

 OREGON DEPARTMENT OF TRANSPORTATION TECHNICAL SERVICES <i>Technical Services</i> BULLETIN									
SUBJECT	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">FINAL NUMBER</td> <td style="width: 25%;">EFFECTIVE DATE</td> <td style="width: 25%;">VALIDATION DATE</td> <td style="width: 25%;">SUPERSEDES</td> </tr> <tr> <td>TSB12-01(B)</td> <td>08/16/2012</td> <td>05/07/2013</td> <td>TSB09-02(B)</td> </tr> </table>	FINAL NUMBER	EFFECTIVE DATE	VALIDATION DATE	SUPERSEDES	TSB12-01(B)	08/16/2012	05/07/2013	TSB09-02(B)
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TSB12-01(B)	08/16/2012	05/07/2013	TSB09-02(B)						
Project-specific Special Provisions	WEB LINK(S) http://www.oregon.gov/ODOT/HWY/TECHSERV/technicalguidance.shtml								
TOPIC/PROGRAM	APPROVED SIGNATURE								
ODOT Specification and Writing Style Manual	Original signed by: Catherine M. Nelson, P.E. Technical Services Manager/Chief Engineer								

PURPOSE

The purpose of this Technical Services Bulletin is to provide expectations for the modification process for project-specific special provisions in public works construction projects bid by ODOT.

GUIDANCE

All Designers and Specification Writers are expected to utilize the Agency's Standard Specifications and Boilerplate Special Provisions unless there are project-specific, special circumstances that warrant the use of something different. When there are special circumstances requiring modifications to the Standard Specifications beyond those available with the Boilerplate Special Provisions, the expectations in this Bulletin should be followed.

All edits to the Standard Specifications Volume 1 (Part 00100, General Conditions), other than fill-in-the-blank sections using only the options listed, and all edits to the Standard Specifications Volume 2 (Parts 00200 through 03000) that add any general legal requirements (*including warranties, surety bonds, liquidated damages, penalties, bonuses, incentives, disincentives, measurement and payment, or general legal requirements of the type addressed in the Part 00100 General Conditions*) are required to be reviewed and granted approval by the Department of Justice (DOJ) before they can be used. The ODOT Sr. Specifications Engineer shall be contacted for approval before these types of modifications to the Specifications can be incorporated. The Sr. Specifications Engineer will coordinate with DOJ for review and approval.

As outlined in RD13-01(B) – Approval of Specification Modifications (*Project Special Provisions and Contract Change Orders*), all additions, deletions, or modifications made to any of the measurement or payment subsections of the technical specifications shall be submitted to the Measurement and Payment Technical Resource for review and concurrence prior to incorporation. When required, the Measurement and Payment Technical Resource will forward modifications to the measurement or payment specifications to the Sr. Specifications Engineer who will coordinate with DOJ for review and approval. Submit these requests directly to the Measurement & Payment email at:

ODOTMeasurement&Paym@odot.state.or.us

DEFINITIONS

Boilerplate Special Provisions – The Boilerplate Special Provisions modify the Standard Specifications by adding, replacing or deleting information from them. Sections of the Standard Specifications may have a related Boilerplate Special Provision. Some Boilerplate Special Provisions are also stand-alone Specifications. The Boilerplate Special Provisions are selected and assembled for the Project Special Provisions. All Boilerplate Special Provisions have been reviewed and approved for use by the ODOT Sr. Specifications Engineer, the Department of Justice Business Transactions Section and Federal Highway (FHWA).

Project Special Provisions – Project Special Provisions is a single document consisting of a set of assembled Boilerplate Special Provisions and any project-specific special provisions that modify the Standard Specifications specific to an individual project. The Project Special Provisions and the Standard Specifications together make up the contract specifications.

Standard Specifications –The Standard Specifications describe the contractual relationship and responsibilities between the Contractor and the Agency. It provides directions, provisions, and requirements necessary for performing public improvement projects.

ACTION REQUIRED

Each Region Tech Center is expected to develop, manage and document a process that ensures adequate communications between Technical Services and Region staff in a way that fits with unique Region business needs and practices.

Region staff will continue to contact and discuss project-specific changes with the Technical Services Specification Technical Resources, Project Managers and Region Management. Any disagreements or non-concurrences will be resolved by the Region Tech Center Manager.

In order to ensure communication lines stay open, the expectation is that the Region's submittals to the Technical Resources for review and concurrence, and the Technical Resource's responses back to the Regions will be completed in a timely manner. If DOJ review and approval is required, an additional 14 calendar days must be incorporated into the project delivery schedule.

Additional guidance on making changes to the Standard Specifications or Boilerplate Special Provisions can be found in the ODOT Specification and Writing Style Manual.

BACKGROUND/REFERENCE

The Technical Leadership Team approved a formal process under TSB09-02(B) to adopt changes to the Project-specific Special Provisions. This Technical Bulletin discontinues that formalized process.

It is the expectation that the improved communications resulting from the processes defined in TSB09-02(B) will continue which will reduce the occurrences of non-approved Specifications being incorporated into ODOT construction contracts.

RESPONSIBILITIES

Technical Services staff will continue to maintain the [Agency's Technical Resource list](#) and post on the Office of Project Letting website. The Office of Project Letting will maintain the current Special Provision Summary form 734-2798 and make available for optional use by the Regions.

CONTACT INFORMATION

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