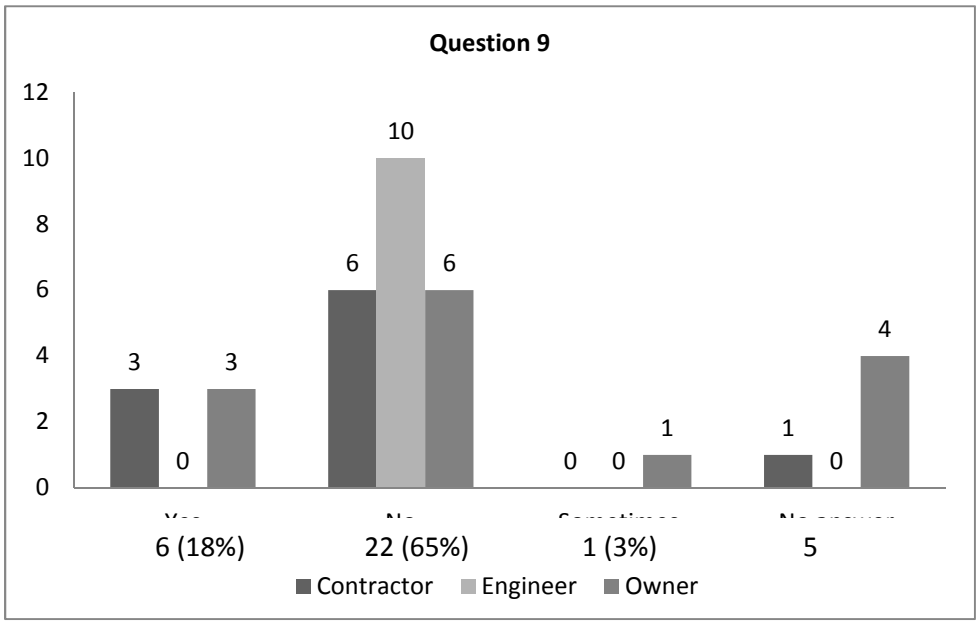
The consensus is that districts are not consistent, although Owners were split across those that provided a response to the question. There is some opinion that districts will not ever be consistent, however there is a strong belief that consistency between districts would help the DB program. The consistency

should start with project managers based on the responses. The primary area of concern was inconsistencies in administration of the contract such as warranty enforcement and in interpretation of the contract.

Recommendations:

OCIC should provide a training program for project managers and develop a program to monitor DB project managers by OCIC regarding district consistencies. OCIC would report the results of monitoring to a management sponsor that can enforce the program goals of consistency. Refer to Recommendation 4 for additional training program recommendations.

Question 9: During procurements have you found consistency between Project Managers?



Code	Theme	C	E	O	Total
A	The PM's were either changed during the process or lacked experience or authority	2	9	5	16
B	The PM's require training	1	2	5	8
C	The PM's vary in responsiveness and/or openness on issues	2	1	1	4
D	The PM was not available	1	1	1	3
E	The PM is either more strict/less strict	3	0	3	6
F	The PM did not understand DB and Partnering process	2	5	1	8
*	Miscellaneous	0	2	4	6

Conclusions:

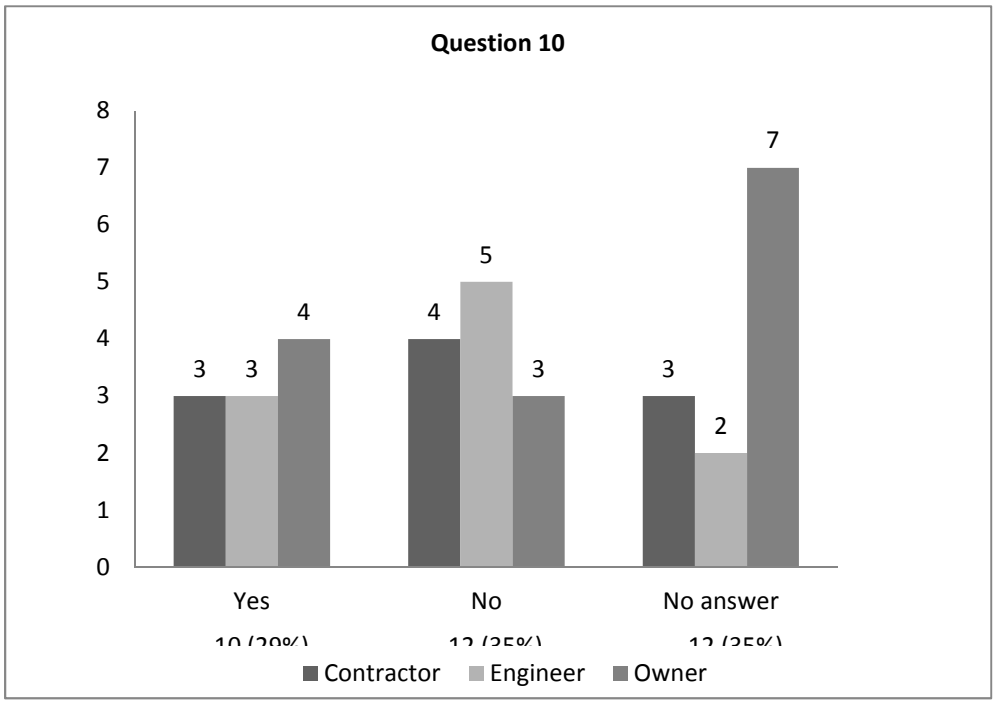
The consensus is that MnDOT's PMs are not consistent. The root cause of this claim is related to the turnover of PMs on MnDOT's staff, both during a project and in general through the staff. The results tend to manifest themselves in two ways. In the situation where a PM is replaced during a project,

continuity of project knowledge is lost. Through PM turnover in MnDOT staff the result generally is inconsistent administration of the contract with a sense of concern as to whether the PM will be less strict/more strict and/or will the PM understand the process and administer the project like a DB or a DBB project. These concerns are viewed as a risk to contractors because they do not have a history with the PM. There is also a new concern about PMs not being assigned to projects on a full time basis and times where PMs switch during the project. There was some discussion that PM's for the contractor also are an inconsistent factor with numerous PM's not having decision authority, and additional discussion regarding whether there would ever be consistency when considering the human factor of project management. Concern was expressed of additional risk placed on contractors due to inconsistent enforcement of warranties. .

Recommendations:

Provide for a system that develops project managers, allowing for career growth. Institute training program by OCIC for project managers. The program should be separate from Districts to ensure training does not take on the culture of each district and how they want to administer DB contracts. Implement a proactive lessons learned process to enhance training. Prepare a white paper for districts outlining PM responsibilities and characteristics of good DB PMs. Refer to Recommendation 4 for additional training program recommendations.

Question 10: During contract execution have you found the process to be consistent?



Code	Theme	C	E	O	Total
A	Inconsistencies after apparent low bidder announcement and NTPI	2	2	2	6
B	PM personalities and experience cause inconsistencies	4	2	0	6
C	Additional training should be provided for PMs	0	1	2	3
*	Miscellaneous	3	1	2	6

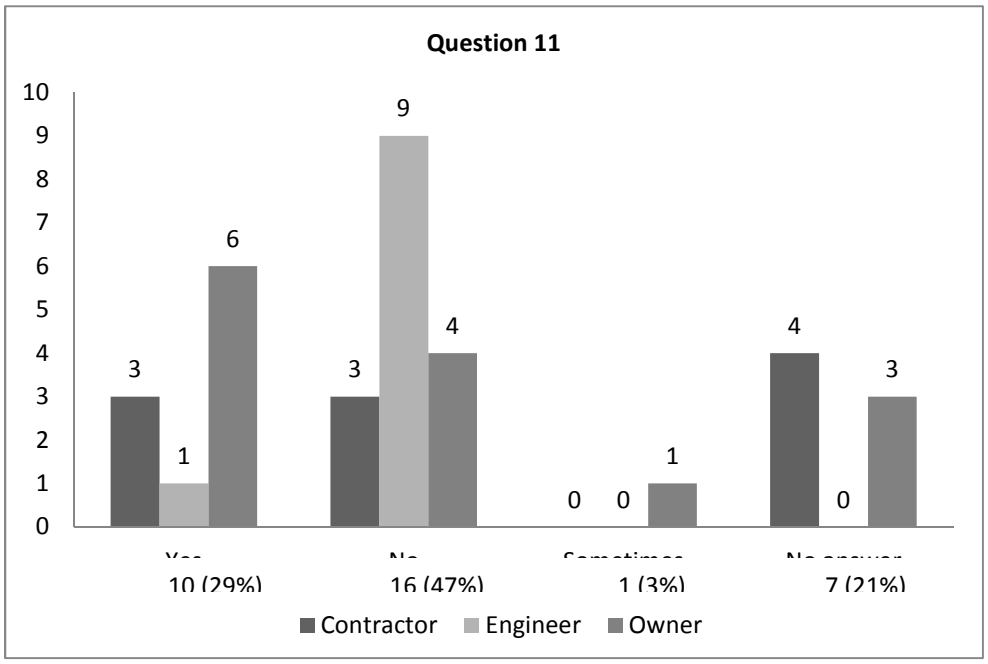
Conclusions:

Across contractors, engineers and Owners it was split on whether the DB process is consistent during execution. Discerning points of view included issues with delays after notice of award to receive NTP1 and just the project required completion time causing design at risk and potential risk of rework of design. While others indicated the PM was generally the central part of the inconsistencies and recommended training for PM's.

Recommendations:

Review the new DB manual to ensure a procedure exists for the process to be followed from apparent low bidder announcement to NTP1 complete with deliverables and required contracts, forms, responsibilities and timelines. Enhance the procedure as needed to ensure clarity. Review and prepare PM training for this time period of the procurement. Refer to Recommendation 4 for additional training program recommendations.

Question 11: During design and construction have you found design oversight to be consistent?



Code	Theme	C	E	O	Total
A	Design oversight lacks experience	1	6	2	9
B	Design comments that are not valid are made	1	2	0	3
C	Design oversight lacks authority	1	2	1	4
D	Design oversight tries to prove worth	1	5	0	6
E	Design oversight tries to incorporate preferences	1	4	0	5
F	Design oversight has personal conflicts with a contractor or designer	0	2	0	2
G	Design review times are used as a tool or always taken full time	1	3	1	5
H	Provide training	1	1	3	5
*	Miscellaneous	5	7	3	15

Conclusions:

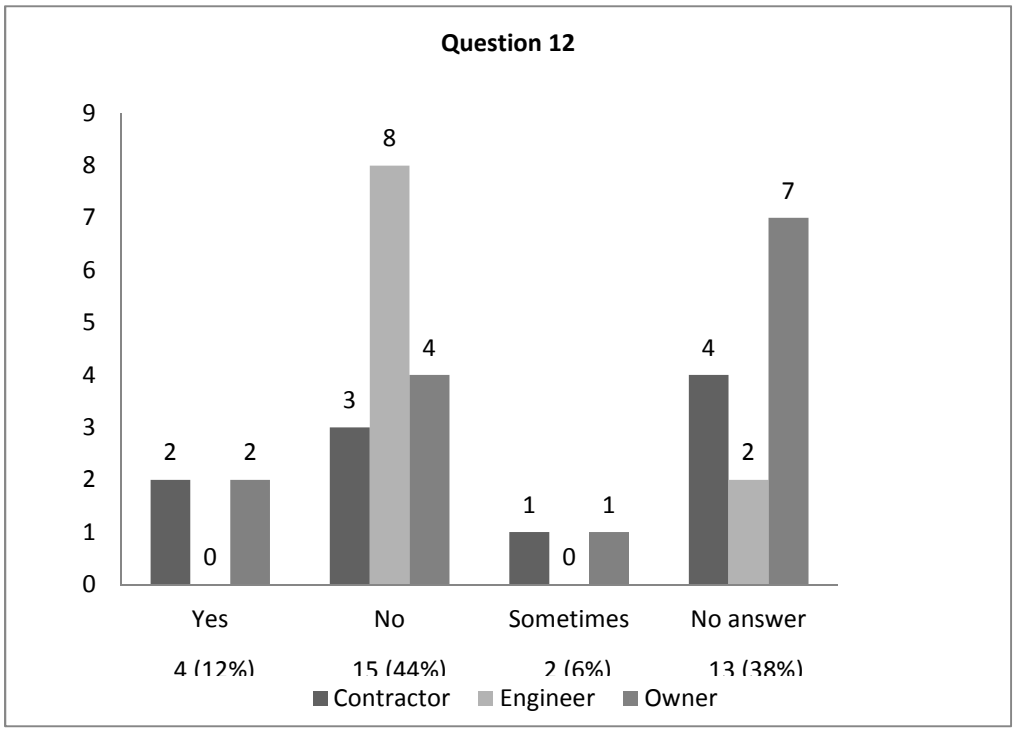
Contractors and Owners were fairly evenly split on whether design oversight was consistent from project to project. In contrast Engineers nearly unanimously indicated it was not consistent, areas of design oversight inconsistencies from all parties included, lack of personnel experience, concerns that consultants would try to prove their worth by making many comments and Owner oversight personnel would try to enforce preferences and/or force preferences. Another common theme was a suggestion that the Owner staff their oversight with personnel with the same level of experience as required by the design-builder.

A theme through many responses was that the oversight personnel were described as reviewers. Although oversight is a review function, mention of review seemed to infer a higher level review such as a designer would review their own work and not an overview function. There may be a functional misunderstanding of an oversight role.

Recommendations:

Develop a training module that would provide training to all oversight personnel regarding the goals of an oversight review. Consultant personnel should be provided insight that the number of comments is not the rating criteria of their effort and internal MnDOT reviewers should be provided guidance on how to request preference items. Refer to Recommendation 4 for additional training program recommendations.

Question 12: During design and construction have you found construction oversight to be consistent?



Code	Theme	C	E	O	Total
A	There is a duplicity of testing	3	1	0	4
B	There is confusion of quality roles between the contractor and MnDOT	0	8	2	10
C	MnDOT and Contractor foremen bypass the contractors quality personnel	2	1	1	4
D	Construction oversight is relatively consistent	3	0	1	4
E	Quality is basically the same as DBB or more strict	3	2	1	6
F	MnDOT should let contractors have the quality responsibility	2	1	0	3
G	When MnDOT uses a consultant there are inconsistencies	2	2	0	4

H	There is a lack of qualified staff/more training needed	0	2	2	4
*	Miscellaneous	0	3	3	6

Conclusions:

The contractors and Owners, out of those that provided a response, were slightly weighted to construction oversight is not consistent. Contractors stated that inconsistency came from duplicity of testing. They also cited inconsistency due to different personnel traits of individuals and that there were ramifications from relationships of MnDOT Inspectors and contractor foreman from past projects. Those that had prior relationships tended to work things out as if it were a DBB project and bypass the contractors own Quality Personnel.

Owner responses were widely variable matching with both contractor and engineers' responses.

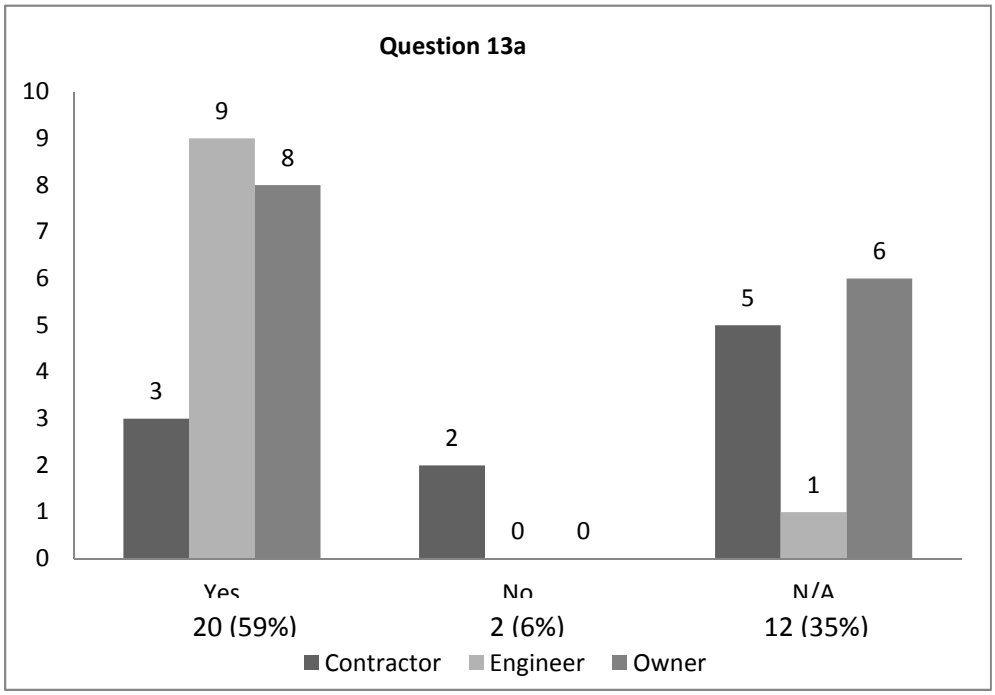
Engineers that responded unanimously answered construction oversight was inconsistent, stating confusion of roles as the primary reason.

Recommendations:

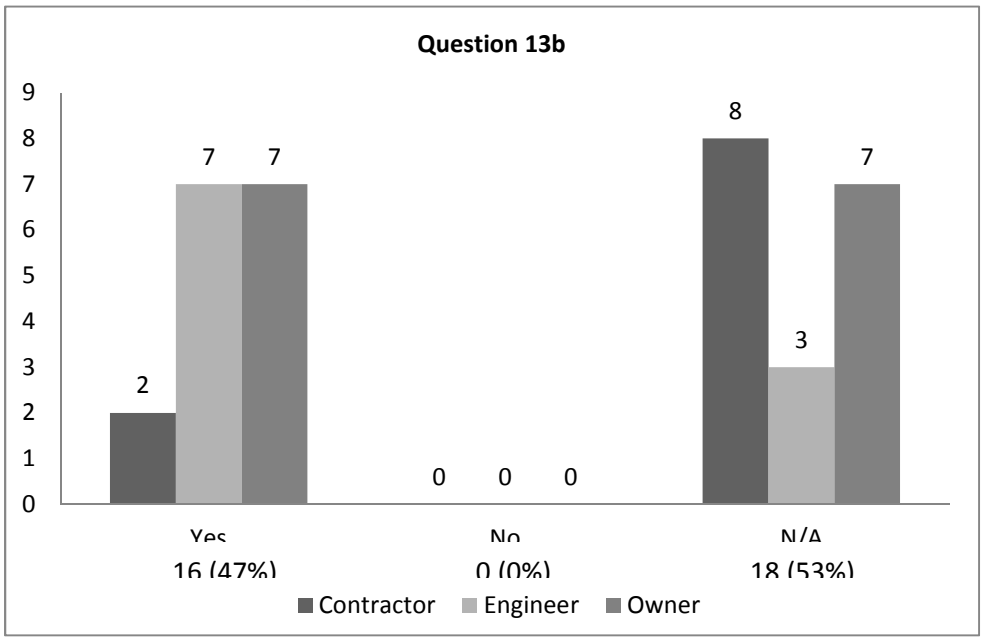
Management must provide final directive of whether contractors are going to maintain control of quality with the Owner providing oversight or if MnDOT is going to continue to provide acceptance testing and inspection services. Design-build. Regardless of the decision there needs to be an outreach program to contractors and engineers explaining and educating them on their responsibility. If the decision is to place this burden on the design-build team there needs to be emphasis placed on a quality program does not simply mean meeting the MCS but an actual quality program ensuring continuous improvement and scrutinizing areas of obvious defects regardless if the minimum number of test have been previously performed for the lot. Training of project personnel must be included to ensure lines of communication and authority are maintained. Refer to Recommendation 9 for an expanded solution to this.

Question 13: What type of alternative contracting would you like to see used by MnDOT? (circle as many as needed)

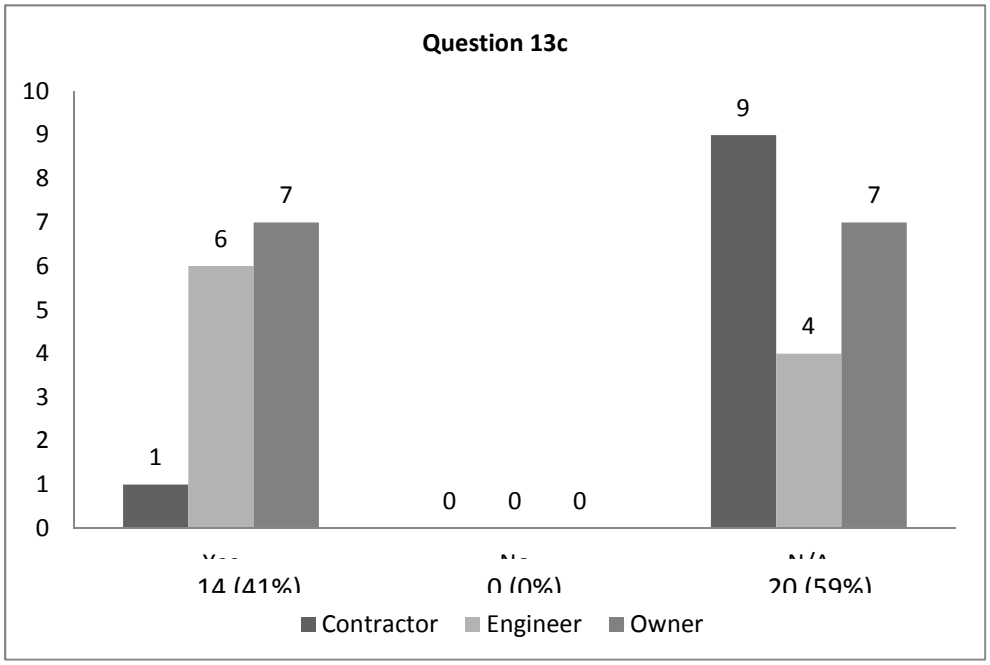
Contract Manager/General Contractor (CMGC)



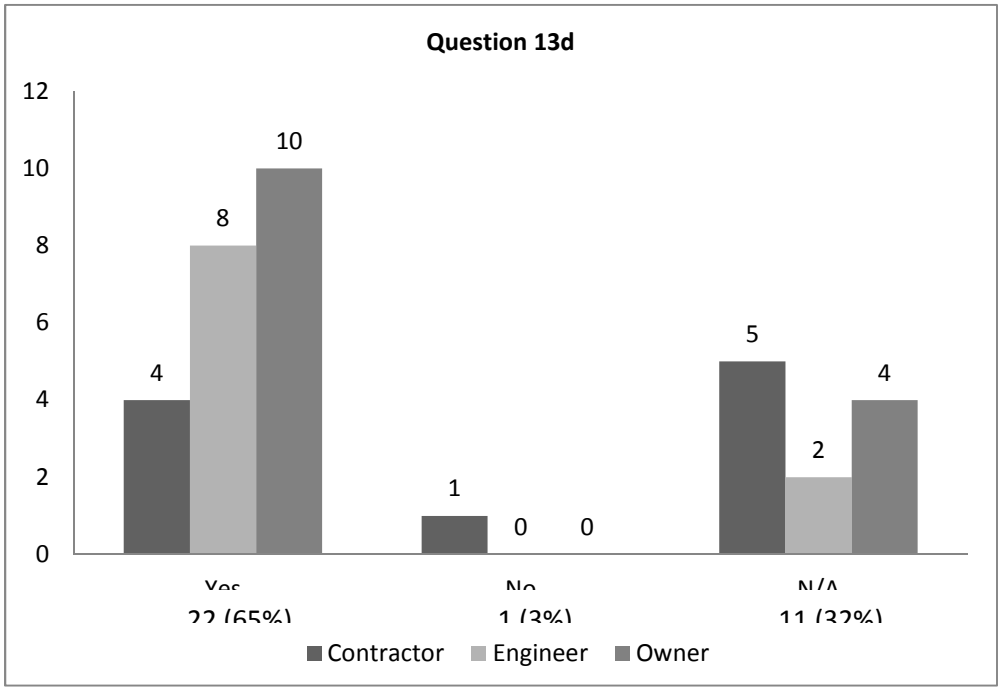
Indefinite Delivery/Indefinite Quantity DB



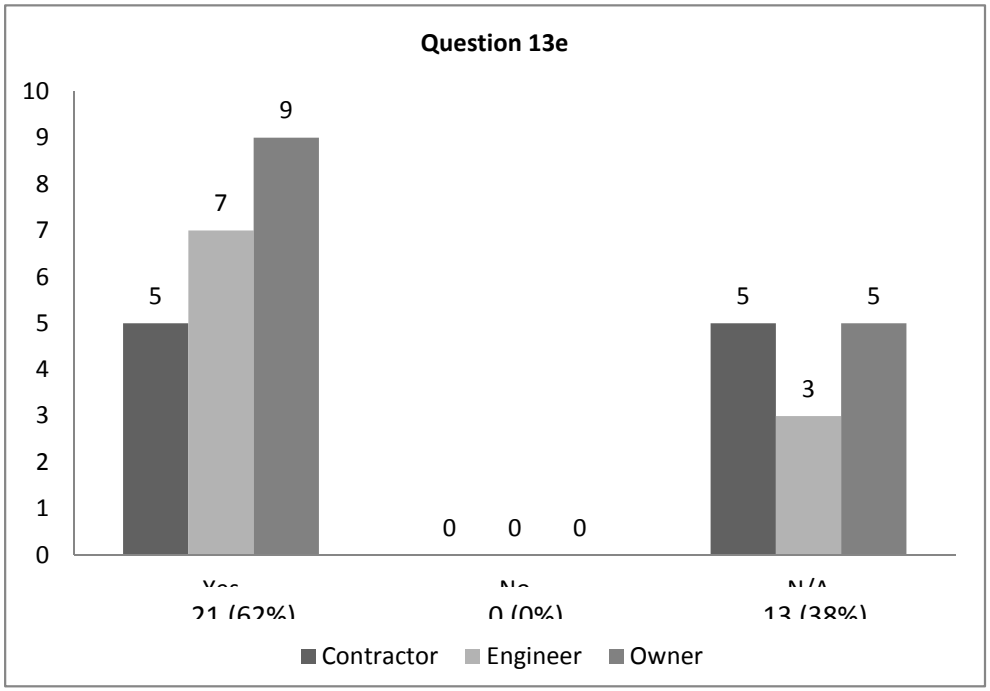
Indefinite Delivery/Indefinite Quantity DBB



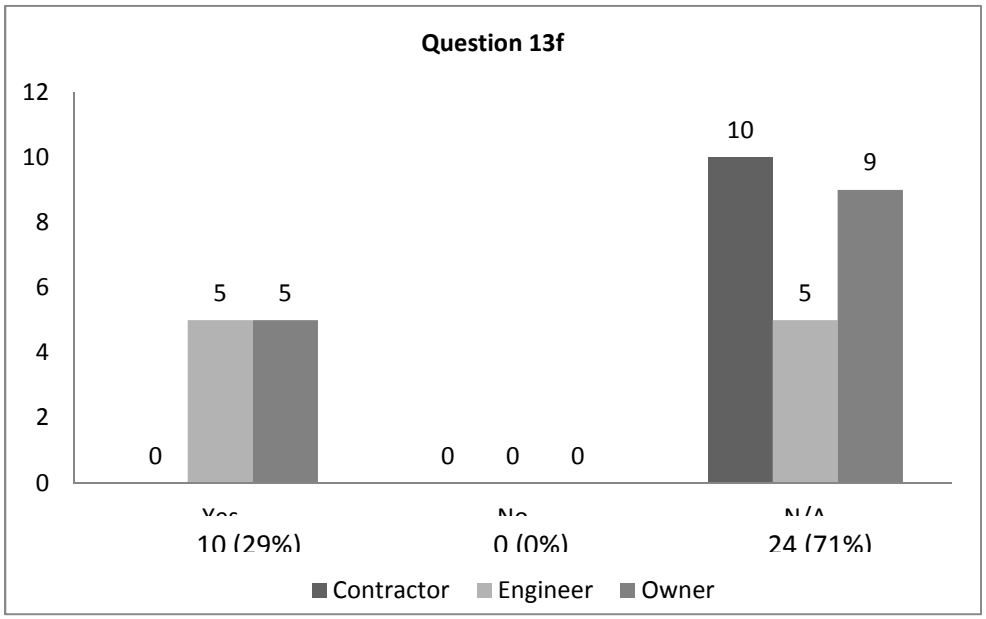
Design-Bid-Build lump sum



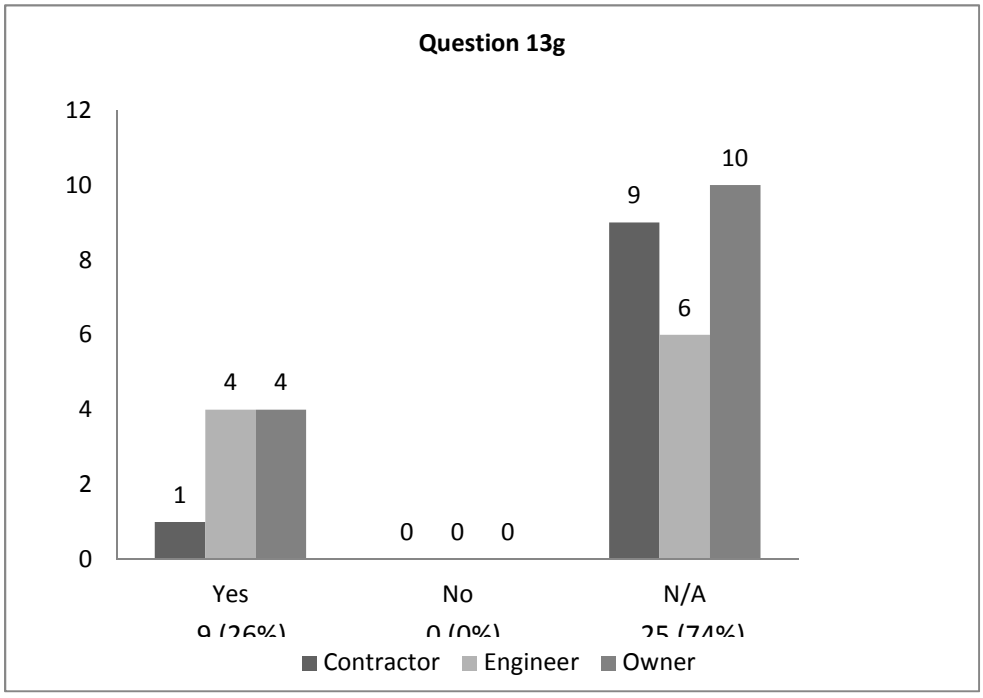
Design-Bid-Build best value with or without ATC



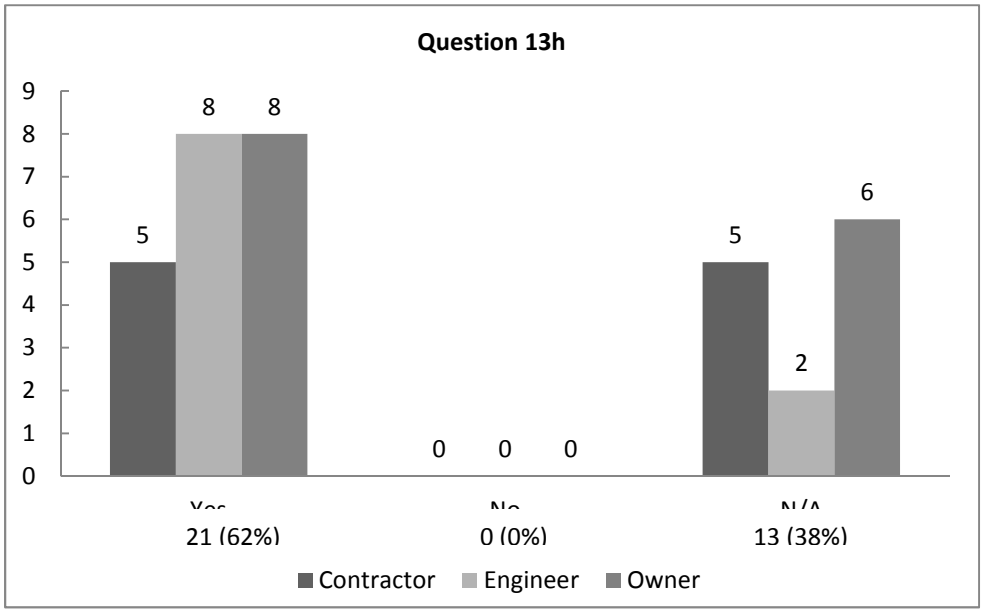
Unsolicited Design-Build



Unsolicited Public Private Partnership



Early contractor involvement



Code	Theme	C	E	O	Total
A	For CMGC, subcontractors will lose their voice with MnDOT	2	0	0	2
B	DBB lump sum adds risk to the contractor	1	0	0	1
C	CMGC will result in bid shopping work	2	0	0	2
*	Miscellaneous	1	3	1	5

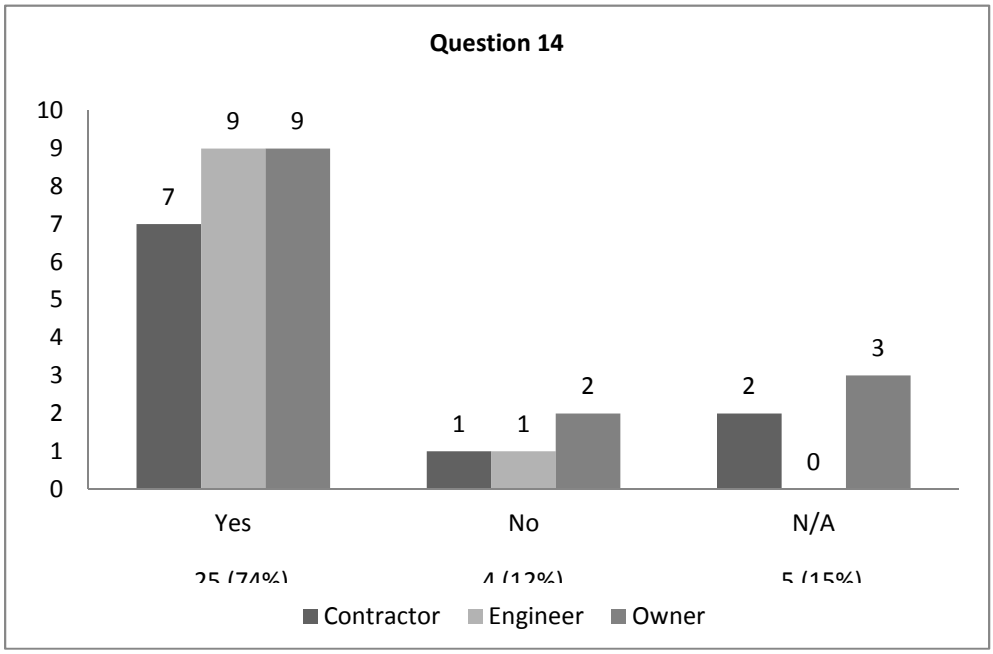
Conclusions:

Engineers and Owners were more favorable than contractors to try different contracting methods. Some reasoning may be explained that their staff are more familiar with the approaches. Contractors were significantly less interested in CMGC and IDIQ. The primary reason provided was fear of large construction management firms winning these projects and bid shopping the work to local firms. Additionally they cited concerns regarding losing a voice with MnDOT for workmanship issues, stating that the large construction management firm relationship is with MnDOT and therefore they would require re-work for items that may be questionably requiring re-work not allowing the subcontractor a voice at the table to discuss the benefits of accepting or rejecting the work.

Recommendations:

Evaluate the reasoning to contract with CMGC and IDIQ and establish a plan to educate potential partners in the process. A white paper should be prepared to establish the goals of both programs and the means that the delivery types will be implemented. Refer to Recommendation 8 for further recommendations of evaluating these delivery types.

Question 14: For MnDOT's Design-Build low bid process would you prefer a shortlisting process with simple qualifications to reduce the number of bidders?



Conclusions:

There were 25 responses in favor of shortlisting versus 4 against, across all industry partners. However smaller contractors expressed some concern that if the projects were shortlisted, the goal of MnDOT to increase competition and introduce new contractors to design-build would be thwarted.

Recommendations:

MnDOT should evaluate the use of non-short list low bid projects. Considerations should be given to obtaining more feedback if this form of procurement will continue. It is recommended to perform aa more detailed questioning regarding the benefits and drawbacks associated with this form of delivery. A ballot would be distributed at a combined AGC/ACEC meeting for additional comment allowing respondents to deposit ballots anonymously. MnDOT should review this additional feedback for determining the direction of short listing on DB Low Bid projects and overall approach to design-build low bid delivery.

Question 15: Do you have any other suggestions for the MnDOT Design-Build low bid process?

Code	Theme	C	E	O	Total
A	Vet projects more extensively	3	2	4	9
B	Have a short list to ensure qualified firms	1	1	1	3
C	Do not short list keep it simple and allow more players	0	1	2	3
D	Have a size restriction for either single step or two step and stipend threshold	1	1	1	3
E	Define scope very clearly to reduce the need for design during procurement, allowing design to concentrate on ATCs	3	3	1	7
F	Be clear on scoring and evaluation criteria	3	2	1	6
G	Share more risk	1	0	0	1
H	Provide more training to industry and MnDOT personnel	0	3	2	5
*	Miscellaneous	0	3	2	5

Conclusions:

There are numerous suggestions for improving low bid design-build processes that appear beneficial for consideration. The primary areas of suggested improvements include: vetting projects more thoroughly to ensure projects are conducive for the process; consider price or complexity caps for determining single step, two-step low bid, or best value decisions; define the scope clearly to reduce the time needed for preparing a proposal; and to clearly define the scoring and evaluation process.

Recommendations:

Develop a project delivery selection tool for properly vetting delivery selection of the DB process. Prepare a guide in establishing evaluation and scoring criteria for low bid design-build delivery. Provide a guide for scope development of each type of DB delivery process. Refer to Recommendation 2 for more detail on providing a tool for vetting the project delivery type and Recommendation 8 for evaluation of design-build low bid delivery in general.

Question 16: What type of alternative contracting are you not interested in participating in?

Code	Theme	C	E	O	Total
A	Any of them	2	0	2	4
B	CMGC	2	0	4	6
C	DB low bid	0	4	0	4
D	PPP	1	0	0	1
E	Mixture	2	0	0	2
*	Misc	1	3	2	6

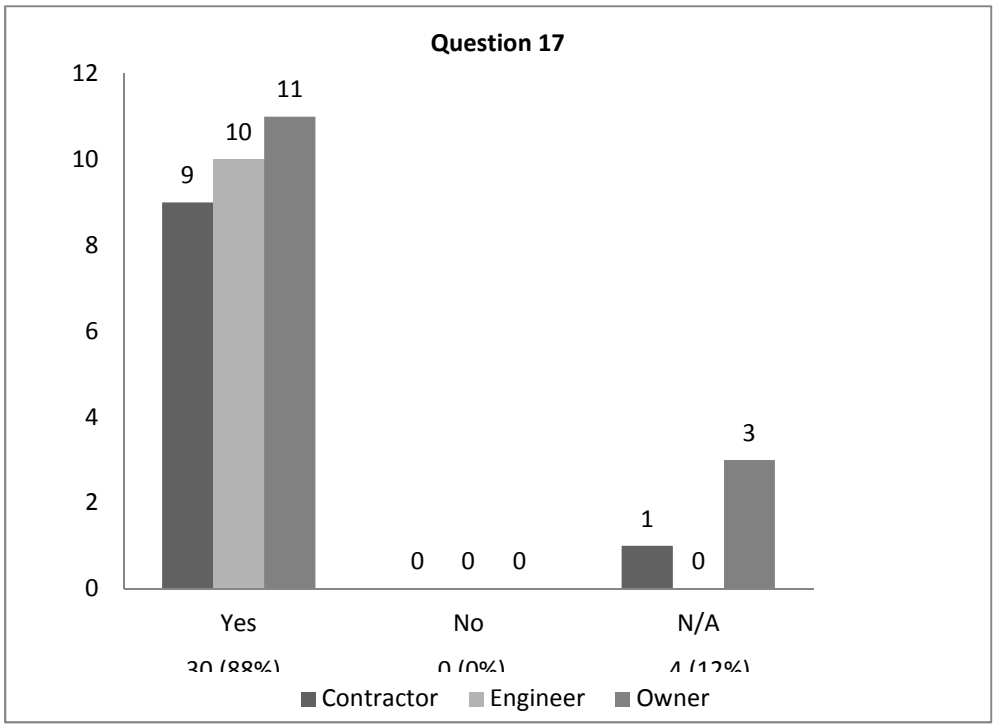
Conclusions:

Contractors were somewhat divergent on types of contracting they would not consider participating in. CMGC was the most common answer of the type of project they would not want to want to pursue. For engineers, the predominant answer was DB low bid or other low bid options. Owners were also divergent with the majority of answers being CMGC that included a type of project that was not appealing. Reasoning given for reluctance to participate in CMGC and or design-build low bid were similar to those given to other questions. CMGC there was worry of large contractors winning and bid shopping.

Recommendations:

Evaluate CMGC and DB Low Bid processes to establish desired goals and for areas of improving industry awareness of the goals of each delivery type. Refer to Recommendation 8 for more detail on an evaluation process.

Question 17: Have you participated in Design-Build procurements that allowed Alternative Technical Concepts?



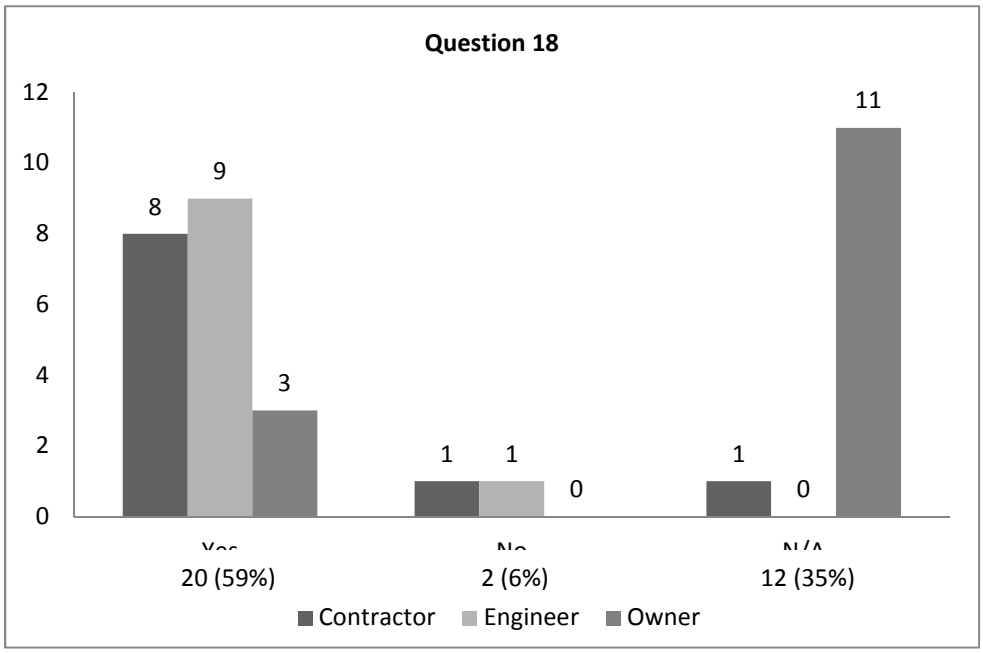
Conclusions:

Essentially all respondents had participated in projects that included ATCs.

Recommendations:

None.

Question 18: If yes to the above question, have you had success in obtaining approval of promising ATCs?



Conclusions:

Owners did not respond to this question as was expected. Only one industry participant indicated they had not been successful on an ATC. That participant had been involved in three best value design-build pursuits.

Recommendations:

None.

Question 19: What suggestions would you have to make the ATC process more beneficial to MnDOT's stakeholders?

Code	Theme	C	E	O	Total
A	Give reasons why ATCs are denied	2	3	0	5
B	Be more consistent in approving and denying and the evaluation process	0	1	3	4
C	Be quicker with evaluation process	2	2	1	5
D	Eliminate the need of ATCs for items that are always allowed	1	1	2	4
E	Be more open to ATCs	2	7	5	14
F	Reduce the number of conditional approvals	2	0	1	3
G	Point values of evaluation are so close ATCs are not being offered up unless they are a considerable savings	1	1	0	2
H	Increase stipends to get better ATCs	1	0	0	1
I	Give more time to evaluate ATCs	0	1	4	5
*	Miscellaneous	2	1	1	4

Conclusions:

The overwhelming suggestion for improving the ATC process was to be more open to new ideas including five Owner respondents. However, one Owner warned that ATCs are not intended to change standards. Additional, areas of improvement included being expeditious with reviews and providing reasoning for denials. There were also five respondents that indicated more time is needed for the ATC process.

One respondent suggested having ATC's for DBB projects. The thought was contractors would be willing to offer value added approaches to have a competitive advantage.

Recommendations:

Provide a white paper that can be distributed to industry providing back ground on ATCs, the make-up of an ATC, ATC scenarios and guidelines for presenting and accepting ATCs. Refer to recommendation 3 for more detail regarding ATC improvement.

Question 20: Do you have additional feedback regarding OCIC?

Code	Theme	C	E	O	Total
A	OCIC has no authority, their authority should be increased	2	1	0	3
B	Try to enforce more consistency with districts	1	0	0	1
C	Need to get more experienced staff or more staff	3	1	3	7
D	Provide more training to districts and/or contractors	1	2	1	4
E	Better communication of the program and have a consistent program of projects	2	3	0	5
F	Resolve issues quicker: such as QA/QC and TRACS	0	1	5	6
G	Should not be the office delivering procurement	0	1	1	2
H	OCIC is improving	0	3	3	6
I	Work with AGC more	1	0	2	3
*	Miscellaneous	1	0	3	4

Conclusions:

Feedback for improving the OCIC's function was wide reaching. Ranging from OCIC needs to be empowered to run a design-build program ensuring consistency across the state, to OCIC is the wrong office within MnDOT to oversee the DB program. Additional comments encompassed enhancing communication with stakeholders, especially AGC, and to resolve issues quicker (implement lessons learned).There were a reasonable number of responses that indicated ether OCOC should have more resources to perform their function or they lacked enough experienced resources.

Recommendations:

Review the program goals of DB and determine if the program is self performing (i.e., districts have the tools they need to run it). If so, decide if the role of OCIC is needed, and what will it be: assisting districts? Monitoring the program? Owner of templates to maintain contractual consistency? If the goal is to have a champion of the DB program, decide if the champion office is OCIC and what authority this

champion office will have, concluding with what resources will OCIC need to fulfill the defined function. Refer to Recommendation 7 for more detail.

Question 21: Do you have additional feedback regarding District offices?

Code	Theme	C	E	O	Total
A	Improve consistency	7	3	0	10
B	Try to improve evaluation process/remove biases	2	0	0	2
C	Assign more experienced and full time personnel to projects	3	2	2	7
D	Get more training	0	4	2	6
E	Work with OCIC more	0	1	2	3
F	Vet projects more thoroughly	1	3	1	5
*	Miscellaneous				

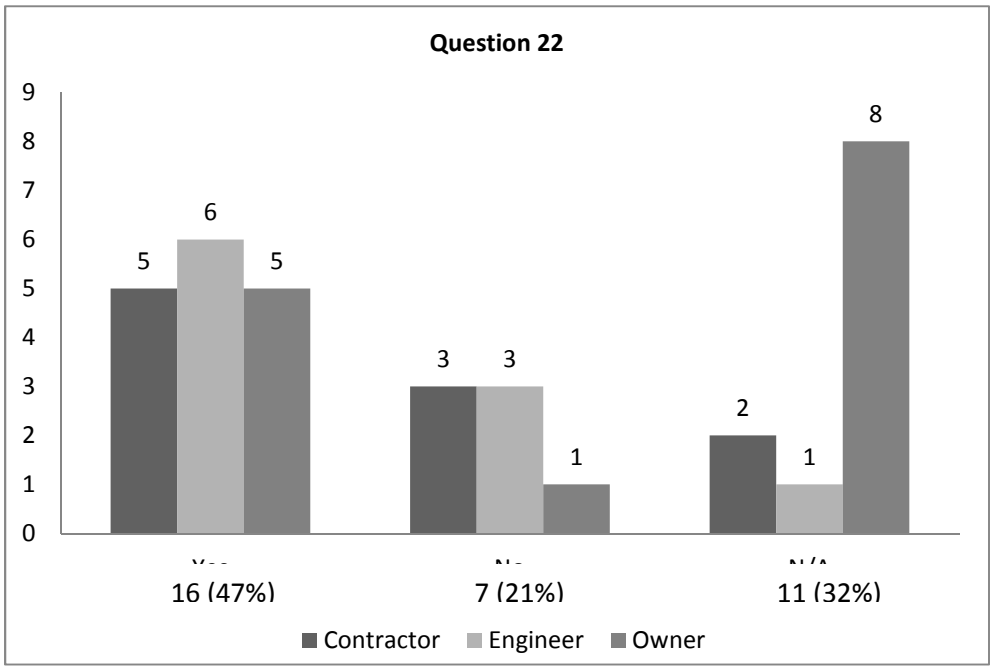
Conclusions:

Generally, additional feedback for districts were requests for improving consistency, monitoring for biases in the evaluation process, providing experienced personnel, vetting projects and working with OCIC more to help with training or help with the process.

Recommendations:

Provide a white paper that provides basic PM roles and responsibilities to guide districts in assigning proper project managers. Properly trained and experienced PMs will establish more consistency in administration of the process. Develop an interaction protocol with OCIC and the districts regarding training and dissemination of information. Develop a template of RFP documents and a procedure for developing RID to help ensure consistency of the procurement documents.

Question 22: Are the insurance requirements reasonable for MnDOT's Design-Build program?



Code	Theme	C	E	O	Total
A	Insurance exceeds that of traditional contracts	0	3	0	3
B	Level the playing field (require project specific or typical practice policy), know what the insurance coverage is that MnDOT is actually getting	1	2	0	3
*	Miscellaneous	1	1	1	3

Conclusions:

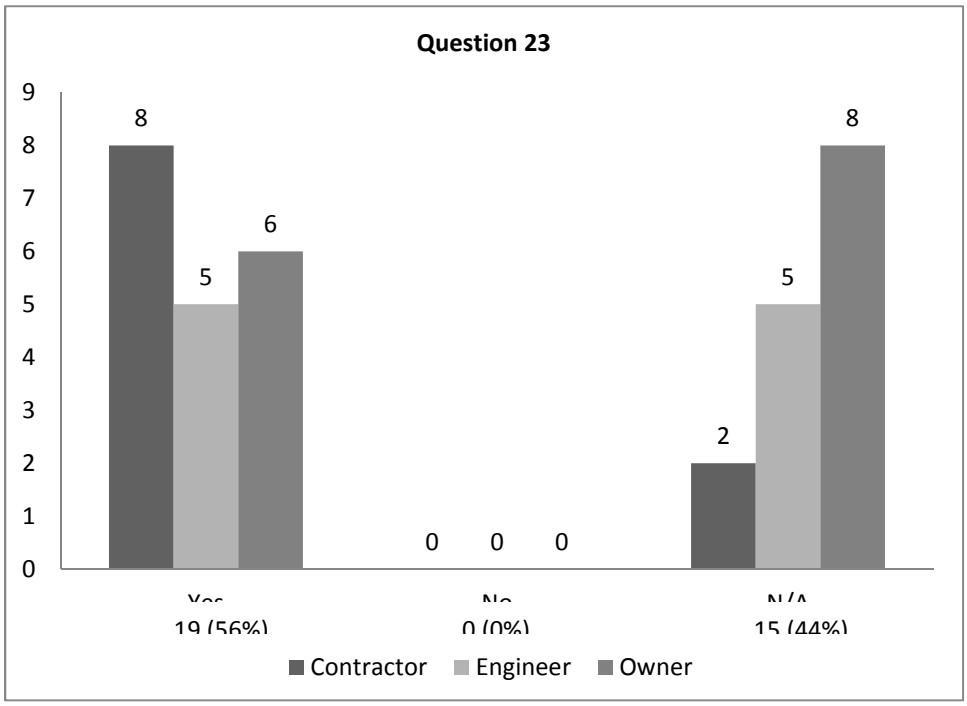
There is some confusion regarding insurance requirements. This is not unusual with industry and Owner participants. The concern mainly seems to be about leveling the playing field, both by cost to a project and by coverage to a project.

Recommendations:

MnDOT should engage an insurance specialist that understands the difference between insurance coverage on paper and insurance dollars available for a claim. Also, this specialist should provide clarification of costs to a project for project specific policies versus traditional policies carried by the

designer and/or contractor for the various insurance policies required. Review contract language to see if it is clear that both the Contractor and Designer carry E&O insurance, some responses indicated both parties were carrying an insurance policy, but not all respondents appeared to do this.

Question 23: Are the bonding requirements reasonable for MnDOT's Design-Build program?



Conclusions:

Industry was unanimous in agreeing that bonding requirements were reasonable.

Recommendations:

No recommendations for traditional design-build projects. MnDOT should consider within its Book 1 template prompts for delivery teams for items that may warrant more or less bonding and early/late release of bonds.

Question 24: Is the value of time being adequately accounted for in the scoring process? Or would you prefer an A + B or another alternative for evaluating time?

Code	Theme	C	E	O	Total
A	Points awarded for schedule are insignificant to drive different behavior, all teams strive to meet minimum timeline when not A+B/ just tell the time	3	3	1	7
B	Unrealistic or bad schedules are accepted	1	1	1	3
C	A+B times are not realistic	4	0	0	4
D	Inconsistent scoring	6	1	1	8
E	Incentivize for faster schedule	3	0	1	4
F	Time is not weighted enough	1	3	5	9
G	Administration of contract is affecting schedule	2	0	2	4
I	Prefer the sliding scale/continue to assign points similar to the current process	2	0	0	2
*	Miscellaneous	2	3	2	7

Conclusions:

Contractors seemed to indicate scoring of schedules does not impact the evaluation, and in general seemed content with “tell us a time to finish and we will finish by then”, in other words taking schedule out of the evaluation criteria. This complements the fact that contractors felt there were inconsistencies in scoring and the resolution was to neutralize subjectivity by defining a completion date. Several contractors indicated if schedule is critical on a particular project, place an incentive on it. And several contractors felt that when MnDOT does provide A+B procurements, the timelines are not realistic.

Engineers seemed to agree with contractors that currently, the schedule does not delineate teams, but felt that time was not weighted enough. Owners most often commented that schedule was not weighted enough. Additional areas of comment were in a question asking whether MnDOT is achieving their goal by pushing to tighter schedules. Owners also indicated that often unrealistic schedules are submitted and/or accepted on projects.

Recommendations:

Review the process to determine project completion schedules. Establish a process in design-build to evaluate the benefits, costs and risks of schedules to ensure schedule is optimized for the project needs and considers MnDOT and industry resources.

Question 25: What are the biggest risks that are impacting price proposals?

Code	Theme	C	E	O	Total
A	Gold plating requirements	2	0	1	3
B	Warranties	2	4	2	8
C	Quantity: risk/creep (lack of design or RID information)	5	5	1	11
D	Scope growth	2	1	1	4
E	Questions with approach to contract administration (inconsistencies)	3	8	0	11
F	Unrealistic schedules	2	2	1	5
G	Cost of proposals	1	2	0	3
H	Limited resources	1	1	0	2
I	Estimating the project	0	0	2	2
J	Unclear proposals/RFPs	0	0	2	2
K	The quality program	1	0	2	3
*	Miscellaneous	1	0	2	3

Conclusions:

Owners had a different view of the biggest risk impacts. To Owners, the biggest risks were unclear RFP documents, MnDOT's inexperience in developing a contract estimate that properly accounts for risk and assigning a project contingency. The warranty of final products was also mentioned in several responses. Contractors were most concerned about items that could cause quantity growth or scope creep such as design and RID development at the time of the RFP and third party involvement. Other concerns were tight schedule, warranties, and contract administration inconsistencies, as well as the cost of preparing a design-build proposal. Engineers shared several of the same concerns as contractors in general with most responses on contract administration inconsistencies (8), risk of quantity growth (5) and warranties (5).

Recommendations:

Overall there are concerns with the basic configuration design and RID accuracy. Following this is how to account for quantity creep and scope growth. Scope growth can be a direct reflection of inconsistencies with contract administration. These are best resolved with training and providing a contract template. Both of these will improve contract administration consistencies. Training should also be provided relating progressing design commensurate with risk associated with the element.

It is important to educate the industry that quantity creep is a risk inherent in design-build as one is bidding a project with incomplete data and design. Contactors must be educated that this is their risk. MnDOT PMs and estimators must be educated on how to include contingency in the contract estimate. However, proper vetting of design progress and RID content will assist in reducing quantity risk to the design-build teams.

Question 26: How can MnDOT improve the existing warranty program?

Code	Theme	C	E	O	Total
A	More consistency in enforcement/eliminate	3	3	2	8
B	Reduce the length of warranty	4	3	0	7
C	Define warranty items more clearly and threshold	1	1	6	8
D	Don't require tolerances for performance to be more restrictive than traditional delivery	2	1	0	3
E	Move to risk based warranty	0	0	3	3
*	Miscellaneous	0	0	3	3

Conclusions:

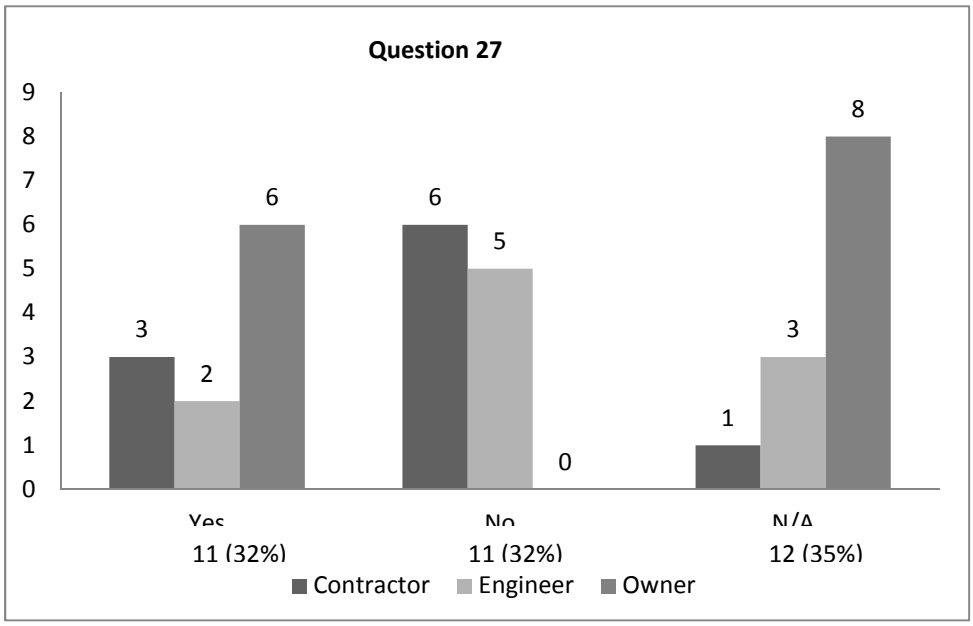
The suggestions for improving the warranty program can be compartmentalized into 5 categories.

- Consistent enforcement
- Reduction in length
- Clearer definition of items covered and triggers
- Don't require performance tolerances more strict than traditional projects
- Move towards a risk based warranty program

Recommendations:

The five categorical improvements could likely be satisfied with a move toward a risk based warranty program that is clearly defined regarding items included and thresholds of enforcement. This approach can result in longer duration warranties for items that may have a longer potential for latent defect detection, while eliminating or reducing all other items to a standard 1-year warranty.

Question 27: Is the retainage (withholding) amount reasonable for the MnDOT Design-Build program?



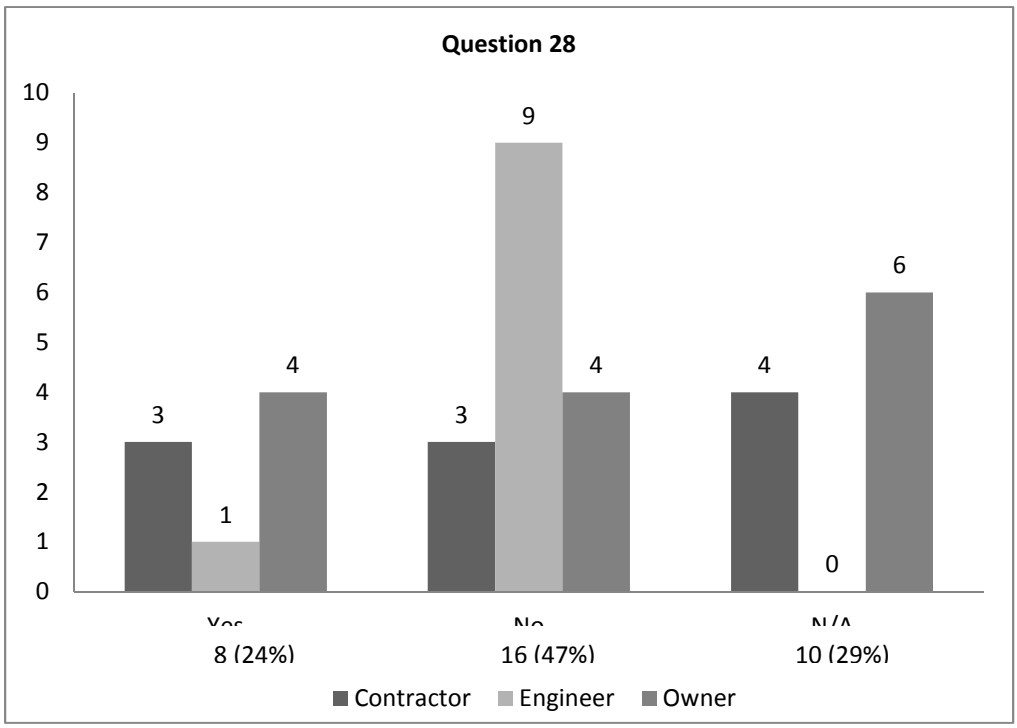
Conclusions:

Of those responding, it was split evenly that retainage is reasonable or is not. However, of the Owners that responded, 100% indicated the retainage was reasonable whereas the contractors and engineers were closer to 1/3 of respondents indicating that retainage was reasonable.

Recommendations:

Allow the new change to move forward and request input after implementation can be evaluated by industry.

Question 28: Is the design review process consistent?



Code	Theme	C	E	O	Total
A	Improve consistency/define what oversight is	0	3	2	5
B	Give authority to project oversight personnel	0	3	0	3
*	Miscellaneous				

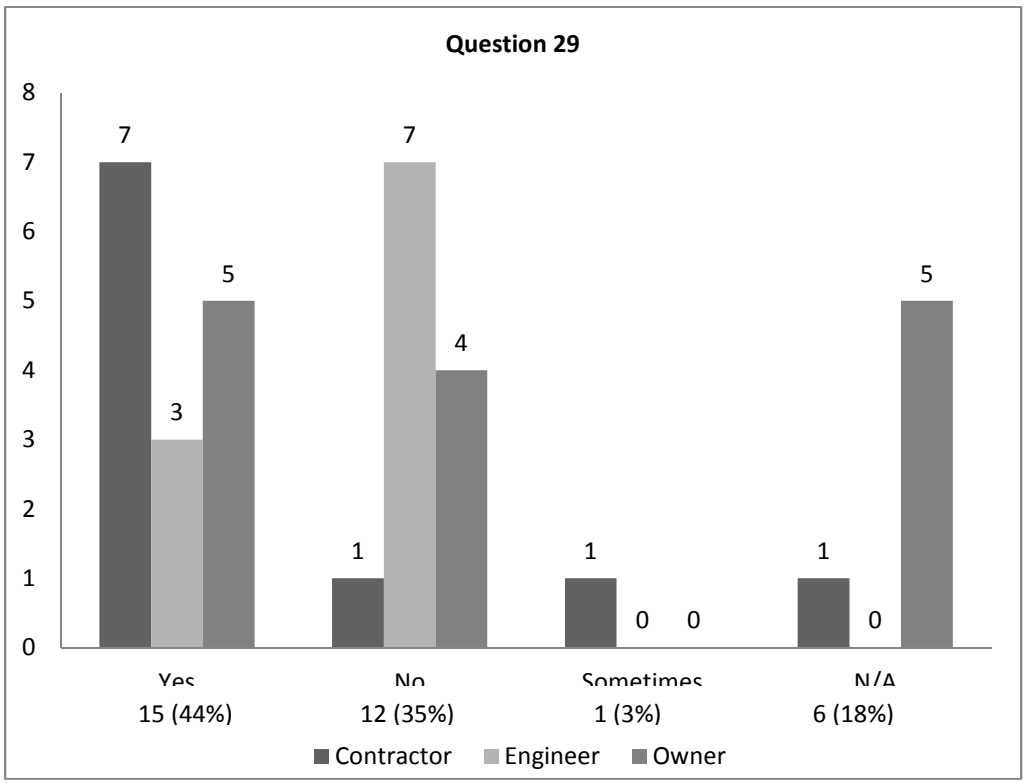
Conclusions:

The comments provided for improvement of the design oversight process were about improving consistency and ensuring project level personnel had the authority (and experience) to make decisions both of which surfaced in question 11.

Recommendations:

Develop a training module that would provide training to all oversight personnel regarding the goals of an oversight review. Consultant personnel should be provided insight that the number of comments is not the criteria MnDOT will rate their performance by. MnDOT staff reviewers should be provided guidance on how to recognize when a comment is a preference versus a contract requirement and guidance on how to request contractors for preferences.

Question 29: Is the shop drawing process clear?



Code	Theme	C	E	O	Total
A	Make it more clear on who reviews what drawings	1	3	1	5
*	Miscellaneous	2	2	2	6

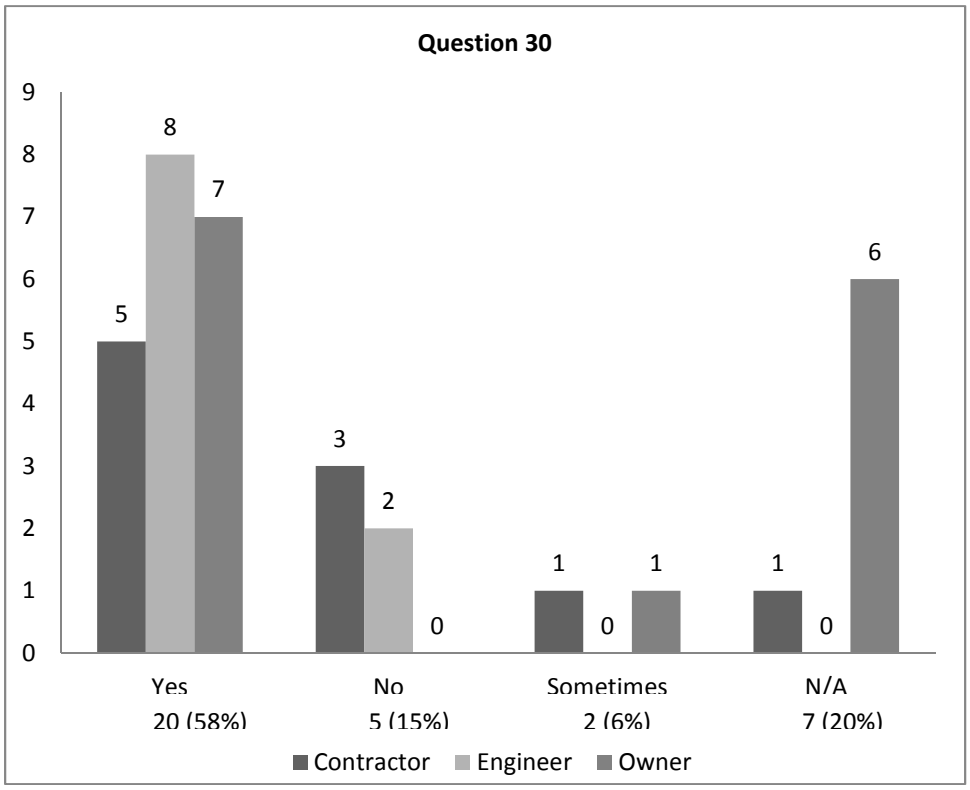
Conclusions:

Contractors were nearly 80% in responding the process is consistent. The discerning vote came from engineers, likely because they are the entity that most commonly is responsible for this process with the Owner. Owners were fairly even with about 50% of the respondents indicating the process was inconsistent. The primary concern regarding the shop drawing process conveyed, is that although the RFP and referenced manuals do provide a clear indication for what work elements require shop drawings, the process for who reviews and accepts shop drawings and whether MnDOT has full comment and acceptance authority similar to RFC drawings is not as clear.

Recommendations:

Review the process outlined in the various sections of Book 2 and other RFP books as well as referenced manuals to provide proper prompts in the RFP book templates.

Question 30: Is sufficient data provided in the electronic format for the procurement process?



Conclusions:

Fifteen percent of respondents indicated not enough of the RFP materials were provided in electronic format. Additional elaboration was not provided.

Recommendations:

Continue to evaluate whether the contractor would benefit from material in native format. Provide for a means that contractors can provide lessons learned suggestions on what materials would be beneficial in electronic format.

Question 31: Please provide any additional feedback you may have on the MnDOT Design-Build.

Code	Theme	C	E	O	Total
A	Provide more complete bidding documents/less addendums and minimize late additions	3	4	4	11
B	Stipends should be increased to be more commensurate to level of effort	2	0	0	2
C	Incorporate lessons learned quicker and provide training	1	0	6	7
D	Have more experienced people on the project/slow decisions/proper staff levels	5	4	6	15
E	Faster design reviews/less critique	1	3	0	4
F	Reduce risk associated with third parties	1	2	0	3
G	Improve consistency of quality requirements	1	8	3	12
H	Improve the ability to select on best value/review assigning 50 points for acceptable proposal	1	3	1	5
I	Simplify the deliverable process	0	2	0	2
J	Review schedules that are required and the approval process	1	0	1	2
K	Open up the ATC and innovation process, more performance based specs	0	4	2	6
L	More prescriptive specs	2	2	1	5
M	Make the proposal process easier	2	1	0	3
N	More respect	1	4	0	5
O	A more steady program	3	2	2	7
P	More consistent scoring and evaluation process	3	0	1	4
Q	A more consistent approach to project estimating	1	0	5	6

R	Improve the partnering process	0	1	3	4
*	Miscellaneous	2	3	5	10

Conclusions:

Overall additional suggestions for improving the Design-Build Program were wide ranging. Surprisingly in a DB questionnaire, there were several comments requesting in certain areas, more prescription in specifications. Some of the more common areas of improvement suggestions were associated with providing a more complete RFP package (vetting and defining the projects), and opening up the ATC process or ability to be innovative. The two most common suggestions for improvement were to ensure that there are qualified and experienced personnel on MnDOT teams (15 responses), and provide more consistency in quality requirements from project to project (12 responses).

A couple of areas of recommendations from Owner personnel included improving the ability to estimate projects (6 total responses, 5 from Owners) and provide a means to get lessons learned incorporated into the process quickly.

Each of the more common responses were also raised as responses to prior questions.

Recommendations:

Overall recommendations have been provided with the initial 30 questions. The additional feedback provided with question 31 confirmed many of the earlier recommendations provided. Such as:

- Prepare template documents for Book 1, 2 and 3
- Provide a template for RID, along with a table of contents and folder structure of RID
- Provide a procedure for vetting RID information, determining what information will be contractual or placed in RID
- Provide guidance on risk sharing
    - Evaluate third party risk transfer
- Provide training for Project Managers
- Provide training for industry with respect to:
    - Design-build proposal preparation
    - Risk awareness
- Provide a procedure for selecting a DB project staff
- Prepare a white paper describing ATCs and protocols of developing, submitting and evaluating them.
- Continue outreach to the AGC ACEC communities

Additional recommendations stemming from question 31 comments include:

- Develop a partnering process that facilitates and enhances the ability to perform on DB projects successfully.

- Develop a process that will help garner respect between MnDOT and the Design-Build teams and vice-versa
- Develop a process to vet and incorporate lessons learned into the DB program in a quicker manner

Appendix – all interview meeting notes

Question 1

Question 1a: What types of Alternative contracting in Minnesota have you participated in?

a. Design-Build best value
   i. How many?

1-5	6-10	10+
X		
	X	
	X	
X	X	
	X	
		x
X		
X		
X		
		X
X	X	X
		X
		X
	X	
		X
		X
	X	
	X	
X		
		X
X		
X		
X		
X		
X		
X		
	X	
		X
		X
X		
		X
X		
		X
15	9	12

ii. Have you been on a successful team?

Yes	No	N/A
X		
X		
X		
X		
X		
X		
X		
X		
	X	
X		
X		
X		
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		X
		X
		X
		X
	X	
		X
		X
		X
20	3	10

iii. What went well with your experience?

Code	Theme	C	E	O	Total
A	The ATC process	3	0	0	3
B	Partnering/Teamwork	4	3	3	10
C	The ability to provide and accept innovative solutions	1	7	3	11
D	The Best Value process	1	2	2	5
E	Quality of product provided	0	1	1	2
F	The clarification and oversight processes	0	3	2	5
G	Having an experienced PM from MnDOT	2	1	0	3
H	Able to deliver projects faster	1	3	1	5
*	Misc	6	3	2	11

Type	Code	Comments
C		
E		
O		
O		
O		
C	*	Made a little money.
C	*	No additional input on what went well.
C	*	Like the process of approving personnel and qualifications at the proposal phase.
C	*	Like giving 50 points for responsiveness.
C	*	Early on there was a lot of rating of previous DB experience but now that firms have experience there does not seem to be that much emphasis. If there is, that could be a problem for smaller contractors.
C	*	First one we did learned a lot of what we forgot to include.
E	*	Winning – Financially it is boom or bust. If you win there is opportunity for a good profit, if you lose there is a definite financial hit. Even if contractors are willing to pay beyond the stipend it is all at a reduced multiplier and if they do not pay beyond the stipend, the consultant loss can be significant.
E	*	Getting rid of Book 2A and 2B was great.
E	*	Overall DB program is good but there are a lot of bugs to work out.
O	*	Many things went well
O	*	MnDOT is doing a good job of vetting projects to go with DB.
C	A	PAE's are theoretically a good idea and should allow for less heartburn regarding getting final design concepts approved, defer to winning team regarding reality.
C	A	ATC concept is good.
C	A	Alternative tech concepts (ATC) before bid.
C	B	Our people enjoy the challenges and working on the larger projects.
C	B	Local MnDOT staffs were good to work with.
C	B	Partnering and project
C	B	Good team chemistry, worked well with district personnel. Region 4 - Detroit Lakes - Trudy Kordosky.

E	B	MnDOT cooperation during procurement, partnering
E	B	It has been a good move having the MnDOT REs lead as the PM role of the DB projects.
E	B	We have worked both as a partner to the contractor and as the owner's representative.
O	B	Coordination with business went well as well as many other facets, it was ARRA project time period.
O	B	On the successful projects, the relationships were positive with everyone understanding what the other party desired and worked together with a willingness to see both sides.
O	B	The collaboration and teamwork from the contractors and consultants (with MnDOT) to design and construct a successful project (e.g.: I-494, ROC52, 35W).
C	C	Allowing contractor to implement ideas into project.
E	C	Innovation and potentially reducing cost through innovation and risk sharing –
E	C	The process allowed for new ideas or different approaches to complete the work. We were able to pursue alternate design ideas and work with the contractor to present cost effective options for performing the work.
E	C	Project innovation
E	C	Able to challenge existing standards, process and procedures to develop new approaches to design and constructing the work.
E	C	MnDOT allowing the combined ingenuity of the engineer and the contractor to be used. We have had great success (and saved MnDOT millions of dollars) when we have been given greater latitude to make changes to the preliminary plans. But usually this can only be accomplished through ATCs.
E	C	Historically, scoring has driven innovation.
E	C	MnDOT's openness to consider creative alternate designs.
O	C	We received a lot of innovative designs.
O	C	In addition to a lot of good designs sometimes MnDOT is not able to capitalize on them because a funding restriction does not allow the cost to increase.
O	C	Able to develop a new girder type used in the state through partnering early during a project
C	D	Clear understanding of tech score vs. price.
E	D	I really prefer the best value approach. The process makes me feel that my input as a designer is valued and that I am not just a commodity resource who is being used to cheapen a design's cost.
E	D	The use of best value was typically fairly successful in the past. In general the highest technical score and low (or near low) price went hand in hand.
O	D	Schedule went well and was scored on a sliding scale approach
O	D	Best value was clearly in play on the earlier DB projects and that went well.
E	E	Generally our work scope and budget allowed us to provide excellent service and an excellent final product.
O	E	DB Manual reduces and mitigates risks to FHWA regarding the program.
E	F	Design reviews went fairly smooth with mostly minor comments.
E	F	Effective design review by oversight team without the co-location requirement.
E	F	In general, the pursuits have gone well. The projects we have been successful on have varied depending on the oversight team, contractor, etc.
O	F	Having experienced people on verification team. Design manger had full history of project.
O	F	MnDOT's experienced oversight staff helped a lot. Contractors' personnel were new to DB which created problems. The contractor had done DB but the lead people had not

C	G	Have had projects go very well where the PM understands that LS doesn't necessarily mean there is no out of scope work.
C	G	Clarification process works pretty well.
E	G	One of the first questions is who is the PM for MnDOT, so pick PMs wisely.
C	H	The project was able to meet a tight time schedule.
E	H	Able to meet schedule, commitments to construction.
E	H	Faster schedule
E	H	Projects were completed on or ahead of schedule while the percent increase in construction costs were well below the average DBB project and considerably less than MnDOT's targeted measure.
O	H	Utilizing consultant and internal resources to deliver the RFP and RFQ in a very accelerated timeline. Bid prices came in the range expected.

iv. What recommendations would you make for improvement?

Code	Theme	C	E	O	Total
A	Provide better definition and consistency to what the Quality requirements are	8	3	0	11
B	Better application of Risk Transfer	2	7	1	10
C	DB has more stringent requirements than DBB	8	2	1	11
D	Provide more thorough or complete RFP documents	2	4	6	12
E1	Evaluation scoring continue or discontinue the guaranteed 50 points for responsiveness	3	5	2	10
E2	Evaluation scoring – other	11	9	10	30
F	Project selection/stable program	7	6	8	21
G	Increase the Stipend on projects that justify it	1	3	0	4
H	MnDOT and/or contractor personnel qualifications	3	4	4	11
I	Improve consistency of approach and enforcement of documents during proposal and execution	2	5	1	8
J	Improve consistency or eliminate Warranties	1	2	0	3
K	Consider the timing of projects	2	3	2	7
L	More consistency and/or openness to the ATC process	0	15	1	16
M	Increased or decreased OCIC Authority	1	0	4	5
N	Training for contractor teams and/or MnDOT personnel	4	4	6	14

Type	Code	Comments
C		
E		
C	A	Simplify the quality plan – the quality plan template is for a large project – is all that quality management needed on a $10M or can it be streamlined
C	A	Leave the quality plan with the owner – no matter what teams would propose, the owner wants to control quality and does it differently than how a low bid contractor (design builder) would.
C	A	The new quality template makes is easier for the contractor to take on quality, not as much effort to get a plan approved. But MnDOT should consider, do they even want contractors to have quality verification? It seems MnDOT won't release the quality anyway. At a minimum, MnDOT should consider on small projects to just have MnDOT do quality.
C	A	It may be best for MnDOT to take on the quality but don't progress design so far, since the idea behind DB is for the contractor to design it. It seems that MnDOT takes the design too far. By that, it is meant that they take it far enough for egos to now get involved. The people that did the preliminary design seem as though they don't want

		another idea to be better than theirs, so they reject ATCs. We won't even put in ATCs now, they are a waste of time.
C	A	Owner must be willing to let contractor design and construction QC the project. MnDOT does not appear willing to turn these functions over to contractor.
C	A	QC and QA is a problem right now. It does not make sense that the contractors do QC testing according to the sampling requirements, and then the verification tests trump up to the last verification test. This is not efficient use of money.
C	A	Would prefer the contractor do all the testing with only oversight by MnDOT, or MnDOT does all the required testing and inspection.
C	A	There should be some consideration of duplicative tests. A lot of contractors try to test materials off site, like fencing materials etc. and then get it on site. But MnDOT can sample the same lot, get results back later, and ask for a deduction because the contractor has installed it now. If this is going to happen make sure the test is real time so installation can stop before it is all installed.
E	A	Continue to work on the quality management approach.
E	A	MnDOT has now removed the bulk of the testing and inspection from the contractor. Minimizing my company's work opportunities.
E	A	Describe the amount of quality that is needed, In an effort to be more prescriptive but not overdoing maybe describe the amount of quality that is needed, contractors will gladly give none, but is that what MnDOT wants?
C	B	For DB projects less than $20M there seems to be more risk than reward.
C	B	For smaller projects, consider having a mini DB approach where the owner takes some more of the risk.
E	B	Main areas of improper or inconsistent risk transfer are utilities, permits and Geotech as follows: • Geotech – MnDOT will sometimes not have any borings which then means teams have to evaluate how much to spend ahead of time – large risk transfer with no data and small stipend, Or MnDOT may have some data but not enough – should consider doing more geotech and standing behind it – end up paying for it in the long run anyway. • Permits – Corp permits can be a lot of risk on a DB team • Utilities – MnDOT does not seem to understand the degree of work required for this effort. When no or incomplete data is provided MnDOT runs risk of a contractor finding something and other bidders don't so they bid in what would be the best value but MnDOT does not benefit because awards are basically low bid now.
E	B	Provide better procurement documents and put the risk where it can best be managed. The addendum and clarification process is difficult due to the volume of questions, difficult responses and the timing of responses.
E	B	Look at risk analysis.
E	B	Local governments can hold a project hostage until they get what they want – they can hold up reviews etc. Political preferences hurt the DB teams.
E	B	MnDOT must stand behind RID
E	B	MnDOT does not vet existing conditions well
E	B	Risk transfer is too much so they are paying for risk
O	B	Would also like to see formal risk training so the PM's understand how to manage risk through the RFP preparation and contract.

C	C	MnDOT should evaluate who is gold plating the needs of projects and stop it. On Mankato for instance, there were settlement restrictions that were not possible. Also the filter material and pollution insurance were required when the project bid as DB, but dropped when the DBB bid came out as well as the tight schedule. Why are all these not important now that it is DBB? Don't be afraid to drop a requirement in the DB if it is found out it is not needed or even not smart during the pursuit.
C	C	The trend tends to be more bells and whistles on the DB projects, driving up risk and contingency. If you price the project like everything is going to be enforced you won't win.
C	C	Not sure why contractors have to carry E&O insurance in addition to the designer.
C	C	It is obvious DB is asking for more and more over DBB. Why require PI on Mankato? When it goes DBB, the district can get by using their own person – why do you need to inform the public more in DB? They are stakeholders on DBB also?
C	C	Pay attention to the submittals MnDOT is asking for – don't ask for a noise abatement plan if one really is not needed as an example
C	C	Improvement to update TRACS, it is archaic and very slow, not user friendly. Additional improvement would be better organized FTP site – or better yet material on a CD/DVD.
E	C	Seems like the DB is getting further away from true DB philosophy.
E	C	MnDOT is really not using DB for the way it was meant, Use best Value.
O	C	Vet what is truly needed in the scope eliminate gold plating
C	D	Quality control of plans and bid sets is not what it used to be even on DBB – MnDOT needs to improve this.
C	D	Need to improve the consistency between projects of what is required – for instance, PI, document control and quality have changed and continue to change project to project. It makes it difficult for industry to staff or gear up – as soon as we think it is going one way it goes another. Quality seems to be getting more consistent but moving away from contractor required.
E	D	Make sure Data from MnDOT is complete.
E	D	Goals are too generic: safety, quality, price, schedule etc. Being more specific on goals allows teams to really dial in proposal.
E	D	I would like to see better soil borings to work with. The lack of good subsoil information is very difficult to work with and costly and time consuming to get.
E	D	Consider eliminating the Design-Build Version of the Road Design Manual and replace it with a brief narrative describing the changes similar to the other manuals included in Book 3. This may be necessary to be consistent with MnDOT's emerging Design Flexibility philosophy.
O	D	Sometimes writers try to keep language brief and end up not being clear, then answers to clarifications are too brief and not clear.
O	D	There have been situations where there were multiple municipalities and MnDOT wanted to include their specifications in the RFP but the wrong one was included in the RFP. Also the cities change their specs a lot and the GEC should vet whether the city has changed the spec.
O	D	Specifications should become more performance based; example: whose drainage criteria are governing MPCA, Watershed?
O	D	It seems like it would work better if there was something as simple as a scoping sheet to ensure RFP preparers understand what is in scope and what is not. This would have

		pointed questions.
O	D	I would recommend that MnDOT more clearly define scope in the RFP.
O	D	Book 2 needs to be updated for clarity of content, active voice, and updated standards.
C	E1	Don't spot the 50 points for responsiveness it closes the gap of scores too much.
C	E1	Believe the narrowed points keeps the scorers more focused on what is important – but there must be senior level people in the evaluations.
C	E1	Change scoring criteria – do not give 50 points for being responsive to RFP – score the whole 100 points. If you are going to score 50 for being responsive, eliminate the SOQ. Scoring in this manner results in the Best Value process to be low bid because of the 50 points awarded for responsiveness. The rest of the scores are too tight to be anything else but low bid winner.
E	E1	Consider carrying points over from SOQ to RFP, right now scores are so close it is a low bid situation.
E	E1	Don't give 50 points for being responsive. There was an overreaction to 35W.
E	E1	Best value (technical score) should be increased.
E	E1	Examine weighting of Best Value.
E	E1	Continue to do best value scoring and increase the range of scores. We currently get 50 points for being responsive and in the past few selections there has been less opportunity for teams to distinguish themselves resulting in a "low-bid" type feel to best value.
O	E1	Current scoring mechanism is pushing more towards low-bid – 50 points are automatic and evaluation manuals tend to read 50% of remaining 50 is a proposal that meets RFP criteria so one could argue 75 points are automatic – at least scorers tend to score that way (i.e. it's allowed therefore can't score below 50%); I do not think time is accounted for appropriately in scoring (more later in questionnaire).
O	E1	Don't give the 50 points for being responsive doing so makes it a low bid process.
C	E2	Make sure evaluators stay on task – don't let one person sway all evaluators.
C	E2	Don't give a broad value to something (i.e. if you are evaluating 8 different things that are related to structures for instance, and structures has 25 points, break each one down accordingly so they add up to 25 points but such that 1 item couldn't hit a team for 8 points if the original value was more like 4 points. So don't let evaluators arbitrarily give 19 points for the whole structures section, have them add up 8 distinct items.
C	E2	Evaluation and scoring must be made objective, not subjective. Point system for the committee must be established to try to eliminate bias – but this system is full of bias – there is no way to have a neutral judge without taking names off of proposals.
C	E2	Tell the industry how much MnDOT is willing to pay for a homerun don't leave it up to an equation. Does MnDOT really want to take the chance of someone getting a 53 and someone getting a 93 on an engineers estimate project of $100M and end up paying up to $175M for the same project? Tell industry you will pay up to another $20M if value is realized. MnDOT needs to know they have the scope defined for the budget.
C	E2	More quantitative analysis, less subjective. Review award when simple, assign dollars to points vs. dollars to tech score
C	E2	You can't price for subs– people interpret the standards differently and MnDOT knows but upon award the preference of the district wins out usually.

C	E2	Scope requirements may leave a lot of subjectivity in review. It is difficult to respond to what MnDOT wants plus sell ourselves in such a short response.
C	E2	Tell the contractors what the goals are – example PI is always a goal but it is apparent teams are starting to bid this for in-house people to do (not specialists) to win – you don't get enough points to use specialists.
C	E2	Look at bringing in experts, to evaluate proposals Has there been consideration to throwing out the high and low score?
C	E2	Make RFPs as objective as possible. It is difficult to deal with much subjectivity in the RFP process. Majority of subjectivity should be associated with ATCs.
C	E2	Sometimes contractors add value by bringing new technology, but MnDOT does not have the expertise to properly evaluate. Contractor cannot explain all the benefits in the proposal due to page limits.
E	E2	MnDOT really needs to consider best value. It seems all projects are awarded to low bidder, teams are getting this mindset, and then you hear of problems with the project.
E	E2	Need to have a score for things that are important to the owner, such as Quality, Environmental, Safety, etc. These have been issues after award and the owner's expectations have not been met as well as they believe they should; however no weight was given to these items which would get teams to commit to more in their proposal.
E	E2	Scoring criteria should be well thought out. For example on 13/101 all points to really win or lose were based on one topic (artesian).
E	E2	There are biases in MnDOT with people and companies. There needs to be some consideration on how to take out biases, one person on a selection team can kill a whole team. In evaluation process consider having the technical advisers be blind. Have the scoring committee ask them questions on advantages of x and y and disadvantages of a and b so that the technical advisers do not know who proposed each. This should take out some bias.
E	E2	There have been times in debriefs where a comment or negative on a team was not true. There needs to be some QC to ensure if a team is negatively marked it is true.
E	E2	Don't be afraid of shortlisting – teams would rather not be shortlisted if they really are not seeing the project.
E	E2	Make scorers understand the value of a point.
E	E2	Short listing is not managed well, and scoring continues to be an issue and can be influenced by an individual. These are only a few examples of areas of improvement.
E	E2	There is no scoring on quality of team Example: 13/101 – 90 points given as an all or nothing, 5 points for bus shoulder, etc. only 10 points really scored.
O	E2	DB is trending to low bid. There is no emphasis by contractors' to try best value ideas in the proposals.
O	E2	Would prefer to go A+B and have industry tell MnDOT how fast they will get it done and own that promise. For instance a project may have a substantial completion date worth 2 points and an interim milestone like a bridge open or 4 lanes open but no date defined just a goal identified and an indication it will be scored, awarding 2 points and then finally the quality of the schedule is worth say 4 points (for a total of 8 schedule points). Industry does not like the soft date on the interim milestone; they want MnDOT to tell them when it is important. MnDOT on the other hand wants industry to own their schedule and tell them the timing. Then on the quality of

		schedule, industry does not like the perceived subjectivity of that. So it ends up that everyone has the same schedule and the points are moot. Industry does not like the subjectivity of the schedule review.
O	E2	A+B bidding versus point system for completion milestone.
O	E2	Give more flexibility in scoring. In scoring often the AGC representative is quite different than other scores. Don't be so rigid in what is scored (i.e., not so many items) a lot of times someone will give MnDOT something that has value but it is outside the prescribed scoring items and therefore they do not get credit. Or vice-versa they will give something that causes great concern but it is an element that is not scored
O	E2	Evaluation process is too defined and does not let the evaluators score all aspects of the proposal (for example, a geometric safety improvement may be submitted but unless there is a very specific sub-bullet, it can be hard to score).
O	E2	MnDOT is not willing to cut the short list to a proper list – when they cut to three a contractor complains and gets shortlisted – must be willing to make those cuts so the full 100 points can be used. A short list of three is best.
O	E2	The whole program is trending to low bid even in the Best value
O	E2	There was an overreaction to I35W worried that the industry would not participate in Design-build – MnDOT seemed more concerned about losing DB options than doing it right and that continues
O	E2	Program has biases – and allows biases to influence scoring
C	F	Be very selective on why you are going DB – Mankato, Elk Run and 10/32 Hawley were three examples of projects that were not good candidates.
C	F	Don't have price caps it seems the times there have been price caps it has thwarted innovation because innovation was considered to have changed scope so it was not allowed. Also it seems that when MnDOT does a price cap they still want a project that is defined and are not willing to deviate – those don't go well together.
C	F	What is the goal of MnDOT with the DB program? This DB program must be defined to know where it will go.
C	F	Make sure the procurement is vetted before starting. Too many projects start and don't finish or change procurement types, more than what is normal in other states.
C	F	Overall need more DB projects. The way it is now you can't have dedicated staff, so the one to two that come out, everyone just doubles up their work load during those months to get them out. Get more DB projects out even if it is box culverts etc.
C	F	Losing industry confidence when you get to the RFQ and you don't know some critical aspects on whether the project is really viable – sufficient funding, noise wall analysis etc.
C	F	MnDOT has taken ideas and not let the project then applied the ideas into a DBB project this does not seem right.
E	F	Project scoping has been an issue lately (TH55 and13/101).
E	F	I would suggest that the DB best value be used on larger, more complex projects.
E	F	Only use Design-Build procurements on projects that have a DB advantage, not just because someone wants to try it.
E	F	MnDOT is not picking good candidates, lately there have been some issues; 3 of the last 4 DB procurements have had difficulties. 13/101 was poor, TH 55 had problems, North Mankato was bad and Maryland went OK. Not sure why, seems like MnDOT is not picking good candidates. TH 55 was a good candidate but why make it necessary

		to submit full plans
E	F	Sometimes it seems the district does not have a say in whether to go DB, and then they are not sold on it
E	F	Would like to see more outstate districts do DB
O	F	Need a stable DB program to ensure industry is engaged.
O	F	13/101 failed, because there was not enough money budgeted to the project. MnDOT management needs to understand that Design-Build cannot fix a budget that is less than MnDOT's cost estimate. Often internal MnDOT processes hamper DB delivery. Failing to get municipal agreement has caused issues on projects specifically recently Maryland Ave. The problems tend to be lack of internal accountability.
O	F	Make sure projects are vetted first in the planning stage.
O	F	Need a more stable DB program. Difficult to plan resources with large varieties in number of jobs and aggressive schedules.
O	F	Need to vet what projects go DB, especially the low bid projects.
O	F	Don't use a cap on the contract price.
O	F	Work on getting better engineers estimate, too many are getting cancelled or close to not have bids matching the estimate
O	F	If there is a price cap (funding) don't go DB or go variable scope
C	G	On larger projects the stipend should be increased to allow vetting of RID etc.
E	G	Higher stipends to cover pursuit costs. 13/101 PAE process was very involved.
E	G	Stipends seem to be misunderstood as to when and why to use.
E	G	Consider stipends beyond the minimum required by statute.
C	H	The RFP puts a lot of emphasis on the PM and a lot of emphasis on the PM being on site at all times. Contractors don't have the resources to do that for small DB projects, they need the PM overseeing more work that $10M in a season.
C	H	Contractors are required to have a certain level of experience but MnDOT is not in the counterpart position.
C	H	MnDOT needs to be more selective on the people they put on projects. Most do not understand the DB process. MnDOT also needs to have senior experienced personnel oversee the project people. The variation in experience comes out in the inconsistent manner of administration and content of RFP documents.
E	H	Quicker decisions were needed in early over the shoulder meetings.
E	H	Personnel on owner's side do not seem to have the experience level as industry.
E	H	There are many times MnDOT PM's have DBB experience say a RE for DBB and they quickly fall into that mode of operation.
E	H	Improve the level of experienced staff on the owner's side. Use the same team from project to project to improve and learn on the process.
O	H	Need to assign a dedicated PM to DB projects. A PM must be assigned early and stay with the project and be accountable for MnDOT's deliverables. For example, both Hastings and 169/494 projects had dedicated PM's and MnDOT deliverables were properly addressed by those full time PM's.
O	H	As an employee of MnDOT this goes better when you have a Project Manager that can dedicate 100% of their time to the predesign activities that need to be completed before the release of the RFP, writing of the RFP, other tasks during procurement, and then remains the PM after Letting.
O	H	Lead people should have qualifications in DB, Contractors' personnel were new to DB which created problems. The contractor had done DB but the lead people had not.

		The designer was also new to MnDOT DB
O	H	MnDOT changed out PM at RFP release which was not conducive to consistency
C	I	Should have a standard state template on how a project is to be managed from proposal to close out regardless of what district you are in, but each district wants to own it.
C	I	More dialogue between MnDOT and contractor. Clearer direction on MnDOT's goals and expectations.
E	I	Consistency across the board, i.e., ATC process, RFP documents, contract improvements
E	I	Some districts enforce critical activity points, preactivity meetings, some others don't; need consistency.
E	I	Consider a small MnDOT DB team that helps all teams deliver their projects – this will give more consistency.
E	I	The process is so dynamic industry does not know how to bid, there are definitely times DB teams put money in the bid based on PM.
E	I	Partial co-locations do not work well. On TH 610 the Design Leads for various disciplines were required to co-locate to MnDOT Golden Valley office. This created problems because the design staff was back at the consultant office without their managers.
O	I	I think over-the-shoulder work can be improved on to shorten review times – possibly more training such as the DBIA course to be held in MN 10/2012.
C	J	Warranties are administered differently.
E	J	Rethink warranty periods and what's included, and investigate insurance requirements and level the playing field for all teams with respect to insurance.
E	J	Consider project specific insurance policy for each project. Five years is a long duration. ROC 52 warranty was picky items. Bonding companies don't go beyond 3 years. Concentrate on bigger issues, not picky issues. Look at insurance, smaller firms insurance is less expensive.
C	K	It would be helpful to know further in advance of when DB projects are coming out. This would allow industry to staff accordingly. These proposals take a lot of effort and if they just hit the street with no warning it puts a burden on industry.
C	K	Try not to do procurements concurrently, that is difficult for industry.
E	K	Try to time the awards better so the engineers have time to get RFC plans approved for the contractor to begin in Spring. Our construction season is short in Minnesota; we shouldn't be losing April and May.
E	K	RFPs should not be concurrent. There is not enough talent in the area to do many concurrently
E	K	The procurement sometimes takes longer than it would to design the project, municipal consent is hamstringing innovation and – try to tone down promises for municipal consent it seems to have too much power overall in approving projects
O	K	Due to accelerated timeline, some RFP/language did not clearly convey what was intended from MnDOT's group discussions. The consultant charged with final review of the documents should have caught this.
O	K	Contractor would have liked more time with proposal
E	L	If innovation is wanted, don't deny ATCs that bring in innovation and/or pay more in stipend. It costs money to look at ideas.
E	L	There is a need for contract/ATC improvement with regard to consistency. Especially

		the ATC process. Different PM's implement the process significantly differently, which also impacts the value of the 1 on 1 meetings. With some PM's the 1 on 1 process is not useful.
E	L	Some PM's seem to lead on teams that an ATC may be okay, then turn it down and others take a long time to decide, which forces parallel paths of design increasing pursuit costs.
E	L	On one particular project an ATC was presented with the Owner indicating they had not heard of the technology, it was later learned that the same ATC technology had been previously approved by the owner for another team. If the reason was that the owner did not want the second team to benefit from the first teams vetting of the ATC there should have been a different approach rather than misleading the team regarding knowledge of the technology.
E	L	It seems that ATCs are denied during procurement but are seen used during execution.
E	L	PAE's are these approved or accepted, there seems to be some difference. What is the purpose for these industry looks at it as a control issue – if there is a desire to have control write the specifications accordingly, if it is to get innovation the ATC process works
E	L	I think MnDOT needs to do a better job in responding to ATCs, particularly submissions that aren't really an ATC. The ATC response form has this field already, but it is rarely used by MnDOT. There have been a couple of instances in which MnDOT fought for cost reductions in a base bid due to an ATC submitted by another team. In our opinion, the other team's ATC didn't meet the requirements for being an ATC.
E	L	There has been a situation where an ATC was approved on one proposer and the winner submitted their proposal without submitting an ATC as discussed with MnDOT during the pursuit. Upon award the PM wanted the contractor to give a credit because the ATC had been approved concluding the winner should have submitted it as an ATC in order to use the concept. This was eventually allowed without a credit.
E	L	Try to have staff available to review ATCs it seems that sometimes the easy answer is no so they don't have to totally vet the ATC with technical people.
E	L	1 on 1 meetings need more back and forth not just read the contract – what does the RFP say, etc.
E	L	If innovation is wanted – don't deny ATCs that bring in innovation and/or pay more in stipend. It costs money to look at ideas.
E	L	Allow ATCs. For example 13/101 initially was not open to ATCs even though industry understood that was the only way to complete in budget.
E	L	Significantly loosen restrictions on what can and cannot be changed on a project – i.e. a restriction that the alignment or profile can only be adjusted a maximum of 1 foot horizontally and vertically is too restrictive. Another example is the in-slope and back-slope order of preference. Often the RID layout and construction limits may not have utilized the highest preference for in-slope and back-slope resulting in much design effort to justify slopes that are actually consistent with the RID layout and construction limits.
E	L	The reception to ATC changes varies greatly from job to job depending on the reviewers.
E	L	Accept ATCs

O	L	Try to be more receptive to innovation once the project is identified It seems that although the projects picked are conducive to innovation the MnDOT PM may close the door on it through not accepting ATCs.
C	M	OCIC should corral the whole process and maintain control to the end this gives consistency for industry.
O	M	Not sure if OCIC should lead the procurement it should be office of technical support – then OCIC takes over at letting, not sure if OCIC is in the position to lead the procurements.
O	M	There needs to be a sponsor that has authority to implement program.
O	M	Need a process to have a core group go through RFP's to ensure consistency between districts.
O	M	The whole program is not well defined it is supposed to be under OCIC but OCIC does not take through construction.
C	N	Overall the whole program needs better training on what is a preference and what is not – better clarity if there is room for interpretation.
C	N	Short listing seems to have to make a very arbitrary cut. It seems the cut is made on very small differences. Essentially first time players have to fail to get selected to learn the process.
C	N	If MnDOT would like more Minnesota contractors to bid on these projects, outside of the four that do now, they should help the newer contractors understand what is needed.
C	N	A formal training session put on by MnDOT would be good. Training class could have: samples of forms to complete, description of TRACS, step by step bidding process training, education on where information can be found. This would avoid the current situation where contractor essentially have to fail to learn. Work out a process that focuses on actual team members and not tries to find small problems with the SOQ.
E	N	Have worked with three contractors and they all seem to not engage in the proposal process other than to price the project, they do not take an interest in the design. They think of more of it is the designers issue mentality. We often ask "how do you want to build this?" or "what are your strengths in means and methods?" and do not get any input.
E	N	During execution if there is a design issue that comes up the contractors don't act as a team, they seem to think it is the designers issue to argue with MnDOT.
E	N	Need to follow schedule. Contractors don't seem to buy into the sequencing of construction. We have had a contractor sit in meetings knowing how and what we are designing, then turn around after weeks and say I want to start here instead of there.
E	N	When MnDOT does project in collaboration with local government, MN DOT needs to maintain control. Contractors need to be better educated in the process to have a vested interest in the design activities.
O	N	MnDOT should consider training low bid industry so they know the processes of contract award, design management, design review etc.
O	N	The over the shoulder reviews do not tend to decrease review times. There should be training on these so we can use them better. On some projects should MnDOT provide an envelope of what is acceptable? It seems that some internal people do not understand the differential allowance between the conceptual plans and the contractual requirements, the concept plans may not be used, they can change, at

		times people think they can't. There should be training for DBIA type courses.
O	N	There should be training for DBIA standards.
O	N	Would like to see full training scoring/evaluation/RFP prep/administration etc, but with emphasis on the nuances with administration and relationships.
O	N	Personnel working on DB projects need to understand the risks of each project and how to allocate them properly. Suggest training.
O	N	Possibly need a training course for internal people to draft proper performance specifications.

Question 1b.

Question 1b: Design-Build low bid

i. How many?

1-5	6-10	10+	N/A
X			
X			
		X	
X			
X			
			X
X			
X			
X			
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X			
			X
X			
X			
X			
X			
X			
	X		
X			
X			
X			
	X		
27	2	1	2

ii. Have you been on a successful team?

Yes	No	N/A
	X	
X		
X		
	X	
X		
	X	
	X	
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		X
	X	
		X
		X
		X
8	12	11

iii. What went well with your experience?

Code	Theme	C	E	O	Total
A	Nothing	3	4	3	10
B	Not applicable the project is starting now	0	1	1	2
C	Simple process	2	2	1	5
D	Team effort	1	0	2	3
E	ATCs	1	0	0	1
*	Miscellaneous	0	1	0	1

Type	Code	Comments
C		
C		
C		Have not participated
C		
E		We won 101/13, it turned out to be a good project, but it didn't start out that way. Winning the pursuit.
E	*	It is difficult to show value in a low bid approach.
C	A	It was a disaster because it should have been a traditional design bid build – all bids were rejected and costs incurred by contractors were huge.
C	A	Streamlining should make it where the DOT has vetted it further because it is better defined.
C	A	Not much
E	A	Not much, designer at the mercy of contractor
E	A	Not a lot.
E	A	Our experience was with MnDOT's second DB project and at that point there was a huge learning curve.
E	A	Nothing went well. It was an inappropriate project for DB and MnDOT was ill prepared for the procurement process.
O	A	Nothing – this is too risky for the owner. Design changes and potential claims add complexity to administration coupled with construction changes and claims increases risk for owner.
O	A	Not much, other than the team putting together the RFP and procurement were pretty experienced so that helped this go smoother.
O	A	Bids were rejected, price too high.
E	B	Unknown – it hasn't started yet.
O	B	Just starting
C	C	simplification of process, streamline
C	C	We got the job and we believe were covered because it's a very small design.
E	C	The process was straight forward
E	C	It gets rid of the dog and pony show on the bigger jobs, best value can be a value but on the smaller projects, under $100M, it generally is much lower bid anyway.
O	C	Less staff time to evaluate tech proposals. Selection process easier with no controversy.

C	D	Good teamwork, time to prepare RFP was adequate
O	D	Started writing RFP for a low bid DB project, then I was reassigned to a different DB project. Team effort to write RFP went well.
O	D	On design side, good communication with Contractor – projects were small and went as expected
C	E	ATCs

iv. What recommendations would you make for improvement?

Code	Theme	C	E	O	Total
A	Provide a better scope definition/clearer documents/reduce time to prepare proposals	4	10	6	20
B	Continue to short list/pay stipend	6	3	2	11
C	Evaluate project selection methods/vet projects	9	3	6	18
D	Allow more ATC/communication during procurement	2	2	2	6
E	Provide training	1	0	1	2
F	Ensure proper MnDOT Personnel qualifications and staff	1	1	3	5
G	Share risk	1	1	3	5
H	Stop delivering projects this way	0	5	0	5

Type	Code	Comments
C	A	Consider taking drainage further on low bid and best value there is a lot of risk here but in best value we can at least pay the designer to progress it some.
C	A	Need to very clearly define the scope so there is little to no design and there is not a long process of figuring out the project. Streamlining should make it where the DOT has vetted the project further through better definition.
C	A	MnDOT should make decision on major items real early in the RFP process and make their intentions clear. Make the process as objective as possible. Subjectivity means risk, which means money.
C	A	Provide a CD of the documents rather than so many different FTP sites. Provide more specific information on requirements of project. Have summary page of requirements.
E	A	The RFP must be very clear on scope because there is no way to ensure everyone is bidding the same scope without an evaluation of the proposal
E	A	Low bid should allow to get rid of dos and don'ts.
E	A	Clearly define Scope. Simple scope projects where the scope can be very clearly defined to ensure all are bidding the same project.
E	A	I think a low bid approach can be successful, but MnDOT has to refine the process to make it cost effective to pursue and still provide ways to capture quality.
E	A	Make sure the RFP clearly defines what has to be done for the project. TH 55 results showed a significant gap between the lowest three bids (contractors with no DB experience) and the next three bids (team with significant DB experience).
E	A	MnDOT did not provide a layout for Contractors to bid from so designers had to prepare materials for use in bidding without any ability for compensation via a stipend.
E	A	Level of RFP detail, and due diligence by MnDOT prior to issuing RFP would streamline the process.
E	A	MnDOT needs to improve cost estimating to ensure they have the funds to cover what they are requesting. Better review of preliminary layout and construction limits versus the language in the RFP.

E	A	Provide more detail overall.
E	A	Do not use "Owner Initiated Clarification" to try to correct flawed procurement documents
O	A	Work on the engineers estimate approach to help reduce potential errors in engineers estimate. Working with the PM with their estimate and potentially the GEC.
O	A	TH 13/101 was procured twice. This could have been avoided with better coordination with OCIC, Metro, and FHWA. Early coordination is critical to make sure everyone is on the same page (e.g.: layout completion, realistic timelines, knowing the risks and how to handle them).
O	A	I would recommend that MnDOT more clearly define scope in the RFP.
O	A	Consistency in the divisions of the RFP.
O	A	Improve process for creating the RFP by developing a Template
O	A	Make sure there are not conflicting language sections in the RFP. The contractor uses conflicts in the RFP to get CO. For example, walls have been conflicting.
C	B	There has been pressure to accept stipends
C	B	For low bid try to always have a stipend. If it is a single stage maybe have a fixed total stipend that will be divided by proposers.
C	B	On these low bids it seems that all proposals become public information and MnDOT has not paid a stipend for our ideas.
C	B	MnDOT needs to understand there is still considerable work on the low bids so pay a stipend; or have the scope so defined that there is no design work needed unless a contractor wants to look at an ATC.
C	B	Shortlist so MnDOT can afford to pay the stipend.
C	B	Contractors spend nearly as much on DB low bid as a traditional DB yet the risk is higher. Example of a project that should not have gone DB low bid is TH 610 – do not see the reason to go DB.
E	B	Designers do not get any stipend there is no reason to participate in low bid single step. Will not participate on future procurements.
E	B	Pay a stipend on DB - low bid projects or provide quantities to the contractors.
E	B	Still shortlist for low bid.
O	B	Short list to no more than three
O	B	Would like to have stipends on alt pavement bid type projects, but legislation is limiting
C	C	There have been numerous projects that started and either were pulled, rebid or rebid in a different approach – examples 13/101, TH 60 (DBB) North Mankato recently and even Elk Run the RFQ was reissued after pulling it with different criteria.
C	C	Industry is gun shy about giving the right price the first time, presenting ATC's etc. just to see them pulled and go DBB.
C	C	Do not push the design build process into projects where it does not fit to fill a quota, If the same effort and funding were applied to the design bid build process that is spent on design build, MnDOT would get more successful projects done for the same money.
C	C	MnDOT seems to be getting the project size smaller and smaller – they need to realize there are some fixed costs associated with their requirements that won't get smaller. That could be the reason they are having difficulty with the smaller projects and the engineers estimates being too low. They may be using a percentage of costs that are really fixed or are at least not a straight percentage as the size gets smaller. For instance a PM if required on site is the same cost on a 6 month job regardless of how expensive the project is, quality is similar when you have QM's etc.

C	C	Why does MnDOT want to do low bid?
C	C	Consider a maximum cap on low bid and minimum cap on any DB.
C	C	These small projects where MnDOT has issues getting them off and let the first time costs industry a lot of money.
C	C	Actually award to low bid
C	C	DB low bid take more personnel to administer the contract than DBB, so MnDOT needs to be aware of that in price estimates.
E	C	The only low bid Design-Build project I have been personally involved with was the TH 13/101 project. It was disappointing to work so hard on the first procurement, essentially win, have all the bids thrown out, and then have to win the project a second time based purely on cost. I was also disappointed that all of our innovative ideas were lost during the first procurement. My recommendation would be to have the money and support to build a project before wasting a lot of effort in a proposal that is ultimately thrown out.
E	C	Significantly limit the use of DBLB possibly to small emergency type work
E	C	Recently MnDOT has had some success in the low bid DB. MnDOT should consider using low bid on small simple projects particularly when the available contractors have limited experience with DB delivery.
O	C	Low bid is not the best use on many projects; need to consider best value on some that have gone low bid.
O	C	Still have concern over overall relationships with the industry and MnDOT.
O	C	Prefer to use DB Best value whenever possible and be careful when to use low bid.
O	C	Only use when essential, short schedule required, funding restrictions.
O	C	Need to vet the projects more – everything is trending this direction
O	C	Estimating is an issue, CO needs quantities, but the design is not far enough so PM's come up with a number, also some other prices are just a percentage of the cost, such as contingency, overhead etc. this may not be the way to go.
C	D	Suggestion is to be more open to industry on why MnDOT is choosing DB low bid – is it risk transfer, if it is tell the industry, is it time restraints etc.
C	D	More communication, one-on-one meetings, reduce submittal requirements, more direction on scope.
E	D	Need to be more open to ATC solutions.
E	D	On TH 55 there were a tremendous amount of restrictions on ATCs. There seemed to be the mindset in MnDOT that this was a simple overlay, so no one really took it seriously. Try to have fewer restrictions and open up ATCs on pavement.
O	D	The PM's are not dedicated to the project, there should be 1 on 1 meetings even though they are small.
O	D	Many problems existed when the decision was made not to have one-on-one meetings with the Contractors on TH 55 low bid. MnDOT tried to answer all questions by documented clarifications without face to face interaction and it becomes too difficult to explain some design details with words only. Even if there is no short list, MnDOT should still get letters of interest and then set up one-on-one meetings with the teams to help answer questions. Even though one-on-one meetings are not supposed to be used to answer clarifications it is still valuable to have them present their questions and then tell them to submit them in writing so we all can get on the same page.
C	E	Regarding TH55, it was intended to get new players into the DB field. It would be interesting to know what the new players felt of the process. OCIC should consider

		giving them training on what is expected. The final bid results were the 3 with DB experience were high and the 3 w/o were low, OCIC should monitor the project.
O	E	The engineers estimate is done similar to the DBB approach. Which make it difficult in LS to set correct DBE goals
C	F	MnDOT needs to be more selective on the people they put on projects. Most do not understand the DB process. MnDOT also needs to have senior experienced personnel oversee the project people.
E	F	Use more qualified people It seems that less qualified staff get thrown on low-bid projects because there is no need to qualify.
O	F	MnDOT, internally, must concur on responses to clarifications. OCIC may change a meaning to a clarification from the District PM because they on one hand were not involved enough to know details but have an authoritative stance on clarifications. Also MnDOT PM's must understand the project so they can answer clarifications and not rely on junior staff use staff for assistance. These issues contribute to clarifications on the clarifications. OCIC should advise, but the PM should make the final ruling. Also, district staff must be available and not preoccupied on other projects to perform sufficient due diligence on the responses. For example, on one project the Metro person responsible for compiling and writing the answers was new to Design-Build and the project and as a result did a poor job of writing the clarifications. OCIC and the District lead did not do the best job of reviewing these responses, because of other commitments Lastly, the DB PM must be knowledgeable about the scope of the job and not rely on the junior members to get the answers. The District PM should be in charge of final decisions and needs to fully understand the RFP and the scope. OCIC is there to advise only. District staff need ability to spend more time on the DB project and not work on other projects.
O	F	Don't allow MnDOT to switch PMs from RFP to execution. The PM was switched between writing the RFP and procurement on TH 55. Both PM's were not full time and could not dedicate their time to writing the RFP or participating in the procurement. As a result the PMs have to rely on junior personnel to make the right decision, because the PMs did not know the scope as well as the junior personnel. Recommendation: Need full time dedicated PMs on a DB project, so they can be accountable for all aspects of a project and have the time to work on all aspects of a project.
O	F	Ensure MnDOT has enough staff between districts and OCIC to deliver concurrent RFPs. MnDOT was doing three DB procurements on the same timeline. Metro only has one full time DB staffer. OCIC only has one full time DB staffer. It is very hard for these two staffers to educate and keep everyone else on track with three simultaneous procurements. Recommendation: Need more staff with DB experience, either OCIC or Metro, if we are going to deliver more than one DB project per year at Metro.
C	G	The main reason seen for MnDOT to go DB Low Bid is to transfer risk The risk is much higher than traditional DBB Specific example was the risk transfer of artesian effects on 13/101,
E	G	DB is high risk as it is and with DB low bid, there are low rewards. Designers generally absorb all or most of the cost, there is no incentive to do low bid. If the owner accepted more risk and that trickled down to the designer, we would consider participating.
O	G	Needs to be a set procedure for risk analysis. Generally there is some kind of risk analysis but not a set procedure.

O	G	FHWA and some MnDOT folks were resistant to low bid DB method, even though it was the right choice for this relatively small, low risk project. A risk analysis would have been good.
O	G	If there is a potential risk, do not go this route as it requires a very specific RFP to avoid the base minimum since evaluation is strictly based on cost – even with best value trend towards low bid, you still see firm commitments to resolve the issues in the proposal that you may not get in low bid.
E	H	If low bid had a means to not require design or very little of it we would consider participating.
E	H	Low Bid DB makes engineering a commodity. This is doomed to fail at some point, such as when the economy is really firing on all cylinders and all of the Quality Engineers decide to not bid as a commodity.
E	H	We prefer not to work on low bid projects without a stipend. The quality of the preliminary design is too costly to work with. No incentive to pursue innovation. Difficult to know what to provide the owner. It becomes a function of catch me if you can and then you hope the MnDOT project manager doesn't hold you to the requirements of the contract, which they often do not. Quality suffers in the low bid approach.
E	H	Eliminate the process
E	H	Low bids cause designer to take hits or the contractor if they are paying the designer, so less vetting is occurring of data.

Question 2

Question 2: During the procurement process have you found the Request for Proposal documents to be consistent?

Code	Theme	C	E	O	Total
A	Are consistent or getting better	1	1	2	4
B	Wide ranging inconsistencies	1	1	1	3
C	Book 2 inconsistencies	2	8	0	10
D	Scoring criteria inconsistencies	1	1	0	2
E	Repeating errors	0	3	1	4
F	Information poorly organized and/or hard to find	0	1	1	2
G	Book 1 inconsistencies	2	2	0	4
H	Investigations/studies	0	2	0	2
I	Administration/Interpretation	0	2	1	3
J	Quantity of information	1	1	0	2

Type	Code	Y/N	Comments
C		Y	
C		Y	
C		Y	
E		Y	
E		Y	
O		Y	
O		Y	
O		Y	
O		Y	
O		Y	
O		Y	
C	A	Y	MnDOT's recent changes have provided much more consistent RFP documents.
E	A	Y	MnDOT has changed the documents drastically over the years but they are getting better/more consistent. Most language is fairly consistent from project to project.
O	A	Y	For the most part they are consistent
O	A	Y	The documents seem to be getting more consistent.
O	B	Y	The contractor would bring out the inconsistencies once the project was let. In general contractors will take advantage of conflicts and inconsistencies in any project. It seems to be more prevalent in DB low bid than best value.
C	B	N	Criteria were wide ranging, not clear or consistent. An example: the DB manual and bridge manual have two different requirements for bridge span allowances.
E	B		Inconsistencies are in different areas, not just one. Example: chapter 4 and chapter 12 and RID can all provide contradicting information; main problem seems to be watershed district permit information.
C	C	N	Quality, PI and others

C	C	Y	There are inconsistencies in VQM, sometimes these are very prescriptive with some teams thinking there are no changes allowed because of the prescriptive nature, yet ATCs are awarded, other times they are not clear enough yet preferences of MnDOT are upheld during execution– overall inconsistent application of VQM
E	C		There are often permitting and design requirements between Book 2, Chapters 4 and 12 that are inconsistent. We found the template for the Quality Manual, which is used to develop the project Quality Manual, to have inconsistencies. MnDOT should have tracked versions of the Quality Manuals that could be used to update the template.
E	C	N	The books are consistent in arrangement so contractors know where to look for key information. However there is often conflicting information – i.e. the northbound ramps of I-35E and Maryland could only be closed for 14 days to construct drainage, embankment and pavement. But the geotechnical section had a settlement requirement that "prior to paving contractor must achieve less than ¼ inch of settlement per week for 4 consecutive weeks". Meaning once subgrade is constructed you had to wait at least 28 days before paving.
E	C		Which requirements for design standards apply to which roadway i.e. freeway standards apply to Trunk highways but should not apply to city streets.
E	C		T.H. 610 had issues where trail standards required by the city differed from MnDOT standards and were elsewhere in the documents not with the other trails
E	C		Contractual items should be placed in Book 2 and or the Book 2 Exhibits. Reliance on Book 2 references to items in the RID to be contractual are difficult to understand because the references are not explicit. TH 610 DB included this situation regarding the noise mitigation requirements. These mitigation requirements were in the RID in multiple locations – procurement noise analysis and previous EIS analysis. Both RID items were enforced as contractual; specifically the noise barrier height analyzed in the EIS (RID document) was more restrictive than the noise barrier height requirements necessary to mitigate noise based upon the noise analysis prepared by MnDOT for the procurement.
E	C		MnDOT has been constantly changing in the QMP area.
E	C		Consistency is important. However, coordinated changes are always encouraged to improve documents. For example, Book 2 Section 2 needs to be rewritten, reorganized with requirements either more clearly defined such that there is not subjectivity in acceptance criteria or that is more open with much less owner control.
E	C		Private and public utility designs located near structures (i.e. bridges, retaining walls, etc.) need to be treated consistently on all design-build projects. All requirements for utility designs must be contained entirely within the utility chapter of the RFP, and not scattered throughout different chapters. MnDOT needs to ensure the public utility requirements of the RFP are consistent with City needs and desires typically noted in RFP exhibits. This is problematic when City requirements shown in an exhibit directly conflict with MnDOT utility requirements and policies within the RFP.
C	D		Differences in criteria and values of criteria

E	D		On the scoring, they are asking for what they are not scoring.
E	E	N	Documents are not consistent, Administration is not consistent. Error and conflicts in the RFP are frequent and repeated from one RFP to the next. Specifics in RFP vary from one RFP to another.
E	E	N	MnDOT uses a template for DB RFPs, and there still are inconsistencies from one to another. MnDOT should continue with their templates, but project specific requirements should be highlighted and maybe isolated in a special section.
E	E		At times there are requirements in Book 2 that are not applicable to the project. It appears that text is left over from a previous DB project that is not applicable to the current project. This should be deleted and marked NA.
O	E	N	Districts are using old RFP documents that are not consistent or tailored to the project scope.
E	F		If non-applicable requirements (sections) are left in and later a contract administrator sees it they can make a gray area enforceable. Therefore they should be deleted from the RFP documents.
O	F	Y	As the writer of the RFPs I believe we have followed the same format, organization, and verbiage. However, I also believe it is hard to actually find the text that has changed from one RFP to another. A template should be prepared in such a way that Contractors know what sections change and what sections don't change from RFP to RFP. Or write the RFP template so that project scope which changes RFP to RFP is located in one place in the template, and standards or boiler plate language that get repeated all the time and never change are written in another place.
C	G	N	Insurance requirements for small jobs are the same as large jobs and no one at MnDOT compares the costs of these items. Even after they are supposed to be corrected, the big project requirements remain in the smaller "simpler" jobs.
C	G		The RFP gives a date expected of Letting, NTP 1 and NTP2 – yet these often are not met. There is a sentence that MnDOT has 60 days to award without having to give relief, but this really is not practical; there are numerous things that can go wrong. For example, the Design Builder can start design at their own risk, and then get a directive that makes all the previous design useless such as changing pond locations. Or, as the schedule of award slips the contractor must provide a plan to make up time and the answer can't be it can't be made up because the contractor won't get paid if they show their finish date after substantial completion. Both of these have happened.
E	G	N	A significant inconsistency between RFPs is whether the proposer is allowed to contact outside parties, e.g., utility companies, city staff etc. Information gathered from them is very valuable. Example: with Maryland, we could not contact third parties, with 169/494 you could. Provide a means for the DB'r to have control over the utility by paying them.
E	G		The insurance requirements vary and sometimes are much higher than MnDOT's normal requirements for traditional projects regardless of size or complexity. Larger insurance requirements can hinder a smaller consultant's ability to meet the requirements.
E	H		RFPs should be more consistently complete. We found some are complete and others have many incomplete items (base mapping, utility coordination, permit

			coordination).
E	H		There have been issues with the noise analysis requirements. For example, on TH 610 the designer had lower noise levels with shorter walls but the contractor was required to build walls to the elevation shown in the RID.
E	I	N	RFP documents including RFQ differ depending on District and PM decisions. ATC one-on-one meetings also vary. OCIC needs to foster a consistent program.
E	I		RID documents are very problematic. To provide a preliminary design and say it is for information only is ridiculous. Disputes are often decided with a "It's in the RID you have to do it" if it favors MnDOT or a "Even if it is in the RID it is for information only and you cannot rely it's accuracy or if it is even needed", if it favors the contractor.
O	I	N	There are inconsistencies in interpreting the RFP clauses. Implementing changes to the template project specific language is not consistent.
C	J		Industry needs to know what the desire is. If it is to shift all risk and make industry scrub all documents then they need to know it and there needs to be a consistent program to allow them to hire staff – cost of projects will have to bear the costs in the long run.
E	J	N	Reduce magnitude of RFP material.

Question 3

Question 3: During the procurement process have you found Request for Proposal documents clear?

Code	Theme	C	E	O	Total
A	Clear or covered well with clarifications	5	2	4	11
B	Not clear, inconsistent language being presented in more than one location or from old documents	4	9	4	17
C	Scope clarity issues	3	3	6	12
D	VQM inconsistencies	1	1	0	2
E	Not clear due to volume of material to review	3	2	1	6
*	Miscellaneous	1	1	3	5

Type	Code	Y/N	Comments
C		Y	
E		Y	
E		Y	
O		N	
O		Y	
C	*	N	Presenter of DBE of meet & greet was unaware of the different procedures/form for DB DBE. After apparent low bidder (ALB) was named ALB turned in Exhibit A's. Civil Rights called looking for bidders list, civil right has info before ALB was named, educate.
O	*		Contractors should understand that references will be checked and MnDOT needs to do a good job. Sometimes it seems three contractors will have done the same project – or same people had the same position on a project
O	*		I haven't reviewed RFPs in enough detail to comment.
O	*		RFP language not updated based on lessons learned.
E	*		Lessons learned from one project do not transfer to next.
C	A	Y	For the most part. Unclear items were clarified upon RFIs.
C	A	Both	When issued, there are often some inconsistencies or items which need clarification. These are usually handled well as questions are asked. And generally, clarifications are timely, but some PM's are not timely at all.
C	A		Information is easy to find in the RFP documents. Industry considers this Book (Book 2) to be essentially boiler plate with nominal changes.
C	A	Y	When they haven't been clear, generally addendums or clarifications are issued so that by bidding time, they become clear.
C	A	N	Some parts are, some not. Mostly has to do with what MnDOT's intent is and why.
E	A	Y	Relatively clear. We don't expect perfection but they could be improved upon.
O	A	Y	For the most part (it is clear). There are some ambiguities and conflicting language that should have been caught and corrected. Some language issues were due to the GEC using RFP language from previous projects rather than a clean template.

O	A	Y	I think the exit interviews for non-successful proposers would be a time when a PM would hear criticism about the RFP clarity. I did not hear of problems and I believe industry is not afraid of telling MnDOT what they think at debrief which is good.
O	A		The documents were clear
O	A	Y	Generally yes, however there are a few sections that need to be changed as they aren't clear enough: Book 2, Section 11 slopes, Book 2 Section 4 contaminated materials. Another item to address is a clear policy for how to handle items that aren't addressed in the RFP (missing criteria). Are these items allowed or not?
E	A	Y	Generally yes, however, we would like to see a decrease in the number of clarifications and addendums.
E	B		There have been numerous conflicts or sections left in from past projects that do not apply to the current project. Specs should be either performance or prescriptive they seem to bounce around.
C	B	N	They ramble on and circle back to things previously defined. Clear and concise would be better. Responses on clarifications took most of the procurement time. Clarifications need to be provided faster, and with actual answers. Many times the clarifications just say read the clause we are questioning. If we thought it was clear we would not ask the question. On Elk Run there were lighting requirements for temporary lighting in two locations. This is not uncommon to have things covered in more than one spot and they contradict themselves, then consider RID and it gets worse.
C	B		Review the number of clarifications needed to get a better feel of how clear the documents are.
C	B	N	Often conflicting between areas. MnDOT should own the RID. Example: Elk Run design of a Box culvert was required to be sized for upstream conditions, yet downstream culverts cannot accommodate - why?
C	B		There have been situations where the procurement times are so tight that there are clarifications coming out essentially the day before bids are due. This places a tremendous burden on the teams and the degree of certainty goes way down therefore contingency up, teams will not ask for extensions. Generally MnDOT should consider them so teams don't have to go on record of asking for one
E	B	N	Too many clarifications and addendums needed.
E	B		Book 2 needs to be re-written, try to combine deliverables in one spot – right now they are in Section 5 of each section, but that sub-section often does not capture all the deliverables mentioned in the other sub-sections.
E	B		There should be cut-off dates for addendums. Putting an addendum out in the last week makes it very difficult. There are numerous reasons DB teams will not ask for an extension and the act of putting out late addenda generally will add to contingency. MnDOT should consider offering extensions. Several areas of very subjective performance specifications include VQM, Overhead signage, bridge design that seem to be very difficult for designers to stand behind their design as meeting AASHTO or contract.

			Owner reviewers are often allowed to interpret the specifications differently and force teams to acquiesce.
E	B		Drainage and utility requirements typically result in a lot of clarification questions. I would not say the RFPs are not clear, but there could be improvements made in subsequent RFPs to correct or provide clarifications. We often have to ask the same questions in subsequent RFPs.
E	B	Both	See clarification requests on every project to date. Too much opportunity for disagreement with MnDOT's interpretation. Try to have the RFP more black and white, fewer gray areas. MnDOT can throw out a clarification that most teams would interpret a different way, but now that it is a clarification it is contractual. People may not ask for them and argue contract later. Don't have words like "accommodate" – what does this mean?
O	B	Y	Conflicts between project specific and general spec were a problem. There needs to be more training of MnDOT staff on what takes precedence over what, and what precedence actually means. Sometimes people will expect things even though there is a higher precedence area that says they should not. DB specs also tend to be more restrictive than the standard specs.
O	B		Gray areas need to be vetted and either allowed (not adding language to the RFP) and accepting an ATC or denied through language in the RFP. For example, if there is an item like a large block gravity wall that MnDOT allows but has limited to no standards for, it needs to be treated consistently. If there is no standard, then an ATC should not be accepted. However, if it can be interpreted as the limited standard is open in an area, and other teams ask an ATC and MnDOT denies, but one team does not ask the ATC and wins, that is troublesome.
O	B	Y	Sometimes the functional groups think it is very clear on what is required yet PMs will allow something different
O	B	N	RFP writers are not clear, but the writers think they are and are not willing or resistant to fixing them.
E	B		The documents appear to be mainly copied from project to project. More time needs to be spent on making sure the documents are project specific and for the project at hand. More time carefully readying the document requirements are needed.
E	B		There have been numerous conflicts or sections left in from past projects that do not apply to the current project.
E	B	Y	Over time the procurement documents have become more clear. North Mankato did have some issues regarding a drainage concept that was unlikely constructible or designable, when the project went DBB the requirements were relaxed.
O	C	N	TH55 project had confusing tables for design requirements. Use simple language in RFP sometimes the RFPs can have elaborate language describing something, but a simple picture or cross section would explain it much better
C	C		It is hard to discern the true scope, sometimes knowing the reasoning why

			things are required will keep us from taking risks that will backfire. However, keeping us guessing on what is truly important or needed is hard for contractor to give the best solution. Example one project had a temporary signal required at numerous locations, however there were potential solutions to avoid some of them – it was not known that there was coordination with another project to include them. Even though it said in the contract they were needed – if a contractor can reasonably design it out, we may take the risk that it really is not needed in order to get that small advantage.
C	C	Y	Yes for most part, more explicit explanation on scope would help. Try to be more definitive on all scopes whether DB BV or DB low bid. For instance there was a signage scope on one project where the scope was interpreted differently by both parties regarding fairly expensive signs off project- try to be definitive on what is needed if known.
C	C	Y	If there is truly a preference such as a concrete bridge on I35W or White paving over asphalt then give an incentive for providing it or a penalty for not – don't make teams throw darts during one-on-ones to figure out the preference
E	C		It would be good for OCIC to review Book 2 criteria after the districts have changed it to see if there is anything that does not match the original engineers budget and scope.
E	C		Be clear about what type of encroachment is allowed when designing for a particular design vehicle.
E	C	Both	For the most part, but at times it's difficult to determine what MnDOT is looking for. Scope, priorities and scoring needs to be specific and realistic. Sometimes experience level is difficult to meet.
O	C	N	As the writer of the RFPs I believe that it is very hard to write a clear RFP. First it is very hard to find the unique scope of a specific project in the RFP versus reading language that is standard to all RFPs. It is all jumbled together. I would be frustrated if I was the Contractor and I was just trying to find the unique scope of a project. There needs to be standardized in a template for spots to put project specific information.
O	C		MnDOT struggles with writing a purely performance based RFP versus writing prescriptive design-bid-build plans and specifications. MnDOT continues to trend toward writing an RFP that is in essence a design-bid-build plan using only words and no plan sheets. Specifications should be performance not prescriptive
O	C	N	Project specific items are sometimes difficult to understand as they are intertwined with "template" language – example is Section 12 ponding on Maryland Avenue; Project specific items are not always clearly defined, such as Exhibit 6-J of Maryland.
O	C		When a performance spec is written often industry will ask enough questions to where it ends up being prescriptive. On smaller DB projects we should not try to delete out items that are not applicable, we do not try to delete out the std. specs that don't apply. There should be some consideration on how to do this.
O	C	N	There have been scope issues regarding drainage, roadway, and

			geotechnical sections. Examples include: • Know what is governing, MPCA or Watershed? • MnDOT has put out RFPs with a staff approval layout that does not meet the Roadway Design Manual. If this is known tell us it does not meet requirements and why. • Often there are criteria that are ATC'd each project – if it is allowed to be ATC'd each project, why show it as required? • For geotech MnDOT should think ahead and try to get all the borings or don't come so close to getting all the borings – if MnDOT goes at 300 ft interval and the manual says 200 ft do we really want someone to go in and capture the few that are missing?
C	D		There are inconsistencies in VQM, sometimes these are very prescriptive with some teams thinking there are no changes allowed because of the prescriptive nature, yet ATCs are awarded, other times they are not clear enough yet preferences of MnDOT are upheld during execution– overall inconsistent application of VQM
E	D		The VQM is often either not clear or not complete during procurement makes it very difficult for teams to trust that their aesthetics will be approved after award. There have been situations where teams are forced to redesign after award based on final approval of the VQM
E	E		The documents are rather overwhelming as there are 3-4 large three ring binders of information.
C	E		There are occasionally, especially in the geotech section where a particular point will be made in a subsection that would not be found by the casual read or interpreted differently. Suggest if there are changes to Book 1 make sure they are mentioned in a kick off meeting.
O	E		Delete specifications that do not apply.
C	E		No one really has the time to read all the RFP documents during the procurement; we rely on our experience and knowledge to avoid issues.
C	E		On smaller projects, is there a way to pare down the amount of RFP documents and deliverables to make them more cost effective? It is arduous to try to read everything, prepare for 1 on 1 meetings, etc. in the short timeframe of the pursuit.
E	E	N	The documents are rather overwhelming as there are 3-4 large three ring binders of information.

Question 4

Question 4: During procurements have you found RID documents helpful?

Code	Theme	C	E	O	Total
A	RID is either helpful but has conflicts/errors or not helpful due to Conflicts/errors	1	3	0	4
B	MnDOT should vet RID more thoroughly on ownership	3	7	2	12
C	There is too much RID or not enough time to review	1	3	3	7
D	Confusing or in wrong location	2	2	1	5
E	Electronic issues	1	3	1	5
F	Conflicting enforcement	3	1	0	4
*	Miscellaneous	0	2	1	3

Type	Code	Y/N	Comments
C		Y	
C		Y	
E		Y	
E		Y	
O		Y	
O		Y	
O		Y	
O		Y	
O		Y	
O	*	Y	We did add things to the RID during procurement because of contractor requests.
E	*		With so much RID information is the Owner opening themselves up for liability?
E	*		Liabilities wise, it seems unfair to have a design builder hold the liability for something they get a couple of months to digest and the owner has spent years collecting.
C	A	Y	Often conflict, but helpful.
E	A	Y	At times, but it often provides conflicting information.
E	A	Y	Helpful, but we have found some obvious errors.
E	A	Y	The RID is mostly helpful especially the staff approved layout.
E	B		Sometimes a MnDOT survey can be off, but the RFP says teams can't check in the field – how is a team to know things are off then? The proposal costs contingency money.
E	B		TH14 had serious errors, large bust in quantities Do RID's get QC'd? Could there be a level of confidence given on some items? If they have not been vetted or QC'd don't include. You can't trust as-builts in MN.
C	B	Y	There is a lot of information in the RID that MnDOT does not stand behind. Maybe try to have more confidence in drainage or take it further – seems to be a big area of risk and cost escalation.
C	B		Stand behind more of the RID even if it does mean risk acceptance. Is the

			current transfer proper and respectful of the industry?
C	B	Y	In general they are helpful but since you cannot rely on them the ultimate question is what good do they do other than save a little time from starting from scratch. Consider things that could be stood behind.
E	B	Y	However many times they are incomplete and very little if any of the RID is validated as guaranteed by the owner.
E	B		Spend more time on the precondition survey as opposed to vetting other details, because as builts can't be trusted and they are not always done in DBB
E	B	Y	The RID documents are generally helpful. There are certain pieces of information that the owner is in the best position to disclose the information to get the most competitive bids and best ideas. Although the owner says you cannot rely on these documents many times you have to as they are the only source for the information (utilities, existing facilities, environmental permitting).
E	B	N	Some liability has been shifted to DB Team, all data must be confirmed and surveys, in particular, are inaccurate.
O	B		Need to develop a process for developing RID check lists etc. so it is consistently included similarly.
O	B	N	If MnDOT supplies the information then if should be part of the contract. If the owner has the data and is not comfortable with it, don't release it in RID. It seems inconsistent to show something and then not stand behind it. Either be willing to stand behind it and take the risk, or don't and expect people to build it into their price. This may require more stipend also.
E	B		Stand behind RID, traffic data, noise data, are in RID. May need to stand behind this as MnDOT are the ones with the data or be willing to pay to redo.
E	C	N	For a mill and overlay project there was a lot of data thrown into RID. The contractor must read through it all this because they hold the risk, but MnDOT seemed to think the project was simple, and did not really know what the available data was, and did not seem that prepared for it. A temporary detour was mandated, but not well vetted.
C	C	N	Too long, huge volumes
E	C		It seems the Owner uses this as an area to dump all historical information whether it's relevant or not.
O	C		There is plenty in the RID.
O	C		MnDOT tries to get all the information they have so the industry can determine what will be helpful or not in defining the project.
E	C		MnDOT does not stand behind the RID. Contractors ask the designers to own the information, and they ask for degrees of certainty. When designers can't or don't have time to fully vet the accuracy of RID, contingency will be higher. It would help if MnDOT could try to say how confident they are of the RID.
O	C		Contractors having difficulty in vetting information due to the large volume of it.
C	D		Needs organized table of contents and ongoing list with latest version of each section and RID document in one place. Right now it is sheer chaos to find or organize anything to the latest version.
C	D	Y	But there needed to be more specific info with these on our project, it did not help with us knowing what the intent was. In some instances it would be good to explain why the particular RID is there – we may think it is primarily for one item and in reality it is for something else.

E	D		Sometimes it is indicated in Book 2 that the RID is valid and can be used. In these instances it should be pulled from RID to avoid confusion.
E	D	Y	It is not helpful to say "MnDOT estimates in place plan sheets to be about 90% accurate" as was said on the Maryland project. Unless you tell us what portion is and isn't accurate, any inaccuracies that are found could be grouped into the 10% that is inaccurate.
O	D		There are a lot of problems with the utility coordination. The Utility Information Sheets are RID documents. They contain the timelines for how long it takes the utility companies to relocate. The information is in the RID because contractors can try to modify and encourage utility companies to work with them, the contractor cannot tell the utility company my schedule shows 100 days so your 250 days won't work for us. This is the contractors' risk. The Contractors don't take this as Contractual and still tell the utility companies to get out of the way faster than they can. Contractors don't take the responsibilities of utility coordination seriously. Their attitude is, "Utility Company get out of my way now." There is no real coordination. It needs to be more clear about the responsibilities the Contractor has for utility coordination and how the RID UIS factors into those responsibilities. The existing language is not clear to the Contractors, or deliberately ignored or undervalued.
E	E		Could benefit from receiving MnDOT's design files.
E	E		However accuracy of RID is an issue. Sometime data in RID is not user friendly, try to make it more user friendly. TRACS needs work, it is not user friendly at all. MnDOT tries to give a lot of information, which makes designers really engage and invest in the project, which makes losing that much more difficult.
C	E	Both	Generally, yes. The major problem is with the electronic design files. They are often presented in a haphazard manner, sometimes with several conflicting design iterations. We are never given the criteria files and seldom get the cross-sections.
E	E		RID does not follow CADD standards at times – this causes issues when the designers in preliminary design fix it then an addendum comes out with new data which causes them to fix it a second time. If it is available in Level 2 CADD please provide.
O	E	Y	Need to include electronic when MnDOT has it.
C	F	Y	Helpful, except when they are included and we are told later to disregard them because they are only for reference.
C	F		Sometimes the answer on something is – "it was shown in the RID you should have known" but when the contractor points out where there may have been a discrepancy the answer is "it is only RID you can't count on it". If the owner has spent years collecting data – through the environmental process, preliminary design, RID research etc., then they throw it all into a pot of RID and give a DB team a month or two to learn it all and give a price not to exceed.
C	F		There is material in RID that is referenced later at times as "it's in the RID, you should have known" if you are not standing behind it you can't make that statement.
E	F	Y	The information provided in the RID is very helpful. But it does become problematic during the design and construction process when it is used to

			enforce unnecessary requirements just because it was in the RID.

Question 5

Question 5: During procurements have you found the proper information in the RID documents?

Code	Theme	C	E	O	Total
A	Difficult to find information or too much information	3	2	0	5
B	Electronic media concerns	1	2	1	4
C	Lacking data initially	4	5	0	9
D	Quality of information	0	6	3	9
*	Miscellaneous	1	2	1	4

Type	Code	Y/N	Comments
C		Y	
C		Y	
C		Y	
E		Y	
E		Y	
O		Y	
O		Y	
O		Y	
O		Y	
E	*	Y	Consider how to transfer risk. Know when to provide data as RID or contractual. If RID, be willing to allow the contractor to set up their investigation, don't simply require a base investigation, they may want to spend money in other areas
O	*		As a MnDOT Employee can't really respond to this question.
C	*		Noise reports should be pulled from RID and made contractual. Hydrology information could be contractual.
E	*		Utility and geotech – although it is in RID, DB teams are held to the data as if it is correct if something is missed.
C	A	N	The difficulty is in finding the documents. There is no clear table of contents listing every document's title and the latest version in whatever addendum or clarification that happened. The file structure on the internet makes it VERY difficult to make sure you have the latest of everything. RID files sometimes don't even have names so you have to open it just to see what it is.
C	A	N	Only after extensive digging
C	A		MnDOT does not stand behind the RID but really expects the contractor to in a sense – because it was there the contractor is thought to have to totally vetted the RID – that is not realistic. An example would be; there can be an obscure item that comes back and bites a contractor. For instance there may be an as-built from 1945 that shows at one time the road was concrete, but no one will bid that somewhere below grade they may have to demo an old concrete road, you would never win if you did. But MnDOT may treat it (depending on district) even though it was in the RID it was shown as possible so you should have done your own due diligence – that is not reasonable.
E	A	Y	The RID is always flush with documents. All of which we must review and are responsible for. I don't know if the proper information is provided in the RID, but

			we often do not have all the most current information.
E	A		Much information is included in the RID – both "for information only items" such as record drawings of the corridor and other items ranging from drawings, reports, to utility impact and relocation databases. It can be challenging to sort through all this data and determine if any of it is included to communicate that it is a project requirement. It would be more beneficial to include items that are to be contractual requirements as Book 2 Exhibits. Generally all the necessary City utility record drawings have been included in the RID and are helpful.
O	B	N	Documents were not included that were in EDMS. Some bidders did not know to look there for information. Some designers or contractors know how to get around in the EDMS and others do not. Is this fair? Should MnDOT put all they find in the EDMS in the RID or let people with the knowledge of how to find items have an advantage?
C	B		Convert the files to PDFs. Some of the smaller contractors don't even have the software to open the many types of files yet we are required to sign that we have read them and understand them. Give us the ability to do this right now. We have to rely on a designer and take their liability. MnDOT needs to decide whether they want smaller companies to compete on these. They definitely skew the process for the larger contractors.
E	B		Include the dates of all base mapping, aerials, etc. included in the RID and clearly state areas that are known to be obsolete. For instance an adjacent project may be done, yet the old base map is in the RID.
E	B		Provide the MicroStation/GeoPak files that MnDOT used to generate the geometric layout. Since they would be in the RID, proposers will still have the check the files but wouldn't necessarily have to spend time regenerating them from scratch.
C	C	N	There have been instances on every design build project where teams had to request missing documents, but GEC and district should vet RID better to try to make it even less.
C	C	S	Generally yes. Often times we have to ask for additional documents that we know MnDOT must have, but haven't provided. Typical omissions seem to be as built information and available geotechnical information, but there really is no consistent theme.
C	C	Y	If the information is not there originally, it is usually supplied throughout the DB RFC process.
C	C	N	But there needed to be more specific info with these on our project, it did not help with knowing what the intent was.
E	C	N	Many times requests need to be made for missing information
E	C		Many times RID information is missing at RFP release. Does MnDOT deem this OK in order to release quicker? RFPs should not be developed via addendums. Typical data missing include geotech, VQM. It seems the speed in which the RFP was published is directly proportional to the amount of data missing.
E	C	N	All available record plans were not always provided.
E	C		The RID is often missing information that is available or the information is not supplied to the DB team until a question is asked. We know the information is available as there are often PDFs of the files. Examples of this would be cross section DGNs, drainage DGNs, drainage models, and GEOPAK files. When these

			files are not supplied, every short listed DB team spends significant time recreating the same information, burning up limited stipend money, which in turn does not leave sufficient stipend money to perform an innovative design.
E	C		If proposers are asked to comply with the standards/requirements of participating cities or counties (such as access control spacing guidelines), supply these standards/criteria in the RFP.
E	D		Enforcing RID seems to be a function of the PM. Consider indicating a confidence level on RID.
E	D	N	More information on the existing utilities would help, especially complete record plans and standards for outside entities such as cities.
E	D		Sometimes as-builts are provided but it would be good to include them more often. Some municipal or third party specs can be hard to find. Even if it is RID it would help to have it, it is doubtful the whole spec is rewritten by bid time. If you have a requirement to be followed that is obscure or hard to find at least put it in RID if possible, or allow access to the third party to be able to get it ourselves
E	D	S	No and as I mentioned in #4, we have found obvious errors. TH14 is a good example.
E	D	N	SUE documents have been prepared by a consultant to MnDOT, but lack certification generating distrust in liability.
O	D	Y	Some survey data files (tin) can be lacking accurate data in areas of heavy tree coverage. Could either add language that indicates that the Design-Builder must be aware of potential issues due to heavy tree cover, or review and go out and capture fill in survey data. Something to help reduce overall project risk.
O	D	N	RID documents sometimes conflict with requirements but I don't see this as a problem as RID items are not always brought to completion and are sometimes just brought far enough to assist in determining the criteria – good use for a clarification on this item.
O	D	N	Comments from Proposers include putting Geopak and all template files in the RID so the teams don't have to reproduce. However, the data is not vetted and may confuse the liability of its use if provided.

Question 6

Question 6: During procurements have you found OCIC informative and helpful?

Code	Theme	C	E	O	Total
A	Very little interaction with OCIC	2	2	0	4
B	OCIC personnel have had a range of ability	1	1	1	3
C	OCIC has performed well	1	2	3	6
D	Not sure of OCIC's role	1	1	2	4
E	OCIC does not engage enough	0	2	1	3
F	OCIC oversteps authority	0	0	1	1
G	OCIC should have more authority	0	0	2	2
H	OCIC has not performed role well	1	1	0	2
*	Miscellaneous	0	1	1	2

Type	Code	Y/N	Comments
C		Y	
C		Y	
C		Y	
E		Y	
E		Y	
O		Y	
O		Y	
O		Y	
O		Y	
O		Y	
O		Y	
E	*		There often seems to be inconsistency between OCIC and the MnDOT Project Manager and their team.
O	*	Y	OCIC has done their best to provide the proper guidance and support to the districts. If MnDOT continues to procure many (at least 2) DB projects at the same time, year after year, than more resources will be needed to oversee these projects in OCIC. One person will not be able to handle it all and the risk of missing something, not providing enough guidance, or no consistency will occur.
C	A		There is really no OCIC interaction except at debriefs, which can be at times very frustrating because there have been gross mistakes in the evaluations where the evaluators assumed something was wrong rather than calling the references or asking the contractor for clarification.
C	A	Y	Involvement with OCIC is mainly in the debrief meeting. They give good information but debriefs in general can be frustrating.
E	A		No real interaction
E	A	Y	Contact is limited to ATC process.
C	B	Both	Depends on who attends meetings. More senior OCIC people have been very helpful. Others not at all. Previous DB representative had more experience and was able to help the process more. Current DB representative is lacking experience – industry does not see ample training for them.

E	B		The old DB manager was always good and understood the process and tried to create consistency. I have only worked a little with the new DB manager, but he is open to discussion and questions.
O	B		There has been too much turn over with the DB program manager.
O	C	Y	The FHWA has a good relationship with OCIC. We always get prompt and accurate responses from OCIC.
C	C	Y	They did a pretty good job.
E	C	Y	OCIC has been very helpful during procurements. They try to keep things consistent.
E	C	Y	OCIC has been helpful. In one on ones they are starting to answer questions. Before it seemed like no one would answer questions in a one on one. It's better with REs in the mix.
O	C	Y	They are good at developing a RFP process that is formalized
O	C	Y	I think they guided me through the process.
C	D		There is a lack of consistency. What really is their charge? To oversee the process, or are they responsible for the process? If they are responsible they do not have the resources.
E	D	Y	DB is a procurement process and does not belong under OCIC. I'm not completely sure what OCIC's role is.
O	D		After letting – OCIC is not really involved so are they the ones responsible? They are the office of construction yet only stay involved to letting.
O	D		Believe that procurement should fall under the office of technical support and construction fall under OCIC.
E	E	Y	Could be more helpful in mentoring/coaching districts in answering innovation questions. Too much "name, rank serial number" types of responses sometimes.
E	E	Y	OCIC has been very helpful; they get the big picture and are very knowledgeable of the DB process. However they are not involved enough with the procurement process.
O	E	Y	During the procurement process but they drop off after that. They tend to not want input regarding gray area decisions with the RFP from outside sources
O	F	Y	As a MnDOT District Employee the support provided by OCIC is invaluable. I cannot do procurement without them. However, they never involve themselves in the scope of a job as thoroughly as the District Employees and yet they try to make decisions on scope too much. OCIC should guide the Districts through procurement, but the Districts should make the final decisions regarding scope. There have been a few instances – a left turn situation on TH 55 and snow storage and shoulder needs on 13/101 where OCIC's lack of understanding in scope has created issues.
O	G		It may be necessary to have one office responsible for full procurement and construction and pull the responsibility of delivering all innovative contracts from the districts so there is consistency.
O	G		MnDOT should have these DB projects as statewide projects and be consistent. If this is going to be OCIC they must embrace all innovation and help PMs deliver it.
C	H	N	They pretty much allow the consultant to carry the load and determine the answers. They have listened when we give suggestions, but this program is in control of itself.
E	H	Y	In general OCIC needs to do a better job of ensuring that the projects are ready

			prior to RFQ. Too many have been delayed during the process and at least one was not awarded.

Question 7

Question 7: During procurements have you found OCIC consistent?

Code	Theme	C	E	O	Total
A	Change over in OCIC personnel has been an issue	2	0	0	2
B	OCIC is managing inconsistent people in the district	1	2	0	3
C	OCIC provides inconsistent processes or verbal information	0	2	2	4
*	Miscellaneous	1	0	2	3

Type	Code	Y/N	Comments
C		Y	
C		Y	
C		Y	
C		Y	
E		Y	
E		Y	
E		Y	
E		N	
E		Y	
O		Y	
O		Y	
O		Y	
O		Y	
O		Y	
O		Y	
O		Y	
C	*		OCIC should confirm that ATCs don't become addenda – this has happened a few times. The only reason an ATC should be moved into an addenda is if the RFP in that area was not buildable or had a fatal flaw.
O	*	Y	I didn't hear any negative feedback
O	*	Y	OCIC is consistent in dealing with the contract.
C	A	N	There is a different person in charge of each procurement and the last person goes to work for a consultant so consistency is sacrificed. They indicate that they do not want overdesign – but do it anyway so that is inconsistent.
C	A	N	Depends on who is assigned the project. On some projects we have had open and frank discussions, on others not at all, and OCIC people haven't always helped.
C	B	Y	The OCIC has been consistent however MnDOT's project engineers do not always understand the process.
E	B	N	Design-Build staff has been consistent but sometimes PM, construction, and design review staff has not been consistent.
E	B	Y	Sometimes it seems that the districts override OCIC resulting in inconsistency.

E	C	N	Not always consistent, but the process has never been consistent. The PAE process between Hastings and TH 13/101 was dramatically different. How answers get addressed varies and the ATC process is difficult at best as ATCs are not accepted, but no feedback on why is provided.
O	C	N	The procurement process has been consistently done by OCIC. However, OCIC continues to contradict itself between writing a performance based specification versus writing a prescriptive specification. Sometimes due to complicated scope, the district will write a prescriptive spec first and OCIC will tell them to write it performance based, so they do. Then a clarification comes in from the Contractor and they guide the district to prescriptively give the answer. It becomes very hard to understand how to write the spec.
O	C	N	RFP language says to pay insurance and bond pro-rated over life of contract. Upon contractor complaints, OCIC said OK to pay Lump Sum based on paid invoice. RFP language needs to match their practice. Some conflicting language in CPM specs.
E	C	N	On the I-35W St Anthony Falls bridge - verbal information was inconsistent

Question 8

Question 8: During procurements have you found consistency between districts?

Code	Theme	C	E	O	Total
A	Contract document interpretation inconsistencies between districts	2	0	0	2
B	Districts administer the contracts differently	2	0	2	4
C	Contract and other RFP document changes are made between districts	4	4	0	8
D	Staff level/experience inconsistencies	1	6	1	8
E	Overall inconsistencies	3	3	2	8
F	Need more assistance by OCIC	0	1	2	3
*	Miscellaneous	0	0	2	2

Type	Code	Y/N	Comments
O		Y	
O		Y	
O	*	Y	Yes, the PM's are procuring the projects consistently.
O	*	N	I think there was resistance from internal staff and FHWA to have new project managers in DB. This resulted in a lagging of MnDOT qualified PM's as the original PM's became unavailable for future assignment due to promotions, etc.
C	A		Inconsistencies with contract document interpretation gets to where the contractors have to guess on how things will be enforced. Sometimes in execution the proposal and RFP are enforced. Other times it seems the winner does a lot of things that were not allowed but somehow they are doing it.
C	A		Basic interpretations of specs and requirements should be the same across districts but are not.
C	B	N	Some districts require far too much information/presentation for the small size projects, which drives up the cost. Each district has certain expectations, desires which vary.
C	B	N	District 6 tends to have less of a cooperative spirit than other's during administration.
O	B	N	Metro and D7 do things differently in design. Also, it has been brought up the warranty enforcement is different.
O	B		Trust the contractors to deliver what they promise with ATCs. It appears some people in MnDOT (and it comes out in PMs so not sure if it is MnDOT overall) construction office or individual PMs are risk adverse so they don't listen to innovation by the contractors. It seems they may be concerned with the ability of the contractor to deliver the innovation they are proposing and so they deny the ATC –"trying to prevent the contractor from hurting themselves".
C	C	N	Each district seems to want to tweak the process: forms, when what is due? Surety forms usually due at/with cost proposal due date, DBE due before cost proposal, Exhibit A's after Maryland Ave DBE handled completely different than other DBs.
C	C	N	Districts seem to be able to edit the standard documents to suit themselves. An example is the Hastings Project where Force Majeure for flooding was

			completely changed.
C	C		Warranty and quality costs differ between districts.
E	C	N	RFQ/RFP documents varied
E	C		TH14 North Mankato drainage requirements were different than typical and the requirements were not clear as to what the District was trying to achieve. We had to ask a lot of questions and still did not get the answer that would have provided adequate design.
E	C	N	The utility preparation on Bridges Of Mower County was much further along than the other projects.
E	C		Execution of procurements is not good; St. Peter, Elk Run, etc., this seems to be a result of the district. They can make changes in scope but not go back and change the estimate, has impacted projects. There needs to be more oversight by the central office. The additional oversight would have to come from top down. If PMs had more of a process it would reduce guessing (less flexibility) not all of MnDOT has bought into DB.
C	C	N	Overall yes, especially relating to the RFP documents. However, we have found inconsistencies, and even biases, in the SOQ and RFP review processes. I believe training of evaluators has been inadequate. People don't know how to grade properly or consistently.
E	D	Y	Only have one success to base opinion on. Sometimes outstate districts do not have the expertise in an area and they rely on the Central Office, then reviews can take longer than the 10 days the contract allows, which adds another layer of coordination.
C	D		RFPs are fairly consistent. Levels of staff experience vary somewhat. In one case, a consultant handled the project manager role for MnDOT during the RFP process.
E	D		PMs decisions between Metro (TH 13/101), D6 (Elk Run), D7 (St. Peter).
E	D		We ran into an issue with the procurement of Elk Run. We have issued an ATC on a project that had two different districts involved, and received differing opinions from both. We ultimately went with the more conservative decision which added significant cost to our base bid. The cost difference was such that it may have won the project for us if we had gone with the other districts information instead.
E	D	N	District 6 utilizes similar project personnel, but the Metro district continues to change personnel. It is difficult to know which approach you are going to get. We would rather have one group that covers the entire state when it is a DB project. It requires a different approach to contracting and MnDOT Resident Engineers are too ingrained in the DBB process to adopt the DB approach. MnDOT should have people trained and dedicated to delivering DB projects who know the process and can deliver a consistent approach. This would improve the projects' quality and should have a positive cost savings to projects.
E	D		Unfortunately, we don’t see consistency between projects but it is difficult to assess how much of this represents inconsistencies between districts and how much is inconsistencies between PMs. Overall District 6 seem to do an excellent job. Metro District is more hit-and miss.
E	D	N	I think D-6 has been good and consistent with their process, but there are differences between them and Metro. Metro will work straight with the

			contractor which is not the RFP requirements.
O	D		PM experience level seems to vary. Districts either need more training or more oversight to ensure they are following the training given. Not sure how much training they receive.
C	E	N	Each district had its own personality and varying level of desired involvement in the procurement.
C	E	N	Consistently inconsistent. There are rumors some contractors will not bid because of inconsistencies and staff in certain districts.
C	E	N	Has there ever been consistency between districts? Personalities will always be different can't avoid that. But contractors will add cost once they find out a certain engineer is on the project.
E	E	N	The districts are not consistent in DBB so I would not expect them to be consistent in DB.
E	E	N	This is probably one of the biggest problems with MnDOTs DB procurement process.
E	E	N	There seems to be a wide range in procurement, ATCs, and execution of DB projects between districts and even more so between PM staff. In our experience the Metro district is less willing to allow innovation and change from their normal practices. Each district, in general, has their own way of doing things from geotechnical drilling and reporting, to design preferences, to construction implementation and this comes out in the DB process.
O	E		Believe industry would say districts are not consistent, can see it in my own district. It would be helpful if districts were more consistent but also contractors need to know that each project is different and that each project has different goals. Would suggest keeping the roundtable group going, it's a good way for PM' to discuss how different issues have been dealt with.
O	E		I've heard that there are inconsistencies but I don't have any examples.
E	F	N	OCIC tries to level the playing field in having each district be consistent, but districts go their own way anyway.
O	F	N	Need to review lessons learned and get more training by OCIC
O	F		It can be seen that OCIC can at times be put in difficult situations based on the districts decisions on what projects to go forward with as DB, OCIC can get overwhelmed.

Question 9

Question 9: During procurements have you found consistency between Project Managers?

Code	Theme	C	E	O	Total
A	The PM's were either changed during the process or lacked experience or authority	2	9	5	16
B	The PM's require training	1	2	5	8
C	The PM's vary in responsiveness and/or openness on issues	2	1	1	4
D	The PM was not available	1	1	1	3
E	The PM is either more strict/less strict	3	0	3	6
F	The PM did not understand DB and Partnering process	2	5	1	8
*	Miscellaneous	0	2	4	6

Type	Code	Y/N	Comments
C		Y	
E	*		MnDOT needs to develop a team that specializes in DB so a clear and consistent approach is utilized on DB projects.
E	*		There have been several projects where the construction ideas are in use on DBB projects but will not be allowed on DB projects. It appears, at times, that MnDOT's staff is not supportive of DB approach and would like to stay with a DBB approach.
O	*	Both	As a District Employee I can say that both OCIC and Districts have worked to educate the Project Managers so they are consistent in the use of the RFP. However, each PM is different and each handles conflict differently. This has been the case on all projects.
O	*		Believe industry would say PMs are not consistent. I can see it in my own district. It would be helpful if districts were more consistent but also contractors need to know that each project is different and that each project has different goals. Would suggest keeping the roundtable group going a good way for PMs to discuss how different issues have been dealt with.
O	*		Many times contractors' upper management will bypass the MnDOT PM and go straight to the district engineer or even the fourth floor. This is not good for trying to solve at the project level.
O	*	Y	I've heard that there are inconsistencies but I don't have any examples.
O	A		PMs are likely not consistent it seems on both sides of the fence a lot of times. For contractors it would be nice if the PMs had more authority. Sometimes it seems they can make a $1m decision, and the next day a $50k decision is bounced to the president of the company. Maybe it is more certain issues require presidents to deal with and not dollar amount – it would be good to know what the thresholds are.
E	A		The process is often turned over to new and inexperienced staff with no or very little DB experience. MnDOT should staff DB project with PM with as much DB experience as MnDOT requires of the builder and designer.
C	A	N	Certainly some have more DB experience than others.

C	A	Y	Yes, consistent, but they need to know more info about project. They keep changing the PM's. This needs to be avoided. Sometimes they change a PM after preliminary engineering so the engineer is getting up to speed the same time the proposers, and sometimes after award.
E	A	N	No, consistency is a significant issue. Most of the time there are different PM's from MnDOT for each project. The lack of consistency makes it difficult to anticipate how the contract is interpreted and how it will be administered. Some PMs are not the most knowledgeable of construction techniques and also lack knowledge on the design side of the process.
E	A	N	There are inconsistencies due to the level of DB experience and degree of decision making authority. The experience of the MnDOT Project Managers varies greatly and this leads to inconsistent discussions between projects and increases risk.
E	A	N	There has not been consistency between project managers because they continually bring on new ones who have not experience with Design-Build process.
E	A	N	As with any construction project, the project and resident engineers are different.
E	A	N	There have been a lot of new PM's over the last few years. As a result as a firm that has worked both for MnDOT and for the contractor we have seen an even greater range of variation.
E	A	N	There has been a revolving door of PMs within MnDOT this has hurt but recently going with the REs they are better equipped to be thrown in. Therefore, need to train PMs
E	A	N	Latest effort for mill and overlay, PM was not as prepared.
O	A	N	PM's are very different
O	A		There is an issue with the PMs on the contractors side although required to have decision making authority on the companies behalf, they do not have that authority – it forces all issues to be escalated for approval and contractors management at times are not interested in signing change orders until the end of the project – only can speculate to see how the whole project turned out?
O	A		MnDOT PMs impose their preferences on the program
E	A		Some PMs lack the authority or willingness to make decisions, and restrict access to counterparts from the DB design team.
O	A		It should be noted that Contractor PMs are also very inconsistent and some have no authority even though Contract provides for them to be able to make decisions.
C	B	N	MnDOT needs to train their PM before putting them on a DB project. It is the contractors training MnDOT staff.
O	B	Y	Generally yes, especially with the newer PM's who are learning the process as they procure their projects. The DB manual is helpful and tends to keep new PM's following a process. Need more training on how to document the estimate properly for quicker and more complete comparisons.
E	B	N	PMs needed to be trained - DB program management is different
E	B		It would be good for MnDOT to provide good training for PMs. A 360 review would be good afterward to see if that PM should continue in DB, overall have better experience in the PM pool

O	B		There is a need to continue training.
O	B	N	Overall they need to learn lessons learned and get more training
O	B		Need to consider more training on how to administer the contracts. Teach the districts on who to pick for the PM positions.
O	B	N	They need more training –
C	C	N	Relatively. Each project manager varies on responsiveness and direction given.
C	C	N	On some projects, we can have good ATC discussions and receive prompt feedback. On others, we talk and they say "we will get back to you".
E	C	N	Some are way more open to ATCs and answer questions thoroughly. Some just “mail it in”.
O	C	N	Based on what I have heard from some teams, some managers are resistant to accept ATCs.
C	D	Y	Why doesn’t MnDOT require themselves to have a fulltime PM and the same PM?
E	D		On more recent DB jobs, MnDOT’s PM has had responsibilities on other projects thereby making availability and decision making less effective.
O	D	N	Some MnDOT PMs have other duties and delegate too much to staff.
C	E		One of the first questions the contractor asks itself is who is the PM.
C	E		It is very difficult to determine at bid time which parts of the design data will be enforced and which will be allowed to slide based upon the company that gets the project (i.e. lighting and ADA accesses on St Peter)
C	E	N	District 6 tends to have less of a cooperative spirit than other’s during administration.
O	E	N	All have different styles and experience and desire different involvement; Seen as tight where a PM directed all communication to go through them (which was later rescinded).
O	E	Y	Some stricter contract interpretation on 13/101 then on other projects like 610.
O	E		Industry will have a tendency to like MnDOT project managers that tend toward the path of least resistance and complain about those that enforce more strictly.
C	F	N	Some feel that they are the only concern (opinion) relevant and some understand that we need to be partners in this process.
C	F		Some PMs administer projects like DB should be, some do not.
E	F		Each PM seems to handle the job very differently. Some are better than others in partnering with the design build contractor. Some have a clear understanding of DB and others still are in a DBB frame of mind.
E	F		They also have a hard time separating themselves from the DBB process and standard practices. Their lack of experience and creativity inhibits the ability to utilize innovative ideas and their strong personalities inhibit the process.
E	F		We do not see consistency between MnDOT PMs. Some embrace the concept of partnering with proposer's contractor and designer and recognize items clearly outside the scope of the RFP. Unfortunately, others create an adversarial relationship and are very difficult to work with.
E	F	N	TH14 - district staff kept adding to the scope without modifying the original cost estimate, plus there was a huge "blow" in the dirt quantities.
E	F		Some try to run projects like a DBB project with the contractor doing design (“draw-build”), while others really push the responsibility for design and construction back on the contractor.

O	F		PMs all seem to be REs so they treat like a DBB project.

Question 10

Question 10: During contract execution have you found the process to be consistent?

Code	Theme	C	E	O	Total
A	Inconsistencies after apparent low bidder announcement and NTPI	2	2	2	6
B	PM personalities and experience cause inconsistencies	4	2	0	6
C	Additional training should be provided for PMs	0	1	2	3
*	Miscellaneous	3	1	2	6

Type	Code	Y/N	Comments
C		Y	
C		Y	
E		Y	
E		Y	
E		Y	
E		N	
O		N	
O		Y	
O		Y	
O		Y	
O	*		From a PM point of view the processes are administered the same, short listing was the same process, may not result in the same number, same with proposal phase
E	*	N	Same as question 9
O	*	Y	MnDOT hears there are problems with inconsistencies.
C	*		Only had one.
C	*		Need to be more consistent on how they are administered and vetted, because lately there has been a higher ratio of projects that change bid types, dates, etc.
C	*	N	The contract documentation is relatively consistent. However, other contributing factors (bid price, regulatory requirements, etc.) seem to make each contract execution unique.
C	A	Y	Usually up to the bid date all goes well with schedule. After the letting things get slow. Contract approval should not take so long. The contractor has 7 days to turn in DBE, MnDOT has 30 days to give feedback, and bonds expire after 30 days.
C	A		The system is set up to fail. About all that is provided after award is insurance and bonding and contractors can't talk to MnDOT during the contract execution time which can take 6 to 8 weeks which can put design back or worse force "at risk" design to meet schedules – this could mean rework after we are allowed to talk to MnDOT.
E	A	N	Due to the aggressive schedules usually associated with DB projects it is necessary to begin design almost immediately upon notice of intent to award a

			contract. On some projects, MnDOT staff are very good at maintaining communications and providing information so that the designer can proceed. On other projects, staff hold back information until the contract is executed and NTP 1 is given. Sometimes this includes significant owner planned changes that can nullify work performed upon the notice of intent to award.
E	A		Agreements with other agencies are sometimes not in-place causing delays in NTP 1.
O	A	N	The JV failed to provide bid documents (escrow) during contract execution. Nearly one year passed before bid documents were escrowed.
O	A	N	Many items have slowed the process (e.g.: DBE clearances, cost estimate justification, utilities, etc.), however, many processes are now better defined (DB Manual) and getting better, but work still needed. For cost justification that are over or under the 10% allowance there has been difficulty justifying because the engineers estimate may lack proper definition of assumptions to allow a comparison. DBE can take as little as 3 or 4 days if the plan is met, but may take up to a month if not or if Civil Rights asks to modify. Having signed MOUs is getting better.
C	B	N	Each MnDOT district interprets the RFP differently.
C	B	N	Absolutely not. Some MnDOT PMs do not have a clue as to the DB process. An example is having your RFC plans not approved because the PM thinks MnDOT is due a credit. Some PMs make sure they take the max amount of time for drawing reviews.
C	B	N	Different personalities manage differently
C	B		If PMs ensure they are not too poker faced during 1 on 1 meetings it would help Design-Builder teams understand their approach and help build the relationship needed.
E	B	N	Rarely is this consistent except within District 6. Process and procedures vary, we're never sure what is expected and so struggle to go through a new learning curve because we have to adapt to the PM and their process, not the DB process. What training is provided to the staff, what tools they will use to administer the project. What process will be followed by the PM. This further gets diluted as it goes to the MnDOT Construction Manager and the MnDOT inspectors.
E	B	N	We have been involved on many recent projects and we have run into a number of times that what is acceptable for one project is not acceptable (or a lot of additional hoops need to be jumped through) for the next one.
E	C		PM training would be helpful.
O	C		Need dedicated and trained PM's and more than one person versed in DB to ensure consistent oversight and consistent and complete procurement
O	C		There should be a clear understanding of who in MnDOT is responsible for confirming required submittal delivery from the contractor to MnDOT.

Question 11

Question 11: During design and construction have you found design oversight to be consistent?

Code	Theme	C	E	O	Total
A	Design oversight lacks experience	1	6	2	9
B	Design comments that are not valid are made	1	2	0	3
C	Design oversight lacks authority	1	2	1	4
D	Design oversight tries to prove worth	1	5	0	6
E	Design oversight tries to incorporate preferences	1	4	0	5
F	Design oversight has personal conflicts with a contractor or designer	0	2	0	2
G	Design review times are used as a tool or always taken full time	1	3	1	5
H	Provide training	1	1	3	5
*	Miscellaneous	5	7	3	15

Type	Code	Y/N	Comments
C		Y	
C		Y	
E		N	
O		Y	
O		Y	
O		Y	
O		Y	
C	*		Only had one – that one was consistent and we knew what was expected.
C	*	Y	Design oversight seems to be more consistent.
C	*		Sometimes there seems to be a Lack of trust of a designer that has been designing for MnDOT. Now they are on the contractor's side and they can't seem to be trusted to design.
C	*	N	Civil/roadway seems to be more consistent.
C	*		not built yet
E	*	N	Design oversight varies project to project. This makes it very difficult to estimate both schedule and cost. Oversight is not a QC check.
E	*	N	Not at all, this all depends on the Oversight Team.
E	*	N	The design oversight is very inconsistent and the level of involvement from project to project is extremely different.
E	*		Where possible, consider co-location requirement for Design Team and meeting space for OTS's, etc. without co-locating the entire MnDOT Oversight team.
E	*		Determine and relay to DB team who will be reviewing different parts of the design (will CO Geometrics get involved? Does city/county need to review/approve?) This is vital to adhering to a delivery schedule.
E	*		Consultant reviewers for public and private utility coordination do not provide any benefit to MnDOT. Many issues regarding utility relocations are policy decisions where direction must be provided by a public agency. Public agencies

			(both MnDOT, Cities, and Counties) must be prepared to take an active role in the process, and to provide timely and direct decisions on policy and permits. Consultant reviewers typically only provide detailed reviews of public utility design plans where they require a Contractors engineer to provide excessive detail and information well beyond the necessary requirements for construction – much of their comments are purely meant to justify their position on the project.
E	*	N	See question 10
O	*	N	Likely to be differences and variances across districts in interpretation of language.
O	*	Y	I did not hear any feedback from contractor or contractor's designer that our oversight was not consistent with other projects.
O	*		MnDOT does explain and train the personnel of expectations – so it should be consistent
C	A		Use consultants that have worked on both sides of the fence. They understand time is critical. This way they understand what is necessary for their design-builder. Consultants without DB experience seem to be another layer, they have PS&E mentality where they will not make a decision they will go to the functional group or PM.
E	A		Design oversight can be an issue even within the same district such as Metro.
E	A	Y	The variability of the personnel makes this process dynamic. The oversight has not been consistent from project to project. This apparent lack of consistence puts other teams at a disadvantage and the quality of the project suffers.
E	A		The process is often turned over to new and inexperienced staff with no or very little DB experience. MnDOT should staff DB project with design reviewer with as much DB experience as MnDOT requires of the builder and designer.
E	A	N	RFPs require significant experience (including DB experience) of the contractor's design team. However sometimes the design oversight/reviewers provided have significantly less experience.
E	A		Technical capabilities of design review staff sometimes varies greatly.
E	A	N	Design oversight used to be primarily MnDOT staff and the consistency depended on the level of experience of the personnel, however overall there tends to be a lack of trust from MnDOT with designers when they are on the contractor's team.
O	A	N	See item 1. In my mind, MnDOT needs to staff more complex projects with people experienced in DB and get more people involved in less complex ones to learn the processes. MnDOT also needs to understand that you need a different skill set to be a good fit in a design-build project (i.e. more emphasis on contract administration, communication, and flexibility; less emphasis on technical knowledge although this is important too).
O	A	N	In the past, design oversight was more consistent, but as resources have become scarcer, the consistency has suffered.
C	B		There has been some variance between MnDOT staff and oversight consultants on some projects. Differences tended to be in the level of review comments and experience of the reviewers.
E	B		TRACS causes a lot of problems and costs money. Need to vet design review comments so if they are not proper comments they get deleted so they do not

			have to be responded to in TRACKS.
E	B		Reviewers include preferences in the review comments in TRACS which must be responded to in TRACS. Preference should be limited to discussions during Over-The-Shoulder reviews.
C	C		Bridge function is not consistent, there seems to be lack of decision making authority at the project oversight level, all decisions go through the central office.
E	C		Sometimes design reviewers are not able to make decisions or provide input. They either have to take it back to discuss with a superior, need more time to review it, or need more information, or reject a submittal for a non-technical reason and require a resubmission to get more time.
E	C	N	Local government representative could override MnDOT decision makers. Local government can highjack a project to get what they want.
O	C	Y	For the most part designer reviews are empowered to make the decisions
E	D		The level of critique is significantly higher than on a PS&E package.
C	D		Sometimes there is competition between consultant oversight teams to try to show they are smarter than the design-builders designer.
E	D		Don't be so difficult for early release packages, let the contractor own the risk. Sometimes consultant design reviewers understand the DB plans don't need the detail as PS&E plans but MnDOT reviewers want all standard data on plans.
E	D		Need to adhere to what you have in the manual, be consistent. Don't let consultants or owner nit-pick.
E	D		Sometimes a consultant team will be better (knowing what is needed on plans), sometimes they are more concerned with showing that they know more than the designer.
E	D	N	When the oversight is outsourced some other consultants appear to be focusing on finding minor discrepancies to try and show their superiority over the DB designer.
C	E	N	Some reviewers do not understand the process and we keep arguing about preferences vs. design standards. It is generally better if MnDOT is reviewing as opposed to a consultant.
E	E		Design oversight should not require things to be done in the way the owner thinks the contractor needs. That's what constructability reviews are for. Let's leave means and methods up to the design build contractor (DBC). Oversight comments such as "are the plans clear to the contractor" is not MnDOTs concern.
E	E		It seems to really depend on the players involved and any past experiences. Too often recently, the design oversight process has been used as a tool for extracting contract concessions. Packages appear to be delayed or design comments are made which affect schedule or cost.
E	E		When MnDOT does a review they will sometimes hold designers hostage to get a preference with other packages or just knowing the time is critical so the designer can't afford to escalate due to time.
E	E		Reviewers sometimes try to enforce preferences rather than requirements or standards.
E	F		Sometimes it seems there is baggage in the team, so once everyone knows the players, possibly consider having project management meet and talk about any

			relationships that are concerning (i.e., known bad blood between counterparts on the project (disciplines)) and then talk through how to manage that relationship; even meeting with the parties and discussing it openly, "we know there have been issues between you two in the past – we need to put that behind us on this project" etc.
E	F		On rare occasions a reviewer has had a personal agenda against someone or some firm on the contractor's team. Sometimes it is just they don't like Design-Build.
C	G		Some Districts and functions use the entire days of review time, when in reality it is suppose to be a maximum.
E	G		It seemed to me the review effort seemed to be to the level of effort the reviewer had available. I don't feel thorough reviews were always performed.
E	G		Some design reviewers do not understand the time implications of always taking 10 days to review. Try to set different review times than all 10 days. Maybe 5 days for simple packages, etc.
E	G		The MnDOT PM needs to enforce review timelines for MnDOT functional groups.
O	G		Contractors may be seeing that turn arounds are slower for reviews, but they may not understand the complexity of a submittal they think should go fast.
E	H		Suggest having a CORE MnDOT group that runs DB projects and/or trains anyone that is going to work on them.
C	H	N	Some projects like Hiawatha LRT could not allow any designs to pass because of CAD standards. But after all these years we still seem to be figuring out what the standards are- if designers don't know then they are not clear and that needs to get addressed.
O	H	Both	OCIC with district support have worked to educate the Project Managers so they are consistent in the use of the RFP. However, each PM is different and each handles conflict differently. This has been the case on all projects.
O	H		Either more training on the importance of consistency and priorities needs to take place or more resources need to be allocated or both need to happen. PM's do have the right to manage oversight design reviewers and keep them on task for consistency. With fewer resources this is getting more difficult to keep consistent
O	H	N	Plan review and quality management are different between the districts. Try to get more training not only on design review but other contract administration topics also.

Question 12

Question 12: During design and construction have you found construction oversight to be consistent?

Code	Theme	C	E	O	Total
A	There is a duplicity of testing	3	1	0	4
B	There is confusion of quality roles between the contractor and MnDOT	0	8	2	10
C	MnDOT and Contractor foremen bypass the contractors quality personnel	2	1	1	4
D	Construction oversight is relatively consistent	3	0	1	4
E	Quality is basically the same as DBB or more strict	3	2	1	6
F	MnDOT should let contractors have the quality responsibility	2	1	0	3
G	When MnDOT uses a consultant there are inconsistencies	2	2	0	4
H	There is a lack of qualified staff/more training needed	0	2	2	4
*	Miscellaneous	0	3	3	6

Type	Code	Y/N	Comments
C		Y	
E		N	
O		Y	
O		Y	
O		N	See #11
O			
E	*	N	Recommend having a Core group of MnDOT people that can train teams before the project.
E	*		During construction there is a great deal of emphasis placed on the contractor's quality management. However, there is no longer any value given in the evaluation process for their program.
E	*		TRACS is a bottleneck with few people understanding it.
O	*		Need to develop a qualitative initiative design and construction quality processes and goals of each.
O	*		TRACS response times are incredibly slow for DOT and contractor personnel, yet both parties are forced to use this software. The amount of wasted time is incredibly large. It seems other DB PMs are doing their annual and final material certifications off line and outside of TRACS.
O	*	N	No, based on feedback from contractors
C	A		There is a lot of duplicity on testing. The contractor does the materials production run testing, then when it gets to the site the contractor does after placement testing and then MnDOT does the same. And MnDOT treats their test results as if the contractor has not done any testing. It seems like they don't trust the results of the larger quantity, and the first test governs. So the contractor is testing and also providing the warranty for the product, why is

			there no confidence in their test results? The whole testing process does not make sense and seems to cost extra money for no reason.
C	A		Verification tests trump minimum sampling tests, which doesn't make sense
E	A		The contractor signs off on critical activity points but essentially MnDOT is the approver.
C	A		There is definitely duplicity in Construction oversight.
E	B	N	Question #11 leads to construction oversight and what are the owners and design build contractors roles.
E	B		Where the lines of communication should run and who is doing acceptance testing. This is a big debate and should be openly discussed with design build contractors.
E	B	N	The quality portion of the contractor has continued to change from design-build to design-build making it difficult to know how to develop a quality management approach and bid from project to project. Although, it appears that the approach is getting more consistent.
E	B		The expectations on the contractor's quality management staff are not consistent from project to project. Specifically the critical activity point manager's role. On some projects they are viewed by oversight staff as full time construction observers instead of a person assigned to manage several critical activity points at one time relying on the contractor's quality control inspector for much of the day to day observation.
E	B		The RFP requires that all test and inspection activities be tied to an activity code. In most cases this activity code does not accurately reflect the location of the test. Primarily because the contractors schedule is developed without testing being a consideration. This is generally not a problem but has been in the past when oversight has asked that the material certification be broken down by specific project areas.
E	B		The QMP is written well but there are still different interpretations between PMs and districts. For instance it will say MnDOT will inspect but some PMs would say that doesn't mean the contractor doesn't inspect. In this low bid world Contractors are not going to price something you know someone else is going to do as a redundancy.
E	B	N	Construction oversight varies greatly based on the staff of both the owner and the contractor. Again some treat it like DBB and others treat it like a outstate DB, even though the contract is not clear on what is required (half performance half prescriptive specifications). For example, if you provide a template that says the contractor is responsible for testing and MnDOT will provide inspection, some projects follow that to the letter, whereas other projects MnDOT says that the contractor is still responsible for providing inspection per performance based language. Creates difficulty in preparing and getting bids for this work. Often it seems we get clarification from OCIC but then the PM will implement differently.
E	B	N	MnDOT is pulling back the quality to in house which is a good thing for this reason, because MnDOT can't let go but for DB that is bad.
O	B		I've heard of issues, particularly regarding materials testing. Who is responsible for quality, MnDOT or the contractor? FHWA is concerned with paying off of contractor inspection and testing – to do so there must be a

			good oversight QA and Independent Assurance program – if there is FHWA would be fine with it.
O	B	Both	OCIC and others have worked to educate the Project Managers so they are consistent in the use of the RFP. However, each PM is different and each handles conflict differently. This has been the case on all projects.
C	C		MnDOT inspectors and testers have a history of taking over on DBB and when they do DB they just stay in that mode. Even the contractors' foreman will go straight to them and bypass the contractors' QA/QC staff. Both MnDOT and the contractor will bypass the required QA/QC staff and work together, that is the culture.
C	C	N	Some inspectors from MnDOT still consider themselves the first line QC.
E	C		When there are quality issues the contractors go straight to MnDOT personnel and don't even keep their quality people in the loop. This can be both design and construction.
O	C		I've found that local contractor's work staff, still have tendency to work with MnDOT quality staff in the field staff rather than with the quality/oversight staff from the contractor.
C	D		Only had one – which one was consistent and we knew what was expected.
C	D	Both	Relatively consistent. More associated with personalities; different hot buttons for different people
C	D	Y	As consistent as possible, given the differences of construction oversight personnel.
O	D		Construction oversight should be fairly consistent.
C	E		It seems that there are more tests for DB than DBB
C	E		Varies between districts and consultants. DB testing and procedures seem held to a higher standard than bid build.
C	E		The MnDOT inspection has at times been the same as DBB.
E	E		The QMP should be consistent for MnDOT and Contractor. MnDOT inspects the job just like DBB and now the testing is getting to the point where why is the contractor doing anything?
E	E		History has been that in oversight role MnDOT has the same number of personnel as in a DBB.
O	E	N	It is basically the same as DBB except contractors do the QC. MnDOT's tests are for acceptance.
C	F	N	MnDOT needs to let the DB process function as such.
C	F		Contractors will do the quality program if MnDOT is willing to back off and do only oversight and verification but it does not seem to be in their culture. MnDOT inspectors and testers have a history of taking over on DBB and when they do DB they just stay in that mode. Even the contractors' foreman will go straight to them and bypass the contractors' QA/QC staff. Both MnDOT and the contractor will bypass the required QA/QC staff and work together, that is the culture.
E	F	N	The oversight varies from project to project dependant on the PM and owner's field staff. It should be administered the same. The Quality Manual, approach and process has been pretty dynamic as MnDOT works to define and determine what it should be. I feel we have gone backwards in this

			approach as MnDOT has one again gone back to their comfort level and taken on responsibility for testing and inspection. This is an area the contractor should own.
C	G	N	If MnDOT is providing inspection, it is generally more consistent. If a consultant is doing it, it is all over the board.
C	G		Would prefer the construction testing and inspection oversight to stay with MnDOT staff performing owner's role not a consultant. If a consultant is used try to use a geotech firm as opposed to an engineering firm. Perception is engineering firms are more likely to staff heavy. If MnDOT does not have the staff, go with geotech firm for augmentation.
E	G		Sometimes consultants seem to need to generate work or prove their worth.
E	G		Material samples taken for submittal to the MnDOT lab are to be taken by the contractor and given to an oversight project representative for submittal to the lab. There is not consistency with oversight to get these samples submitted and pursue getting test results.
E	H		The quality management for the contractor has been reduced over time. There have been fewer requirements for testing in the schedule of materials control and the qualifications in the RFP for contractor staff have been significantly reduced. While this enables more personnel to work on design-build and gain the experience it also may ultimately lower the quality of personnel doing inspection and testing on projects. Many contractors are sending staff to certification classes so they can fill these positions themselves instead of using a consultant. Some, not all, of these contractors approach is that quality is a contractual requirement like other items and therefore is low bid and minimal effort. Quality is not low bid and minimal effort.
E	H	N	Sometimes inexperienced staff tries to force the DB contractor to construct to their preference rather than to the contract requirements.
O	H		Training should be provided and is provided when it is a consultant so it should be consistent.
O	H	N	PMs administer the projects differently. We need to provide more guidance during construction than we have been either with a manual or additional personnel (e.g., for instance a DB Construction Engineer like Paul Johns or Kevin Kosobud, who visit each district and help them out as needed).

Question 13

Question 13: What type of alternative contracting would you like to see used by MnDOT? (circle as many as needed)

a. Contract Manager/General Contractor (CMGC)

	Yes	No	N/A
Contractor	3	2	5
Engineer	9	0	1
Owner	8	0	6
TOTAL	20	2	12

b. Indefinite Delivery/Indefinite Quantity DB

	Yes	No	N/A
Contractor	2	0	8
Engineer	7	0	3
Owner	7	0	7
TOTAL	16	0	18

c. Indefinite Delivery/Indefinite Quantity DBB

	Yes	No	N/A
Contractor	1	0	9
Engineer	6	0	4
Owner	7	0	7
TOTAL	14	0	20

d. Design-Bid-Build lump sum

	Yes	No	N/A
Contractor	4	1	5
Engineer	8	0	2
Owner	10	0	4
TOTAL	22	1	11

e. Design-Bid-Build best value with or without ATC

	Yes	No	N/A
Contractor	5	0	5
Engineer	7	0	3
Owner	9	0	5
TOTAL	21	0	13

f. Unsolicited Design-Build

	Yes	No	N/A
Contractor	0	0	10
Engineer	5	0	5
Owner	5	0	9
TOTAL	10	0	24

g. Unsolicited Public Private Partnership

	Yes	No	N/A
Contractor	1	0	9
Engineer	4	0	6
Owner	4	0	10
TOTAL	9	0	25

h. Early contractor involvement

	Yes	No	N/A
Contractor	5	0	5
Engineer	8	0	2
Owner	8	0	6
TOTAL	21	0	13

Code	Theme	C	E	O	Total
A	For CMGC, subcontractors will lose their voice with MnDOT	2	0	0	2
B	DBB lump sum adds risk to the contractor	1	0	0	1
C	CMGC will result in bid shopping work	2	0	0	2
*	Miscellaneous	1	3	1	5

Type	Code	Comments
C	*	Most contractors have people on staff that can do simple plans such as mill and overlay. Having MnDOT waste resources on design of these projects doesn't make sense, so do DB on smaller projects.
E	*	Regarding option E (DBB-BV with or without ATCs), need stipend for DBB if there will be ATCs
E	*	Least desirable is DBB LS.
E	*	Unsolicited proposals would be great – they would take the risk away from the state but with the municipal consent process this is not likely to happen.
O	*	We need a process where a consultant and contractor help MnDOT with the preliminary design and estimated costs of a project that has elements that we have little experience. Anti-icing is a perfect example. MnDOT just does not know how to price anti-icing. Furthermore, MnDOT requirements are much more stringent than the standard requirements of the anti-icing vendors. MnDOT needs help understanding how our more stringent requirements impact the cost of these systems.
C	A	The subs (who do the major work for MnDOT anyway) lose their voice with MnDOT on reasonableness.
C	A	Say a ramp has a small issue – the CM's will not go to bat for the subs they will simply tell the sub to tear it out and redo it. Or a CM likes one contractor then the other locals are out of luck – can only see a lot of bad coming from a project like the one explained in MnDOT's original industry meeting.
C	B	DBB lump sum is just a way to add risk to the contractor.
C	C	Only do CMGC if it is an emergency special project like I35 W bridge. This is a bad idea to go CMGC there is no reason for it there will be bid shopping etc.
C	C	The type of project that was explained by MnDOT is say a state wide ADA ramp upgrade project – say you get a traditional CM (big contractors that do CM work) to win it – now they bid shop all ADA ramps around and knock the prices down from all their subs.

Question 14

Question 14: For MnDOT's Design-Build low bid process would you prefer a shortlisting process with simple qualifications to reduce the number of bidders?

Type	Yes/No	Comments
C	Y	
C	-	Qualified bidders are more important than the number of bidders.
C	Y	
C	Y	
C	Y	
C	Y	
C	Y	
C		
C	Y	
C	N	
E	Y	
E	Y	
E	Y	
E	Y	
E	Y	
E	Y	
E	N	
E	Y	
E	Y	
E	Y	
O	Y	
O	N	Industry is saying open up DB to other players, this is what the no short list process does. But there should be 1 on 1 meetings.
O	Y	
O	N	
O	Y	
O		
O	Y	
O	Y	
O	Y	
O	Y	
O	Y	
O	Y	
O		
O		

Question 15

Question 15: Do you have any other suggestions for the MnDOT Design-Build low bid process?

Code	Theme	C	E	O	Total
A	Vet projects more extensively	3	2	4	9
B	Have a short list to ensure qualified firms	1	1	1	3
C	Do not short list keep it simple and allow more players	0	1	2	3
D	Have a size restriction for either single step or two step and stipend threshold	1	1	1	3
E	Define scope very clearly to reduce the need for design during procurement, allowing design to concentrate on ATCs	3	3	1	7
F	Be clear on scoring and evaluation criteria	3	2	1	6
G	Share more risk	1	0	0	1
H	Provide more training to industry and MnDOT personnel	0	3	2	5
*	Miscellaneous	0	3	2	5

Type	Code	Comments
E	*	Low bid DB pushes design into a commodity which will back fire in the long run.
E	*	Eliminate DB low bid
E	*	It is apparent that the low bidders don't have DB experience. This should solve itself.
O	*	Find a way to have a communication list for sending information. MnDOT does not know who the bidders are so how do we know they get the data?
O	*	The low bid process needs to have its own template RFP to streamline procurement time.
O	A	Be very careful on projects that go without a shortlist. Simple work sometimes is not simple.
C	A	If MnDOT changes things late they should either give an extension and raise the stipend or just deal with it after award with a change order. Respect the industry and don't make them try to figure it out in the last minute. For instance on Mankato there were some changes in the requirements late, like reducing the filtration from 3 ft to 1 ft. This changed earthwork a lot, yet we did not have time to really design it.
C	A	Limit use to only when it is appropriate.
C	A	Life Cycle Cost Analysis (LCCA) needs to be more accurate with alternative design. To date I do not believe it's accurate. The Director indicated things would be transparent; this is one process that is not.
E	A	Limit use to unique or emergency projects. Do not use on preservation projects. ARRA proved that aggressive timelines can be met.
E	A	MnDOT project knowledge, in terms of local impacts as well as design consultants needs to beat best value level. For instance, on 13/101 there seemed to be a lack of knowledge on MnDOT's part regarding what the local interest was and the impacts these had on the project. They also did not seem to vet existing conditions that well.
O	A	Have the scope/design analyzed so the budget is sufficient to award the project to the low bidder. Allow flexibility in staff approved layout.

O	A	Try to reduce the number of projects going DB low bid – be more definitive of what constitutes a good low bid project.
O	A	NEED TO VET PROJECTS BETTER
C	B	Prefer a short short list.
E	B	Please shortlist to make sure you get qualified firms and individuals.
O	B	Short list to 3, vet them properly
E	C	Assuming low bid is $15-50M, no short list, no stipend
O	C	The point is to open the door to smaller less experienced firms. Short listing will only get the big firms all the time. I say let everyone put in a bid, but you have to hold one-on-one meetings with all of them. A face to face conversation can help clear up simple questions when a written clarification can be misunderstood and the response can be misinterpreted.
O	C	Keep it simple. Low bid no stipend, no short list
C	D	Maximum project size of $20 million. Anything larger is probably getting more complicated and should not be low bid.
E	D	Stipends – prefer to not have single phase DB low bid – use two stage so people can get a stipend
O	D	Should provide stipend on low bids.
C	E	Try to make the process less expensive.
C	E	More defined scope, give exact information on work required and where exceptions may be entertained.
C	E	Well defined projects with low risk and low opportunity for innovation tend to lend themselves to contract arguments.
E	E	ATCs, if allowed, really have to be carefully vetted in the low bid process. In the low bid environment, it is really the only process through which a team can stand out from other competitors.
E	E	I would suggest that MnDOT improve the preliminary design detail for low bids. The last few low bids had significant design issues which cost a lot of engineering time to work through. The incomplete preliminary designs lead to problems in the field that in the end cost more time and money to resolve and the owner typically will get a lesser qualified DB team.
E	E	MnDOT should issue a layout that conforms to Book 2 requirements and / or bid quantities for contractors to prepare a bid. Without a stipend there is little incentive for designers to prepare these materials unless the contractor is willing to compensate for this.
O	E	Keep ATC process for low-bid.
C	F	Place the majority of weight on the qualifications of the prime contractor and the engineer (major participants), as opposed to a particular subcontractor. The ability to bond should be a significant factor in qualification.
C	F	Could there be a method that allows primes to scrub subs before they try to qualify? On some procurements it seems like a subcontractor can bring down the whole team yet it is very difficult for the prime to understand all the baggage a sub may bring. You get feedback at the debrief meeting but that is too late. It is an expensive lesson learned.
C	F	Is there a way MnDOT could review the DB low bid plans from teams to determine if the scope is the same? It seems like they are forced to take the low bid but when teams look at the winners it could be apparent they bid a different scope. MnDOT

		could win the argument, but is it worth awarding to someone that did not price the right scope?
E	F	Make sure there are minimum qualifications if you go single phase then have designers need to be on the pre-qual list.
E	F	Does MnDOT call references? Selection panel personnel may influence the selection. MnDOT should continue to remove subjectivity. There is concern that MN firms get rated low because they carry baggage. Can evaluators not know who the team is they are reviewing? Is there a process of how they review the proposal; i.e., don't review in the same order.
O	F	Decide scoring factors in advance. Consider what you may want to score people on before selecting low bid there may be definite items to score due to the project type
C	G	MnDOT should take some of the risk they are trying to transfer on these.
O	H	Sometimes you get responses from contractors that the project is low bid – they need to understand that does not mean we have a different contract – the contract is still valid- such as getting schedules approved etc.
O	H	Make sure MnDOT follows their guidance in the DB Manual.
E	H	Mandatory pre-proposal training for teams intending to propose on a project. Helpful to train counties and cities if necessary.
E	H	If they've never done DB in the past, make them come to training. Contractors are looking for volume of work so low bid should go to training both global and project specific.
E	H	Do a good job on pre-proposal meetings. Meetings should be conducted by district, learn about the project and issues.

Question 16

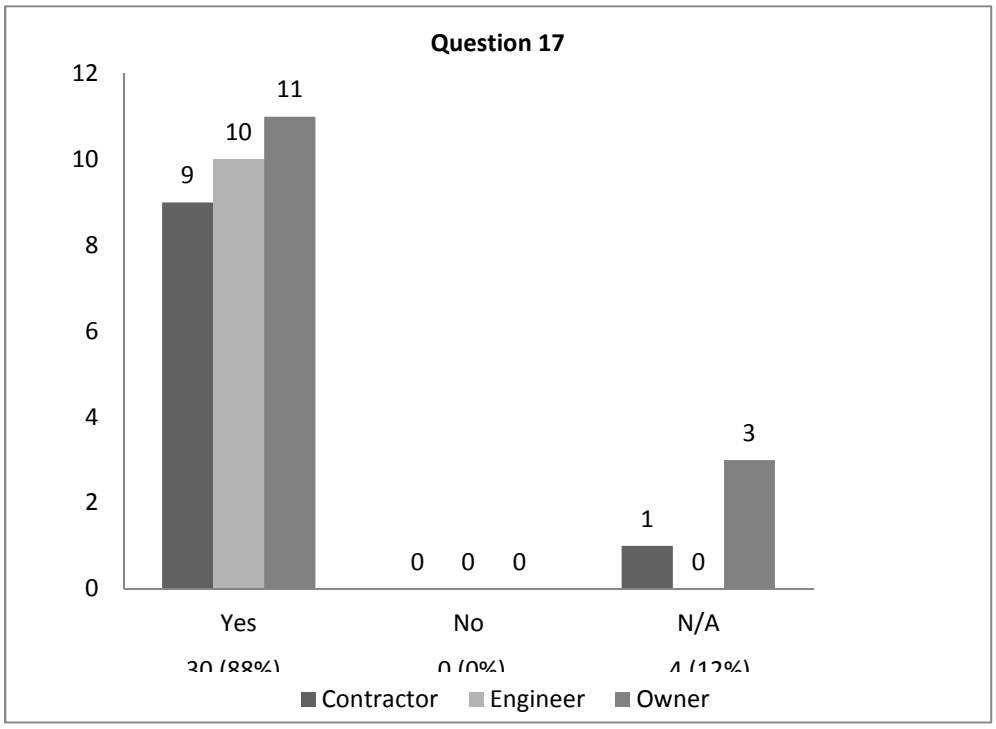
Question 16: What type of alternative contracting are you not interested in participating in?

Code	Theme	C	E	O	Total
A	Any of them	2	0	2	4
B	CMGC	2	0	4	6
C	DB low bid	0	4	0	4
D	PPP	1	0	0	1
E	Mixture	2	0	0	2
*	Misc	1	3	2	6

Type	Code	Comments
C	*	The majority of our work is DBB, so that is what we are most comfortable with. But we would be open to participating in nearly any type of alternative contracting.
E	*	Would like to hear more specifics about how some of the methods would be utilized before I answer this one.
E	*	DBB Lump Sum
E	*	DBB
O	*	CMGC sounds very appropriate on smaller complex projects.
O	*	Consider them all
C	A	Not interested in most, the only goal is to transfer MnDOT's risk to the contractor and we cannot afford that for long.
C	A	Although we don't believe many of the ones listed above should be used, we will participate in any that fit our business model.
O	A	None, am open to all techniques when used in the right context.
O	A	None
C	B	CMGC seems to be a bad answer, subcontractors will get bid shopped.
O	B	CMGC
O	B	CMGC has concerns with not getting a reasonable price in negotiations.
O	B	CMGC
O	B	With CMGC it could lead to a large contractor winning the project and then bid shopping all the bids. Smaller contractors would lose voice at the table for issues because larger contractor would not let them to the table, and be trying to maintain their relationship.
C	B	CMGC - only really large, out of state generals will bid. MnDOT engineers are doing well and don't need this.
E	C	DB low bid (designers perspective)
E	C	DB without stipend is a challenge unless it is the right project. Where it is straight forward and well defined.
E	C	DB low bid
E	C	DB low bid is least favorite.
C	D	PPP as equity partner
C	E	Unsolicited, contract manager, indefinite. Even best value is too subjective.
C	E	Prefer that MnDOT continue with Design-Build and Design-bid-build. Sparingly use DBB Low bid for low risk, simple projects. The use of IDIQ could be used for maintenance or simple projects such as guard rail, etc.

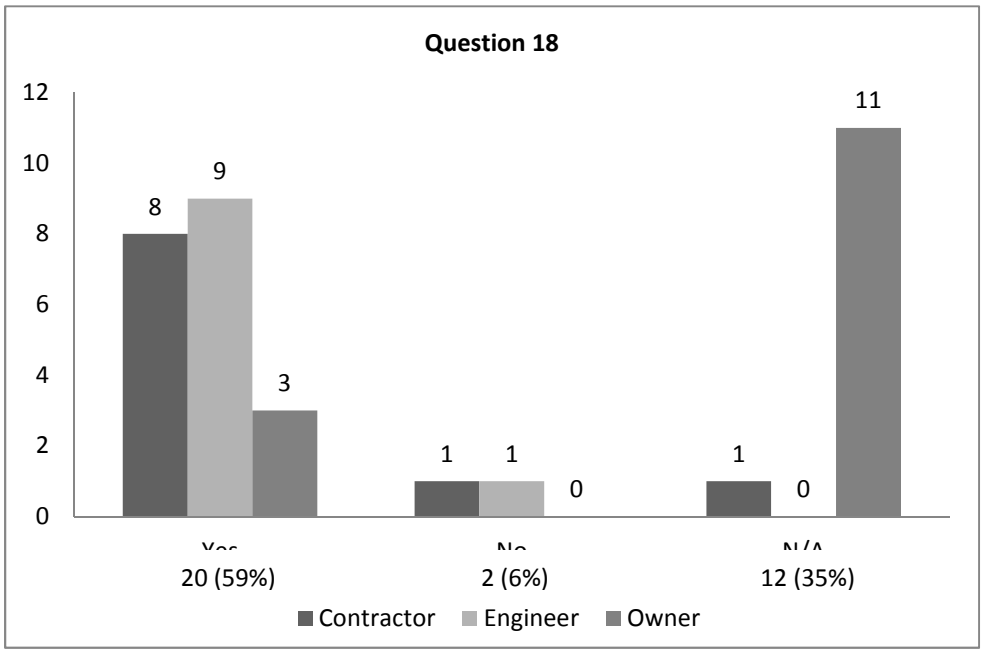
Question 17

Question 17: Have you participated in Design-Build procurements that allowed Alternative Technical Concepts?



Question 18

Question 18: If yes to the above question, have you had success in obtaining approval of promising ATCs?



Question 19

Question 19: What suggestions would you have to make the ATC process more beneficial to MnDOT's stakeholders?

Code	Theme	C	E	O	Total
A	Give reasons why ATCs are denied	2	3	0	5
B	Be more consistent in approving and denying and the evaluation process	0	1	3	4
C	Be quicker with evaluation process	2	2	1	5
D	Eliminate the need of ATCs for items that are always allowed	1	1	2	4
E	Be more open to ATCs	2	7	5	14
F	Reduce the number of conditional approvals	2	0	1	3
G	Point values of evaluation are so close ATCs are not being offered up unless they are a considerable savings	1	1	0	2
H	Increase stipends to get better ATCs	1	0	0	1
I	Give more time to evaluate ATCs	0	1	4	5
*	Miscellaneous	2	1	1	4

Type	Code	Comments
C	*	Do ATCs with DBB projects. MnDOT gets the benefit 100% of the VE that would otherwise get turned in later. Contractors are hungry enough to give them up front, but the contractor will benefit knowing that they are approved so they can plan their project that way.
C	*	Pretty good as is
E	*	The ATC process has improved over years past. It is beneficial to have in the RFP what the teams can not propose an ATC on.
O	*	ATC process is working well
C	A	Would like better response regarding denial, even if it is you do not want that here, or it could jeopardize your technical score which would tell us you don't want it or cite the contract clause.
C	A	It would be helpful after award to know what ATCs were perceived as extra points and which ones MnDOT was indifferent about.
E	A	Give reasoning why ATCs are denied
E	A	Be more open in the one on one's – is it an ATC, is it allowed by contract, questions, etc.
E	A	I'm not sure what the criteria is for accepting or rejecting, but it would be nice to understand this process and if an ATC is rejected, please give us a reason why so we can provide the engineering behind it or learn from your concerns and improve on the next pursuit.
E	B	Be more consistent when determining what is and isn't an ATC. Allow more contractor flexibility. To be an ATC, the submitted idea has to be "equal or better". However, that language is rather ambiguous. What is equal and better to one stakeholder might not be equal

		and better to another. Therefore, it would likely help if MnDOT provided more explanation regarding the approval status of an ATC and the reasoning behind any conditions MnDOT applies to a conditionally approved ATC.
O	B	Need to improve the consistency of oversight of the process for approving. PMs may actually have too much authority in this regard, need a group that can ensure consistency of approving ATCs across the state.
O	B	Teams need more guidance on what is and is not an ATC. This process works well. Some newer teams need more guidance on what is and is not an ATC.
O	B	There are two possible solutions that seem to occur. • Accepting something allowed by the contract – these response should be this is not an ATC it is allowed by the contract • Accepting something you don't want – this can set precedents and can cause difficulty in ensuring all answers for similar ATCs are the same on the same project.
E	C	Quicker response times so they can get incorporated into the proposal.
E	C	Recommend that MnDOT try not to approve by committee and don't require the whole ATC to be completely vetted before even giving conditional approval – try to approve on more of a concept it seems the ATC has to be nearly completely designed before there is approval this is costly. Prefer to have limits on the number a team can submit – tends to make a team think through the ATCs and not waste MnDOT resources.
O	C	Keep the group looking at ATCs as small as possible (PM, OCIC, BR and Roadway on large projects. On small projects leave it to the PM and OCIC). ATC condition writers need to be consistent.
C	C	The limits on number of ATCs seems to have been set high enough. If there are too many or too slow of reviews, teams must go down parallel tracks of design which adds to cost. If you don't like just tell us.
C	C	Train MnDOT's project personnel on how to deal with ATCs during the proposal, particularly on the need for timely response. Watch out for rounds of clarifications or additional information gathering.
O	D	MnDOT has some specs that essentially get and ATC each project.
C	D	Many ATCs have to do with typical section changes that may be beneficial; however, MnDOT will not entertain these ideas.
E	D	If MnDOT will allow a loosening of certain standards that, historically, many proposers request (like the use of steeper slopes than required in the RFP), do not make proposers prepare and use-up one of their ATCs to ask for it.
O	D	Do not require ATCs on items that you know you will accept – give criteria and let them be available for all to bid.
O	E	Be open-minded to new ideas and technologies.
O	E	Continue to train PMs that innovation is something DB is embracing so consider ATCs that are showing promise.
C	E	Open up the paving type to allow innovation. We are never able to offer the DOT savings (which can be VERY significant) when we are not allowed to change the pavement design. The Alt bids are a good start to this, but the Life Cycle Cost Analysis are flawed. No salvage values, maintenance on Asphalt appears to be based on pre- PG grade asphalt etc. In reality in DB you will get people that may have an advantage with a source of material, but the life cycle analysis can't factor that in which is understandable but yet can cost MnDOT substantially and forces MnDOT to put a

		flawed number out there.
C	E	Be more open to contractor ideas. There is little to gain from design build otherwise.
E	E	Less prescriptive, more open to new ideas to save cost, no limits on number
E	E	Allow more flexibility. Some projects seemed too restrictive.
E	E	MnDOT is disappointed that they do not see more innovation. I believe the contracting community is delivering some good innovative ideas, but MnDOT is afraid to accept them because "we've never done that here". The ATC process is very poor and leaves a lot to be improved on. Sometimes technically, the contractors knowledge is beyond that of MnDOT, be open to other products or processes used in other states or with other agencies. What works for the COE, will probably work for MnDOT.
E	E	The RFP Book 2 requirements are too prescriptive and eliminate any innovation that an ATC might bring to the project.
E	E	Drainage and structures although the sections seem open and not prescriptive those that know the bridge group and drainage know there are unwritten items that will be very difficult to incorporate basically making it not worth your while or risk of the effort needed.
E	E	Better innovative buy-in from MnDOT's specialty offices.
E	E	Allow more innovation and outside of the box thinking. In general, ATCs have been pretty successful. Try to treat standards as guidelines, a lot of standards are set for global issues. Once project specific information is known, be open for changes if it applies
O	E	MnDOT requirements are just so stringent. The Contractors can't do anything. Several times a PM may like an ATC only to have the MnDOT functional group deny it. Of course the functional groups complain that Design-Build is an excuse to circumvent standards.
O	E	PAE process was brought in to help ATCs get approved that were possibly borderline
O	E	MnDOT must be more open to innovation
C	F	There is a lot of effort for very little certainty in ATCs. ATCs seem to be always conditionally approved, so you can't give the full benefit of cost savings in your proposal because there is still risk.
C	F	More freedom in the ATC inclusion. Fewer exceptions taken or conditional approvals.
O	F	there are a lot of conditional approvals
C	G	The value of ATCs varies by specific project. In general, ATCs consume a lot of time and effort for the returns and the approval is usually only conditional. Points are so close in the scoring that an ATC would only be submitted if there was a known point increase or a significant cost savings.
E	G	Innovation is not happening now because ATCs are being rejected. Right now the teams winning DB projects are not promising anything and coming in low bid – innovation and extras do not gain anything.
C	H	Pay for design costs if ATCs are invited and none are accepted. Larger stipend. Let the ATC process work. There are 3-5 design firms on a given project bringing ideas and most are rejected because they do not fit MnDOT's preconceived ideas.
E	I	Be liberal with the number of one-on-one meetings allowed and allow an appropriate amount of time to having them and being able to incorporate MnDOT's decisions.
O	I	Allow enough time for the owner to give serious consideration to each ATC. Allow owner to review ATC with stakeholder affected by ATC when necessary. This may lengthen procurement time.

O	I	Some of the ATCs were accepted/rejected based on what the MnDOT PM thinks stakeholders would want. For example, modifications to main structure type were approved ATCs while demolishing the new bridge into the river was not approved. It would have been preferred to discuss these ATCs with stakeholders, but integrity at the process was at stake. Have a small panel of stakeholders. But with stakeholders there is a higher probability there will be a breach of confidentiality. But often it would be good to get them involved, maybe have a small panel of stakeholders as a panel that the PM can call upon at their discretion if needed – so if there is an ATC that could save considerable time or money they can vet it properly. Or if the question comes up then MnDOT can open up that stakeholder for discussions if they were originally not allowed contact.
O	I	More time needs to be added when reviewing ATCs. Because MnDOT has to get the OK from the functional groups and possibly the FHWA. This would lengthen the procurement process.
O	I	Sometimes designers complain that functional groups are not allowing innovation but innovation is not doing something against standards. If it is against standards there is a higher risk to MnDOT because it is not vetted in this state, so it becomes more of a VE not an ATC "scope designed out" situation, but contractors are not willing to give credit because they think it is a "scope designed out" situation. If an ATC comes in where MnDOT does not have a standard it can complicate final approval so the designers should understand to get formal approval without conditions in the proposal they need to vet everything otherwise there will be conditions on approval.

Question 20

Question 20: Do you have additional feedback regarding OCIC?

Code	Theme	C	E	O	Total
A	OCIC has no authority, their authority should be increased	2	1	0	3
B	Try to enforce more consistency with districts	1	0	0	1
C	Need to get more experienced staff or more staff	3	1	3	7
D	Provide more training to districts and/or contractors	1	2	1	4
E	Better communication of the program and have a consistent program of projects	2	3	0	5
F	Resolve issues quicker: such as QA/QC and TRACS	0	1	5	6
G	Should not be the office delivering procurement	0	1	1	2
H	OCIC is improving	0	3	3	6
I	Work with AGC more	1	0	2	3
*	Miscellaneous	1	0	3	4

Type	Code	Comments
C	*	This office has preferred contractors and only 4-5 will ever land a job in this “good Old Boys network” Non Union Contractors will never be successful in this arena since the unions use design build and the CBA to cut the contractors out
O	*	I am from a functional group and tend to work with the District rather than the OCIC.
O	*	OCIC focuses on project delivery not delivering a program – they should set up the program and set up the rules for the program then provide oversight of the management of the projects – with authority to change things on projects when oversight shows a PM not doing it consistently with the way the program is established – they need to get out of project delivery and into program delivery or get more staff.
O	*	OCIC is fantastic. Their expertise is invaluable. OCIC should be advisory only. The District PM should be the final authority on all decisions, which means the Districts need PMs that are fully knowledgeable about project scope and RFP requirements.
E	A	It seems like they should own the process and help the PMs to learn the process. There appears to be a hand off once procurement is done. Their role should not end there. They should follow through with the project and help create consistency which is needed.
C	A	They have no authority/responsibility during either the proposal or execution phase.
C	A	The perception is that OCIC has no authority. It is clear the Districts have the authority and OCIC is only there for suggestions, some PM’s engage them more than others, but mostly they are not engaged too much. They are rarely asked for advice and when they are, they seem reluctant to offer it. It makes the program very inconsistent.
C	B	It would be helpful if they could help get consistency across districts – but the nature of PM personalities may make this difficult

C	C	This is a statewide program if OCIC is to oversee it, they need the resources.
E	C	Have a core staff available to train everyone that works on DB or runs DB projects – experience level of personnel shows a lot.
C	C	Current DB OCIC representative is inexperienced but tries hard, previous representative had more experience.
O	C	They are suffering from too much on their plate. They cannot or do not learn the scope of the projects well enough to make some of the calls they make.
C	C	They seem to have lost some experienced help.
O	C	If districts and functional groups can provide one person to OCIC it would help a lot to keep things consistent,
O	C	Consider having a core group if it stays in the construction office make sure they follow all the way through otherwise put it in the PM office.
C	D	To date they have been pretty good helping learn the process, going through the steps. They need to keep up with this.
E	D	Needs more mentoring of Alternative Delivery to Districts to secure more consistency with procurements, project execution
E	D	It would be nice to have more training from OCIC to district staff. Also it seems that the accountability for OCIC ends once the procurement is complete. It would be nice to have someone more involved to help ensure consistency.
O	D	OCIC could have provided more guidance on what was expected from a cost perspective.
C	E	Look at not putting out DB projects less than $50M unless it can be streamlined (RFP volumes and deliverables) – the amount of upfront work is just the same as on a large project. The upfront costs are the same for a $10M or $120 M – do not see MnDOT saving anything and possibly spending more on $10M projects.
C	E	Should look at the dollar amount of the program.
E	E	OCIC needs to do some industry wide fence and trust building. There have been too many procurements lately that have had major issues – delay, pulled off and procured a different way, etc. (13/101, Mankato, 35W/4th , even Elk Run).
E	E	It would be helpful to have more projects in the DB program overall and more variety of projects to help build the industry.
E	E	Give more notice on when projects will come out so you can meet with your team. Consider going back to having the annual meeting going over the STIP by region.
O	F	TH 212 resulted in many lessons learned, but they did not seem to get them implemented very quickly.
E	F	There are also significant issues with warranties, quality and lessons learned which seem to get lost as there seems to be a lack of ownership with these items. OCIC is construction based; this should be technical support or some other office.
O	F	They need to respond quicker to our issues. TRACS issue response has been a disaster for both DOT and contractor personnel. Lessons learned not quickly incorporated.
O	F	Decide who is doing QC Testing. By taking QC testing and inspection from the contractor, we would be reducing their responsibility on quality. Could the opposite work? Do less MnDOT and force the contractor to do all acceptance testing?
O	F	The QA/QC process needs some clarification out to everyone on responsibilities once the whole process is worked out
O	F	Can TRACS be worked out?

E	G	They should not be the office overseeing the Alternative Contracting Program especially DB.
O	G	OCIC should not have the procurement side of alternative contracting this should be under office of technical support – or if MnDOT wants the whole program controlled it should be under the project management group so PM's get proper training and the group takes it from planning to close-out – this would help for consistency.
E	H	OCIC is constantly looking for innovative ways to deliver quality projects, on time, in a safe and cost effective manner.
E	H	OCIC has done a good job of continually monitoring the successes and failures in the design-build program and making adjustments to the program.
E	H	OCIC is improving
O	H	They do a good job of ensuring the contract is enforceable. The do not have time to truly engage in knowing the project.
O	H	The Design Build Office was very responsive to all questions and concerns on my project.
O	H	Follow the new manual and keep up the good work.
C	I	Propose going back to having organized industry meetings.
O	I	Please consider re-negotiating the 50 points for responsiveness with AGC. Understand this is highly political, however even 30 or 40 points would be better and give MnDOT more scoring flexibility. Keep up the great work!
O	I	It would be good for OCIC to start up the AGC meetings again and maintain good collaboration with the organization.

Question 21

Question 21: Do you have additional feedback regarding District offices?

Code	Theme	C	E	O	Total
A	Improve consistency	7	3	0	10
B	Try to improve evaluation process/remove biases	2	0	0	2
C	Assign more experienced and full time personnel to projects	3	2	2	7
D	Get more training	0	4	2	6
E	Work with OCIC more	0	1	2	3
F	Vet projects more thoroughly	1	3	1	5
*	Miscellaneous				

Type	Code	Comments
C	A	MnDOT needs to reconsider decentralization.
C	A	Should have a statewide consistent administration. If OCIC is to administer, they should have more staff. Why should industry have to guess on how a district will enforce or interpret something?
C	A	The ability for them to make seemingly arbitrary changes to "Standards" needs to be curtailed.
C	A	Districts have different hot buttons so contractors are guessing what the hidden important part of the RFP is, since the goals are always pretty generic. PI, time, quality etc. spell out what is important.
C	A	They're all different, with little to no consistency.
C	A	Global comment on Districts – look for better consistency for example in sustainability – some districts allow millings for shouldering others do not – this should be a programmatic sustainable choice
E	A	I feel district 6 has the best approach to DB. They are consistent, with their approach and expectations. They have matured through the process and stabilized their program. They have high expectations, but at least you know that going in. District 2 had a simple low bid project which had very little exposure. District 4 has had some decent projects which went well.
E	A	Consistency
C	A	Make sure they apply specifications consistently.
E	A	Example: District 6: Bridges of Mower County, Elk Run Interchange – the process seems to be a different format than Metro or District 7.
C	B	Make sure they can abandon biases. Reviewers may be biased because of previous work with a contractor or designer and it can be quite dated but it still sways the score.
C	B	Subcontractors get a bad rap when trying to lead. MnDOT will look at some contractors and say they specialize in paving even though they do other types of work such as bridges, utilities earth work etc. But if you have a good reputation for one item it may work against you on a multidiscipline review. You can't sell all your experience due to the page count limit. On the flip side an out of state firm that has no baggage with MnDOT

		may score higher because there are no biases.
C	C	DB'r brings in seasoned folks but the DOT often brings in green people where there is a steep learning curve, this bogs down the early processes. If MnDOT really wants to invest in the program make sure there are skilled people running the project and mentor new people for the next project.
C	C	District 7: no experience
E	C	District offices need to understand that when they take on a design build project they need to dedicate the staff to the project and make them available to the contractor. Especially in the design phase. The district needs to manage other specialty groups within MnDOT to meet the project schedule.
O	C	Districts need a full time PM that is accountable for all aspects of a DB job from agreements, enviro doc., permits, RFP development, cost, schedule, procurement, and construction. If we truly want to eliminate errors on these fast tracked projects, then the DB PM cannot be distracted by having to work on other projects.
O	C	Districts need to support staff needs and staff upper level positions with qualified people for the life of the project ad warranty period.
E	C	Example: Metro: TH 169/494, TH 13/101 – PM's seem to have very little experience.
C	C	They need to take more care when selecting the PM for a design build project.
E	D	Training
E	D	Request OCIC to provide ongoing mentorship and training of districts.
E	D	OCIC needs to provide more training to district staff in order to deliver DB projects in a consistent manner and districts need to follow this process, policies and guidelines.
O	D	Make sure they are adequately trained. Training should include why DB is used, innovation, schedule advantages. Train people to understand what innovation is and be comfortable with embracing it.
O	D	It seems MnDOT is less inclined to accept an ATC because they deep down don't think the contractor will deliver. If they propose it and it looks good, trust they can deliver it.
E	D	Keep doing training by OCIC for districts, DB is complicated. MnDOT overall does a good job. Try not to drive away people that are interested in bidding DB projects.
E	E	District 7 is an example where the process was handed over and they were left to figure it out on their own. Several things including the quality were questionable.
O	E	The district offices need to coordinate more with OCIC and other CO functions to make sure risks are managed appropriately.
O	E	Have one person liaison with OCIC
C	F	Allow the District offices to decide if Design Build fits the project in their district. There still needs to be better consistency between districts and right now they are all totally different.
E	F	Very disappointing that TH 14 North Mankato was not awarded. Preliminary design and estimating needs to be improved.
E	F	The sign project was the wrong selection for DB.
E	F	TH14 DB was a complete embarrassment to the program and an example of where the program is struggling. On this project it ended up with finger pointing between the District and CO on who didn't deliver. In the end, the winning proposer is the one who lost out. The teams pursuing did their jobs, MnDOT did not.
O	F	Make sure the scope is clearly defined ahead of time to avoid confusing clarifications and addenda

Question 22

Question 22: Are the insurance requirements reasonable for MnDOT's Design-Build program?

Code	Theme	C	E	O	Total
A	Insurance exceeds that of traditional contracts	0	3	0	3
B	Level the playing field (require project specific or typical practice policy), know what the insurance coverage is that MnDOT is actually getting	1	2	0	3
*	Miscellaneous	1	1	1	3

Type	Code	Yes/No	Comments
C		N	
C		Y	
C		Y	
C		Y	
C		N	
C		Y	
E		Y	
E		Y	
E		Y	
E		Y	
E		Y	
O		Y	
O		Y	
O		Y	
O		N	
O		Y	
C	*	N	MnDOT asks for an insurance company rating of AA or better, this is very difficult to get in MN.
E	*		Depends on the project scope/value
O	*	Y	I think MnDOT needs an insurance expert that could help MnDOT understand/define what MnDOT is requiring.
E	A	N	Professional Liability Requirements often exceed MnDOT's Traditional Professional Liability Insurance used on consultant design contracts.
E	A	Y	But we are a subcontractor. Often our liability from the General Contractor is far more onerous.
E	A		On smaller projects the E&O seems very high, for instance on a cross town DBB project over $200M it was MnDOT typical $2M and for 13/101 $17M DB it was $5M based on memory
C	B	Y	The only issue with insurance is the professional liability. MnDOT is handling it well on smaller projects by letting the Lead Engineer put up his practice policy. On large bridge projects, MnDOT should probably mandate a large project specific policy. The size should be commensurate with the risk.
E	B	N	They are not consistent from team to team. MnDOT needs to investigate the

			insurance requirements and make sure that all teams provide the same insurance. In other words, "level the playing field".
E	B	N	Get more in line with industry standard coverage. Some small projects seem to have $5M and $10M requirements on E&O; for small companies this requires project specific which drives up cost.

Question 23

Question 23: Are the bonding requirements reasonable for MnDOT's Design-Build program?

Type	Yes/No	Comments
E		Depends on the project scope/value
C	Y	
C	Y	
C	Y	
C	Y	
C	Y	
C	Y	
C	Y	
C	Y	
E	Y	
E	Y	
E	Y	
E	Y	
E	Y	
O	Y	
O	Y	
O	Y	
O	Y	
O	Y	
O	Y	

Question 24

Question 24: Is the value of time being adequately accounted for in the scoring process? Or would you prefer an A + B or another alternative for evaluating time?

Code	Theme	C	E	O	Total
A	Points awarded for schedule are insignificant to drive different behavior, all teams strive to meet minimum timeline when not A+B/ just tell the time	3	3	1	7
B	Unrealistic or bad schedules are accepted	1	1	1	3
C	A+B times are not realistic	4	0	0	4
D	Inconsistent scoring	6	1	1	8
E	Incentivize for faster schedule	3	0	1	4
F	Time is not weighted enough	1	3	5	9
G	Administration of contract is affecting schedule	2	0	2	4
I	Prefer the sliding scale/continue to assign points similar to the current process	2	0	0	2
*	Miscellaneous	2	3	2	7

Type	Code	Comments
C	*	This DB procurement process is too complicated with too many regulations already – don't need another procurement hurdle
C	*	Giving too much time would probably work against owner and contractor as contractors would then be trying to see what other projects they could fit in during the same project.
C	*	More quantitative is better (less subjective) A + B preferred
E	*	It's OK the way it is.
E	*	It is important to submit a schedule with the proposal that is design integrated. If not, there is concern if the contractors would even complete one, designers must have a schedule before starting that is the basis of their proposal.
E	*	The owner can hold the contractor hostage because they bid a tight schedule to be competitive. The owner can say do it my way or reviews will be long, so the contractor sees LD's as issue and conforms to the owners desires.
O	*	No preference on A+B or including as scored item.
C	A	Time is rarely more than a minor scoring item.
C	A	Just tell the completion date you want. It will be done faster if feasible.
C	A	No the value of time is not being accounted for properly. For early completion often there are minimal points: 1 point to ½ point etc.
E	A	There used to be more weight for schedule than what we have seen lately. Typically now we are seeing if you meet this date you get 5 pts and this other date 10 points. This takes out any motivation to exceed these requirements. See answer to 1.a.iv
E	A	Value of time is not adequate. It is simply "the team met the date," now give the points.
E	A	The schedule points seem to force all teams to go with the faster schedule so it really is not a differentiator.
O	A	A different way of scoring time needs to be explored as many contractors are shooting for the minimum completion date just to get the points.

O	A	Need to make sure we balance time vs. money. Districts want a lot of points on time, but the LDs don't match the value of a point. LD's may be $10k per day but a point may be worth $1M, try to balance the two more.
O	A	I would much rather see A+B or find a better way of valuing time. Using Maryland as an example, time sway only resulted in minimal difference in score. While Maryland was not trying to greatly accelerate, the same equation is used on other projects. This issue may be more widespread as user costs may be low throughout DBB and DB (liquidated damages). If we have little value for user costs, we won't see acceleration even though department management and FHWA appear to desire this. I would like to see how our user costs compare to other departments and look at ways to adjust those if deemed appropriate so we can add more value to time and acceleration.
C	B	MnDOT is allowing contractor's to bid unrealistic schedules by using points as a carrot. This is causing problems during execution and making it almost impossible to get schedules approved.
E	B	Schedules get submitted that are completely incorrect yet the team still gets the points for saying they will meet the schedule.
O	B	No. I am extremely disappointed with the Contractor's schedule. On every single DB job to date the Contractors themselves admit the schedule submitted for bidding was not accurate. On Hastings, 169/494 and 13/101 each Contractor created a brand new schedule after letting. Schedule should have a very large share of the points for each technical proposal and we should require a detailed CPM schedule before letting. The timelines for design review, materials procurement, and construction should be carefully analyzed before we score their schedules. Currently schedules submitted with bids are useless. We know they submit something to win. The excuse has been that they made a commitment and so we get to hold them to it. But inevitably we have to process a change order for delay. So why even select a Contractor when we know their schedule is bad and we know we are going to have a delay change order? Why not eliminate the team or score them really low and thus make sure we get a team that did it right?
C	C	A + B is not preferred.
C	C	The schedules are often too tight, for instance there is not enough allowance for the upfront requirements – schedule approval, QMP approval, environmental approvals etc.
C	C	We usually bid the maximum days because MnDOT's schedules are optimistic on A+B schedules. Timeframe needs to be realistic; often the longest duration is still not realistic for A+B schedule completion.
C	C	By making timelines tight all the time it is putting pressure on safety and adding price. Safety should be criteria of evaluation.
C	D	There seems to be subjectivity, but MnDOT can apply it inconsistently. On one project it may seem like the schedule is important so the contractor cuts a year off the schedule at cost to contractor, but gets scored within a point of a contractor taking an extra year. Where is the logic in that? So unless there can be better/consistent subjective scoring – keep it as meet a date get so many points.
C	D	Overall provide scoring committee better training on schedule scoring. Don't be afraid to take schedule out of the score and just define a date.
C	D	On another note regarding schedule; the degree to what the proposal schedule needs to be is far excessive. It is more like a baseline schedule ready for approval even though our process is not fully vetted. Have contractors define the commitments, and schedule

		milestones in narrative on how they will achieve it along with contingencies and allow the schedule to be more preliminary. The amount of detail asked for is over the top.
C	D	I don't think so. It seems like previous biases account for much more than having a well-thought-out proposal.
C	D	I believe time does need to be included, with traffic disturbance. If one application can open traffic earlier, why can't that be included in the LCCA or something like that?
C	D	It seems too much emphasis is given to total length when in reality the time stakeholders are disturbed is important so there should be some consideration on down time on lanes and when. If someone takes longer to do it but keeps traffic moving at full lane configuration during all peak hours what is more important?
E	D	Include logic in evaluation and scoring of the contractors' ability to meet dates.
O	D	Sometimes need subjectivity in evaluation.
C	E	If you want it done faster, pay a real incentive. The feeling is all contractors will finish within the time given so there really is not a need to rate it much on most projects.
C	E	Define the purpose for finishing early and then put enough points on it to incentivize the behavior.
C	E	On time set a date and then give credits of a certain amount for beating it. Don't put cap on incentive, like the A+B or incentive based completions.
O	E	I think A+B would be better but only if minimum time is not given! If minimum time is given in A+B or in scoring of proposals, all bidders bid minimum. Let the contractor indicate how much time they can do the project in and then take responsibility for that. A+B is the best for that.
C	F	No, time is not properly scored, neither are value added components of the schedule.
E	F	Reductions in Time/Schedule can be one of the best outcomes of DB. We should value it more. (A + B).
E	F	This is often not accounted for. The advantage of DB is time savings, however that is often not addressed. The 35W bridge did well and so did the Anoka County project where value was established in the scoring for early completion. This is one area which needs a lot of attention.
E	F	It is probably undervalued now, but that's MnDOT's call. If MnDOT is OK with contractors bidding a certain number of days to get the project knowing that the late charges are something that they can build into their proposal, then the current approach is working.
O	F	If schedule is part of the reason to go DB then it needs to be part of the scoring.
O	F	I prefer scoring criteria to account for value of time.
O	F	Are we really measuring and giving the right award for speed? The perception is yes to reduce stakeholder impacts. But is this really the case if we are trying to stretch our construction dollars, they seem to conflict.
O	F	It is a tool to be used properly – would like to see MnDOT try to tighten times whenever possible to get value for the user costs
O	F	I don't think A+B is used enough. MnDOT has a lot of tools in their tool box but they don't seem to want to use them, such as A+B and lane rentals.
C	G	A lot of times it would help the schedule to have award of projects in December which gives more winter months for design allowing bigger packages released for construction. Suggest having guaranteed dates of award in Book 1. This is the biggest problem to date in DB there are two paths of issues. First the PM's (some) are requesting (requiring) schedules be resubmitted to show float at the end of the project when the actual float is occurring with winter shut down months. The contractor is requested to change the

		schedule to show continued work through what the contractor may consider a shut down time. The contractor will acquiesce because they cannot get paid until the schedule is approved.
C	G	The second area is when the project due date is in July or so and a contractor bids May, they are getting a lot of points even though most of industry knows they cannot meet that schedule because they have to be done essentially the previous fall. This is causing frustration. Stand behind the date, if it is pushed to get municipal consent give the contractor day for day up to 30 day delay, if beyond 30 days, there may need to be discussion on construction seasons.
O	G	Actually more depends on the project itself, time of year. Should look at completion dates when considering schedule points if the project is to end in the fall one week can hit people hard.
O	G	Need to look at all the criteria of the project and consider how busy the critical sub industry is before laying out an A+B or real tight schedule. Also need to consider MnDOT resources if all projects have A+B, then everyone may finish early forcing MnDOT to use extra staff to get done but then having underutilized staff after projects finish early, not everything needs to finish early. Would like to see more use of A+B because it makes contractors look at their schedule and sequencing.
C	I	We like the sliding scale on points – finish by this date so many points etc.
C	I	MnDOT should continue assigning points for the value of time.

Question 25

Question 25: What are the biggest risks that are impacting price proposals?

Code	Theme	C	E	O	Total
A	Gold plating requirements	2	0	1	3
B	Warranties	2	4	2	8
C	Quantity: risk/creep (lack of design or RID information)	5	5	1	11
D	Scope growth	2	1	1	4
E	Questions with approach to contract administration (inconsistencies)	3	8	0	11
F	Unrealistic schedules	2	2	1	5
G	Cost of proposals	1	2	0	3
H	Limited resources	1	1	0	2
I	Estimating the project	0	0	2	2
J	Unclear proposals/RFPs	0	0	2	2
K	The quality program	1	0	2	3
*	Miscellaneous	1	0	2	3

Type	Code	Comments
C	*	Unions are limiting the number of contractors and who works with whom – cannot competitively bid.
O	*	The requirement for the contractor to pay electric bills for permanent signal systems, temp lighting and permanent lighting needs to be removed. It is not necessary and difficult to administer. Keep this requirement for temporary signals.
O	*	I don't think our local industry bids risk into their proposals. Local market is too competitive for a risk item to be added to bid.
C	A	MnDOT wanting gold plated projects with every amenity (color copiers, etc. on tiny jobs) for free. Transfer of risk totally to the contractor.
C	A	Gold plating of requirements.
O	A	“Gold plating”
C	B	Extended warranties
C	B	Warranties are the biggest risk, recent example on the settlement is indicative of this.
E	B	Retention/warranties
E	B	Warranty, e.g., settlement criteria
E	B	Warranties
E	B	Be consistent on what type of monitoring MnDOT wants on settlement there are huge ranges in pricing based on how people interpret what is wanted,
O	B	Look at risk based item warranty risk of timing elements such as settlement of fills versus required schedule of project.
O	B	Warranty
C	C	More design or better RID would help in unforeseen design needs and avoid quantity creep. Drainage is the biggest concern generally along with geotech issues.
C	C	Detailed hydraulic/hydrologic analysis is difficult to do within a short proposal timeframe, and this leads to oversizing pipes to cover risks.

C	C	Quantities. For DB low bid -quantities are the biggest risk because contractors get nothing to compare to. In DBB contractors will perform their take offs on critical items but they have something to compare it to. In DB the engineers are not getting paid much if anything so their take offs are not accurate and the contractor is therefore comparing theirs to a not accurate take off to begin with.
C	C	Differing site conditions clause (too much risk transfer)
C	C	Items that can't be seen are difficult to measure and quantify (ex: rock excavation).
E	C	Need for contingencies
E	C	From the design perspective it is having clear concise and accurate information to base a design and quantities on during procurement.
E	C	The biggest risks that we see are subsurface conditions.
E	C	Lack of certified RID docs, and unclear areas of MnDOT interpretations.
E	C	Sometimes MnDOT geotech is not thorough enough. Look at soft soil don't just simply drill to try to optimize what is done for knowledge. If the borings are 20 or 30 years old they may not tell the whole story such as changed conditions from drainage changes etc. – try to supplement them.
O	C	Project specific – On TH13/101 it was the artesian mitigation.
C	D	Scope growth, undefined or unknown at time of bid cannot be accounted for.
C	D	Conflicts in documents, hidden requirements.
E	D	Private utilities, permitting, owner PM
O	D	Seems like transfer of risk is the biggest risk to cost mainly on items difficult to control for contractor – utility or second contractor in area. Also poor definition of how risk is shared or transferred leads to higher contingency.
C	E	Unknown/unforeseen design requirements. These are preferences or gray areas that come out as the design progresses that seem to go the owner's way – often associated with municipalities forcing some things that were gray to be black or they won't sign off – also some MnDOT examples.
C	E	Uncertainty in how contract will be administered.
C	E	Experience of oversight staff
E	E	Inconsistency among oversight teams
E	E	MnDOT control/no risk transfer
E	E	Owners inexperienced project staff
E	E	What MnDOT PM is assigned. Does he/she understand partnering or are they looking to make designer/contractor do whatever they feel they can get away with?
E	E	Also, difficult to assess the time to get designs approved since not all reviewers are equal.
E	E	Inconsistency of administration. Let the teams know who will be the MnDOT team on the project – this will affect pricing
E	E	Biggest risk from a designers' point of view is ATC acceptance and the revolving door of PMs.
E	E	MnDOT acceptance uncertainty and betterment expectations on out of scope work.
C	F	Unrealistic schedules.
C	F	Schedule – tighter schedules
E	F	"Fast track" completion dates, etc.
E	F	Schedule
O	F	Schedule

C	G	Huge cost to develop proposals
E	G	The lack of acceptance of ATCs. The high DBE requirements increase the construction and engineering costs. The errors in the procurement document, the lack of acceptance for innovation. It appears that is a DB team finds a way to improve or alter the design to save money, MnDOT's staff I believe feels that the contractor is increasing their profit percentage. It is actually the opposite. When an ATC is proposed by the DB team, the risk on the engineering and contracting side typically increases. Either way the tax payer saves money and the more motivated contractor improves their chances of winning the job at a lower cost to the owner.
E	G	Insurance
C	H	Limited testing firms makes for only two possibilities for CQM and DQM – supply and demand. Very limited number of firms can afford to lose $100,000 procuring each job and never actually get to build one.
E	H	Qualifications of the DB team members.
O	I	Not understanding the risk of a project and not accounting for it in the engineers' estimate.
O	I	Internal – MnDOT's inability to produce good accurate engineer's estimates that reflect the requirements in the RFP.
O	J	Unclear RFP language. Design manuals that have "guidance" language that is subject to interpretation. Utility relocation timeliness and coordination.
O	J	Inconsistent or unclear proposals
C	K	MnDOT does not trust the process so there is duplication especially in quality (recently getting better) but before you had people watching people watching people.
O	K	We are paying a huge cost for contractor's QC program. We are not getting much benefit for this cost. QC personnel are only there to meet the minimum testing requirements and not add value. They don't check work after it is completed to confirm success or issues. They don't take additional tests when something is questionable. They sometimes don't inform people of failures. We count on our QA folks to actually do these things. Future projects need to have a contractor QC program, but eliminate the requirement for QC testing and transfer that into required QA/acceptance testing by DOT. Contractor could still elect to perform QC testing as desired.
O	K	Quality

Question 26

Question 26: How can MnDOT improve the existing warranty program?

Code	Theme	C	E	O	Total
A	More consistency in enforcement/eliminate	3	3	2	8
B	Reduce the length of warranty	4	3	0	7
C	Define warranty items more clearly and threshold	1	1	6	8
D	Don't require tolerances for performance to be more restrictive than traditional delivery	2	1	0	3
E	Move to risk based warranty	0	0	3	3
*	Miscellaneous	0	0	3	3

Type	Code	Comments
C		Do not know, haven't worked with it yet.
O	*	It is difficult to keep projects in the "construction office" during the long warranty. They move to maintenance. So maintenance may need to put warranty people into maintenance but we will need a big enough program to warrant maintenance carrying warranty employees.
O	*	If MnDOT is doing all the inspection and testing why is there a warranty? It seems we had a warranty for when quality acceptance responsibility fell on the contractors.
O	*	Warranty program probably has not been the most appropriate up to this point.
C	A	Need better consistency implementing warranties. For instance spraying weeds, should a contractor have to spray for 4 years in one area and not in another?
C	A	Eliminate the warranty. It is too subjective and administered to varying degrees, project by project.
C	A	Get rid of it. The process is inconsistently administered between projects and between districts. Makes it difficult for contractors to price warranties. With projects going to low bid more than best value, contingencies cannot be adequately applied if you want to win the project.
E	A	Don't micromanage the enforcement of warranties.
E	A	Warranty needs to be administered fairly across all districts.
E	A	Warranty for workmanship type issues.
O	A	Improve the consistency of the enforcement so there can be proper adherence
O	A	Consistency
C	B	Why does design build need longer warranties than design bid build?
C	B	Continue to limit long term warranties
C	B	Shorten and limit scope.
C	B	Make sure we are not putting a warranty on items that have short lives (ex: edge striping, light bulbs, etc.)
E	B	Maximum one year commencing at time of going into service.
E	B	Back off the warranty period and requirements.
E	B	Reduce from three years to one year and/or specify specific concerns that a greater warranty will apply to.
C	C	MnDOT tries to be prescriptive of what is in the warranty; however, a single sentence

		basically includes all workmanship and materials.
E	C	Develop a spec which can be administered. The ROC 52 spec was the most complete. It was missing some items, but the criteria were clear and biddable. Also, administer the specifications don't just let it go. The MnDOT PM does not want this responsibility, so it can be missed.
O	C	Some sort of measuring stick or criteria to keep warranty interpretations and enforcement consistent.
O	C	Does MnDOT even know what it wants from our warrantees? Does someone have a clear mission statement, list of goals, etc.? Is the Contractor responsible or is MnDOT responsible for things that go bad? Is it a rain storm that caused erosion or is it the Contractors design and construction? How do you prove these things? Do Contractors really want anything to do with warrantees? Do warrantees really make Contractors build higher quality projects? I personally don't think so. I think it's a thorn in their back and their goal is to get out of a warrantee claim first and actually address the quality problem second.
O	C	Give clear warranty requirements for each work type covered by warranty. Reduce number of warranty items to those that MnDOT is most concerned about. Define schedule for warranty work.
O	C	Define who is responsible to measure/verify warranty triggers in the field.
O	C	Warranty administration has been confrontational with contractor trying to get most of the corrective work identified. Other than mainly pavements, language is very generic and subject to interpretation. DOT is spending a lot of time and resources to identify and administer the warranty only to have to settle for less in the end. The warranty language needs lots of work to make it effective and something that can be efficiently administered.
O	C	Need to flush out the warranty specs, response times, length of time, trigger points, what is repair etc.
C	D	Be realistic and don't warranty significantly more than traditional delivery. MN weather has huge impact on this.
C	D	MnDOT is asking for warranties that are not required under standard projects. They are even asking for higher warranties probably because the process is not trusted. A recent project in order to meet settlement requirements wick drains were needed, when it was pulled and bid DBB the final product that MnDOT put out was simply surcharge.
E	D	Eliminate it, conform warranty to standard spec for bid-build
O	E	Warranties are integral to DB, must maintain the program. Contractors complain about the cost of it but they need to be held accountable to ensure they provide quality through the whole process. That said it should not be bumper to bumper but risk based.
O	E	By requiring only high-risk items to require a warranty and enforce the warranty requirements the same statewide. Would need very clear definitions of what is in and out of the warranty and what triggers the warranty. Then have a single entity enforcing it – the districts could say we think we have a warranty issue and that entity could go out and approve or deny keeping the system consistent statewide
O	E	Move to risk based warranties. Try to narrow it down to higher risk items.

We would like some additional feedback on some of the following concerns that have been raised in prior AGC and/or ACEC meetings.

Question 27

Question 27: Is the retainage (withholding) amount reasonable for the MnDOT Design-Build program?

Type	Yes/No	Comments
C	N	We have 100% of risk – pay 100%
C	N	Too high/arbitrary withholdings
C	N	
C	N	
C	N	
C	N	Not the CPM retainage
E	N	Elimination of the design construction retainage of 5% is a good start. Consider having a sliding release of as-builts.
E	N	The old method of 5% held for two reasons meant that designers essentially worked for no profit until the project was done, this is not a winning business model. The new changes may fix the problem.
E	N	No, this should be reevaluated
E	N	
E	N	Retainage on engineers is too high.
C	Y	
C	Y	
C	Y	
E	Y	
E	Y	
O	Y	
O	Y	
O	Y	
O	Y	
O	Y	
O	Y	

Question 28

Question 28: Is the design review process consistent?)

Code	Theme	C	E	O	Total
A	Improve consistency/define what oversight is	0	3	2	5
B	Give authority to project oversight personnel	0	3	0	3
*	Miscellaneous				

Type	Code	Y/N	Comments
C		Y	
C		N	
C		N	
C		N	
C		Y	
C		Y	
E		N	
E		Y	
E		N	
E		N	
E		N	
E		N	
E		N	
E		N	
O		N	
O		Y	
O		Y	
O		Y	
O		Y	
O		N	
E	A	N	On design oversight make sure the RFP is clear so a reviewer can't interpret differently.
E	A		Verification teams are different on all projects ranging from MnDOT personnel to consultant personnel it makes this process inconsistent.
E	A		Some projects it is an audit approach others there is significant calculation checks it is difficult to price the scope regarding verification prep work.
O	A	N	As a MnDOT employee I am personally frustrated with bridge design reviews. I have supervised a bridge engineer commenting on bridge plans. It seems almost impossible for the bridge engineers to quote a specification. Everything appears to be opinion. There are no standard bridge plans, and therefore no standard way to draw bridge plan sheets. MnDOT Bridge Engineers ask for specific details and the Contractors say they have never had to draw that detail and there is nothing at MnDOT requiring them to draw that detail. As a supervisor it was impossible for me to mediate these disagreements. The MnDOT Bridge Office needs to have a better handle on the standards and details it requires in a bridge plan. Or the Bridge Office needs to step back and

			acknowledge that it's the Contractor's design and not MnDOT's. If the Contractor can build it the way it's designed and drawn then let them wrestle with it.
O	A	N	In the past, design oversight was more consistent, but as resources have become scarcer, the consistency has suffered. Either more training on the importance of consistency and priorities needs to take place or more resources need to be allocated or both need to happen. (Same response as #11)
E	B	N	Over the shoulder reviews generally are not that productive.
E	B		For design review there have been situations where the Owners oversight personnel either lacked the authority of making decisions or the confidence, making everything go through the bridge office slowing down the process.
E	B		There have been situations where the consultant oversight personnel cannot make decisions.

Question 29

Question 29: Is the shop drawing process clear?

Code	Theme	C	E	O	Total
A	Make it more clear on who reviews what drawings	1	3	1	5
*	Miscellaneous	2	2	2	6

Type	Code	Yes/No	Comments
C		Y	
C		Y	
C		Both	
C		Y	
C		Y	
C		Y	
E		Y	
E		N	
E		N	
E		N	
E		Y	
E		Y	
O		Y	
O		N	
O		Y	
O		Y	
O		Y	
O		Y	
O		N	
C	*	N	Was okay on Hawley
C	*	Y	Yes, but I do not agree with the process. MnDOT should not need to review, the liability rests with Design-Builder and Designer.
E	*	N	Before it was not clear, but it is clear now since TH 610.
E	*	N	Steel fabrication typically stays with the state – they need to keep that because the contractors have simply no leverage with the fabricator so they can't possibly go at risk because MnDOT inspectors won't inspect and so the fabricator won't start fabricating. In DBB the contractor won't even see the shop drawings. The designer should still have to indicate no exceptions though.
O	*		Do MnDOT inspectors get copies of shop drawings for inspection purposes? The process needs to be cleared up, do they go into as-builts, do inspectors use them to inspect off of, etc.
O	*	N	What is a shop drawing? Really. Why isn't it part of the plan in the first place? How can the Contractor build something off a shop drawing and the MnDOT inspector has nothing to look at to inspect the work?
C	A	Y	It is not always clear who reviews/approves shop drawings.

E	A	N	Make it clear in the RFP what the designer of record is going to be required to review with respect to shop, working and temporary drawings.
E	A		Make it clear what shop drawings the Owner will review and comment on.
E	A	N	More consistency needed on shop drawing process. It's not clear what level of involvement of shop drawing review MnDOT will get in to, seem to vary by functional group. Some cities want shop drawings in plan format. For record drawings this is difficult to know ahead of time and takes time and money.
O	A	N	The process is not fully clear on what each party's responsibility is.

Question 30

Question 30: Is sufficient data provided in the electronic format for the procurement process?

Type	Y/N
C	N
C	Y
C	Y
C	Y
C	N
C	Y
C	N
C	
C	Y
C	Sometimes
E	Y
E	Y
E	N
E	N
E	Y
E	Y
E	Y
E	Y
E	Y
E	Y
O	Sometimes
O	
O	Y
O	Y
O	Y
O	
O	
O	Y
O	Y
O	
O	
O	Y
O	Y
O	

Question 31

Question 31: Please provide any additional feedback you may have on the MnDOT Design-Build.

Code	Theme	C	E	O	Total
A	Provide more complete bidding documents/less addendums and minimize late additions	3	4	4	11
B	Stipends should be increased to be more commensurate to level of effort	2	0	0	2
C	Incorporate lessons learned quicker and provide training	1	0	6	7
D	Have more experienced people on the project/slow decisions/proper staff levels	5	4	6	15
E	Faster design reviews/less critique	1	3	0	4
F	Reduce risk associated with third parties	1	2	0	3
G	Improve consistency of quality requirements	1	8	3	12
H	Improve the ability to select on best value/review assigning 50 points for acceptable proposal	1	3	1	5
I	Simplify the deliverable process	0	2	0	2
J	Review schedules that are required and the approval process	1	0	1	2
K	Open up the ATC and innovation process, more performance based specs	0	4	2	6
L	More prescriptive specs	2	2	1	5
M	Make the proposal process easier	2	1	0	3
N	More respect	1	4	0	5
O	A more steady program	3	2	2	7
P	More consistent scoring and evaluation process	3	0	1	4
Q	A more consistent approach to project estimating	1	0	5	6
R	Improve the partnering process	0	1	3	4
*	Miscellaneous	2	3	5	10

Type	Code	Comments
C	*	Overall MnDOT is one of the best owners we work with – they are overall fair with what is in scope and out of scope work. They need to have faith in the process though.
C	*	For owner directed changes there needs to be 2 steps – first agree to pay the designer then you can either agree or disagree to move forward.
E	*	MnDOT's DB program has been slowly evolving. As with all things new or with changes there are "bumps in the road". For the most part, MnDOT is successful and is known as a national leader in DB. Without DB authority MnDOT would not have been able to deliver the types of projects they did under ARRA. Instead they would have delivered a bundle of bit overlays like so many other states did.
E	*	Include Value Engineering cost splitting in every contract as incentive for cost effective and innovative designs. There are times where something is specified in the contract – say a 120" culvert. If the designer can make a smaller diameter or different shape work,

		there should be a VE possibility.
E	*	Get projects closed out. Supposed to be done in 200 days, Bridges of Mower County has been done for 2 years. Contract changes are difficult to finalize, owner directed.
O	*	Enforcing warranty is very difficult; you are at the mercy of the contractors' schedule.
O	*	DBE clearance after letting took longer than it should have. When DB goals are set there are no quantities like DBB projects so the PM should be there to be able to tell the civil rights group what portions of what tasks may be able to be performed by the DBE industry.
O	*	Two years into the project and I have not heard anything negative about design review, shop drawing review, or electronic information.
O	*	During procurements it can be difficult at times to know what FHWA representative has the authority over a given situation.
O	*	Many of the FHWA concerns have been addressed by the creation of the DB Manual. At some point in the future, we may conduct a review to confirm that it is being followed.
C	A	Book 1 section 13 needs work.
C	A	Changes and Addendums must stop. They come very late and the design activities are moving along one path. The Addendums can make weeks of design work worth nothing. Changes can reset all of the design efforts. It got to where the engineering firms would not start design till way late in the process just so that the redesign was kept to a minimum. There must be a "stop" day with the changes and clarifications, after that, any Addendums or clarifications causing any change to the design should result in an increase in the stipend and extension of the bid date. MnDOT is taking unfair advantage of what they see as "free" engineering services. This is not free design – the contractors and engineers are absorbing excessive costs when they are unsuccessful.
C	A	Prepare the documents prior to solicitation. It's very difficult to incorporate 4, 5, or 6 addenda into our proposals and pricing.
E	A	RID is sometimes missing information. Sometimes there is extraneous information in the RFP that does not apply to the project and should be removed to avoid confusion.
E	A	Drilling spec neither decreases risk nor cost to project. Teams have to build in contingencies for varying soil conditions and they have the added cost of drilling. Entire drilling scope should be completed prior to RFP. The lack of complete geotechnical information increases the risk to the contractor and thus the cost to MnDOT. It increases the construction schedule and decreases the amount of time DB teams have to prepare their proposers and thus distracts and detracts from the overall quality of design and proposals.
E	A	Economic times are tough enough without having to rebid projects or have projects cancelled due to lack of funding and/or overall preparation by MnDOT. MnDOT should not advance LOI until they have confidence they have sufficient resources to forward the project.
E	A	Errors or items not clear in RFPs are not corrected from project to project.
O	A	Relax 'gold' standards. Is the goal is to stretch construction dollars, if so there may need to be some relaxation of gold standards.
O	A	Need to vet anti-icing systems better.
O	A	Clearer RFP language is always better, try to have lessons learned incorporated into the process.
O	A	Continue putting out clarification questions/answers at the end of each week during procurement.

C	B	Stipends are too low in general. Must be a better relationship between procurement design hours and the stipend amount. Suggest a % of bid rather than lump sum, then when MnDOT adds scope and complexity, the stipend should shift accordingly. We reiterate that this design effort is not FREE.
C	B	On projects with a lot of complicated issues consider a higher stipend.
C	C	MnDOT does not keep track of VE proposals, so each project the contractors are proposing the same thing and MnDOT keeps paying for it. There should be a means to educate the designers not to go back to the trough once a VE is proven.
O	C	Industry is not always on the right side of the page on how to interpret manuals. Example: 13/101 there was a tight ROW requiring both snow storage and shoulder, the teams had a hard time grasping how to solve the issue, and MnDOT cannot tell them how to solve.
O	C	The DB process has a lot of lessons learned but the process is slow to change. Need to embrace innovation and quickly learn from lessons and continue to improve the process.
O	C	Overall, the DB program is going well and has made many improvements. Suggest formulating a process for lessons learned that can be completed after each project and published on the DB website. We have gotten away from doing this because of so many DB projects, but we need to make it a priority after each one is complete. Maybe GEC can facilitate?
O	C	Suggest offering DB training to PM's on the DB Manual.
O	C	Get more lessons learned and have more training on what worked well and what did not should invite DBer to lessons learned also.
O	C	Close out is taking too long.
C	D	MnDOT needs to have the right people on the project also – sometimes it seems they are even being unfair to their staff by putting an inexperienced person as PM – not only do they have a design-builder but even the municipalities can be hard on them. Try to cultivate people in MnDOT that like design-build and will stay with it – there is too much turnover for MnDOT.
C	D	There are people in civil rights at the meet and greet that do not understand the process and don't even want to lead the meet and greet.
C	D	Lack of timely and consistent decision making on the projects is one of the biggest problems.
C	D	MnDOT has virtually always assigned PMs who are unfamiliar with the process and either haven't received the proper training or are unwilling to embrace the process. This is evidenced by the number of issues that are being escalated off the project on recent jobs. Even the escalation process costs valuable time and it creates hard feelings on the job.
C	D	Need to make sure project engineer knows project and is not switched last minute to someone different.
E	D	MnDOT and oversight members must have the same knowledge, experience, and skill levels as RFP key personnel.
E	D	I have been involved with nearly every Design-Build procurement that MnDOT has performed. I am very happy to have been on a number of winning teams. I can honestly say that the current MnDOT Design-Build program is not the same as the one I started working in. I look back on my early days in MnDOT Design-Build fondly. We worked very hard and were proud of the accomplishments. On recent projects, the MnDOT mantra has been "What does the Contract say?" I think we all need to step back and ask first,

		"What is the right thing to do here?" Once we know what the right thing to do is, then we can see how that does or does not fit within the contract. There seems to be a greater desire to deliver a project with no contract changes, even if it means compromising on delivering a better project.
E	D	MnDOT should develop a specialized DB team that oversees the entire DB program. This would bring stability, consistency, improve quality, and improve the integrity of the contracting process. There have been at times very strong minded individuals from the owner's side that make it difficult during the bidding phase and are unwilling to work with the DB teams.
E	D	The individuals from the contracting and engineering side are very experienced and motivated and the owner needs to match up the talent on their side which will make the process better. The owner, like any private business wants their best and brightest to be involved on high profile and higher risk projects. This brings out the best on both sides of the fence and would improve the process for all involved.
O	D	Contractors are understaffing the management of large DB projects. Make sure that proposed people stay on project
O	D	I feel the staffing for DB is very thin. There is one dedicated DB person at Metro. There is one dedicated DB person in OCIC that does all the DB procurement coordination for all the Districts, and he has one supervisor that works with DB. Don't know the staffing in other Districts. If the one person at Metro or OCIC leaves then the new person will have a sharp learning curve. OCIC got really lucky with its new hire this year. He is really good at the job right off the bat. Not sure how often we will get that lucky.
O	D	I am now absolutely sold that DB PMs must be the Construction Resident Engineers. Non-construction engineers just do not understand the relationship between MnDOT, the Contractors, and the Contract. We must keep this model for selecting DB PMs.
O	D	Design review process is consistent, but skill level of design review teams is not. Structure design review needs to have authority to make decisions at the co-housed office. Current shop drawing language is conflicting and causing problems.
O	D	There is a challenge with the department with committing people for the whole project and the right number of people.
O	D	Sometimes designers bring in out of town folks who are not familiar with the standards and then they argue that what they are proposing is accepted where they are from.
C	E	Need to expedite plan review and approval. Plan review is not controlled by contractor but has significant impact on schedule. If you actually show all the reviews you know it will take to get your design through, your schedule would not meet the date. Must try to solve issues at the over the shoulder. Does MnDOT have the extra staff to review like DBrs get to do design? On a critical schedule they need to do that.
E	E	Owner needs to understand design-build transfers risk to the Design-Build Contractor. It is not MnDOT's job to review design calculations for example, but rather audit the process for contract conformance. DB is not DBB. Status quo will dramatically add cost.
E	E	Quicker decisions needed in early over the shoulder meetings.
E	E	MnDOT still tries to control the appearance of design plans and how structures, pavements, etc are constructed in the field. We tend to get a lot of: "if this was a MnDOT project we would do it this way" or we get a lot of "concerns" that do not address an actual issue but more of a preference.
C	F	Utility risk transfer is an issue. Need to figure out a way to have some kind of hammer for utility companies. Contractor has no hammer, owner does not either it seems; but they

		should be able to tell the utility to get it moved by your date or start paying rent. This would have to not be able to be made up by raising rates either. If DBer is delayed and says we can't recover, then we don't get paid so we have to show some sort of recovery even if we think it is not possible.
E	F	To me one of the primary goals of the DB process is to accelerate the project. The utility work order process with its steps and timelines for the steps is very time consuming and since getting the utilities out of the way early is important it tends to slow things down. The further the utility relocation process is prior to the RFP the better. I think it is worth getting some utilities relocated prior to awarding the project. It won't work for everything, but there are situations where it would. On occasion it may result in moving something that the final design could save, but I think it is worth it to eliminate one of the biggest risks in these projects. The contractor is in a weak position in dealing with the private utility companies so negotiating a schedule for the relocation that works with the construction schedule is difficult if not impossible. It is also hard to get and keep them moving. Anything that would add more certainty to when utilities can be moved would reduce the project risk.
E	F	The DB as-built process for private utilities is unwieldy. Private utility companies should be responsible for as-builts with accurate x, y, z coordinates. Contractors and private utility companies have a difficult relationship to start with. In Place Out of Service utilities and utility removal are areas where in different situations one or the other is in the better position to do the work, but there is no incentive to cooperate to do it most efficiently.
C	G	MnDOT oversight is excessively over staffed (with quality personnel).
E	G	The QA/QC process does seem to be clear that the template is just that and industry can propose other actions, but the cost is high for QA/QC just so MnDOT understands.
E	G	The MnDOT DB program has done some good things, but acceptance is still an issue as the program is inconsistent and seems to lack direction at times.
E	G	MnDOT appears to want a much lower level or risk and a much higher performing (and expensive) product on DB projects. Some of the requirements and standards on DB projects are much more stringent than typical MnDOT and national standards. For instance, does MnDOT really want DB embankments to have the same performance level as their structures for settlement?
E	G	The Quality Manual Template that I have been trying to work with the past few years is outdated with respect to both national design build principals as well as current MnDOT procedures.
E	G	The roles and responsibilities of QA versus QC need to be more clearly defined and understood within the DOT. Who is testing for acceptance? What is the acceptable tolerance between companion tests? What is the CAP manager role versus that of an inspector or a QA inspector?
E	G	Everyone seems to have a different idea as to what should be an NCR. This needs more clarification.
E	G	Make Environmental Manager report directly to the Quality manager or executive committee. There seems to be an issue with this role reporting directly to the construction manager as tasks do not get completed quickly and properly at times. On a number of current projects MnDOT has had to "pull teeth" to get some environmental issues addressed. This is both potentially a contract issue and a scoring issues as well as a reporting issue.

E	G	MnDOT does not really function in a quality based system – it is evident that even the State does not want NCRs. NCRs are part of any system that is quality based and they show the system works.
O	G	Create clear process for shop drawings. Example: one paragraph says – contractor to submit all shop drawings at least 5 days before work. Another says some specific shop drawings require RFC review.
O	G	I think that contractor QC testing should count toward acceptance tests, but I also think MnDOT should test for two reasons: 1) verification testing (perhaps one test for every four tests that the contractor takes, verifying contractors procedures, equipment, etc. 2) Our own independent test that provides additional proof of a quality product.
O	G	Contractors are not accepting that quality that is supposed to be their responsibility – by making them take control of the quality it could lead more back to best value than low bid – could also help on the warranty.
C	H	Look at setting range of savings, i.e., would be willing to pay additional $5M for home run design (say 50 points average, 100 home run = each point $100K). Not dollars for tech score. Tell the contractors how much more you are willing to pay for great value, don't leave it up to an equation. Go Lump sum more often. Then don't make the design-builder spend half their effort trying to win a beauty contest for the 50 points let them spend their whole time going after how to get the price down by innovation through ATC's and means and methods. Short list on quality and qualifications
E	H	MnDOT should consider fixed price variable scope to allow award on tight budget projects if all base scope bids come in high.
E	H	Create a method to have the scoring of the Technical Proposal account for the strength of proposer teams. Critiquing them in the RFQ stage and then completely discarding those scores gives no advantage to supplying superior personnel rather than adequate personnel.
E	H	I really think technical score should get a higher value. MnDOT overreacted to the I-35W bridge. Should go back to scoring the way it was pre I35 W. Try to study how the Army CORP administers projects – very hands on at the beginning, but they expect you to do it right.
O	H	There is a problem with the scoring, need a larger possible range. Don't give 50 points for responsiveness.
E	I	Consider allowing large proposal deliverables in Roll form (layouts, profiles).
E	I	TRACS access is too restricted when it comes to entering materials sources and modifying templates. This causes much delay in entering data and lost time reentering data while waiting for someone at the DOT to add a supplier or material. Very inefficient. If the contractor is performing QC testing why not train them and let them make these minor modifications themselves? It would save a lot of time and effort.
C	J	MnDOT needs to seriously look at the Project Schedule requirements and process. It has been virtually impossible to get schedules approved on recent DB projects. There are new consultants on every job, and we fight the same old battles over and over again. MnDOT is using the approval (and no payment) as a hammer.
O	J	Paying off of a CPM schedule is a good method, however, front end cost loading by the industry is a problem. We should develop a spec that requires significant back-up information justifying cost for items of work that will be paid out in the first year of a multiple year contract.

E	K	In advance of the ATC process, have participating cities/counties give MnDOT the criteria under which they would deem ATCs relating to their portions of the projects (utilities, for example) acceptable.
E	K	MnDOT's design build process as it stands has eliminated all incentives for design innovation during the design-build process. This comes with an oversight team's constant request for a credit if it appears the Contractor has found a way to reduce the amount of work required. It is unreasonable to force all innovation to occur during the short procurement process, and with conflicting requirements throughout nearly all design build RFPs, there is currently no incentive to do anything but follow exactly what the contract requires – this may result in longer and costlier construction designs and methods.
E	K	RFPs are too restrictive in general. The current RFP structure does not allow 'real' innovation. Innovation in the current structure is limited to wall types, small profile changes, foundation types (in some RFPs), etc. Real innovation comes in layout changes, structure changes, etc. MnDOT will not entertain the idea of redesigning pavement sections provided in the RFP. Instead of providing full depth pavement sections, some general tolerances or minimum bit/concrete thickness may allow for some innovation from the pavement side and to maximize cost efficiency based on available materials (agg base v. sand section, etc).
E	K	MnDOT will entertain the idea of real innovation through the ATC process however usually will deny it or condition it (limiting innovation) if they are not 100% confident with what is proposed. We understand they are trying to look out for their best interests but they should be able to find a happy medium with oversight so that there is not so much repetition.
O	K	Overall not sure if MnDOT understands how to implement innovation and move it forward.
O	K	DB and innovation are good and a great tool – but a major district is diluting the process to make it what and how they want.
C	L	Need to be more prescriptive on VQM specs.
C	L	Signing needs to be more prescriptive.
E	L	Visual quality plans need to be completed prior to advertisement in order to avoid misunderstanding from a political or PR standpoint.
E	L	Geotechnical instrumentation spec is too vague. Spec allows for equipment outside of the practical tolerances of typical settlement.
O	L	When there is truly a performance spec, contractors will often ask clarifications which then result in a prescriptive spec. Example: TH 55 and the left turn lane issue – started as performance and ended up prescriptive.
C	M	Downloading all the different FTP sites is too time consuming, provide a CD to bidders. Clarifications should come out two times per week, not just once.
C	M	In pursuit process page limits by section do not make sense. Allow the responders to write how much they want on specific thing as long as the whole proposal is under a page count. What we want to write on may depend on our ATC's. Give recommendations or guidelines on what you think the length of each section should be but give contractors the ability to modify section lengths.
E	M	The large number of requirements makes small DB projects less economical as the same requirements and costs are used on both small and large projects. Need a DB light for projects less that $50 million.

C	N	There seems to be a preconception that contractors are making a lot of money and they can afford to eat some things.
E	N	I would appreciate it if MnDOT design oversight quit assuming that I voided all my ethical obligations as an Engineer purely because I work for the Contractor. I am not in the Contractor's back pocket and it is unfair to assume that I am. I will always deliver my professional opinion based on sound engineering judgment. My friends and family drive the roads I design and therefore, I take my professional obligations very seriously.
E	N	More respect is needed on both sides of the aisle between MnDOT and the Contractors.
E	N	At times it seems that MnDOT forgets/ignores that design-build teams are composed of professionals who have designed and constructed bridges, roadways, etc differently than what they have experience with.
E	N	The double standard that comes to the engineers needs to be looked at. The same designer can do a PS&E and get very few comments, as soon as it is DB it seems like the owner thinks the designer has no ethics.
C	O	Should look at the dollar amount of the program. Suggest not having a DB project lower than say $50M. The upfront costs are the same for a $10M or $120 M – do not see MnDOT saving anything and possibly spending more on $10M projects.
C	O	Provide more DB opportunities in out-state Minnesota. It is difficult to ramp up to chase 1 or 2 DB projects in a particular year. If there were more opportunities in out-state MN, it would be easier to keep program consistency within our company.
C	O	Use DB more for simple mill and overlay projects, etc.
E	O	It should be coordinated to award the contracts by January or February to give more design time before construction season hits. If not, at least allow over the shoulder reviews between notice and award so design can progress.
E	O	There was a DB project in 2007 or 2008 on sign replacement that did not go well. It seems MnDOT has scrapped the use of DB in that situation. Don't condemn the process for one bad project.
O	O	Overall need to establish the goals of the DB program and innovative contracting and establish a means to implement it with responsibility assigned and accountability held.
O	O	MnDOT needs to decide where they want to go with the program. There seems to be too much emphasis put on what the industry may not like so MnDOT does not try it. The purpose is to educate everyone and try to move the program forward.
C	P	Somehow remove bias as much as possible in the review process.
C	P	I would place more emphasis on the prime contractor and the engineer, and their ability to work well together, when reviewing the qualifications of a particular team. Listed subcontractors should be a factor, but not a major one.
C	P	In the evaluation process, is there a thought to throwing out the high and low?
O	P	When poor rating is 0 to 50 percent, then one person can give 50 of the points and one can give 0. The ratings should not have 1 rating worth 50% of the points as in poor and the others only worth 50% of rating ratings should be either 0-25, 25-50, 50-75, 75-100 (poor, adequate, good and excellent) or in 20% ranges with a very good added not 0 to 50 for poor and 50 to 100 for the rest of the ratings.
C	Q	Look at the MnDOT allowance for risk in change orders they allow a risk percent but PMs always say there are no risks – on the other hand contractors probably always say 8% but in reality there is less risk but there is always some risk; risk on schedule, risk on warranty etc. just because we have a bond we don't want to use it.
O	Q	It would be great if we could get early contractor involvement to help us price something

		and not have to preclude the contractor from bidding. There is technology out there and used by MnDOT that complicates the construction enough such that MnDOT just does not have the skill set to try to estimate the cost.
O	Q	There was significant discussion about risk and risk related to cost from an estimate perspective during project development. I think the intent is good, but local industry does not bid much (zero) risk into their proposal. MnDOT spent a considerable amount of time and schedule trying to price a specialty bridge through consultant contracts. The specialty bridge costs provided by our consultants all included 15-20% unknown or risk mark-up. In addition, those bridge costs included conservative (drilled drafts versus driven pile) expensive approach to building the project. In summary, local industry will take the low cost approach to bidding a project and that low cost includes zero risk. This may cause problems in future projects.
O	Q	Since the GEC is heavily involved with writing the RFP, I think it would be beneficial for the GEC to assist the PM with the project estimate. This would be helpful because the GEC should have a better handle on the D/B related costs than some districts that use D/B infrequently. Provide education to industry regarding sample contracts and quantity risks
O	Q	Estimating DB projects is still very difficult. Review other states processes.
O	Q	MnDOT does a CRAVE analysis but it is not carried on by the PM.
E	R	The partnering process is not going well on recent projects. The best process was with Chuck Cowen on Hiawatha LRT.
O	R	Should continue to do 1 on 1's even in low bid if nothing else to get clarifications out onto the table. There seems to be somewhat of a game regarding clarifications, MnDOT lets them ask questions then tells them whether to submit as a clarification, should be able to answer some basic questions.
O	R	Better define "partnering" and what roles MnDOT upper staff take in a project. I think there is a trend for contractors to circumvent the PM and go to MnDOT upper staff when they disagree with the contract or the PM.
O	R	Contractors are not "embracing" partnering in DB. A lot of times contractors are going straight to the 4th floor and by-passing the PM or the district engineer. They also have a tendency to put the same person all the way up the escalation ladder; that approach is not partnering and solving the problem at the lowest level.