



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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**MINUTES OF THE SPECIAL HIGHWAYS AND TRANSPORTATION
COMMISSION MEETING HELD IN JEFFERSON CITY, MISSOURI,
TUESDAY, FEBRUARY 5, 2019**

A special meeting of the Missouri Highways and Transportation Commission was held on Tuesday, February 5, 2019, at the Missouri Department of Transportation, 105 W. Capitol Avenue, Jefferson City, Missouri. Michael B. Pace, Vice-Chairman, called the meeting to order at 10:00 a.m. The following Commissioners were present: Michael T. Waters, Jr., John W. Briscoe, Terry L. Ecker, and Robert G. Brinkmann. Gregg C. Smith was absent.

The meeting was called pursuant to Section 226.120 of the Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the Revised Statutes of Missouri, as amended.

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Patrick McKenna, Director of the Missouri Department of Transportation; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission, were present on Tuesday, February 5, 2019.

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*“Department” or “MoDOT” herein refers to Missouri Department of Transportation.
“Commission” or “MHTC” herein refers to Missouri Highways and Transportation Commission.*

-- OPEN MEETING --

COMMISSION WORKSHOP – STIP DEVELOPMENT

The Commission held a special meeting to learn more about the development of the Statewide Transportation Improvement Program (STIP). Mabelle Watkins, Transportation Planning Director, explained transportation priorities are based upon public input received during the public involvement period initiative of Missouri’s statewide long range transportation plan, Missouri’s Transportation Future. MoDOT district staff works year round with planning partners to help identify needs and prioritize projects. District programs are compiled into the STIP and presented to the Commission for approval. Multimodal Operations staff administers funding for transit, rail, aviation, waterways, and freight, and works with respective partners in each program area to program projects. MoDOT staff administers local public agency funding for local entities across multiple federal program areas. The local public agency program is identified programmatically in the STIP. During the past year, MoDOT worked with planning partners, transportation stakeholders, and customers to identify transportation improvement projects.

Ms. Watkins explained the sources of transportation funding and how those funds are expended. She then described how those funds are distributed for the construction program currently. She shared a history of the Commission’s policy titled, “Statewide Transportation Improvement Program – Funding Allocation,” and reviewed some of the revisions that have been made to the policy over time. She noted the Commission last updated the funding allocation policy in January 2018. She then proposed changes to the funding allocation policy to more accurately reflect the funds that are currently being distributed to maintain the system through asset management.

The policy currently takes the total construction program funds and distributes it to special programs and the distributed construction program funds. Of the distributed construction program funds, the monies are divided among the safety, taking care of the system, and flexible funds categories. The proposed changes will take the total construction program funds and distribute it to engineering (a new category), special programs, and the distributed construction program funds. Of the distributed construction program funds, the monies are divided among the safety, asset management, and system improvements categories. While these changes do not impact the formula used for the distributed construction program funds, it did adjust the amounts available in each of the categories.

The following is a summary of the changes proposed for consideration by the Commission.

- Beginning in fiscal year 2022, revise the taking care of the system amount to match asset management plan needs and rename the taking care of the system category to asset management. The new asset management category will include:
 - Statewide funding for all major bridges (bridges with a length of 1,000 feet or greater) – all of the funds will be distributed to districts in the year the major bridge is reflected in their asset management plans.
 - Distributed funding for other asset management needs.
- Asset management needs for 2022 is \$583 million, which will increase by the inflation factor identified in the asset management plan, this is three percent in the current plan. This will be distributed using current taking care of the system factors, except the major bridges square footage will be removed from factors.
 - The asset management amount and inflation factor will be reviewed and updated, if necessary, annually.
- Rename the flexible funds category to system improvements. These funds must be first used to meet asset management goals, and then remaining funds may be used for other priorities.
- Discontinue the asset management deficit program and the statewide interstate and major bridges program.
- Beginning in fiscal year 2022, the engineering budget will be taken off the top (removed from total distributed construction program funds) before funds are distributed to the districts.

Action related to the proposed changes was taken at the regularly scheduled open meeting on

February 6, 2019, and recorded in the minutes thereof.

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-- **REPORTS** --

The Commission received the following written reports.

CONSULTANT SELECTION PROCESS

Eric Schroeter, Assistant Chief Engineer, submitted a written report regarding the laws and process used for selecting consultants. It is important to have qualified and competent professionals performing engineering work. Consultants are utilized for a variety of services. Engineering and design related services are defined as program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services.

The Brooks Act is a federal law that establishes the qualifications-based selection requirements for procuring engineering and design-related services. The process for hiring a consultant is a competitive negotiation procurement. A cost proposal or elements of cost may be requested, but must be submitted in a concealed format and separate from technical/qualifications proposals. The cost shall not be considered in the evaluation, ranking, and selection phase. Only the cost proposal of the consultant with which negotiations are initiated may be opened. Concealed cost proposals from consultants with whom negotiations did not occur will be disposed of and cannot be opened.

Currently, the request for proposal contains a broad description of services. Part of the negotiation process involves discussing the scope that can be delivered for the budget and timeline. Implementing a cost proposal with the request for proposal, rather than negotiating the scope with the consultant, will require development of a detailed project scope in advance to be included with the scope in the request for proposal. Doing so would result in additional work and time by staff to determine the scope. Negotiating scope with the consultant would no longer take place.

The Design and Bridge Consultant (DBC) Budget for fiscal year 2019 is \$55 million. Expenditures from the Statewide Transportation Improvement Program (STIP) budget are used to fund DBC contracts.

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DESIGN-BUILD'S BEST VALUE APPROACH AT MODOT

Eric Schroeter, Assistant Chief Engineer, provided a written overview of MoDOT's approach to achieving best value through its Design-Build projects. MoDOT has completed or substantially completed thirteen Design-Build projects using various approaches to get the best value on each project. Each project team has used the best value approach consistent with their overall procurement strategies to align the performance of their design-build contracts with the project goals.

MoDOT has used two methods to realize best value: fixed price and integrated assessment of cost. On a project that has more needs than resources available, a fixed price approach allows the team to maximize scope for the available funding. A project that has more specific needs can utilize an integrated assessment of cost allowing the project to be evaluated based on the proposed price in addition to factors such as the project schedule or other technical factors.

Project procurement strategies using fixed price have delivered innovation, reduced schedules, delivered quality, reduced impacts to motorists, reduced environmental impacts, enhanced community relations, minimized utility relocations, and reduced right of way needs. Projects using an integrated assessment of cost have delivered similar results. MoDOT has utilized the integrated assessment of cost approach on five of the thirteen projects delivered to date on major river bridge projects.

There are a number of potential design-build projects awaiting funding and/or authorization of use of design-build. There are currently three design-build projects in construction: St. Louis Safety Improvements (St. Louis District), US 54 Champ Clark Mississippi River Bridge (Northeast District), and I-435 South Loop Link (Kansas City District). There is currently one design-build project in procurement: Project Bridge Rebuild on I-44 (Southwest District). There is currently one design-build project preparing for procurement: I-270 North (St. Louis District).

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By unanimous consensus of all members present, the meeting of the Commission adjourned.

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The Mission of the Missouri Highways and Transportation Commission is to:

- Represent the citizens of Missouri pursuant to the Constitution by providing independent and nonpartisan governance of the Missouri Department of Transportation; and
- Establish policies, exercise oversight, and ensure accountability in developing and maintaining a world class transportation system in Missouri which fosters safety and economic development.

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