

**ACEC/NHDOT
Consultant Quality Initiative (CQI) Committee**

Draft Meeting Minutes – July 16, 2020

Meeting Location: NHDOT Commissioner’s Conference Room/Zoom

Day/Time: Thursday (8:00 am – 9:00am)

In Attendance:

Bill Oldenburg, NHDOT (Chair)
Mike Long, MJ
Ted Kitsis, NHDOT
Alex Koutroubas, ACEC
Michelle Marshall, FHWA
Chris Mulleavey, HTA
Rob Faulkner, CHA

Darren Blood, GM2
Keith Cota, NHDOT
Marty Kennedy, VHB (Scribe)
Loretta Girard Doughty, NHDOT
Jim Marshall, NHDOT
CR Willeke, NHDOT

Unable to attend:

1. Meeting Minutes: The meeting minutes from the last meeting were accepted.
2. Assigned Scribe for Meeting: (DOT even months/ACEC odd months) – Marty Kennedy
3. Topics for Discussion:
 - COVID-19 Contract Addendum Language
 - The Department had begun distributing a Special Contract Provision for COVID-19 that states that any disruption, delay, or other impact associated with COVID-19 was foreseeable and therefore does not excuse the Consultant’s performance under the agreement.
 - Bill explained that language came directly from the AG’s office. This was primarily about contractors supplying goods to the state, but the term “Consultant” was inserted into the document.
 - Consultants’ concern is that although the language protects the state, it does not protect the consultant. The language puts the consultant in a position of being responsible for meeting a schedule regardless of whether the Governor was to invoke a workplace shutdown order.
 - Bill agreed language was one-sided and agreed to take concerns back to AG’s office.
 - More discussion on this to come.

Discuss SW Cole Question – Geotech sub that does Design and CE&I on same project.

- Regarding the Department’s policy that the same firm can not do both the design work and the construction inspection on the same project, SW Cole asked the Department if that policy pertained to subs.

- Following some discussion, Bill felt that it was permissible for a subconsultant to do work on both the design and CE&I as long as they were overseen by someone else – the Prime.

CE&I Field Rate

- Following up on a discussion from last month's meeting on whether a field overhead rate must be used for construction inspection, Bill checked with Audit. Doesn't appear to be a major issue. There was some discussion that an office rate can be used if there was no field office or if the inspector regularly works out of the consultant's regular office. Most use office rate now.

Construction Services – Part C agreement?

- Under Part A consultant's surveyor records existing ROW. Under Part B consultant's surveyor prepares acquisition plans. How does the Department pay the consultant to place bounds when it can be many years later until the work is done?
- Currently there is no opportunity for the designer to assist or respond to questions if an issue arises.
- May consider an on-call for PE at beginning of Part C that would cover survey, shop drawing reviews, etc.

4. Next Meeting – Discussed changing the day of our monthly meeting because Bill has another regular 9:00 am meeting and our meetings always get cut short and we rarely get through all agenda items. Following the meeting, the date of our regular meetings was changed to the 3rd Friday of the month at 1:00 pm. Our next meeting is scheduled for Friday August 21st.

cc: CQI Committee