

**TALLAHASSEE-LEON COUNTY
BLUEPRINT 2000 INTERGOVERNMENTAL AGENCY**

**Meeting Minutes
February 16, 2004, 5:00 PM
City Commission Chambers**

MEMBERS PRESENT

County

Commissioner Tony Grippa
Commissioner Rudy Maloy
Commissioner Bill Proctor
Commissioner Bob Rackleff, Chair
Commissioner Jane Sauls
Commissioner Cliff Thaell

City

Commissioner Andrew Gillum
Commissioner Allan Katz
Commissioner Debbie Lightsey
Mayor John Marks
Commissioner Mark Mustian, Vice-Chair

CITY/ COUNTY STAFF

DeLane Adams, County Commission Staff
Vince Long, Assist. County Administrator
David Bright, Blueprint 2000
Bill Woolery, City Public Works
Anita Davis, County Commission Staff
Jim Davis, Director Blueprint 2000
Anita Favors, City Manager
Shelonda Gay, Blueprint 2000

Phil Maher, Blueprint 2000
Dan Rigo, County Attorney's Office
Debra Schiro, City Attorney's Office
Tony Park, Leon County Public Works
Dianna Williams, City of Tallahassee
Marie Crumbie, City of Tallahassee
Rita Stephens, City of Tallahassee
Gabe Menendez, City Public Works

OTHERS PRESENT

Dr. Donald Long, MGT of America
Jerry Oshesky, The LPA Group
Bonnie Pfuntner, The LPA Group
Chris Merritt, PBS&J
Shaun Kullel, HMM
Paco de la Fuente
Jaime Girardi, CDM
Jeff Burlew, Tallahassee Democrat
Billy Hattaway, BDI
Leonard B. Horton, WCTV-6
Reggie Bouthillier, Greenberg,

Bill Little, Jacobs
Chuck Duggar, The LPA Group
Greg Xanders, Jacobs
Hugh Williams, H.W. Lochner
Mike Flanagan, Jacobs
Mark Llewellyn, Genesis Group
Carlana Hoffman, Quest
Harold Uzzell, Uzzell Advertising
Patrick Hodges, HMM

CALL TO ORDER

The meeting was called to order by Chairman Bob Rackleff at 5:00 pm.

I. AGENDA MODIFICATIONS

Jim Davis stated there were two (2) agenda modifications. The modifications included the substitutions of pages 72, 72A, 74, and 91A, for Agenda Items 7 & 9.

II. INFORMATIONAL ITEMS

Item #a: Award Presentation for 2002 Comprehensive Annual Financial Report

Commissioner Rackleff presented a Certificate of Achievement for Excellence in Financial Reporting as related to the Blueprint 2000 Comprehensive Annual Financial Report. City accounting personnel, Dianna Williams, Rita Stephens, and Marie Crumbie were presented the awards for their preparation of the Blueprint 2000 Intergovernmental Agency's CAFR for the fiscal year ended on September 30, 2002.

Item #b: New Blueprint 2000 Website

The purpose of this agenda item was demonstrate to the Agency Board the proposed redesigned and upgraded Blueprint 2000 & Beyond website. Mr. Harold Uzzell of Uzzell Advertising gave a presentation of the highlights of the new Blueprint 2000 website. Commissioner Grippa asked Mr. Davis if questions on this contract should be asked at the current time or held for the discussion on Agenda Item #7. Mr. Davis stated this could be discussed with Item #7.

At this point, Chairman Rackleff asked to move to the Consent Items and allow members to read/look over the remaining informational items on their own, in order to facilitate a quicker meeting. There were no objections.

The remaining Informational Items were:

Item #c: TCC and CAC Election Officers

The Blueprint 2000 Technical Coordinating Committee elected new officers at their February 2 meeting as follows:

Chairman: Tony Park, Leon County Public Works
Vice-Chair: Jack Kostrzewa, Metropolitan Planning Organization

The Blueprint 2000 Citizens Advisory committee elected new officers at their February 5 meeting as follows:

Chairman: William G. Smith, Jr., Economic Development Council
Vice-Chair: Michael Sheridan, Economic and Environmental Consensus Committee - financial expert with bonding experience

Item #d: Blueprint Accomplishments in 2003

A list was compiled in order to provide the Board with a record of Blueprint 2000 program accomplishments during 2003.

Item #e: Still Property Acquisition, Capital Circle Southwest

This item was to advise the Intergovernmental Agency of the acquisition of the Still property located on Capital Circle Southwest, west of Crawfordville Road. On December 23, 2003, Blueprint 2000 closed on the acquisition of the 2.73-acre Still property. The purchase was authorized by the Board at the October 2003 IA meeting. This was the first property to be placed in Blueprint 2000's Land Bank and will be used for the widening of this section of Capital Circle.

Item #f: Capital Cascade Update and Public Meeting

This item was to update the Board on the status of the Capital Cascades Trail Master Plan for the St. Augustine Branch redesign (Blueprint Map 3), and to relay key comments from the February 5, 2004, Public Information Meeting.

Item #g: Multi-Model Design Guidelines

This item was to inform the Board that several CAC and TCC members were appointed to a Project Working Group to assist Blueprint in the development of Multi-modal (Aesthetic) Design Guidelines, to be used initially for the Capital Circle Southeast (CCSE) project, and in future Blueprint 2000 projects. Several EECC members are also expected to participate in development of the Guidelines.

III. CONSENT ITEMS

1. Minutes of December 4, 2003, Intergovernmental Agency Meeting

2. FY2003 Comprehensive Annual Financial Report and Appropriation of FY2003 Operating Fund Balance

Recommended Action:

Option 1: Accept the FY2003 Comprehensive Annual Financial Report (CAFR) and the external auditors reports on compliance with internal controls, and approve appropriation to the FY 2004 Operating Budget of \$140,164 for encumbrances and \$1,631,580 to be transferred for future Capital Projects.

3. Ethics Policy

Recommended Action:

Option 1: Adopt the attached Blueprint 2000 Ethics Policy.

4. Appointments to Citizen Advisory Committee

Recommended Action:

Reappoint or appoint five (5) representatives to the CAC as follows:

EECC: EECC member: **Kevin McGorty** (appointment through November 2005)

EECC: natural scientist/biologist: **Jess Van Dyke** (reappointment through November 2006)

EDC: **William G. Smith, Jr.** (reappointment through November 2006)

Big Bend Environmental Forum: **Robert K. Henderson** (appointment through November 2006)

Disabled Community: **Casie Moran** (appointment through November 2005)

Chairman Rackleff asked if there was motion to move Consent. Commissioner Grippa made a motion to move Consent, Commissioner Sauls seconded the motion, and the committee passed the Consent Items unanimously.

IV. PRESENTATIONS/ACTIONS/DISCUSSIONS

5. Telephonic Meeting Participation

This item presented the legal opinion and recommendations of the Agency Legal Counsel regarding the legality of participating in Agency Board Meetings without being physically present. Attendance at Agency Board of Director can be difficult for members due to other demands. Several Directors asked for a legal opinion regarding participation in Agency meetings telephonically or by other electronic means. Initial inquires with the City and County Attorneys revealed opposing opinions.

Mr. Bouthillier's opinion stated that telephonic participation is allowable, however it is not to be used in the determination of a quorum and telephonic participation should be utilized only in extraordinary circumstances.

Commissioner Gillum expressed concerns over number 6 in the executive summary, which requires the board of directors to approve any individual who decides to exercise the telephonic phone conferencing, and he inquired into the necessity of this measure. Gillum felt that everyone would exercise due diligence and not over utilize privileges. He wasn't clear as to why the Directors needed to vote to allow a Director to phone in.

Mr. Reggie Bouthillier, Agency Legal Counsel, stated that the memo included in the Agenda points out the distinction between how state boards and local boards would need to comply. State context has is a little more liberal on the basis that a lot of the boards are organized by members across the state, travel is required, and it's expected that members may be calling in, so there is a definite distinction in the law between state boards and local boards. It's presumed that the local boards are organized with members that are local and because of that, the Attorney General's opinion draws a distinction between statewide and local boards, and says that for the local setting it should be the good judgment of the board, on a case by case basis, that each board member be approved as far as physical absence and calling in.

Commissioner Rackleff pointed out that on Page 62 of the IA Agenda Packet, the item said that it should be permitted only in extraordinary circumstances when a quorum of the board members is present at the meeting. He further stated that he felt there is protection in the vote from the possibility of citizen complaint or lawsuit wanting to void decisions made by the board at the IA meeting.

Commissioner Katz wanted to know what would happen if a Commissioner found out at the last minute that they could not attend a meeting? Mr. Davis replied that the first item of business at such a meeting would be to handle the vote on their telephonic participation.

Commissioner Thael asked if the request to be absent was made by a Commissioner, would it go

to the director or to the board? Mr. Davis replied the request would go to the board directly. Commissioner Thael suggested that the request go to the director, Jim Davis, if a Commissioner will not be able to attend in person but wants to attend telephonically. This would allow for the staff to have the phone equipment set up. Mr. Davis stated concerns that he would prefer the Commissioner aides handle making the arrangements and establishing the speakerphones, though Blueprint could make the arrangements if so directed. The concern was that should the phone fail or something happen to the communications where the Commissioner cannot be heard and cannot vote, Mr. Davis does not want the responsibility from a staff perspective.

Commissioner Katz said that we should look to staff to make these decisions and if the system fails, it just would, and the Commissioner was not worried about technology glitches.

Commissioner Rackleff asked if the IA meetings could be put on Cable TV.

Commissioner Lightsey inquired into the standards being set, about this policy. Mr. Bouthillier stated that he recommended that policy be determined on a case-by-case basis. Otherwise extensive measures would have to be taken. Commissioner Lightsey agreed with that recommendation.

Recommended Action:

Option 1:

- 1. Accept the legal opinion**
- 2. Adopt the Telephonic Participation Policy as written.**

Action Taken:

A motion was made by Commissioner Grippa to move staff's recommendation, it was seconded by Commissioner Mustian, and the motion carried unanimously.

6. 2003 Performance Audit Report

This item requested the acceptance of the Annual Performance Audit for the Blueprint 2000 program, for the year ended September 30, 2003.

Recommended Action:

Accept the FY 2003 Annual Performance Audit.

Action Taken:

A motion to accept the FY 2003 Annual Performance Audit was made by Commissioner Grippa and seconded by Commissioner Katz, and the item passed 11-0.

7. General Engineering Consultant Letters of Authorization

Commissioner Katz moved the item to get it on the table and it was seconded. The purpose of this agenda item was to approve the Letters of Authorization (LOA) for the General Engineering Consultant, the LPA Group.

Commissioner Grippa had three issues that he wanted to mention and discuss. The first was in regards to the web site. He believed an excellent firm was hired to produce the website but he wanted to know if \$80,000 was the going rate. He had asked Ms. Curtis in the County's MIS department how much a web site should cost, he wasn't aware of the specific features, and she e-mailed him back it should cost around \$5,000 to design. His second question was in regard to the secure site that is part of the website that only staff and commissioners can access and would this be a violation to Chapter 119. His concern was that if it were only available to the Commissioners and staff by logging in with a password it would not provide that information to the public. He did not want to withhold information, as the website was to be a part of Blueprint's public information and outreach.

Jim Davis replied that Mr. Uzzell was prepared to address his questions on the cost of the website development. Mr. Davis stated that as an example, \$37,000 was for web-site development. The Blueprint web site would be more than standard; it is high speed and has features to include the streaming video feature that they had seen in the demonstration. There is a password protected access area for staff and commissioners. The information in the protected area would be available to all citizens by contacting staff, but not necessarily accessible through the web site. The intent was to make the information readily available to the commission and totally available to anyone else, under Sunshine requirements. Mr. Davis went on to mention that the interactive maps were a feature that added cost, and the community forum section for the citizens to comment and chat is again an enhancement to a standard web site. The monitored e-mail response by the Consultant is an enhancement, as well as, the download pages for the Blueprint documents and the Blueprint's project photo gallery.

Mr. Davis stated that as a comparison, Blueprint is looking at \$37,000 for this portion of the website only. Other web-sites cost were given, the Orange Bowl web site was \$30,000 and did not include streaming video or other features. The Orange County clerk court project was \$52,000. Mr. Grippa interjected that he looked at 12 projects that were less than \$12,000 and he wanted to get back to discussing the Blueprint website. Mayor Marks interjected that he wanted Mr. Davis to finish so that he could hear other comparisons. Mr. Davis went on to say that for a basic design, the Submarine Store was developed for \$27,000 though this did include credit card features.

Commissioner Grippa then asked if any had been pulled that were substantially less than the comparisons for independent staff. Mr. Davis stated that they tried to get some costs and they were not successful. Mr. Davis stated that Blueprint is aware that the website could be done with less cost and with fewer features. Blueprint's current website was done by a volunteer at minimal cost. It has some problems and does not have the features of the new site.

Commissioner Grippa stated that the total cost was not \$37,000. Mr. Davis stated this was correct the total cost was about \$78,000. Mr. Grippa inquired if there was \$1,000 a month on maintenance and Mr. Davis said that it was included. Mr. Davis corrected a comment that Blueprint had already spent \$10,000 on the site; they actually spent \$5,000. Mr. Davis explained that the \$78,000 included \$12,000 for a branding exercise. Commissioner Grippa asked for clarification. Mr. Davis stated it was a new logo, similar to Tallahassee's recent development of a new logo, and new letterhead. Grippa wanted to know if \$12,000 was to be spent on a Blueprint logo. Mr. Davis stated none of those funds had been spent. He further explained that it

was not just a logo, that was a way that citizens can identify with the Blueprint 2000 Program and specific reports and projects. Mr. Davis stated that the logo project had not been started yet. Mr. Grippa asked if the Agency could choose not to spend the \$12,000 on the logo and choose not to limit public access to the secure part of the website, and accept the rest of the website development, or did they have to take it all. Mr. Davis stated that whatever the Board wanted to do was fine, the scope could be modified. Commissioner Rackleff asked Commissioner Grippa what he was proposing. Grippa stated that the money not be spent on the logo and to not limit access with a secure area since the point is for the people to obtain all the information.

Commissioner Rackleff replied that the password protection was for plans detailed data bases; Mr. Davis added also, budget materials, schedules, reports, and everything in the management system. The reason this was not made available to everyone was the fear that it would generate many unneeded questions and that would require a lot of staff time to respond. If a citizen was really interested, they could request any information from Blueprint and it would be provided under Sunshine. Commissioner Rackleff suggested that the password protection area be reviewed with Reggie but open access and questions are encouraged. Also Rackleff mentioned that Blueprint should get with the City Contractor and get the \$12,000 down to a lower number. Grippa mentioned the City/County websites and thought they should have been looked at to save money, in the future. Commissioner Rackleff replied that City and County MIS were not utilized for the project because they are currently overloaded and a product needed to get out.

Commissioner Lightsey asked to continue the breakdown of the cost after the \$37,000 for development, \$12,000 for branding, and wanted to know if the rest was for maintaining the site. Mr. Davis stated that was correct, that \$12,050 per month (he corrected this to \$1,250 per month later in the discussion) for the 12 month period is for the maintenance, responding to the e-mails in response to the website and the screening of those, posting new documents. Commissioner Gillum inquired as to who would be answering the e-mails. Mr. Davis stated that for the basic, easy questions, the advertising firm would answer those questions and for the questions they cannot answer, they would be referred to Blueprint staff. Rackleff asked if a question and answer section would be included, Mr. Davis told him that it would be on the site.

Commissioner Thael mentioned an alternate way to do the branding by involving citizens. Take the \$12,000 and offer \$2,000 to citizens and use the talent from the high schools and Universities. The top three entries could come back to the Commission. Mr. Davis inquired if sales tax dollars could be used as a prize for a logo contest but that Blueprint would look into it from a legal standpoint. Commissioner Katz said that the group should realize that they are probably not going to save money since a lot of staff time would go into evaluating everything.

Commissioner Mustian stated that he was bothered by the fact that Blueprint is an extension of the City and the County and he did not agree that anything needed to be branded and that the product was far greater than what logo was needed. He suggested that the unspent balance of the budget should be funneled into projects since there is an existing money shortage. Blueprint should look at cutting spending on the fielding of questions.

Further discussion followed about keeping citizens involved in the process of the projects and that must be a key aspect of the web site. Clarification was then asked of Mr. Davis by

Commissioner Katz to the monthly maintenance of the web site. Mr. Davis corrected an earlier statement and verified that the maintenance cost would be \$1,250 per month not \$12,050.

Commissioner Grippa asked what the final cost would be to finish what currently we have without branding and with staff answering questions, not consultants. Mr. Uzzell answered that \$37,000 will have been spent on development, once web site content was added. Mr. Uzzell stated that approximately \$37,000 would get the site up and running. Commissioner Grippa stated he would like to see the site without the branding, without limiting the public access, and not have consultant staff answering questions. Additional discussion followed as to how much money is allocated in total to various parts of the web-site.

Commissioner Katz made a motion to modify his previous motion to continue with the website development and retain services of Mr. Uzzell for monthly maintenance. Responses to questions need to stay primarily in house and there should be no private access areas. Also in regards to the branding, the question should remain open. His motion funded \$37,000 for the site development and \$14,400 for annual maintenance. Total is \$51,400 for the site. The motion was seconded. Thaell would like staff to come back with idea for public involvement in branding.

Commissioner Proctor had a comment and his conclusion he felt that there was an undercurrent that Tier 1 projects could not be afforded and they were encouraged away from making adjustments to the different projects. There is a Board encouragement to stay with the original plan as new Commissioners come on board. He feels second-guessing has occurred in the case of Mr. Uzzell's contract but that would not be the case in other areas such as legal and engineering consultants. Mr. Proctor said he feels that Mr. Uzzell is being treated differently.

Commissioner Grippa would like general counsel to look at if there would be a liability problem with Uzzell answering questions on behalf of staff.

An additional item that Commissioner Grippa wanted to discuss was the community outreach person, Kathy Beck, and noted that her contract was cut from \$48,000 to \$4,500; and the OSIP insurance was pulled off for a decision another day. He understood why staff changed the role of Ms. Beck but he suggested that Ms. Beck be contracted to write plans for leveraging funds, SIS, grants, etc. on behalf of staff. He suggested that the cap be set at less than \$40,000.

Commissioner Gillum expressed concern that contracts were being awarded by the board. Commissioner Katz stated the item of adding Ms. Beck to leverage funds could be left under the purview of the Intergovernmental Management Committee to develop and award. Mr. Davis qualified that Ms. Beck is not community outreach; she was to be a government liaison. He pointed out that it was part of his job to be the contact person for the program, and the primary contact for the Directors. Commissioner Lightsey did not think a contract amount should be voted on. Staff should place a value on the service provided and bring back a plan.

Recommended Action:

Option 1. Authorize the Blueprint Director to execute the Letters of Authorization and to direct the General Engineering Consultant to commence work on the aforementioned projects, and the appropriation of a budget of \$1,601,624 for LOA's 2 thru 6.

The final motion was to move item 7 Option 1 with the amendment that removes, pending further discussion the items of the branding and of the secure web access. Staff will be the primary contact for the response to questions. The cost for the site is estimated at \$51,400. Staff will develop a plan to work on increasing and leveraging dollars and staffing and cost.

Action Taken:

A motion to accept Option 1 as amended was made by Commissioner Katz and seconded by Commissioner Grippa, and the item passed unanimously, 11-0.

8. Capital Circle NW/SW EPD&E (US 90 to Orange Ave): Contract Award

Mr. Davis stated the purpose of this agenda item was to request authorization to award the contract for the Expanded Project Development and Environmental (PD&E) Study for the segment of Capital Circle NW/SW from US 90 to Orange Avenue. In addition, the item requested approval of the estimated budget for the Expanded PD&E, estimated at \$2.2 Million, including contingencies.

Commissioner Mustian made a motion to approve staff recommendation. The motion was seconded. Commissioner Proctor asked for a quick overview of the item. Mr. Davis replied that the Commission authorized staff to go ahead with PD&E phase of the project from US 90 to Orange Avenue. The Board also previously has authorized \$1.4 M for the PD&E Study. Subsequently, Blueprint 2000 moved forward and issued an RFP for the PD&E for Capital Circle from US 90 to Orange Ave. Consistent with the expanded PD&E concept, there were modifications made to the scope of services and included in the RFP the items for right-of-way maps, which necessitated additional design, and environmental permit applications. He stated that these items were included to accelerate the process. According to consultants, by doing this, one year will be saved. Mr. Davis discussed staff recommendations. The agenda item asked for two things, the approval of staff recommendation to award the contract to H.W. Lochner. Secondly, as staff accelerated the process or modified the scope of services, they moved tasks that were normally in the design phase into the PD&E phase, so subsequently the cost of the PD&E phase increased by approximately \$800,000. Blueprint asked that the additional \$800,000 be authorized. Mr. Davis went on to clarify that this was not an additional \$800,000 in project costs but an additional \$800,000 in the PD&E phase and it would have an accompanying reduction in the design phase should the same methodology be used.

Commissioner Proctor inquired about how this interfaces with the MPO, how it interfaces with some of the ranking that was done and the permitting aspect that was looked at on this side of the community as well as trying to lock in price issues on this particular project area. Was this in harmony with MPO positions, prior authorizations, and other issues about permitting and being able to permit the area quickly and use price lock-ins?

Mr. Davis replied in regard to Commissioner Proctors concerns over permitting and price lock-in for right-of-way acquisition, that the faster Blueprint can get through the process, the cheaper the right-of-way will be to acquire, recognizing that it's appreciating so quickly. As far as the permitting phase, Blueprint included permitting, normally in the design phase, in the PD&E phase, which is accelerating that process. In regards to the MPO priorities and where this meets,

Mr. Davis was not able to speak as to where this project sits on the MPO schedule. He did state that as a collective body, the IA established certain priorities and one of those to the Blueprint staff was to “get us to the airport as fast as possible”. This is a vital leg in accomplishing that directive and that is why staff is trying to accelerate the process as much as they can. Mr. Davis stated that he believed that once it was funded, it would be incorporated into the MPO’s TIP and funded 2020 plan and Blueprint would make sure that it was coordinated with the MPO.

Mr. Davis agreed that a better job of coordinating with the MPO could be done. He also announced that the acting director of the MPO is now the Vice Chair of the Blueprint 2000 technical coordinating committee (TCC), and hopefully this would ensure that more coordination would occur. Commissioner Proctor then stated that he would like to send this approval to the MPO and then consider were we were here and get the MPO to place this project on the fast track.

There were no further questions and Commissioner Rackleff called the question for all in favor of the motion to approve Option 1.

Recommended Action:

Option 1:

1. Authorize the Intergovernmental Management Committee to negotiate and award a contract with H.W. Lochner, Inc., the number 1 ranked firm.
2. Approve an amended budget of \$2,200,000 including contingencies for this project.

Action Taken:

The motion passed unanimously.

9. Capital Circle Southeast Design Build (Connie Drive to Tram Road)

The purpose of this item was to secure authorization to commence the contracting process for Capital Circle Southeast from Connie Drive to Tram Road through the Design-Build process.

Commissioner Grippa moved Option 1, Sections a, c, d, and e. The Commissioner stated he did not agree with paying a \$60,000 stipend to losing bidders. Commissioner Rackleff made a request of Mr. Davis to further explain part b of Option 1: “Authorize the Director to pay a stipend to each losing proposer, not more than 2, and that the stipend be calculated in accordance with the FDOT guidelines, not to exceed \$60,000 per losing proposer.”

Mr. Davis pointed out that item b modifications would change item d and they could talk first about item b, which was consistent in both.

Mr. Davis stated that a stipend is paid to offset the cost to prepare the proposal for the design firms that are part of the teams. Each proposal for the teams that are short-listed will spend around \$150,000 or more in preparing the proposal and the \$60,000 does not cover their cost, they are going to lose money anyway. The stipend is associated with the extra design that is required to bid.

Greg Xanders, from Jacobs Engineering was introduced and explained the stipend. Mr. Xanders was a long time FDOT employee and was member of the design build leadership team. Greg was the first recipient of the Design Build Institute of America Public Leadership Award in 2000. He is an expert in the design build field and was the Department's lead in 2002 when FDOT did 40 projects and 1.4 billion dollars in design build projects.

Mr. Xanders stated that if the short listed firms are offered the stipend, this encourages the firms to spend the kind of money Blueprint would want them to spend developing their proposals and developing sufficient design. This also tends to take some of the risk off the contractor in the construction process. When developing plans the designer needs sufficient material quantities and pay items for the contractor to give a good bid. If a stipend is not offered, Mr. Xanders stated we would be at risk of the contractor adding more cost contingencies to his bid and that could be several hundred thousands of dollars as opposed to us spending \$60,000 for each of the two firms that do not win. The cost of paying the stipend is offset by the reduced cost that would be seen in the project cost estimate. Mr. Xanders pointed out that many of the Commissioners were in the private sector and they put together proposals and they could understand that the more risk that they have, the more contingencies that get included. In addition, with more unknown's, the higher the price will be. He stated that he has seen significant savings in using the design build approach and a lot of that had to do with the fact that the FDOT was offering cost stipends on their projects. He affirmed the fact that FDOT has this as their standard guideline and uses this on every design build project.

Commissioner Rackleff added that this would be the first design build road project for Leon County and that it will save time and money.

Commissioner Grippa asked for clarification on FDOT's stipend policy on design/builds. Mr. Xanders replied that they are offered for all projects except for those that are low bid. There are some base projects that go with a low bid and they are not offered the stipend, but any that are and have an adjusted score qualification based selection, they do offer the stipend. Mention was made that the Capital Circle Southeast project is worth \$35 Million.

Commissioner Grippa inquired whether there been talk that people were not willing to bid on our \$35 Million dollar project. If there was no interest, he could see that would be a reason to offer the stipend. Mr. Davis replied that he had had a couple of conversations with engineering firms that they would not want to bid due to the preparation cost and that the stipend was very important. He believed that what would happen is, that if they got someone who was willing to bid on the project, with the amount of roadway construction work available in the local area, they would add contingency costs and Blueprint would not get a very good value. Mr. Davis stated that to answer the question directly, he had not had anyone come up and directly say "they would not bid if you don't provide the stipend". Commissioner Grippa asked how many bids did Blueprint receive on Capital Circle Northwest PD&E? Mr. Davis stated that eight or nine firms responded to the RFQ. Commissioner Grippa asked if there had ever been a case where there was a request for design build bid without a stipend and if the responses were not adequate or only two or three were received then they were thrown out and then a stipend offered. Mr. Davis replied that, that route had been considered, but the design build is to expedite the process and to have an unsuccessful attempt and then go back out would cost the time they were trying to save. Grippa wanted to know how long the bid is on the street. He wanted to know how much time

would be lost if it came back with one bidder or zero, then you could put it out with the change of \$60,000. Mr. Davis stated we would know in the short-listing phase, there would be a request for qualification, they would specify that there would be no stipend paid, and they would be required to respond in three weeks to one month. Then there may be a situation that they get two firms but they are not very impressive, what would be the criteria that would allow reissuing?

Grippa asked with CCNW and with what was being done with the CCSE project under discussion, were both equal in difficulty or were they similar type projects, or was CCSE a lot more difficult? Mr. Davis stated that it was not necessarily more difficult but the design and the process would set the precedent for all the remaining Blueprint corridor projects and this was an area for innovation.

In regards to the intellectual property rights that come with the stipend, Commissioner Grippa also asked if the proposers' bids are not copyrighted and it's in the RFP, then can we use their design plans as we wish? Is it not public information? Mr. Xanders replied that you can control the terms of the issue through the bid, the RFP itself and if there are no intellectual property rights attached to the product, through the terms of the bid, you can say that the Blueprint 2000 intergovernmental agency would own the product. Then if there was a design in one or component in another you could put it in the overall design. Commissioner Grippa stated that if it was not copyrighted, patented, and if it was disclosed in the RFP could Blueprint use it. Mr. Xanders affirmed that was correct.

Commissioner Katz wanted clarification on the statement that there would be greater contingencies in the bid price if the stipend were not offered. Why could there not be a limit on contingencies, placed in the RFP? Mr. Xanders replied that the contractor would put together a bid based on his comfort level of what price he could do the project. By offering a stipend, you entice engineering firms to spend more time in putting together a better set of quantities and drawings in which to bid. Commissioner Katz said that if someone could demonstrate we would get a different quality of bidders, he would support it and if someone could explain further the contingency factors since he believes that contingences can be controlled through the terms of the RFP. He did not believe there was a compelling case to pay the stipend.

Mr. Xanders gave the example that if his firm were to pursue this project, they would look at the other opportunities in the area and FDOT has 3 major projects coming up that are of similar value. From a business perspective, they would have to decide if they should bid for the other 3 \$20-25 million dollar projects and spend about \$20,000 doing that or do they go for the Blueprint 2000 project for \$30 million and I have to spend \$100,000? The question was then asked of why do they have to spend \$100,000 going after the Blueprint project? Mr. Xanders replied that they would have to do a level of detailed designed to give the contractor the pay items and the quantities so they can put together a realistic bid for the \$30 million project. The question was then asked of wouldn't that be the case for FDOT? He said it would not, because FDOT hires a contractor and would hire his firm separately to be the designer to put together the design or to be the construction/inspection firm to do the construction inspection.

Commissioner Katz then wanted clarification on was this not a different type of situation, wasn't there to be a team hired, a contractor and a design firm, and the FDOT was going to hire the contractor and then he'd just have to do the design? Mr. Xanders said this was the case and

Commissioner Katz replied it seemed like two different situations, apples and oranges. Mr. Xanders agreed it was apples and oranges except that everyone has limited resources and decisions are being made by consultants and contractors on which projects to pursue. Commissioner Katz said he understood the idea of putting together a combined team on a project for \$35 million that there is more risk, but there is also the assumption that you are putting the deal with the contractor together yourself, with the idea the reward would be greater also.

Mr. Xanders replied it would have that potential but this is a competitive arena and Commissioner Katz replied that was one of the great things about the free enterprise system. Commissioner Rackleff made the comment that the firms that they wanted most to make bids were in the most demand and do the best work. Commissioner Lightsey commented that she thought there was a distinction, in that we would be getting access to detailed design drawings that could be considered purchased through the stipend that we would not get without the stipend. She mentioned that in listening to Mr. Bouthillier, he did not make that distinction. He said that the contract could be written such that we would have the same ability to use components a, b, or c from any of the short listed firms without paying the stipend. She went on to say that she had previously understand that was not necessarily true and that could not be done with a great deal of precision, so could that be clarified?

The response was that Commissioner Grippa had qualified his question to, "if there were no intellectual property rights that attach to the product", which in this case is a road project, and unless there is something unique, there should probably not be many intellectual property issues involved. Commissioner Lightsey clarified that Blueprint has access of anyone who makes a submission, we have the ability, since they submit a proposal and the language we use in the RFP, to use any and all information and design component and we are not hindered.

Commissioner Lightsey asked Mr. Xanders if he believed we would gain anything from the ability to use the details of the design. He replied that under the stipulations and if things were clarified up front, so everyone knows it coming in, then it would possibly save from the likelihood of being sued or having a conflict.

Commissioner Rackleff then asked staff, by having the stipends can we expect to get a better design and team approach than we could otherwise? Mr. Xanders replied that yes, we could attract better quality firms to the table and you would get them to do more up-front work and there would be a better end result. Mr. Davis added that there were a multitude of factors in play that if we don't offer the stipend, the teams that bid are going to limit what they design and we would get a 10% design if there is no stipend versus a 30% design if there is a stipend. Secondly, the amount of work that is going to be ongoing in this area, as far as competition for the quality teams must be examined, other things would be going on at the same time like the widening of Interstate 10, Tharpe Street, and \$50 million worth of ongoing city projects. As a business person, spending \$150,000 to bid on a project that pays a stipend, or you can get by on a cheap bid since it is a low bid type and the other requires a major investment, you would only bid those that you would have the greatest potential to win. He did not think he would bid the project without the stipend.

Commissioner Mustian moved to add Section b to the motion; this was seconded by Commissioner Thaell. Commissioner Mustian made statements in favor of the stipend.

Commissioner Gillium spoke about Section d relating to local preference and it should not be such that it weakens the local preference. He had concerns about diversifying the local scale. Staff had told him the reason for this was due to the amount of work going on locally and secondly that this could drive up the local vendors. He believed these issues would be taken into consideration in the scoring process. He was not quite convinced by the arguments and was concerned that the precedence should be set for other Blueprint projects by weakening the local preference scoring system. It was only five points out of the total points. If local firms were not participating, it would show in the scoring and outside firms would be ranked higher. If they find that costs were too high, that would be reflected in the scoring. He felt it should be approved, including section b and delete the graduated system and stick with the 5-point local preference.

Mr. Davis clarified that normally in applying the local preference, they go with the prime contractor. In this case, if they do not delineate how the five points are to be applied, the full five points would go to the construction company only, without any weight to the design firm and was that his intent? Mr. Gillium said that it was, versus the graduated system that would break up between design and construction companies.

There was a substitute motion on the floor that was seconded.

Commissioner Lightsey interjected that she had not read the material that was on the table but would like a brief summary of what the amended alternative was.

Mr. Davis replied that the original staff recommendation, in item d, the evaluation criteria for local preference be designated for either the design firm or the construction firm. Five points if you had a local design firm or if you had a local construction firm, you could get five points. There were five points total, it was an either/or, if either firm were local. Blueprint decided that they believed there was a lot of design capability in town but there may not be construction capability in town, they wanted to try to provide an incentive or not penalize a design firm or a team that happens to have a construction entity out of town or out of the local four county area. They tried to keep the firms in the mix but wanted to insure that they had a local design team. Most any construction company, to be competitive financially, will have to do the preponderance of their work locally, they will buy asphalt locally, and they will hire labors locally. Instead of just counting on this fact in Option 1, they decided the council may feel better if they defined that closer. The graduated scale in Option 4 which says that if a construction company that is not local is teamed with a local design firm and that construction company says that they will commit to doing 30% local subs and suppliers, they would be awarded 1 point. If they would commit to do 40%, 2 points and if they will do 50% or more they will be awarded the full 3 points and that team would have the full 5 points for local preference.

Commissioner Gillium commented that this was a weakening of the system for local vendors. It would not matter how it was sliced up, if those were matters that would be addressed anyway and they expect the best firm to reach the five points through some system, they should leave it at five. He does not believe it is a deal breaker and it would only be five points out of 100. Mr. Davis replied that the points were applied during the short-listing phase and he assured the Commissioner that if they short-listed three firms, the difference between the three and four team would likely not be five points but probably more like two. It could make a difference.

Commissioner Gillum stated that then the local firm, with the difference of two points would receive the preference, which was the purpose behind a local preference or an MBE or any other preference.

Mayor Marks asked Mr. Davis, on b, what was the practical difference between having 30% design and 10% design. Mr. Davis replied that the most important difference was what the construction contractor will bid based on what risk he is assuming. With a 30% design, he has more design that he can prepare his quantities on and he can put together a cost proposal that is accurate and that he has more confidence in. Thereby reducing the contingencies based upon unknowns he would have in a 10% design. Mayor Marks commented that he liked item d the way it was, the graduated scale, which has the tendency to attract more businesses to the community, and outside firms, may come in and they may decide to locate here.

Commissioner Proctor then asked if he could defer to the substitute motion that was coming from by Commissioner Katz and then he wanted to speak.

Commissioner Katz wanted a substitute motion to incorporate Commissioner Mustian's amendment and go back the original item d, which would get rid of the graduated scale and go back to the local preference of either the design or construction firm. The suggestion was made that the two items be taken individually and Commissioner Katz said that no, he was offering them as a package. He was reluctant on item b but would go along with Commissioner Mustian's logic and he understood the difference Commissioner Gillium pointed out and he believes he is on balance correct so that the substitution motion was Option 1 as printed in the agenda without any changes. It was seconded.

Commissioner Proctor was going to speak, and due to time was told to go quickly, and decided to not speak since he felt he was being unfairly hurried along. Commissioner Grippa stated that he was going to vote against the item. He was in support of the project and in support of design build and the \$35 million contract. He noted that there were nine bidders on the last one, and he believed that someone could eat \$100,000 worth of cost. It is not intellectual property if it was included in the RFP unless it was a patented technology. He understands why some were voting in favor but he was voting against the item.

Recommended Action:

Option 1

- a. Authorize the Blueprint 2000 Director to initiate a Design-Build contract for Capital Circle Southeast through the intersection of Tram Rd. That the shortlist be restricted to not more than three (3) teams.
- b. Authorize the Director to pay a stipend to each losing proposer, not more than 2, and that the stipend be calculated in accordance with the FDOT guidelines, not to exceed \$60,000 per losing proposer.
- c. That the Agency approve a budget for this project of \$35,699,428 plus a 10% contingency to be paid from existing bond proceeds or other funds that may become available. This amount may have to be amended in the future based on the concept report to be developed by the general engineering consultant.

- d. That the evaluation criteria for local preference be designated for either the design firm or the construction firm.
- e. That the selection process includes a technical evaluation and a selection committees.

Action Taken:

The question was called. The votes were counted and Option 1 passed 9-2. The two dissenting votes were Commissioners Grippa and Proctor.

V. CITIZENS TO BE HEARD

There were none.

VI. ITEMS FROM MEMBERS OF THE COMMITTEE

There were no items.

VII. ADJOURNMENT

There being no further business, Chairman Rackleff adjourned the meeting at 6:55 pm.

APPROVED:

ATTEST:

Bob Rackleff
Chairman of Blueprint 2000 IA

Shelonda Gay
Secretary to Blueprint 2000 IA