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## ACEC/ITD Liaison Committee Meeting Minutes

April 26, 2023 - 3:00 pm

ITD HQ, C1 American Falls Conference Room

### Agenda

#### ATTENDEES

In-person: Monica Crider (MC (ITD)), Mohsen Amirmojahedi (MA (ITD)), Blake Rindlisbacher (BR (ITD)), Justin Walker (JW (ACEC)), Bryan Foote (BF (ACEC)), Dave Butzier (DB (ACEC)), Tim Blair (TB (ACEC)), Bill Russell (BR (ACEC)), Paul Ashton (PA (ACEC)), Ryan Olsen (RO (ACEC))

On-line: Paul Wasser (PW (ACEC)), Ronnie Winks (RW (ITD))

#### Old Business

##### 1. Project Development Conference Follow-up-Mohsen/Blake

BR (ITD) expressed positive feedback and reiterated that the conference is intended to be a training event and will approach it the same way next year.

The committee discussed consultant attendance. BR (ITD) said the overall attendance pushed the limits of the venue (Riverside). MA (ITD) shared numbers: 56 in-person, 38 online

BR (ITD) said he liked showcasing/highlighting projects so others can see what's being done.

##### 2. TECM Update-Amy S

Tabled to next meeting.

##### 3. PRR requests-Monica C

MC (ITD) said ITD planning to start providing selection scoring matrix and reviewer comments with award notification letters.

BR (ITD) mentioned that the volume of agreements has skyrocketed (~450 last year) so PRR requests have increased as well.

##### 4. Wage escalation challenges-Monica C

- Action Items from Last meeting: Monica will look into whether prohibition of rate adjustments more than once per year is a federal limitation or state policy restriction.

MC (ITD) did not find any federal requirements limiting rate adjustments but said ITD internally decided to keep as is with one adjustment per agreement (4% cap). They will start scoping CE&I agreements annually to allow for rate changes.

Consultants clarified that additional rate adjustments would not change the Not-to-Exceed amount of the agreement, just the ability to bill higher rates as they change throughout the agreement duration caused by many factors such as mid-year rate adjustments, changes in position, licensing and other credential advancements. Consultants will still only bill up to the agreement amount and would submit updated certified payrolls. MC (ITD) and BR (ITD) said they will look into it further.

The committee discussed the challenge of keeping staff due to shortages in engineering professionals and high demand and the impact to both ITD and consultants.

BR (ITD) asked if Consultants see any slow down? Said he told the ITD Board that core competency of ITD staff is important for working with the Consultant community and delivering the ITD program. Lori Fox, DHR Director, is focusing on engineering pay schedule, but BR wants

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the overall ITD staff under that umbrella as well. PW (ACEC) suggested that he could talk with ACEC lobbyist to see how the Consultant community can help push ITD increases at legislative level.

**5. Increases to Consultant limits (Term Agreement-\$1.5M; RFI -\$500k; RFP-\$1M without board authorization)—Bill R-ACEC**

- Generally consider increasing Term Agreement and RFP up \$0.5M; RFI up \$250k
- Inflation effect
- ITD to look up how many firms have reached term limit of \$1.5M

MA (ITD) said there are 142 firms on the list and only 6 have reached the limit.

- Need tool that doesn't penalize firms but is balanced for ITD/Consultants

MC (ITD) said they are working on a policy to raise limits – have draft language to take to the ITD Board. BR (ITD) indicated that the timing to present to the Board hasn't worked out, but planning to do it; just waiting for right opportunity.

**6. Limitation of one rate adjustment per year and cap of 4% (not keeping up with inflation)- Monica C**

ITD not changing cap.

- Action item from last meeting: Monica to look into whether there is a prohibition of rate adjustments more than once per year  
(See Item 4)

**7. Update on ITD standard scope of work (two trial projects)**

RO (ACEC) said the committee produced an outline with specific sections and will send it to MA (ITD) and to Consultants to use for a while to determine value of outline.

It was discussed to possibly re-form the committee to develop a standard SOW, but the level of effort would be significant. BR (ITD) suggested just having key descriptions for outline.

**8. Encourage broader use of the ITD-771 and 2359 forms by ITD PMs to provide feedback to consultants.**

BR (ITD) said they will ask their Admin staff to help facilitate feedback.

**New Business**

**1. DBE requirements for CE&I project (Ronnie Winks)**

The Consultant members expressed concern about recent project with 40% DBE requirement. RW (ITD) clarified that this was an outlier and not given sufficient review.

RW (ITD) said there is a 50% cap on DBE goals. Consultants need to show Good Faith Effort (GFE) if unable to meet DBE goal. CFR guidance is the basis for assessing GFE.

MC (ITD) asked if ITD has a list of DBE firms for CE&I. RW (ITD) said they have 1, maybe 2 on the list. ITD working to clarify, but if there are not at least 3 DBE firms on the list for the category of work, then there should not be a DBE requirement (See attachment). ITD to develop a list and send to ACEC.

DB suggested if there is a DBE requirement for an RFI or RFP, then a longer response time is needed for the effort to find DBEs.

**2. Update to Environmental Services Categories for Term Agreement (Ester C)**

Tabled to next meeting.

**3. Raising per diem rates (particularly on I-15 corridor)**

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JW (ACEC) said the primary concern is with increases in hotel rates.

MC (ITD) said the rates are based on GSA (Federal) rates.

4. Transition to Estimation Software; very helpful training from ITD  
Good feedback

#### Parking lot

1. ACEC National initiative for lump sum (LS) contracting – Bryan F. Gathering some case studies and talking points from ACEC national.

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### **Attachment: DBE firms on CE&I projects**

The summary based on research on current DBE firms in May 1<sup>st</sup>, 2023:

15 firms are certified for Engineering services - Main NAICS category

16 firms are certified for Civil Engineering services - Sub NAICS category

3 firms are certified for Construction Engineering Services - Sub NAICS category

The firms in each category are not mutually exclusive across categories, i.e. there are duplicate firms on the lists.

After reviewing all three categories we arrived at the fact that there are not 3 firms that do (and can handle – personnel wise) full package CE&I. There are 2 firms that are out of state that are certified. Any CE&I full package DBE goals will be Zero unless other firms stand up that do this work.