

# Project Funding & Expenditures

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- 2.1. Project Numbers & Project Account Coding
- 2.2. Project Funding & Expenditure Monitoring
- 2.3. Federal Funding Agreements

## 2.1. Project Numbers & Project Account Coding

Each federally-funded project has a federal project number or numbers assigned to it; this number relates to the federal funding agreement. An FHWA project number identifies the highway the project is on when a single federal route is identified, and includes a sequential project number for that section of highway. An FAA project number identifies the federal program funding the project, the airport, and includes a sequential grant number for that airport under that federal program. These numbers relate to the project grant, and not to expenditures.

Coding of overhead costs on all Capital Improvement Projects (CIP) changed on July 1, 2001. An Indirect Cost Allocation Plan (ICAP) charge is applied to all capital expenses. ICAP revenue supports the overhead activity within the Department.

Coordinate with regional project control to code project expenditures. See chapters 12.5 and 12.6 for more information about the process of coding project estimates.

## 2.2. Project Funding & Expenditure Monitoring

Prior to the Department advertising a contract for bid, initial funding is set aside for the construction phase of the project. The amount of funding is based on the Preconstruction Engineer's Estimate of the construction cost, plus a percentage of that estimate for construction engineering (CE) expenses. CE costs typically vary depending on the size, location, and complexity of the project. Also included on federally-funded projects, is enough state-only funding to cover the estimated cost of ineligible construction items plus a small additional amount of state-only funding to cover the cost of ineligible CE items. The total funding available for the construction phase of a project varies by project type, funding source, and the way the project was authorized by the state legislature.

Initial funding is established in IRIS through a document known as a Project Development

Authorization (PDA). After the Department awards the contract, this initial funding is adjusted, through a PDA revision, to reflect the awarded contract amount. Subsequent adjustments are the responsibility of the Group Chief/PM and the Project Engineer. Any changes in project costs resulting in an increase or decrease require the preparation of a PDA (request for a) revision.

On federally-funded projects, expenses are divided into two basic categories: participating and non-participating. The federal agency reimburses the Department for a percentage of the cost of all eligible (participating) expenses. The reimbursement percentage is established in the federal funding agreement and varies considerably with the federal agency and the project type. The Department must pay the unreimbursed percentage of eligible expenses (known as state-match funds), as well as the total cost of all ineligible (non-participating) expenses.

Once a construction contract is awarded, the amount of the contract award is encumbered in the accounting system, and referenced to the contractor and contract number. This guarantees that sufficient funds are available to pay the contractor. This is accomplished using an Encumbrance Memo. Each category of funds must be encumbered separately and all funding must be available in the project phase account before the contractor can be allowed to proceed with the work (this applies both to the initial contract and to contract change documents). The Project Engineer and the Group Chief/PM are responsible for encumbering funds as the project progresses, to ensure sufficient funding is available and encumbered to guarantee payment of remaining contract obligations. All contractual obligations (consultant contracts, equipment purchases) and certain vendor stock requests are handled in a similar fashion.

Occasionally the Department may perform work for another governmental agency, or a utility may pay for a portion of the work performed under a Department contract. These outside funding arrangements are set up under Reimbursable Service Agreements (RSAs) or utility agreements. The regional finance unit bills the other agency/utility for the work after the Project Engineer certifies the work has been acceptably performed.

The project control unit designates the Group Chief/PM as the construction phase financial manager for all projects active in the construction phase. This designation makes the Group Chief/PM (or the Project Engineer, as the sub-designee) responsible for maintaining the construction phase financial account in a positive condition at all times. It is critical that both the Project Engineer and the Group Chief/PM closely monitor construction phase expenditures throughout the project to avoid exceeding the available funds. This is particularly important when the project encounters changed conditions or when additional work is contemplated. You can review current project financial information daily in IRIS or through project expenditure reports or special audit trails produced in ALDER. Project expenses will be paid only if sufficient funds are available in IRIS to cover them.

### 2.3. Federal Funding Agreements

On federally-funded projects, the Department enters into two contracts: one with the federal funding agency and the other with the construction contractor. FHWA and FAA financial programs are set up and monitored differently, but both accomplish the same result—the transfer of federal funds to the Department.

#### 2.3.1 FAA

The signing of the FAA Grant Agreement usually takes place before the construction contract is awarded. The FAA's program consists of individual grants to airport sponsors (the Department is a sponsor). FAA awards grants on a project-by-project basis. The grant program is established/renewed by Congress, usually in three to five year increments, with the program name and emphasis varying.

A single FAA Grant Agreement may involve reimbursement for design engineering, land acquisition, construction improvements and construction engineering (CE); purchase of aircraft rescue and fire fighting (ARFF) vehicles, snow removal equipment, and buildings. The Department could manage each separate item under a separate grant; however, the FAA prefers to consolidate grants. Design engineering is typically included under the same grant with the related construction activity.

The parties to the grant agreement usually sign before the construction contract is awarded. FAA's Airports Division and the Department's Statewide Aviation unit sign the document. In addition to establishing the maximum dollar amount of federal reimbursement,

the grant agreement includes a written description of the work items that are eligible for reimbursement. State funds cover improvements not in the grant agreement and the sponsor's matching share.

Amendments to the grant agreement are possible. The Department (sponsor) is limited to fifteen percent in additional funds to cover allowable and reasonable expenses on the project, such as:

- Construction changes
- Claims
- Engineering costs
- Overruns

Justification is required to back up the increased costs. Grant amendments cover changes in grant description and financial concerns. The Project Engineer should be familiar with a signed copy of the grant, the special conditions, and any subsequent amendments.

#### 2.3.2 FHWA

The signing of the FHWA Project Agreement, authorizing the construction phase, always occurs prior to advertising the project for bid. The FHWA's program consists of individually funded agreements, handled on a project-by-project or a phase-by-phase basis. Like the airport grant program, Congress establishes/renews the FHWA funding program in multi-year increments, each bearing a different title and different emphasis. FHWA Project Agreements can fund preliminary engineering (design), land acquisition, construction improvements, construction engineering (CE), and utility relocation all under one agreement or each under a separate agreement.

The Project Agreement that provides the initial funding for the construction phase is usually signed at the same time that the FHWA issues their Authority to Proceed (ATP) for advertising the construction contract for bids. The document is signed by the FHWA's Alaska Division and the Department's Federal Aid unit, both located in Juneau.

**Project Information Document (PID) Form:** In accordance with 2 CFR 200.210, a Federal-aid project agreement must have an identified period of performance for the scope of work authorized. The period of performance includes both a start and end date, which identifies the period of time when costs can be incurred (work performed) on a project for the authorized scope of work to be eligible for reimbursement with Federal funds. No additional Phase IV costs can be incurred on the project for

federal reimbursement after the Authority to Proceed (ATP) end date.

Construction or Design (depending on regional practices) will submit the PID Form for Phase IV in an electronic program called eWorX. The PID indicates basic project information, scope, and ATP beginning and end dates. See web link:

<https://portal.eworx.com/>

For further information on establishing and modifying ATP End Dates, refer to the FHWA Project Funds Management Guide for State Grants and FAQ's on ATP End Dates at the following respective links:

<https://www.fhwa.dot.gov/cfo/projfundsmgtal.cfm>

[https://www.fhwa.dot.gov/cfo/projfundsmgt\\_qa.cfm](https://www.fhwa.dot.gov/cfo/projfundsmgt_qa.cfm)

Following award of the contract, the Department submits a Project Agreement Estimate (the cost of the construction contract plus an additional allowance for the CE) to the FHWA, and the Project Agreement is modified to reflect the contract award amount. The Project Engineer should secure a copy of both the Project Agreement Estimate and the Project Agreement, as well as all subsequent revisions to either, and should become familiar with them. See Section 7.7 for further information.

The FHWA uses a system of Work Type Codes (also known as FA Codes) to track and account for expenditures of their funds. The codes appear on the Project Agreement and subsequent amendments, and must also appear on the Final Estimate. Questions on the proper application of these codes should be directed to the Group Chief/PM, regional project control, or to the FHWA area engineer.

For more information about managing Project Funds, use web link:

<https://www.fhwa.dot.gov/cfo/projfundsmgt.cfm>

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### 3. Preliminary Activities

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- 3.1. Getting Started – Review the Records
- 3.2. Prior to Bid Opening
- 3.3. Construction Sponsor Force Account Service
- 3.4. Bid Opening to Award/Notice to Proceed
- 3.5. Contractors Progress Schedule
- 3.6. Project Staffing & the Construction Engineering Budget
- 3.7. Construction Management Program
- 3.8. Preconstruction Conference
- 3.9. Partnering
- 3.10. Transportation Management Plan (TMP)
- 3.11. Stormwater Pollution and Prevention Plan
- 3.12. Preconstruction Site Inspection

#### 3.1. Getting Started – Review the Records

The first order of business for a newly assigned Project Engineer is to thoroughly review the contract and become familiar with the project. This holds true no matter what stage the project is in when the assignment is made. From a preliminary review of the contract documents, the Project Engineer should know the scope, location, and type of project and should be able to determine its estimated cost, timing, and general source of funding, as well as the seasonality of the project (winter or summer construction).

The Project Engineer should also obtain and review all of the following documents:

##### **Conformed Contract and Bid Tabulations:**

Including all paperwork submitted by the contractor prior to receiving the contract, compare the low bidder's/contractor's principal unit prices and overall bid with those of other bidders and with the Engineer's Estimate; check the completion date or contract time.

**Design File:** Review the design engineer's assumptions and decisions, and gain insight into the whys of the project; obtain any aerial photos used during the design.

**Engineer's Estimate:** Following a review of the contract, the Project Engineer should compare their own estimated prices with the design engineer's estimated unit prices (the Engineer's Estimate).

**Environmental Documents:** The Project Engineer should obtain and review copies of the project's Environmental Assessment, Environmental Impact Statement, or Categorical Exclusion and should become familiar with all of the project's environmental commitments.

**Federal Funding Agreements:** For FHWA-funded highway or marine projects, the Project Engineer shall secure a copy of the Project Agreement, the Project Agreement Estimate, and the Authority to Proceed (ATP) and make certain the project will receive all amendments to the Project Agreement.

On FAA-funded airport projects, the Project Engineer shall have a copy of the Grant Agreement, Application for Federal Assistance, and any Grant Amendments.

**Materials Certification List (MCL):** The Material Certification List (MCL) is prepared by the Engineer of Record with the assistance of the MCL Coordinator. The MCL lists all materials that require certification and who approves the certification. See Section 4.5 for additional information on the MCL.

**Materials Permits:** The Project Engineer should secure copies of the permits for each of the projects' designated materials sources, if any, and copies of any royalty agreements and should become familiar with all of the permit stipulations (seasonality requirements, haul route designations/restrictions, fish and wildlife conflicts, overburden disposal, and pit clean-up requirements). Compare the permit stipulations with the contract language to make certain there are no conflicts.

**Materials Report:** For an in-depth look at the materials investigation, the Project Engineer should: study the materials source test results; check the age (old investigation or fairly recent) of the report and the extent sources were investigated, review sources that were investigated but not included in the design, and compare the materials report's recommendations with the design engineer's final design.

**Materials Testing Summary:** The Project Engineer, the regional quality assurance section, or the materials unit prepares the project's Material Testing Summary. To create a project-specific Material Testing Summary, combine the contract's specified test methods and estimated quantities with the Materials Sampling & Testing Frequency (MSTF) table for Airports or Highways, published on the Statewide

Materials Website (a web link is in Sections 18.8 thru 18.9). The final Materials Testing Summary is based on final pay quantities (See Section 11.2).

**Reimbursable Service Agreements (RSAs):** If the project includes work for another agency, review the RSA to determine the scope of the other agency's work and its impact on the work of the prime contractor.

**Right-Of-Way Documents:** Principal documents include right-of-way plans, airport property plans, right-of-way certifications, airport lease lot drawings, memoranda of agreement regarding encroachments and access to private property. The Project Engineer should review all of these documents relating to the project and compare them to the contract for consistency and completeness.

**State Funding Documents:** Review the current Project Development Authorization in AKSAS, which contains the exact amounts, sources, and categories of funds that are available for the project.

**Transportation Management Plan (TMP):** On highway projects review the TMP and identify how it addresses work zone impacts. The TMP always includes a Traffic Control Plan (TCP). The TMP may also include a Traffic Operations Plan (TOP) and/or a Public Information Plan (PIP).

**Utility Agreements:** If the project involves relocating an existing utility or extending a utility to provide new service, review the utility agreement and determine the scope of involvement, if any, with the agreement; also review the timing and coordination with the prime contractor and the sources of funding for the utility work and/or railroad agreement.

Review and compare these documents to the contract for consistency and completeness.

The Project Engineer should review the plans and specifications and all related documents. The Project Engineer should review the project with the design engineer and airport manager on airport projects. This will allow the Project Engineer to gain needed insight into the design decision-making process, which may provide answers to questions that could arise during the project. The review also opens a channel of communication between the Project Engineer and the design engineer. The Project Engineer should verify the plans with an on-site inspection with the maintenance and operations unit (see Section 3.12).

## 3.2. Prior to Bid Opening

### 3.2.1 Constructability Review.

Before the Department advertises the project for bid, the construction unit is given the opportunity to review and comment on the plans and specifications. A Constructability Review (CR) is a design review involving those with construction expertise. When a design review (local, PIH, or PS&E) set is distributed, the Construction Section is responsible for determining the appropriate level of CR and for assigning personnel with adequate construction expertise (depending on available resources). The Group Chief/PM assigned to supervise the project should conduct the review. If the Project Engineer has been selected, that person should also be involved in the review.

The purpose of a CR is to transfer construction knowledge, to ensure the project is biddable and buildable; that the contract documents clearly define when, where, and what work is to be performed; what restrictions exist; and how the contract work will be accepted and paid for.

Additionally, CRs look at:

- Coordination of contract documents
- Construction phasing and scheduling
- Traffic control
- Ease of construction
- Design consistent with field conditions
- Materials availability
- Specifications
- Areas/topics of high risk
- Permits and Environmental Commitments
- Estimate Award to Project Completion Time for bid documents.

Comments from a CR review are handled the same as other plan review comments. CR personnel should participate in plan review meetings as appropriate.

### 3.2.2 Answering Bid Questions.

If the Group Chief/PM assigns a Project Engineer to the project prior to or in the early stages of the advertising period, the Project Engineer reviews the project records and becomes familiar with the project

against a background of the events described in this and the following section. During the advertising period, either the Group Chief/PM or the Project Engineer may be tasked with responding to bidder's inquiries.

The Project Engineer or Group Chief/PM should keep a permanent record of all contacts made with bidders, suppliers, and subcontractors during the advertising period. The record should include all questions and answers, as well as how the answers were determined. The records should be kept on a telephone call record form, or a similar form, and should be placed in the files. The design unit and the contracting unit will decide whether the answer to one bidder's question is significant enough to the bidding process to make it an addendum to the bid. Prior to the bid opening, the only information on project cost that the Department releases to the public is a range of estimated contract prices. The design engineer's estimate is not made public until bid opening.

### **3.3. Construction Sponsor Force Account Service**

The FAA requires sponsors (the Department) to submit a Construction Force Account Proposal outlining the professional services for administration of the contract. The Force Account Proposal shall include:

- Heading and Introduction
  - Project title
  - Airport Improvement Number
  - Short Description of Project
  - Location
  - Request for approval of force account
- Project Scope
  - Describe nature and extent of force account work
- Justification
  - Describe the benefits to the sponsor and FAA, of using force account instead of competitive bids or negotiated contracts.
- Personnel Qualifications
- Detailed Cost Estimate
- Sponsor's Resources
- Cost Analysis

A detailed Outline for a Force Account Proposal is in Section 17. The FAA requires the Force Account Proposal prior to the contractor starting work. The FAA reviews the Force Account Proposal and must perform a reasonableness-of-cost determination.

### **3.4. Bid Opening to Award/Notice to Proceed**

This subsection is considered informational only. There are no required actions of the Project Engineer.

All bid openings must be done according to P&P 10.02.011.

After the bid opening the Department tabulates the bids. After the bids are certified by the contract officer they are posted on the procurement website.

A confirming letter is sent to the apparent low bidder. The letter requests the following documents to be submitted within five working days:

- Subcontractor List (Form 25D-5) (all projects per AS 36.30.116)
- DBE Utilization Report (Form 25A-325C) (If the project is federally funded and has DBE goals).

If the apparent low bidder is unable to meet the DBE goals (per Form 25A-325C), they must also submit:

- DBE Summary of Good Faith Effort Documentation (Form 25A-332A)
- DBE Contact Reports (Form 25A-321A)
- A Written DBE Commitment (Form 25A-326) for each DBE to be used on the project.

#### **3.4.1 Reviewing Good Faith Effort**

On Federally funded projects where the apparent low bidder does not meet stated DBE goals, the Civil Rights Office (CRO) reviews the Good Faith Effort (GFE) documentation. The GFE forms document the bidder's unsuccessful efforts at meeting the DBE goals. The CRO decides either to accept, or not accept the GFE.

If the CRO does not accept the apparent low bidders Good Faith Effort, then the bidder has three days from the date the Department notifies them of this determination to request an administrative reconsideration of the determination. If the bidder doesn't request reconsideration, or their reconsideration is denied, then the Department may award the contract to the next lowest responsive and responsible bidder that meets the DBE goals.

If the contracting officer awards the bid based on Good Faith Effort, then the contracting officer notifies the apparent low bidder that their GFE was accepted in the Letter of Award.

### **3.4.2 Internal Recommendation to Proceed with Intent to Award**

During the five day time period a “Recommendation to Proceed with Intent to Award” memo is circulated with the certified bid results to the Project Manager who is responsible for securing approval from the Section Chief and Project Director, as well as the Project Control official for funding verification. When this form has been approved by all, it is returned to the Chief of Contracts/Contracting Officer, and a Letter of Intent to Award is prepared.

### **3.4.3 Letter of Intent to Award**

The contract section will send a Letter of Intent to Award to the apparent low bidder. For federal-aid funded contracts the following documents (as applicable) are submitted by the bidder within 15 calendar days:

- Corrected Bid Schedule (If Required)
- Bidder Registration (Form 25D-6)
- Contractor's Questionnaire (Form 25D-8)
- Construction Contract (Form 25D-10A)
- Payment Bond (Form 25D-12)
- Performance Bond (Form 25D-13)
- Material Origin Cert. (FHWA, Form 25D-60)
- Buy American Request for Type 3 Waiver (FAA , Form 25D-153)
- EEO-1 Certification (Form 25A-304)
- DOT&PF Training Program (Form 25A-310)
- Training Utilization Report (Form 25A-311)
- A copy of contractor’s Alaska Business License
- A copy of contractor's Registration
- Evidence of Insurance

The Letter of Intent to Award triggers the protest period, which is ten (10) calendar days.

### **3.4.4 Letter of Award, Notice to Proceed and Contract Amount**

Once all of the successful low bidder’s documents are in order and are approved by the Chief of Contracts, the contracting officer signs the contract and issues a Letter of Award. The successful low bidder then becomes the contractor.

The Notice to Proceed may be issued by the construction section after the Letter of Award is issued, and it has been confirmed that the contractor has electronically submitted the Notice of Work (NOW) to the Alaska Department of Labor.

The amount of the successful low bid becomes the amount of award, and is known as the original contract amount; this amount usually establishes the daily-liquidated damage charge that applies when actual construction time exceeds contract completion time. The daily-liquidated damage charge represents the average daily construction engineering (CE) cost on contracts of this value and is based on analysis of actual CE costs from Department projects.

### **3.4.5 Additional FAA Requirements**

The following documents must be sent to FAA for review, before they will give Concurrence to Award:

- Engineer’s Estimate
- Bid Tabulations
- A statement signed by the sponsor that a price analysis was performed and that the sponsor recommends that FAA accept the statement and analysis as evidence of cost reasonableness
- The apparent low bidder’s signed Form 25D-159 Certification Regarding Tax Delinquency and Felony Conviction

Submit the following documents to FAA when they are written or assembled:

- Conformed copy of the plans and specifications
- Force account construction proposal
- Construction Management Program (CMP), if applicable (Section 3.7)

### **3.5. Contractors Progress Schedule**

The contract requires that the contractor submit a construction progress schedule to the Project Engineer, before the preconstruction conference. The Project Engineer should review the staffing plan and field engineering budget, and if needed, modify it based on the contractor’s schedule.

The contract specifies the type of schedule (CPM, bar chart) that the contractor is to submit. The schedule should break out the construction information into sufficient detail to comply with contract requirements and to make the schedule meaningful for the Project Engineer. The schedule should show beginning and ending dates for the principal items of work, periods of multiple shift work, and periods of anticipated shutdown.

When the Project Engineer finds that the schedule provides all of the required information in a format

that allows them to schedule staffing for the project and to monitor the contractor's operations, they should return a signed copy to the contractor. A copy of the current schedule should be posted in the field office.

### **3.6. Project Staffing & the Construction Engineering Budget**

After reviewing the plans and specifications and other project records, the Project Engineer should have a basic idea of project staff size and should start to develop a preliminary construction engineering (CE) budget. The CE budget consists of two categories of expenses: those that are under the direct control of the Project Engineer (field engineering expenses) and those that aren't (support group expenses).

Numerous groups within the Department, which support the field construction effort, incur expenses that are charged against the project's account; these units are referred to as support groups and include every individual who charges time or expenses to a construction project who is not under the Project Engineer's immediate supervision. Exercise control over the support groups' expenses by requesting, before construction begins, that each support group provide a budget for their group's estimated expenditures. The sample support group budget request memo, shown in the exhibits, lists the majority of the support groups that you should contact. Most of these support groups have a distinct program code or codes (see Section 2.1) to which they charge their expenses; this makes tracking their expenses much easier.

Following the Letter of Award, the project engineer may contact the contractor and find out tentative scheduling and staffing plans. If possible, secure a copy of the progress schedule. This information should allow you to refine the project staffing plan, add more accurate durations to the staff assignments, and refine the field engineering budget. The Project Engineer and the Group Chief/PM should review and coordinate the development of the staffing plan and CE budget.

The Project Engineer should look at the total CE budget amount (support group budgets combined with the field engineering budget) and compare it to the remaining available funds. If the total doesn't exceed available funds, all is well. If the budget does exceed the available funds, ask each support group to reduce their budget, or reduce the field engineering budget, or

ask for a CE budget increase. Consult with the Group Chief/PM for budget help if necessary. Any CE expenses exceeding available federal funds must be paid out of state-only funds.

### **3.7. Construction Management Program**

The Department must submit a Construction Management Program (CMP) to the FAA prior to the start of airfield taxiway, apron, and runway construction projects where the federal share of the cost of asphalt and concrete pavement, exceeds \$500,000. The CMP shall detail the measures and procedures used to comply with provisions of the construction contract, including but not limited to all acceptance and quality control provisions and tests required by the specifications for subgrade, subbase, base, and surface courses.

The CMP shall include as a minimum:

- Project title and number
- Name of DOT&PF Project Engineer assigned to the project
- Names of testing laboratories and consulting firms with acceptance or quality control testing responsibilities on the project, and a description of the services to be provided, if these responsibilities must be identified
- A statement that construction inspection and material testing is to be performed in accordance with the Standard Specifications for Airport Construction, as modified by the Department and approved by the FAA, for Airport Improvement Program (AIP) construction in Alaska, and documented in accordance with the *Alaska Construction Manual* (Sections 10 and 11)
- Material Testing Summary: The Project Engineer, Quality Assurance section, or the Materials section applies the Materials Sampling & Testing Frequency – Airport Construction Contracts (Section 18.9) to the material quantities in the original contract to make up the summary

The Group Chief/PM and the Project Engineer prepare the plan. The Group Chief/PM submits it to the FAA for review. Receive acknowledgement from FAA prior to the start of construction work.

### **3.8 Preconstruction Conference**

After receiving submittals from the contractor required by the contract, the Group Chief/PM and the Project Engineer should schedule a preconstruction

conference. The meeting should be scheduled around the availability of the Project Engineer, the contractor, maintenance and operations representatives, and the federal agency's engineer. The date and time of the meeting should be arranged verbally with all participants.

The complexity of the project, its location, and the type of work involved determine who should participate in the preconstruction conference. Participants may include the following people or representatives from the following groups:

**Usually in attendance:**

- Airport manager
- Alaska Department of Labor representative
- Contractor
- Group chief/PM
- Maintenance and Operations representative
- Project Engineer
- Quality Assurance/Materials unit
- Regional compliance officer

**Invite as applicable:**

- Design engineer, design consultant or naval architect
- Environmental unit
- FHWA or FAA Airports Division
- Major subcontractors (at the prime contractor's invitation)
- Other governmental agencies with direct involvement
- Traffic and Safety unit
- Utilities unit

The contract requires the contractor to provide certain information to the Project Engineer prior to the preconstruction conference. This information usually includes:

- A construction progress schedule
- A submittal list showing anticipated dates of drawing and plan submittals, procurement of materials and equipment, out of state fabrication inspections, and specialty work items inspections
- A list of all the suppliers and the material delivery dates
- A Construction Phasing Plan with Traffic Control Plans for initial phases
- A Stormwater Pollution and Prevention Plan and a Hazardous Material Control Plan
- A Quality Control Plan
- Designation of the Project Superintendent

- Designation of the DBE/EEO officer
- Designation of the Worksite Traffic Supervisor
- Designation of the Safety Officer

The preconstruction conference is intended to serve several additional purposes:

- Provide everyone associated with the contract activity an opportunity to meet and get acquainted
- Set up lines of communication that establish the Project Engineer as the single point of contact for the Department, and the prime contractor as the single point of contact for the prime and all of their subcontractors and suppliers.
- Review state/federal minimum wage rates and payroll reporting requirements; review the timing and procedures of subcontract approval
- Review requirements of the federal EEO programs and state DBE goals that affect the project
- Remind contractor to submit a Notice of Work with DOLWD
- Briefly review important general sections of the contract document
- Discuss the plans and specifications, particularly unusual conditions or requirements, permit stipulations, and load limits
- Discuss materials submittal requirements, including a review of the contract's list or the Project Engineer's list of pay items requiring submittals, the number of copies of each submittal, and the timing of those submittals and of their approval
- Review and discuss the contractor's progress schedule and proposed methods of operation
- Review and discuss the contractor's Traffic Control Plan. The contractor must immediately notify the Project Engineer of any traffic-related accident that occurs within the project limits as soon as the contractor or a subcontractor becomes aware of the accident.
- Review and discuss the contractor's Safety Plan Compliance Document. Discuss how it complies with the airport Construction Safety and Phasing Plan. Discuss the 45 day wait period after filing a Strategic Event Coordination form. Contractors and subcontractors must comply with Notices to Airmen (NOTAMs) issued for any construction activity. The contractor must notify the Department to cancel the NOTAMs when the activity ceases.

- Coordinate contract activities with other affected parties, including maintenance and operations, airport management, airport tenants, air traffic facilities, and security
- Review and discuss the project's environmental documents including borrow permits, wetlands fill permits, and noise abatement requirements.
- Review and discuss the contractor's Stormwater Pollution Prevention Plan and Hazardous Material Control Plan.
- Discuss contractor/subcontractor responsibility for utility locates and Call 811 (if available for project area) before digging.

See FAA Advisory Circular (AC) 150/5300-9A, Predesign, Prebid, and Preconstruction Conferences for Airport Grant Projects.

Prepare an agenda for the preconstruction conference, and provide a copy to each attendee. Also provide a sign-up sheet for each person attending. Record the conference, and furnish copies of the recording to any attendee who requests one. Keep a copy of the recording in the field office. The preconstruction conference can be held as more than one meeting and can be conducted in whatever format the Project Engineer and Group Chief/PM feel best suits their particular project, as long as all topics of importance are covered.

### 3.9. Partnering

Partnering is an approach to managing a construction project that stresses communication and mutual goals and reduces confrontation and conflict. It is not defined in any contract document nor is it an enforceable part of the contract. The intent of partnering is to establish a cooperative relationship between the Department and the contractor at all levels. The goal is to enhance project cost effectiveness and maintain quality and efficiency by bringing both parties together to solve construction challenges and problems. Projects that incorporate partnering should include an evaluation of the process in the Explanation of Overruns, Underruns, and Change Documents.

Partnering usually starts when the Department approaches the contractor or the contractor approaches the Department, and a request is made to implement partnering on the project. If both agree, they have taken the first step. Partnering is not mandatory but it does require the agreement of all participants.

A professional facilitator may be hired to lead the session, or the session may be held without one. If a facilitator is hired, the Department and the contractor usually share the cost. A change order should be initiated to incorporate the Department's share of the cost into the contract; the FHWA will participate in the cost of partnering, but the FAA will not.

Hold a partnering session before construction begins. Session participants include contractor personnel at various levels, Department construction staff from the project staff up to the group chief/PM, and representatives from the subcontractors. The level of participation can extend to include the contractor's foremen and Department design personnel.

At the initial partnering session, all participants are equally involved and jointly work to develop a partnering pledge. The pledge lists mutual goals and commitments. All participants sign the pledge and agree to abide by it. Through this introduction to performing as a team, the participants start the process of working together toward a mutual goal. It may be necessary to hold a follow-up meeting, but the initial meeting is usually adequate.

There are no firm rules for partnering; the key elements are commitment, equity, trust, development of mutual goals, open communication, implementation, continuous evaluation, and timely responsiveness. The object is to create a spirit of teamwork by working together to avoid or attack mutual problems; the goal is to construct a quality project on time, within budget, and without conflict.

### 3.10. Transportation Management Plan (TMP)

Policy and Procedure 05.05.015 "*Highway Work Zone Safety and Mobility*" conforms with 23 CFR Part 630, Subparts J and K, Work Zone Safety and Mobility Policy. This P&P describes how to implement a TMP to manage work zone impacts of a highway project.

The TMP includes a TCP, and may also include a TOP and/or a PIP. All three components are required on *significant projects* as determined by Preconstruction and documented in the Design Study Report (See P&P 05.05.015). Neither the TMP nor its three component plans are standalone documents. TMP provisions are included in project plans, specifications, and Department agreements with other parties.

When changes to the TMP are considered, the Project Engineer should consult with stakeholders as appropriate.

**Traffic Accident Reporting:** Report traffic accidents that occur within the construction limits according to ACM 9.8.

**Department Oversight:** The Project Engineer is responsible for overseeing TMP components and other safety and mobility aspects of the project. They may delegate to traffic control representatives. Personnel should be trained as Worksite Traffic Supervisors.

**Contractor Oversight:** The Project Engineer should review the contract to verify if it requires the contractor to assign a certified Worksite Traffic Supervisor for implementing TMP components, and implementing other safety and mobility aspects of the project.

**Traffic Control Plan (TCP):** Most contracts that contain highway improvements also contain a Traffic Control Plan (TCP) prepared by the Traffic and Safety unit, or by Preconstruction. A Department-prepared TCP may be modified by the contractor to suit its plan of operation.

The contractor must prepare its own detailed TCP if the Department does not provide a TCP.

The TCP should address in general terms how traffic will be maintained through the construction work zone and should include specific plans for controlling traffic through each area and type of construction operation. It should include permanent measures (those in place for the duration of the project or a great part of it) and temporary measures.

TCPs identify traffic control devices to be used and how they should be located and operated to facilitate safe and timely road user transit through a work zone or incident area.

TCPs shall be consistent with the provisions of the *Alaska Traffic Manual* and the work zone hardware recommendations in Chapter 9 of the *Roadside Design Guide (AASHTO)*. The TCP shall either be a reference to specific traffic control elements in the *Alaska Traffic Manual*, approved standard traffic control plans, or plans and specifications (see highway spec 643) designed specifically for the project. TCPs also include phased staging and traffic routing plans, where needed.

Before the contractor can use oversize or overweight vehicles within the limits of a highway project, the contractor must submit a TCP that addresses vehicle use and required traffic control measures. (see highway spec 105-1.12 and 643, and Section 9.4)

When the contractor prepares a new TCP or modifies a Department TCP, the contractor must submit the proposed initial TCP to the Project Engineer. The Project Engineer and either the region's Traffic and Safety unit, or the Traffic Control Coordinator of the Construction Unit, will review the submittal. When the TCP is found to be acceptable, the Project Engineer will notify the contractor in writing. Changes after the initial approval will be approved according to Section 9.8.

**Public Information Plan (PIP):** A communications plan to inform affected road users, the general public, area residences and businesses, and appropriate public entities of project scope, expected work zone impacts, closure details, and recommended action (if any) for drivers to avoid impacts and changing conditions during construction.

The PIP may be designed and managed by the Department, or it may be part of the Contract work. If the PIP is managed by the Department, then the contractor must communicate areas and dates of road work to the Project Engineer in a timely manner so that public notices can be posted.

If the contractor proposes changes to the PIP they are required to submit the proposed changes to the Project Engineer. The Project Engineer will review the submittal. When changes are found to be acceptable, the Project Engineer will notify the contractor in writing. The contractor must notify the public in a timely manner.

**Transportation Operations Plan (TOP):** A Department plan to minimize project impacts through activities not covered under PIPs or TCPs. In general, these activities consist of coordination with external agencies, events, projects, and other traffic systems. TOP activity may include:

- Plans for on-project enforcement and other activities by external agencies.
- Coordination with other projects to minimize cumulative impact.
- Coordination with agencies that manage signal operations.

- Plans to maintain access for emergency vehicles, school buses, transit, etc.
- Plans to minimize impacts to major traffic-generating events.

Agreements made under the TOP that are not incorporated in project plans or specifications must be retained in project files.

When there is an agreement to provide additional enforcement of traffic laws within the project limits, the Project Engineer or regional traffic control coordinator should coordinate with local law enforcement agencies. Direction to law enforcement may only be given within the terms of the agreement. Provide information such as hours of work, goals/objectives during work, recommendations for areas or locations for increased enforcement presence, and locations that are unsuitable (due to construction activity or safety) for enforcement vehicles. Monitor the hours that local law enforcement agencies work.

When the contractor proposes changes that affect the TOP, they are required to submit the proposed changes to the Project Engineer. The Project Engineer will review the submittal. When changes are found to be acceptable, the Project Engineer will notify the contractor in writing.

### 3.11. Stormwater Pollution and Prevention Plan

The contractor must prepare a Stormwater Pollution and Prevention Plan (SWPPP) for construction projects that disturb earth or begin with winter construction. The contractor must obtain coverage under the CGP from DEC for projects that disturb one acre or more (and other selected projects). The contractor must prepare a Hazardous Materials Control Plan (HMCP) for all construction projects. The contractor must prepare a Spill Prevention Control and Countermeasure (SPCC) Plan when required by the contract or by DEC. The contractor must prepare and submit the required plans to the Project Engineer according to Highway Specifications Section 641 or Airport Specifications P-641. Timelines for contractor submittals and Department reviews are identified in the specifications.

See Section 9.9 for SWPPP & HMCP Implementation and Monitoring requirements. See Section 9.17 for other agencies permits, environmental commitments, and contractor obtained permits.

#### 3.11.1 SWPPP

Most contracts will include an Erosion and Sediment Control Plan (ESCP) developed by the Department, which addresses identified erosion prevention and sediment control issues. The ESCP addresses issues within the Project Zone, which is where the Department accepts responsibility as a co-operator.

The contractor must use a qualified SWPPP preparer to develop a SWPPP for construction activities within the Project Zone. The contractor is also solely responsible for developing SWPPP2s or Multi-Sector General Permit (MSGP) for areas outside the Project Zone that require stormwater permit coverage. The Department does not review or inspect SWPPP2s or MSGP permits.

SWPPP2s may be required for contractor-supplied waste, material, or staging sites, when the sites are eligible for CGP coverage. In this case, the contractor's declared NOI acreage would be greater than the Department's acreage.

The contractor may also be required to obtain stormwater permit coverage under a MSGP. The contractor is responsible for obtaining all other clearances and permits (see Section 9.17.4).

The SWPPP is based on information from the ESCP, and the contractor's scheduling, workers, equipment, and the CGP requirements. Environmental commitments that are identified in the permits or in the contract should be incorporated into the SWPPP. The HMCP is included in the appendix of the SWPPP.

The SWPPP must follow the format of the DOT&PF SWPPP template, meet the requirements of the DOT&PF SWPPP checklist, and meet contract requirements. It must also address how water quality will be protected in areas within the Project Zone that are permitted by an Army Corps of Engineer Clean Water Act Section 404 permit.

After the contractor submits the SWPPP (and HMCP) to the Project Engineer, the Department has 14 days to review the submittal. Review the SWPPP as soon as possible. The SWPPP is reviewed by the Project Engineer and the regional environmental section (other support resource groups may be required depending on plan complexity and regional policy). Include the design engineer of record if available.

The Project Engineer, the project Stormwater Inspectors, and the Regional Construction Stormwater Specialist must be qualified with a current

certification as an Alaska Certified Erosion and Sediment Control Lead (AK-CESCL), or other acceptable training that meets the DEC CGP requirements for qualified personnel; before they review the SWPPP or perform other SWPPP related duties. For newly employed, transferred or assigned Project Engineers who are not certified as AK-CESCL, they will be considered qualified after completing an interim training course from the DOT&PF training web site, but they must also complete AK-CESCL training within six months.

The Project Engineer will notify the contractor in writing when the SWPPP is found to be acceptable. The contractor and Department must sign and certify the approved SWPPP according to the CGP, Appendix A Part 1.12. This must be completed prior to submitting an NOI and after delegation of authority.

#### **Department Delegation of Signature Authority**

The regional director must sign eNOIs and eNOTs, but should delegate signature authority for other documents to the position of Project Engineer and **Regional Construction Stormwater Specialist (or other Qualified Delegate)** for that project. Use the SWPPP Delegation of Signature Authority for CGP Documents – DOT&PF (Form 25D-107).

The Project Engineer must sign and certify the SWPPP Certification for DOT&PF (Form 25D-109), SWPPP Construction Site Inspection Reports (Form 25D-100) and other CGP related documents on behalf of the Department. These signature authorities cannot be delegated lower than the Project Engineer.

#### **Contractor Delegation of Signature Authority**

The contractor's responsible corporate officer must sign the eNOIs and eNOTs, but shall delegate signature authority for other documents to the superintendent assigned to the project. Use the SWPPP Delegation of Signature Authority for CGP Documents - Contractors (Form 25D-108).

The superintendent signs and certifies the SWPPP Certification for Contractor (Form 25D-111), SWPPP Construction Site Inspection Reports (Form 25D-100) and other CGP related documents on behalf of the contractor. These signature authorities cannot be delegated to an authority lower than the superintendent.

#### **DEC authority and filing eNOIs**

DEC has authority to permit construction activities, conduct site inspections, and pursue legal action for a project that is out of compliance with the CGP. Regional staff will use the Alaska Pollutant Discharge Elimination System (APDES) NOI electronic filing for obtaining and terminating CGP authorization. EPA retains authority to review DEC and construction projects, and has authority to enforce.

After the Department approves the SWPPP:

- The contractor must submit an electronic Notice of Intent (eNOI) to DEC through the APDES web site, and provide a copy of the signed eNOI and DEC acknowledgement letter to the Project Engineer. The contractor is responsible for paying required fees to DEC.
- The Project Engineer reviews the contractor's eNOI for errors (cross check against other permits). If errors are found, notify the contractor that they must file a NOI modification.
- The regional director will submit the Department's eNOI or paper NOI to DEC. The Project Engineer will send a signed and certified copy of the Department's eNOI and the DEC acknowledgement letter to the contractor.
- After DEC acknowledges receipt of the eNOIs and receives payment, they will post the eNOIs with a "Date Issued" assigned. A project must receive written authorization from the DEC that it is "eligible to discharge stormwater", and may commence earth disturbing activities upon receiving the authorization letter.
- The contractor is prohibited from beginning construction activities until the SWPPP Preparer has visited the site and signed a SWPPP Pre-Construction Site Visit (Form 25D-106).

For more information and to check the status of eNOIs on the Water Permit Search page, use this website:

<http://dec.alaska.gov/water/wnpssc/stormwater/index.htm>

#### **DEC Review of SWPPP**

The contractor must submit the approved SWPPP to DEC for their review when the project disturbs five acres of land or more; or when the project disturbs one acre or more within the Municipality of Anchorage, or

the urbanized area boundaries of Fairbanks or North Pole.

The contractor must submit copies of the signed and certified SWPPP, including all project eNOIs, using delivery receipt confirmation to the DEC stormwater coordinator. The contractor must provide the Project Engineer with a copy of the delivery receipt confirmation within seven days of receiving it.

If DEC responds to the contractor with a review letter, the contractor must transmit a copy to the Project Engineer. The Project Engineer provides a copy to the Department's environmental section. The Project Engineer ensures that the contractor amends the SWPPP as required by the review letter.

The Project Engineer should ensure a copy of the initial SWPPP is retained in the Department's eDocs system within one week of its approval.

For more information, refer to the Department's *Stormwater Pollution Prevention Plan Guide, Construction SWPPP Forms, and Instructions for using Construction SWPPP Forms*. See the statewide D&CS environmental website and D&CS construction website for links to these documents:

<http://www.dot.state.ak.us/stwddes/desenviron/resources/stormwater.shtml>

[http://www.dot.state.ak.us/stwddes/dcsconst/pop\\_constforms.shtml](http://www.dot.state.ak.us/stwddes/dcsconst/pop_constforms.shtml)

DEC and EPA have website links to other publications about BMPs and SWPPP preparation.

### **3.11.2. HMCP**

The HMCP must present the contractor's plans for containment, cleanup, and disposal of all hazardous materials used or hazardous waste generated on the project, including petroleum products and hazardous substances. See the specifications and SWPPP Hazardous Material Control Plan Template on the D&CS Construction Forms page, for information on preparing a project specific HMCP.

HMCP Template Link:

[http://www.dot.state.ak.us/stwddes/dcsconst/assets/docs/constforms/hmcp\\_template.doc](http://www.dot.state.ak.us/stwddes/dcsconst/assets/docs/constforms/hmcp_template.doc)

After the contractor submits the HMCP to the Project Engineer, the Department has 14 days to review the submittal. Review the HMCP as soon as possible. The HMCP will be reviewed by the Project Engineer, and

the regional environmental section. When the HMCP is found to be acceptable, the Project Engineer will notify the contractor in writing.

### **3.11.3. SPCC Plan**

See highway specifications 641-2.03 (airports P-641-2.3) for SPCC plan requirements (for greater than 1,320 gallons of above ground petroleum storage such as oil, gasoline, diesel fuel, liquid asphalt products, and oil based paints).

The contractor may be required to submit the SPCC Plan to the Project Engineer, but no approval is necessary. The Department reserves the right to review and ask for corrections to the SPCC Plan, and require a resubmittal of the document. For additional information refer to the following web site:

<http://www.epa.gov/emergencies/content/spcc/index.htm>

### **3.12. Preconstruction Site Inspection**

After the award of the contract, and prior or concurrent with contractor mobilization at the site, the Project Engineer should make an on-site inspection with a Maintenance and Operations (M&O) representative. During the visit, review the project scope and timing with M&O and have them explain what they expect to gain from the project and how the facility should be maintained during construction. Once the contractor begins work on the project, the terms of the contract dictate when maintenance becomes the contractor's responsibility.

The Project Engineer should document all site conditions prior to the start of construction using a video or still camera. Pay close attention to the maintained condition of the facility and of all Department-furnished materials sources. Following the inspection, the Project Engineer should prepare a memorandum, from the Group Chief/PM to the regional M&O head. The memo should give the projected date that the contractor will start construction and assume maintenance responsibilities on all or part of the facility. If maintenance responsibility is assumed by the contractor incrementally, the Project Engineer should advise the M&O representative of the contractor's schedule. The memo should also include the names and phone numbers for the Project Engineer, the Group Chief/PM, the contractor's worksite traffic safety supervisor, and the project's M&O representative.

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## 4. Field Office Set-Up & Record Keeping

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- 4.1. Field Office, Supplies, & Equipment
- 4.2. Records Systems
- 4.3. Records Management
- 4.4. Source Documents
- 4.5. Materials Certification List (MCL)
- 4.6. Qualified Products List (QPL)
- 4.7. Degree of Accuracy
- 4.8. Disclosure of Records
- 4.9. Reference Books/Material

### 4.1. Field Office, Supplies, & Equipment

Not all projects are administered out of a field office. For those that are, selecting, locating, and equipping that office is the first chore facing the Project Engineer and the project staff when they move to the project site. In some cases, one or more of these decisions may already have been made for the Project Engineer by the contract: the office and some of the furnishings may be provided by the contractor or by an engineering consultant. Field offices come in all sizes and shapes and may be owned or rented by the contractor, by an engineering consultant, or by the Department (depending on the terms of the contract).

The field office should be located at a site acceptable to the Project Engineer, convenient to the project as a whole, and accessible to persons covered under the Americans with Disabilities Act. A sign located near the entrance should identify the office. If access to the office is not direct, additional signs should be installed to assist the public in locating it. At rural project sites where the office is readily identifiable or the location of it is commonly known, signing is not necessary.

If the contractor or an engineering consultant provides the field office, the contract or professional services agreement establishes its size and the basic furnishings and utilities that are provided. Any remaining furnishings and office equipment are the responsibility of the Department. If the Department provides the field office, the Project Engineer is responsible for securing all of the furnishings and office equipment. In each region, the Project Engineer and Group Chief/PM should review that region's standard list of equipment and supplies needed to equip the field office, and should modify it to suit the needs of their particular project.

The Department will usually be able to supply basic office furnishings and equipment such as desks,

chairs, file cabinets, a computer, and copy and fax machines; the Project Engineer must sign for each piece of equipment received from the Department, and it will be added to the Project Engineer's inventory. The contractor must purchase all expendable supplies and any additional equipment or furniture needed. While the Project Engineer's purchase authorization limit varies from region to region, general purchasing and stock request procedures are detailed in the Departmental Procedures (DPDR 10.01.021). To properly prepare and submit Stock Requests (Form 02-303), the Project Engineer must also be familiar with the project's financial account coding system (Section 2.1).

The field office should have a first aid kit equipped commensurate with the size of the project staff and the type of hazards the staff will be exposed to. Depending on the type of project and the funding source, the Project Engineer is responsible for displaying a number of posters at the field office. The specific posting requirements are shown in Table II in the Appendix. Workplace and safety posters should be attached to a wall or bulletin board that is accessible to staff. Posting for the Department is only required at one location on a project site, even when there are multiple offices or buildings.

If the field office and project vehicles are equipped with radios, the Project Engineer and staff shall know basic phraseology and techniques; see chapter four, section two of the *Aeronautical Information Manual*, a link is provided on the DOT&PF Construction web site. This applies when communicating with FAA Flight Service Station, Tower personnel, or aircraft. Also, see FAA Advisory Circular (AC) 150/5370-2 Operational Safety on Airports during Construction.

Several Department Policy & Procedure's have application to the field office and are available on the web for reference: P&P 02.01.050 Use of State Telephones, Fax Machines, Computers & Other Office Technologies; also the P&Ps 10.03.010 Procurement, Maintenance, and Control of Surveying Instruments, P&P 10.03.010 Property Control and P&P 10.03.030 Salvaging and Destroying Structures.

The following link will bring you to P&Ps:

[http://www.dot.state.ak.us/admsvc/pnp/policy\\_and\\_procedures.shtml](http://www.dot.state.ak.us/admsvc/pnp/policy_and_procedures.shtml)

## 4.2. Records Systems

To fulfill their contract administration responsibilities, the Project Engineer and project staff are responsible for establishing and maintaining a system of accurate and complete records covering all project activities. These records must substantiate the acceptability and the quantity of the contractor's work and certify the disbursement of funds. In addition to covering quality, quantity, and payment, project documentation must cover all of the important administrative matters including contract modifications (time, money, and contract language), differing site conditions and their resolutions, and contractor compliance with all of the administrative aspects of the contract (labor and payroll, DBE, EEO, origin-of-manufacture requirements). The importance of developing and maintaining proper records is basic to successful construction contract administration.

The records system is the general framework within which project staff store the documents generated by contract administration. You must tailor it to meet the needs of each project. On any given project, some elements of that system may be used hardly at all, while others will be developed extensively; the extent and direction of development is largely a matter of the Project Engineer's judgment. For the system to be effective, project records must be sufficiently clear and complete and must be filed in such a manner that they are readily accessible, either manually or electronically.

The records system for each project should include the basic elements shown below; acceptable formats are covered in greater detail in Section 4.3 and contents are covered in Sections 10.3 – 10.5:

**Master Index Book or File:** A listing of all project records.

**Engineer's Diary:** An electronic diary, or a bound or loose-leaf book, or inspector's daily reports.

**Progress Documentation:** Inspector's daily reports, specialized daily reports, field books, and supporting data.

**Progress Summary:** An Estimate book or estimate files.

**Progress Payments:** Estimates, quantity calculations.

**Reports:** Weekly or semi-monthly project construction reports; intermittent program reports on OJT, safety, and labor programs; inspection reports

received from the contractor and from other agencies – SWPPP reports, US Coast Guard, American Bureau of Shipping; geotechnical reports; accident reports.

**Photographic Records:** Photo albums and/or video tape files.

**Project Files:** This should contain project correspondence; contract documents and changes; materials submittals, certifications, and test results; federal reimbursement agreements and payment information; construction progress schedules and revisions; contractor prepared plans; design and project development data; materials and environmental permits; administrative files; in addition to the above listed items.

**Full-size drawings:** For as-built markup.

You must tailor the format and scope of the record keeping system to the needs of a project and the size of the project staff. As soon as you have determined the documentation requirements for a project, you should set up the files, books, and indexing. On a smaller project, the Project Engineer usually sets the system up and together with the project staff they jointly maintain the system. On a larger project one project staff member is usually assigned the field office management duties.

All project records, both loose-leaf and bound book, should be listed in a master index, either in a bound book, an index file, or a computer file; the records include all contract documents, engineering drawings, materials reports and test results, bound books, project files, and photographic records. This index book or file serves as the master index for all project records both during construction and after the project is completed.

The purpose of a filing system is to organize loose project records in an orderly manner, so that you can retrieve any record without delay. The project filing system, which organizes all of the above material, should be set up along logical lines; a guide format that subdivides the files into six sections is shown in Table IV in the Appendix. All of the basic sections outlined in Table IV should be present in the filing system, regardless of the format you follow. The specific files required for any project will depend on the nature of the project and there should be enough files to create an efficient, easy to use system. Once established, you must keep the filing system current throughout the project.

In addition to all of the half-size plans that the project inherits from the bidding process, the Project Engineer should obtain several sets of full-size plans also. One of these sets should be set aside in the field office for recording all of the as-built changes made to the project during construction; if regional policy allows, you can record as-built changes on half-size plans, if you can record them accurately.

Accomplishing these organizational steps prior to the start of construction will make it much easier to document the work as it is being performed. It will also allow you to spend more time at the primary job of assuring that the project is constructed in accordance with the contract.

### 4.3. Records Management

Records developed during the course of the project consist of both loose leaf records (which may be hand written, typed, or computer-stored, and which may include the Engineer's diary, inspector's daily reports, specialized daily reports, photographic records, materials test results, correspondence, progress summary, progress payments, change documents, construction progress reports) and bound book records (hand written records which may include the Engineer's diary, inspector's daily reports, specialized daily reports, field books, progress summary). All project records, particularly loose-leaf records, must contain the project name and project number for identification purposes.

Project records are used to support payments to the contractor to determine the acceptability of materials, verify conformance of the work to the contract, develop a record of the completed project, and, on federally-funded projects or under reimbursable agreements, substantiate the eligibility for reimbursement of construction phase expenses. On contracts with multiple projects or funding sources, the project records must account for the separation of charges to each project or source.

**Computers** may be used to record and store the records of project progress. The master index, as well as the Engineer's diary, inspector's daily reports, and the Construction Progress Report all may be prepared on a computer and the records stored in computer files. Computers may also be used to calculate quantities and prepare progress estimates, prepare change documents, calculate and prepare materials test results and reports, and prepare general project correspondence. Computer-generated forms may be

used in place of any form listed in this manual as long as the computer form contains the same information, in the same or in a different format, and maintains the essential integrity and legal requirements, if any, of the original form.

Computer records used as source documents must be either:

- Printed, signed and dated by the person creating the record, or
- Electronically signed and dated, with the data stored in a non-rewritable electronic archiving system kept in a secure area.

All documentation recorded on a computer bank must be downloaded onto data storage devices for backup and storage no less frequently than once each week; depending on the volume of data being generated on the project, more frequent backup may be advisable.

**Loose-leaf records** may contain field notes, calculations, transcriptions of audiotape records (such as the Engineer's diary or the minutes of meetings), and other information necessary to document the progress and acceptance of the work. Project name and number must identify each loose-leaf record. Signature and dating requirements vary for loose leaf records, depending on the type of record: calculation sheets and records serving as pay quantity source documents must be signed and dated by both the author and the checker, if applicable, on the front page with initials and dates used on subsequent pages. If it is necessary to change an entry on any written project record, the original entry should be lined out and initialed, and the corrected entry made immediately following the incorrect entry.

**Bound book records** may contain survey measurements, field notes, staking data, calculations and other information necessary to document the progress and acceptance of the work. Certain Department forms may also be available in bound book form, as well as loose-leaf form, including inspector's daily reports and scales diary forms. The number, type and content of field and computation books will vary with the type of project. Each book should have its own index on the first pages, and each project staff member making entries in a book should print and sign their name and initials near the front of the book. The pages in bound books should be numbered as they are used, for ease in cross-referencing the contents. Calculations made in bound

books must be initialed and dated by both the person who calculates and the person who checks. If it is necessary to change an entry on any written project record, the original entry should be lined out and initialed, and the corrected entry made immediately following the incorrect entry.

**Photographic records** are another form of loose leaf record and include both still photos and video tape, taken from the ground or from the air. The photographer should record the date, time and location of each photo/film segment taken, and should record that information on the back of each still photograph before the photo is placed in the project album. Video segment filming information should be referenced to the tape and tape segment and kept in the project files. Negatives from still photographs should be cross-referenced to the photos in the album for ease in obtaining duplicate prints.

The Project Engineer must maintain a **progress summary**, in the form of an estimate book or estimate files, to tabulate the quantity of work completed on each pay item for each estimate. This record shows how each pay item's quantity was derived (calculated or estimated) and must provide an audit trail back to the source document measurements that were used to establish the quantities. It can be set up as shown in Section 12.4.

#### 4.4. Source Documents

The source document is the basis for determining that work on a pay item has been acceptably performed and is eligible for payment. To be complete and valid, the source document must:

- Identify the project by name and number;
- Identify the pay item, the quantity of the pay item or material inspected, and the location of the installation or placement;
- Be made on the site at the time an item is manufactured, fabricated, or inspected, by the person taking the action;
- Contain a validation statement, indicating that the item substantially conforms to the plans and specifications and was incorporated into the project;
- Be dated and signed by the person creating or receiving it.

A person's initials, printed or typewritten name, electronic (digital) signature, or handwritten signature, are all considered acceptable ways of signing. The contract, ACM or Department forms, may be more specific about signature requirements.

Source documents that are used in determining contract quantities may include materials certifications, field notes, calculations, receipts, invoices, weigh tickets, daily load count or time equipment records, survey measurements, and reports.

You should never destroy an original source document; if you must replace one (to clarify the information or to correct an error), you should line out the original information and label it as original, and label the replacement as a copy. Cross-reference and retain both documents in the project records; add an explanatory note to the original record along with the date and the signature of the person making the change.

#### 4.5. Materials Certification List (MCL)

The contractor must submit certifications, or quality testing must be completed, for all the materials incorporated into the project.

A Materials Certification List (MCL) is a listing of all the material certifications required by the contract, and identifies which positions in the Department can review/approve their use.

Non project specific MCL master documents are available from the D&ES Statewide Materials website.

A project specific MCL should be developed by the Engineer of Record during the final PS&E stage of the design of the project, or it may be developed by construction staff.

The contractor submits material certifications for approval to the Project Engineer, who will approve the material certification or transmit it for approval to the position designated in the MCL. The position that reviews/approves each submittal is identified in the unshaded box corresponding to the appropriate item.

If the contractor submits a material listed on the Qualified Products List (QPL), the Project Engineer must indicate in the appropriate cell on the MCL the manufacturer and model of the material.

If the material submittal by the contractor does not match the material required in the contract, the Project

Engineer must contact the Engineer of Record or the Project Manager to get approval for the material.

If the Project Engineer adds materials by change order, then the new materials must be added to the MCL with the appropriate approval level.

After acceptance of the material, the Project Engineer will fill out the MCL with the date of approval, manufacturer, model number, and the file location of the material certificates.

A sample of the Master Materials Certification List can be found in Section 17.

#### 4.6. Qualified Products List (QPL)

The Qualified Products List (QPL) identifies products that meet the Department's standard specifications. The QPL is populated and maintained by the Statewide Materials section. Access the QPL at this web address:

[http://www.dot.state.ak.us/stwddes/desmaterials/qpl\\_intro.shtml](http://www.dot.state.ak.us/stwddes/desmaterials/qpl_intro.shtml)

The QPL provides information on the product; contact information for the manufacturer/supplier, and independent verification of the product's conformance with standard specifications.

The Project Manager or Project Engineer must print a copy of the QPL (revised monthly, kept on file at Statewide Material website) that corresponds to the day of Bid Opening. Products may be added to the QPL after this date and the product can be used on the project if it meets contract requirements.

When products are listed on the QPL, the Project Engineer can approve submittals of catalog cuts or invoices instead of requiring a manufacturer's certificate of compliance.

Products on the QPL do not consider or address compliance with Buy America, Buy American, or Alaska Agricultural/Wood Products. The Project Engineer must verify compliance or non-compliance with the appropriate contract requirements. Verification will include examining the contractor or supplier signed:

- Certificate of Buy America Act Compliance, Form 25D-62 and associated material documents (for FHWA funded steel and iron products)

- Material Submittal for Buy American Compliance, Form 25D-154 and associated material documents (for FAA funded steel and manufactured goods)
- Alaska Products Preference Worksheet, using APPW Form (for agriculture/wood products on 100 percent state funded projects)

Special provisions may modify product requirements so that products listed in the QPL do not meet the modified contract requirements. The contract provisions and federal regulation take precedence over the QPL.

Use of the QPL does not guarantee the approval of, or appropriateness of a product for a given project or application. The contractor must request and receive approval from the Project Engineer before incorporating a product into the project.

Products that perform unacceptably in the field, or are found to be non-compliant with standard specifications, may be removed at any time from the QPL. The Project Engineer must notify the Statewide Materials Quality Assurance Engineer of any product on the QPL that is found to be non-compliant with the standard specifications or that performs unacceptably in the field.

A product that was listed on the QPL on the day of Bid Opening and later removed; may still be used on the Project if it meets contract requirements. Discuss with Statewide Materials the reasons for product removal. If the product hasn't been ordered yet, discuss purchase of equal products with the contractor.

#### 4.7. Degree of Accuracy

The degree of accuracy used in making field measurements, in performing quantity calculations, and in measuring and calculating materials test results should be consistent with the contract requirements, construction methods, and good engineering judgment. You should determine the appropriate degree of accuracy to use in each situation before construction is started.

Measurements and calculations should be rounded off according to the following rules:

- Determine the last digit needed for the required degree of accuracy.

- If the digit following the last needed digit is 4 or lower, drop it.
- If the digit following the last needed digit is 5 or greater, drop it and add 1 to the last needed digit.

Measurements for pay quantities should be made only to the number of decimal places that can be determined with reasonable accuracy, using conventional and commonly used measurement methods; such measurements should be consistent with the value or price of the pay item being measured. Pay quantities and materials test results should be calculated to a degree of accuracy consistent with the measurements. This would normally mean calculating to one less decimal place than the least accurate measurement taken; however, when more than one calculation is necessary to obtain the final answer, all intermediate results should be carried out to one decimal place more than is necessary is the final answer. The following table may be used as a guide in taking measurements and in calculating quantities:

BID PRICE/ UNIT	SIGNIFICANT DECIMAL/ MEASURED UNIT	SIGNIFICANT DECIMAL/ CALCULATED UNIT
< \$10	0.1	1
\$10 - \$99.99	0.01	0.1
\$100 - \$999.99	0.001	0.01
> \$1000	0.0001	0.001

V in the Appendix contains a list of both required and recommended reference material for the field office, along with a list of reference material that should be available in the regional office. Some books and safety guides are required by AS or CFR, to be kept on hand in certain offices; other reference material is applicable only to certain types of projects.

#### 4.8. Disclosure of Records

All project records are available for review by the contractor and the public (under AS 09.25.110 – AS 09.25.220), except for personnel files, labor compliance interviews (Section 7.3), and correspondence between the Department and their attorneys that is marked CONFIDENTIAL – ATTORNEY CLIENT PRIVILEGE. Attorney client privilege correspondence should be kept in a separate file to make its inadvertent release less likely. The Project Engineer should keep a record of all requests to review the project records and should coordinate all reviews in advance with the Group Chief/PM.

After completing the project, transfer records for long term storage according to Section 16.15.

#### 4.9. Reference Books/Material

The Project Engineer should equip the field office with a small library of reference material that may be useful to the project staff during construction. Table

## 6. Managing the Staff

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- 6.1. Project Staff Administration
- 6.2. Staff Logistics
- 6.3. Authority and Duties of Inspectors
- 6.4. Personal Safety
- 6.5. Project Safety

### 6.1. Project Staff Administration

The Project Engineer is directly responsible for the training, assignment, supervision, and evaluation of all employees placed on the project staff. The Project Engineer's personnel administration duties include assigning duty and shift assignments, managing overtime and leave, monitoring ethics and conflicts of interest, accident reporting, preparing personnel evaluations, and approving time sheets. The Project Engineer should have applicable policies and procedures relating to these matters available in the field office and/or be familiar with them. Each project staff member should report daily hours worked and vehicle mileage on time sheets and vehicle mileage logs provided by the Project Engineer; staff should secure overtime approvals on the Request for Overtime Authorization form (Form 25A-042).

Good communications between the Project Engineer and the project staff are essential. Employees must know what their duties and responsibilities are, and they must be given authority commensurate with those responsibilities. The Project Engineer or the immediate supervisor should familiarize all new or reassigned employees with their responsibilities, their authority, and their relationship with other project personnel, the schedule of operations, and the status of the contract, and should consider rotation of job assignments where project conditions permit.

### 6.2. Staff Logistics

The Department provides transportation for its employees on the project site using either Department-furnished or contractor-provided vehicles. When the project site is located over fifty miles from the employees' normal work location, the Department provides transportation for its employees to the project site, and provides either meals or lodging for the employee, or pays the employee a daily allowance in lieu of meals and lodging (per diem) while they are stationed at the site. Check union bargaining agreements for detailed requirements.

All drivers of state vehicles must be 18 and have a valid Alaska Driver's License. Drivers must have a valid Alaska Commercial Driver's License if the License is required for operating their work vehicle (see Division of Motor Vehicles Website and *P&P 07.01.010* for requirements). Drivers are responsible for safety and operation checks on their vehicles (checking oil, gas, batteries, and lights) as well as arranging for all periodic maintenance and repairs.

Drivers should immediately report any accident involving a state vehicle to their supervisor. Report forms with instructions for reporting accidents should be in the glove compartment of the vehicle. Report accidents involving personal injury and/or damage to either vehicles or property on the Supervisor's Accident Investigation Report (Form 02-932). If the accident occurs within the project limits, or within the construction work zone (between construction warning signs), or involving traffic in a queue backed up from work with the project limits, file a Work Zone Accident Report (Form 25D-123). All of the comments in this section apply to both Department-furnished vehicles and contractor-furnished vehicles. The *ADOT&PF Safety Manual*, chapter 2.9, section 6, provides specific details on accident reporting.

ACM Sections 6.4 and 6.5 cover safe working conditions on the project.

The Department insures its vehicles only for public liability and property damage; the Department's employees have insurance under the Alaska Worker's Compensation Law. The contractor furnishes additional insurance coverage on the vehicles they provide. The driver should check vehicles for Proof of Insurance, Alaska DMV registration, and accident report forms. Further details on vehicle operation and responsibilities are contained in Section 5.3 regarding transport of hazardous substances on the project; *P&P 11.04.010 Use, Storage, and Marking of State Owned Vehicles and Equipment* and the *P&P 10.03.010 Property Control*.

### 6.3. Authority and Duties of Inspectors

Each project staff member should receive a written, general notification of their assignment to a project (Section 1.3). The Project Engineer will assign each staff member their specific project responsibilities and their authority. An inspector's duties may include:

- inspecting any one or all of a contractor's construction operations;
- sampling and/or testing materials produced by or provided by the contractor;
- measuring or verifying the measurements of pay item quantities;
- keeping daily records of the work in progress;
- performing project office duties that could include: reviewing materials submittals, calculating pay item quantities, establishing audit trails from source documents to the calculated quantities;
- assigning duties to and supervising other inspectors.

The inspector is usually authorized to clarify the contract for the contractor when questions arise, to reject materials or work performed by the contractor, and to act as supervisor for other inspectors on larger projects. Inspectors should familiarize themselves with the overall contract placing specific emphasis on the areas of the contract they are responsible for. They should be alert to the status of the work and should maintain good communications with the contractor, keeping the Project Engineer current on the contractor's progress. Inspectors who supervise others have responsibilities similar to those outlined for the Project Engineer in Section 6.1. Some of those responsibilities could include: duty and shift assignments, overtime management, preparing personnel evaluations, and time sheet approval. Inspection duties and reporting requirements are covered in more detail in Sections 10.1 and 10.3.

#### 6.4. Personal Safety

Personal safety and safe working conditions are a top priority on construction project sites, where the exposure to potential accident and injury is much higher than in most work environments. The Project Engineer must set the example for the project staff by encouraging staff to bring safety concerns to him/her and maintaining safe working conditions. The Project Engineer should hold safety meetings at least once each month and all project staff members should attend. The topics of discussion should fit the type of project and the particular construction activities under way at the time. A brief summary of each meeting should be kept on the Supervisor's Safety Meeting Report form (Form 25M-063), and all those attending

the meeting should sign the back of the form. Send each summary to the Regional Safety Officer. Vehicular accidents and reporting requirements are covered in Section 6.2.

All necessary safety equipment, required for the particular field conditions, should be made available to any staff member who needs it (AS 18.60.075). This includes items such as hard-hats, safety vests, safety glasses, hearing protectors, and life jackets. The *ADOT&PF Safety Manual* does reference personal protective equipment and the required assessments. Section 5.3 covers safety precautions that must be taken around toxic and hazardous substances that may be present on the project site. Each field office, field laboratory, and all vehicles will be equipped with a first aid kit that is sufficient for the type of project and number of employees.

The Project Engineer, and each staff member in a supervisory position, must have a valid first aid card and a valid certificate in cardiopulmonary resuscitation (CPR). At a minimum, projects with fewer than fifteen employees require only one first aid and CPR certificate; projects with more than fifteen employees require at least two first aid and CPR certificates.

Each employee should familiarize themselves with the contents of the *ADOT&PF Safety Manual* and regional memoranda that applies to their working conditions. The *ADOT&PF Safety Manual* is available on the Department's internal website at: <https://web.dot.state.ak.us/stwdmno/safety-manual.shtml>.

The D&ES Research & T2 website offers training for both job tasks and safety issues. Currently there are web courses in Hazardous Communication (mandatory all employees), and Wetlands and Stormwater. There will soon be training on Naturally Occurring Asbestos (see Section 9.6). Training opportunities are posted at: <http://dot.alaska.ecatts.com/lmsTrainingCalendar>

The terms of the Alaska Worker's Compensation Law apply to all Department employees who sustain injuries on the job. Accidents involving employees that result in hospitalization or fatality must be reported immediately to the Group Chief/PM, Regional Safety Officer, and the Alaska Department of Labor. OSHA must be notified within 8 hours (AS 18.60.058). The Project Engineer must also formally report any accident on the Supervisor's Accident

Investigation Report (Form 02-932), and the Report of Occupational Illness or Injury (Form 02-921). When an employee returns to work following an injury involving loss of time, the Project Engineer should notify the Group Chief/PM.

The Department is committed to providing a safety-conscious work environment (SCWE) where concerned individuals feel free to raise safety concerns without fear of retaliation. See Section 18.18 for more information about SCWE. The Department has created an Employee Safety Concerns Program (ECP) that is managed by the Statewide Safety Officer. The program is intended to handle safety concerns from employees, who do not choose to raise concerns with their immediate supervisors. The ECP manual is published on the Design and Engineering Services website, and contains contact information for each region. The ECP manual is posted at: <https://web.dot.state.ak.us/stwdmno/safety/resources.shtml#pub>.

## **6.5. Project Safety**

The Project Engineer and project staff should be alert to any unsafe working conditions that might develop on the project. The contractor is responsible for compliance with applicable safety standards. If in the judgment of the Project Engineer, a serious hazard exists that presents imminent danger to the contractor's employees, to the state's project staff, or to the public, the Project Engineer may exercise their authority to direct the contractor to stop working on the affected part of the work until corrective measures are taken to eliminate the hazard.

The contractor is responsible for compliance with applicable safety standards for their own operations and employees, and for the operations and employees of their subcontractors.

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## 7. Program Administration

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- 7.1. General
- 7.2. External Affirmative Action
- 7.3. Labor Compliance
- 7.4. Buy American - FAA
- 7.5. Buy America - FHWA
- 7.6. Alaska Product Preferences
- 7.7. FHWA Stewardship Agreement

### 7.1. General

There are a number of administrative programs mandated by both the federal and the state government that may apply to contracts that fall under the Project Engineer's contract administration responsibility. Most of these programs do not have universal application. The administrative programs fall into two groups:

1. Programs that are under the authority of the Civil Rights Office (CRO) and are known as external affirmative action programs (these include EEO, OJT and DBE programs); and
2. All other administrative programs (federal and state labor requirements, Buy American (FAA) the Buy America Act (FHWA), and the Alaska Product Preference program).

A brief review of these programs appears in the following sections.

### 7.2. External Affirmative Action

There are three affirmative action programs mandated by the federal government that apply to most federally funded contracts that fall under the Project Engineer's contract administration responsibility:

- Equal Employment Opportunity (EEO)
- Disadvantaged Business Enterprise (DBE) Program
- On-the Job Training (OJT) Program

The parallel state affirmative action program is State Administrative Order 76. It requires compliance with federal EEO requirements on all state-funded projects. State Administrative Order 76 requires increased contracting opportunities for minority and women-owned firms. There is no DBE goal on state-funded construction contracts; DBE certification is recognized for participation under an incentive program developed to encourage prime contractors to voluntarily use DBE firms on these projects.

Every federally funded contract includes the EEO and DBE requirements. Only selected FHWA-funded projects include OJT requirements, depending upon specific criteria identified in federal guidelines such as: the type of work, size of workforce in each craft, and length of the project. A contractor's performance with respect to compliance with each of these programs is part of each Contract Compliance Review mandated by the federal government and performed by the Statewide Contract Compliance Review Officer in the Civil Rights Office. For this reason, it is imperative that contractors understand their contractual obligations regarding these programs. It is also imperative for enforcement purposes that Project Engineers administer these programs consistently and uniformly in the field.

Policy and Procedure 01.02.010 delegates final authority on all external affirmative action matters (EEO, OJT, and DBE programs) to the Civil Rights Office. This authority covers implementation, interpretation and clarification of policies, related contract specifications, and reporting requirements of these programs. This authority has been delegated to ensure uniform and consistent interpretation, application, and enforcement of these federally-mandated programs within the Department statewide.

The Contracting Officer has final authority with regard to construction contract decisions and resolution of problems.

If issues or questions arise regarding external affirmative action programs, contact the construction staff person that has been assigned duties as Regional Contract Compliance Liaison (RCCL). If they can't resolve the problem then the issue will be sent to the Civil Rights Office. This includes issues or questions involving the following contract provisions:

1. Statewide Special Provisions, Section 120, Disadvantaged Business Enterprise (DBE) Program, and all related forms;
2. Statewide Special Provisions, Section 645, Training Program, and all related forms;
3. Federal EEO Bid Conditions (Form 25A-301);
4. Form 25D-55, Sections I, II and III.

Construction personnel must obtain concurrence from the Civil Rights Office prior to issuance and/or

approval of change documents involving DBE and OJT.

Construction personnel are encouraged to coordinate with the RCCL or the Civil Rights Office as soon as possible when issues arise. The primary goal is to coordinate early in the process to avoid contract compliance violations later on. Proper contract administration of these programs can help the contractor avoid serious Contract Compliance Review problems, up to and including debarment.

The Department's External Affirmative Action Plan and annual EEO Assurances explain the Department's obligations, procedures, and performance with respect to these programs. Internal operating methods of the Civil Rights Office provide guidance on how the Department will meet its obligations to the federal government. All other documents are obsolete. Because of the dynamics and evolution of these programs, it is impractical for the Department to develop and distribute official policies and procedures just to have them become outdated soon after publication. For these reasons, please use the Civil Rights Office as the resource for current, effective information and/or assistance with these programs.

### **7.2.1 Equal Employment Opportunity (EEO)**

The authority for the EEO program requirements on FHWA-funded Department projects is 23 USC 140. The Department implements the EEO Program as a condition of receiving FHWA funds. EEO goals and timetables in construction come from the US Department of Labor through Executive Order 11246. The requirements apply to contractors, subcontractors, and materials suppliers on federally-funded projects whose contracts/subcontracts exceed \$10,000. Specific project EEO goals, good faith efforts, and reporting requirements are included in every construction contract.

### **7.2.2 Disadvantaged Business Enterprise (DBE) Program**

The DBE Program is intended to provide the contracting opportunities on federally funded projects for DBE-owned firms in accordance with federal regulatory criteria. The Civil Rights office establishes a DBE utilization goal for each project, as a percentage of the total contract award amount. The Civil Rights office establishes the DBE project goal in accordance with federal guidelines based upon the subcontractable items for which there are certified DBEs to perform that type of work. Statewide Special

Provision, Section 120 explains in detail determination of DBE compliance.

### **7.2.3 On-the-Job Training (OJT) Program**

This program, mandated by 23 USC 140a and implemented only on selected FHWA-funded projects, becomes part of the contractor's required affirmative action program. The Department selects the specific construction projects that will utilize the OJT program and establishes the project training goal in terms of individuals to be trained and the number of hours of training to be provided. The Department establishes annual OJT goals in accordance with federal guidelines; FHWA approves OJT goals before including them in contract documents.

Statewide Special Provision, Section 645, explains the OJT Program requirements and contractor obligations for that project. Contract documents, Form 25A-310 (OJT- DOT&PF Training Program Request) and Form 25A-311 (OJT Training Utilization Report), once approved by the Civil Rights Office, establish the type of training to be provided and bind the contractor, prior to contract award, to specific training curriculum and reporting requirements. Failure by the contractor to comply with OJT requirements during the course of the contract may result in the withholding of progress payments and deduction of damages from the contractor's final payment, as specified in section 645. Also, failure to comply will result in a finding of noncompliance in a Contract Compliance Review.

### **7.2.4 Commercially Useful Function Monitoring and Verification**

#### **Commercially Useful Function Monitoring**

Complete a DBE Commercially Useful Function Monitoring Report (Form 25A-298) for each DBE firm that works on each federally funded project. Reports are required regardless of whether the project or program is race-conscious or race-neutral, or the presence of DBE utilization goals.

Complete a CUF Monitoring Report within seven days of when each DBE first shows up on the job site. If the project extends for multiple seasons, complete a CUF Monitoring Report for each construction season the DBE is on-site.

A CUF Monitoring Report is completed by interviewing the DBE's On-Site Representative or other DBE staff who has technical knowledge and the ability to answer questions regarding the DBE's work being performed on the project. The CRO can provide

additional information if you are unsure of who is the on-site DBE representative. Only project personnel can complete the CUF Monitoring Report; it may not be filled out by the contractor or DBE.

The CUF Monitoring Report must be signed and dated by the project staff who performed the interview, and the DBE's On-Site Representative as defined in 120-1.04 of the *Standard Specifications for Highway Construction* or the *Statewide Special Provisions for Airport Construction*. Coordinate directly with the Statewide Civil Rights Office for any questions or assistance in completing the Monitoring Report.

Photograph and document DBE activities. Also note whenever there are significant changes to the DBE's day-to-day operations that may not be consistent with commercially useful work (see: "red flag issues"). Send each completed CUF Monitoring Report to the RCCL, for their acceptance.

CUF Monitoring Reports are not required on projects that have no federal funding.

### **Commercially Useful Function Verification**

Complete a DBE Commercially Useful Function Verification Report (Form 25A-299) for each DBE firm that works on each federally funded project. Only the Project Engineer or designee can complete the CUF Verification Report; it may not be filled out by the contractor or DBE.

Coordinate directly with the Statewide Civil Rights Office for any questions or assistance in making the verification. Complete the CUF Verification Report after the DBE is substantially finished with their portion of the project work but before project final payment. Complete the report by reviewing project records. Send each completed CUF Verification Report to the RCCL, for their acceptance.

CUF Verification Reports are not required on projects that have no federal funding.

The RCCL or Project Engineer will verify that the DBE owner, or DBE On-Site Representative was at the worksite and responsible for the work. Immediately notify the RCCL if the interview reveals a potentially adverse finding. Discuss findings and significant changes with the RCCL. The Project Engineer or RCCL will notify the contractor of potentially adverse findings, and discuss ways to resolve issues. A copy of the reports may be provided to the contractor upon request.

The RCCL will coordinate potentially adverse findings with the CRO as appropriate. Again, the primary goal is to avoid contract compliance violations. Use the CRO as a resource for any questions about these requirements.

Send a copy of all CUF Monitoring and CUF Verification reports to the CRO consistent with regional policy. Copies may be in the form of an electronic PDF file.

## **7.3. Labor Compliance**

### **7.3.1 Wages and Payroll Reporting**

All federally funded contracts fall under the Copeland Act and the Davis-Bacon and Related Acts (29 CFR Parts 1, 3 and 5) regarding wages and the conditions of their payment. These regulations require the payment to all project mechanics and laborers of not less than the prevailing minimum wages for the local area that are contained in the latest wage rate decision published by the US Department of Labor. This decision is included in the contract. The regulations also cover such other matters as frequency of wage payments, fringe benefits, overtime wages, and legitimate deductions. Further details are contained in the contract, in the Required Contract Provisions for Federal-aid Contracts section (Form 25D-055).

Both state-funded and federally funded contracts fall under the requirements of AS 36, which requires the payment of not less than the prevailing minimum wage rates contained in the latest wage rate decision published by the Alaska Department of Labor and Workforce Development (DOWLD). This decision is also included in the contract. On federally funded contracts, if there is a difference between the federal and the state minimum wage rates, the higher rate will govern. Both the federal and the state wage rate decisions also include minimum fringe benefit rates. The federal wage rates are established at the time of contract advertisement and remain in effect for the life of the contract. State wages are established ten days prior to bid opening and remain in effect for the life of the contract, or 24 months, whichever is less. The count of the 24-month period starts at award of the contract. Upon expiration of the initial 24-month period, the latest state wage rates issued by the DOWLD shall become effective for a subsequent 24-month period or until the original contract is completed, whichever occurs first. This process shall be repeated until the original contract is completed.

The contractor and each subcontractor are required to prepare a weekly payroll and statement of compliance (14 CFR 151.53, 23 CFR 635.118, and 29 CFR 3.4) and submit them to the Project Engineer and to DOLWD within seven days of the payroll ending date. The payrolls must be project specific, identify each employee by name and work classification, and must include the hour's worked and hourly rate(s), price extensions, and deductions. Bona fide truck owner-operators hauling materials for the project must appear on the certified payrolls (as owner-operators) of the prime Contractor or an approved subcontractor.

Check that the submitted certified payrolls have a statement of compliance that is signed by the contractor or subcontractor (or their agent) who submitted the payroll.

Store certified payrolls as per the record retention schedule in Section 16.15.

### **7.3.2 Labor Compliance Interviews**

Labor compliance interviews must be conducted on federally funded (not required for state funded) projects by project staff or by the regional contract compliance liaison. Interviews are conducted to determine if contractor employees are receiving the wages and benefits they are entitled to (correct wages and classifications, fringe benefits, hours worked = hours paid).

Conduct interviews at a time that is reasonable and convenient for the worker, with questions and answers documented on a Labor Compliance Interview (Form 25D-040).

Each season, the project staff will conduct one interview per Prime Contractor and one interview per subcontractor for 50 percent of the subcontractors. The subcontractors must be on the project more than one day per season. The seasons are summer and winter.

No interviews are required during periods of seasonal shutdown. Conduct additional interviews if there are indications of possible noncompliance. Information given during the interview is confidential.

Following the interview, the information received should be compared to payroll data to determine compliance. Each compliance evaluation should cover the employee's name, actual wage rates, and deductions from wages.

## **7.4. Buy American - FAA**

The Buy American Preferences under 49 USC § 50101 require that all steel and manufactured goods used in AIP (Airport Improvement Program) funded projects be produced in the United States. The FAA is given the authority to waive these Buy American Preferences if certain market or product conditions exist.

A Buy American waiver may be requested from FAA based on the exceptions listed below. The Department must receive FAA approval for the requested waiver prior to issuing the Letter of Award. The four types of waivers to the Buy American requirement are:

1. **Type I.** The FAA can issue this type of waiver if the FAA determines that applying the Buy American requirements would be inconsistent with the public interest. (Department use only.)
2. **Type II.** The FAA can issue this type of waiver for equipment or construction material if the FAA determines that the goods are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality. Type II Waivers can only be issued on the equipment/construction material level and cannot be issued for a system and/or facility that is comprised of various pieces of equipment/construction material. (Department use only.)
3. **Type III.** The FAA can issue this type of waiver if the FAA determines that 60 percent or more of the components and subcomponents in the equipment/facility are of U.S. origin and their final assembly is in the United States. A Type III Waiver cannot be issued at the system level and must be issued for each piece of equipment; however, in the case of facilities (i.e. buildings) a Type III Waiver may be issued for the entire facility if all the construction materials when combined meet the 60 percent U.S. origin requirement. (The term "final assembly" for purposes of this provision should be substantial rather than a light bulb put in a vehicle.) The application of this type of waiver is determined after bid opening. (Bidder may apply before award.)

No exception is allowed for structural steel. The manufacturer must certify in writing that any major structural steel used in their equipment is of 100 percent U.S. origin. Small amounts of steel that are used in components and subcomponents,

that are not structural steel, may be of foreign origin. This would typically consist of nuts, bolts and clips. For these types of steel, the manufacturer must indicate the use of the steel (nuts, bolts, clips, etc.) and must count this steel as non-U.S. origin when completing the Content Percentage Calculation Form (Form 25D-155, Buy American Percentage).

4. **Type IV.** This type of waiver is not allowed under Alaska's standard contract language. However, the FAA can issue this type of waiver if the FAA determines that applying Buy American requirements increases the cost of the overall project by more than 25 percent. In order to issue this type of waiver, the FAA must determine that there is at least one bid from a Buy American compliant supplier to make the 25 percent cost increase determination.

FAA-funded projects require each bidder to submit a Certificate of Buy American Compliance (Form 25D-151 or 25D-152) with their bid. If the apparent low bidder indicates they will apply for a Type III waiver, then they must submit the waiver request, with documentation, before award to the Contracting Officer (section 3.4). The waiver request will be reviewed by local FAA office, and it may be approved or denied. If it is denied, the bidder is required to construct using all Buy American compliant products.

FAA-funded projects also have a list of items that have been determined nonavailable and according to 48 CFR § 25.1 are excluded from the Buy American preference requirements, and other products subject to a Nationwide Buy American Waiver, and other products subject to nationwide Buy American waivers. See web links:

[https://www.faa.gov/airports/aip/buy\\_american/](https://www.faa.gov/airports/aip/buy_american/)

A manufacturer or supplier of products must provide documentation to show they comply with Buy American provisions by completing a Material Submittal Form 25D-154 and associated material documentation for each product. The Contractor may sign Form 25D-154 if they have knowledge of the origins of the material and are the supplier or fabricator of the product.

## 7.5. Buy America - FHWA

Applicable only to FHWA-funded contracts, the terms of Public Law 98-229 require that under most conditions only certain domestic materials be

incorporated into the project (23 CFR 635.410). On FHWA-funded projects, this covers steel, steel-manufactured products, and iron and steel coatings. The contractor must provide a Buy America Material Origin Certificate (Form 25D-60) demonstrating compliance with the provisions of the Buy America Act prior to award of the contract. When the Contractor becomes aware of a change from or error in a previously submitted Material Origin Certificate (Form 25D-60), the Contractor is required to submit an updated Material Origin Certificate, Form 25D-60. The contractor may amend the certificate following award and only up to the limit specified in the contract.

The contract lists exceptions or waivers to the Buy America requirement, including minor amounts, raw materials such as pig iron, and temporary structures.

Minor amounts of foreign (or unknown origin) steel and iron materials is allowed, if the cost of such materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. The cost is that shown to be the value of the steel and iron products as they are delivered to the project including freight. Contract specified steel or iron materials (or equal), which are subject to the Buy America Act but are not manufactured in the United States, are counted towards the project's total value of foreign steel.

The Contractor shall secure and provide a Certificate of Buy America Act Compliance (Form 25D-62) with the material documentation for each steel or iron product that is subject to the Buy America Act and incorporated in the project. The Contractor may sign Form 25D-62 if they have knowledge of the origins of the material and are the supplier or fabricator of the product.

If one contract is federal-aid funded, then Buy America applies to it and all other contracts regardless of funding sources, when those contracts are within the same scope of a finding, determination, or decision under NEPA. This also affects subcontracts with the contractor, third party agreements (like utilities or local government) and related work.

## 7.6. Alaska Product Preferences

Under the provisions of the Alaska Product Preferences chapter in the Alaska Statutes (AS 36.15.050), the use of Alaska agricultural and fisheries products, including Alaskan timber and

products manufactured in the state from timber and lumber, is required on state-funded contracts when the Alaskan items are priced no more than seven percent above similar outside products. Additionally, under AS 36.30.324, the Department encourages the use of Alaskan products and recycled Alaskan products in all Department procurements. Bidding preferences and monetary penalties for the use of or for the failure to use such products are established for all products except timber, lumber, and manufactured lumber products. The Alaska Product Preferences are not acceptable for **FAA-funded or** FHWA-funded projects.

The Alaska Department of Commerce and Economic Development maintains the Alaska Product Preferences List which lists all Alaskan products that have established eligibility for the program. Contracts containing Alaska Product Preferences reference the availability of the Department's "Alaska Product Preference Program Preparation Pamphlet" in a Special Notice to Bidders. The Project Engineer should review this pamphlet and all staff members involved with Alaskan Preference items. It contains complete information on the program including: instructions to bidders for completing the Alaska Product Preferences Worksheet (Form APPW); required product specification and installation schedule submittals; inspection procedures and procedures for correcting absent, nonconforming or not substantiable Alaskan products; documentation required to substantiate the declared value of Alaskan products (3AAC 92.050); and instructions for calculating applicable preferences and penalties.

## 7.7. FHWA Stewardship Agreement

Review the project stewardship and oversight agreement for responsibilities and oversight authority.

The Alaska Division of FHWA has signed a Stewardship and Oversight Agreement with DOT&PF. This agreement describes roles and responsibilities during financing, design and construction of projects that are funded by FHWA.

A copy of the current agreement is attached to the Chief Engineer's Directive dated November 20, 2015. See link:

[http://dot.alaska.gov/stwddes/despubs/assets/pdf/directives/attach/2015/stewardship\\_agreement\\_attach.pdf](http://dot.alaska.gov/stwddes/despubs/assets/pdf/directives/attach/2015/stewardship_agreement_attach.pdf)

Attachment A of the Agreement lists project level activities for which the "STATE" has responsibility and approval authority. Attachment B lists program

level activities, roles and responsibilities. Attachment C lists DOT&PF manuals and operating agreements that are approved by FHWA.

FHWA has retained project financial approval authority. It is important that we preserve a working relationship with our funding partner by providing the information they need. The following documents are required based on language in the ACM or based on CFR and standard operating procedures with FHWA. Document submittals to FHWA are made by the regional construction engineer or their delegate.

Submit the following documents to FHWA as informational copies:

- Change Orders
- Progress Estimates
- Project Materials Certification and Memorandum of Exceptions (if necessary)
- Form FHWA 1446C – Final Inspection
- Final Construction Payment and Project History
- Letter of Project Completion
- Other documents as required by the PoDI Stewardship and Oversight Agreement.

Submit the following documents to FHWA for approval before described work begins:

- Supplemental Agreements

Project status reports must be available for FHWA review.

### Projects of Division Interest

Each year the Alaska Division of FHWA conducts a risk based assessment of projects. They typically designate 10-20 projects to be Projects of Division Interest (PoDIs). FHWA may discuss potential PoDIs with the regions and headquarters in January or February before deciding on a final list.

PoDIs are chosen because they have elevated risk, contain elements of higher risk, or present a meaningful opportunity for FHWA involvement to enhance meeting program or project objectives. The FHWA risk based assessment may include:

1. Complexity
2. Cost
3. Schedule

4. Urgency
5. Environmental Considerations/Stakeholders, and
6. Other considerations.

Each PoDI has its own Stewardship and Oversight Agreement with authorities and responsibilities that may be different from the general agreement. Administer PoDI projects according to their project specific PoDI Stewardship and Oversight Agreement.

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## 9. Contract Administration in the Field

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- 9.1. Relations with the Contractor
- 9.2. Contractor Surveying
- 9.3. Contractor's Equipment
- 9.4. Legal Loads
- 9.5. Site-Specific Hazard Awareness Training
- 9.6. Asbestos in Aggregates
- 9.7. Airport Construction Safety
- 9.8. Highway Traffic Control and Safety
- 9.9. SWPPP & HMCP Implementation and Monitoring
- 9.10. Oil and Hazardous Materials Reporting Requirements
- 9.11. Right-Of-Way Considerations
- 9.12. Differing Site Conditions
- 9.13. Claims and Disputes
- 9.14. Partial Completion
- 9.15. Airport Master Record
- 9.16. Notices to Airmen (NOTAMs)
- 9.17. Environmental Permits and Commitments
- 9.18. Nighttime Operations
- 9.19. Coordination with Bridge Section

### 9.1. Relations with the Contractor

The key to a successful project is good communication. Having the Project Engineer as the single point of contact on a project gives them the authority needed to support good communication. In dealing with contractors and their organizations, the Project Engineer should cooperate as shown by the partnering concept (Section 3.9), and should convey to the project staff that they are working with the contractor to secure the best possible finished product; the attitude of the project staff should also reflect this cooperation. The prompt preparation and processing of contract change documents and progress payments exemplifies this spirit.

When the contractor requests information or a clarification, the project staff should respond promptly to the request. If the Project Engineer is unable to respond to a contractor's request for clarification on information, the Project Engineer should immediately seek the assistance of the Group Chief/PM or one of the support groups, and keep the contractor advised of the status of the request. In general, the Project Engineer and the project staff should do everything necessary to enable the contractor to work to their

benefit and without delay, but they should not furnish any services that the contractor is responsible for providing.

If the communication link between the contractor and project staff is threatened, the staff member should ask the Project Engineer for advice, or, as a last resort, intervention. If the Project Engineer runs into a similar situation, they should turn to the Group Chief/PM for assistance.

If the Project Engineer receives claims for damage to property or for injuries allegedly resulting from the contractor's operations, the Project Engineer should refer the claims to the contractor. If claims are received for money owed by the contractor for material, supplies, or wages on the project, the Project Engineer should provide the claimant with the name of the contractor's bonding agent and a copy of the payment bond, and should advise the claimant to read AS 36.25.020(c) for further information; wage claimants should also be referred to the Alaska Department of Labor, Wage and Hour Division.

### 9.2. Contractor Surveying

Under terms of the contract, all construction surveying is the contractor's responsibility. The Department is responsible for establishing the horizontal and vertical control that the contractor will use for construction staking; this control is usually established during the design phase of the project. On projects that have spent a number of years undergoing design, the control survey may be a bit ancient by the time the contractor's surveyors arrive at the site. Because this is usually the first construction activity under way on the project, the Project Engineer should monitor this initial survey effort closely and be alert for any errors that may show up in the horizontal and vertical control. If the contractor discovers any problems with the survey control, the Project Engineer, after consulting with the Group Chief/PM and the design engineer, should take immediate action to correct the control data or to adjust the lines and grades of the finished structure.

The contract provides that contractor surveying which the contractor uses for the computation of pay item quantities is subject to random spot checks by the Project Engineer. The Project Engineer should spot check at least 5 percent of these surveys and should also spot check note reductions and other survey work

for accuracy. If the Project Engineer discovers errors, they should perform additional spot checks and bring the matter to the contractor's attention. The Project Engineer or project staff will take all survey notes for final quantities and completely check them.

### 9.3. Contractor's Equipment

When the contractor first mobilizes equipment to the project site, and as each additional piece of equipment arrives at the site, the Project Engineer and project staff should inventory the equipment. The contract, with a few exceptions, requires only that the contractor provide an equipment spread that is capable of completing the contract within the contract time; the choice of equipment is left up to the contractor. Contractor vehicles and equipment that require licensing must be licensed in Alaska at all times during their use.

Certain pay item specifications, primarily those dealing with asphalt paving, spell out in some detail the equipment (and its condition) that the contractor is to use; the Project Engineer is responsible for documenting the equipment and its condition. If the Project Engineer notices any deficiencies in the specified equipment, the Project Engineer should immediately bring the deficiency to the contractor's attention. The contractor should not allow specified equipment that does not meet contract requirements to work on the project until the contractor brings the equipment into compliance with the contract.

When the Project Engineer and project staff inventory equipment, they should gather basic information on each piece. Information should include the classification, make, model, year of manufacture, horsepower, attachments and optional features, capacity, engine fuel, serial number, and contractor's number. These data will help the Project Engineer establish a rental rate for each piece of equipment, if necessary. The project staff should use still photographs and videotape to document the initial condition of the contractor's equipment.

### 9.4. Legal Loads

The Project Engineer may permit oversize and overweight vehicle movements within the project limits provided the contractor submits a written request and an acceptable Traffic Control Plan. The Traffic Control Plan must describe:

- how and where overweight or oversize vehicles will be used

- Each vehicle's axle spacing, gross axle weights, and tire widths
- Type of material or equipment being hauled

Weight restrictions still apply to all vehicles and equipment within the project limits, when hauling over:

- base course, surface courses, or structures that will remain, or become part of the finished roadway
- a structure that will be removed later, but is a route the public currently uses
- a structure that will be removed later, but is spanning over a route or other areas the public currently uses

Detailed analysis of structures and weight restrictions can be performed by the Division of Measurement Standards and Commercial Vehicle Enforcement (MSCVE) or the Bridge Section.

Temporary crossings designed by the contractor may support construction and public traffic if the crossing is designed to support those loads.

Beyond the project limits, size and weight limitations apply even though the highway may be a designated haul route. The MSCVE issues oversize and overweight permits for travel outside the project limits.

The Project Engineer and the project staff should be familiar with the size and weight limitations for the vehicles and equipment on their project, and with the effects of overweight operations on the project. Work sheets are available for calculating the maximum legal load for any given vehicle.

Where contractor-furnished weigh people operate the scales, the Project Engineer should monitor the weight tickets to make certain that the weigh people comply with the load limits. If enforcement of legal load limits becomes a problem, the Project Engineer should contact the Group Chief/PM. For further information on vehicle loads and permitting of nonlegal loads, consult 17 AAC 25 and the Department's *Alaska Oversize and Overweight Permit Movements* manual.

### 9.5. Site-Specific Hazard Awareness Training

In compliance with 30 CFR 46.11, the contractor's operator or commercial operator of the sand and

gravel surface mine (materials source) shall provide Site-Specific Hazard Awareness Training for all the Project Engineer's staff (non-miners) before beginning any operations in the surface mine. The training must be provided for each surface mine that is used to supply processed aggregates. A competent contractor's operator must provide the training in accordance with the operator's written training plan approved by the Mine Safety and Health Administration (MSHA). The training shall cover:

- Site-specific health and safety risks
- Recognition and avoidance of hazards
- Restricted areas
- Warning and evacuation signals
- Evacuation and emergency procedures
- Other special safety procedures
- A site tour

The Project Engineer's staff must sign the Visitor's Log Book after completing the training to indicate that training was provided.

According to the Compliance Guidelines for MSHA Part 46.1, Scope: Government Officials visiting a mine site generally are not required to receive Part 46 training. However, MSHA expects those government agencies whose personnel visit mine sites will ensure that their employees are provided with appropriate personal protective equipment, and receive adequate instruction and training. Where training is not provided, an experienced miner should accompany such government officials.

## 9.6. Asbestos in Aggregates

The DOT&PF Naturally Occurring Asbestos (NOA) program was established in 2012 by the Alaska state legislature. The law provides immunity under state law for the landowners, extractors, suppliers, transporters, and contractors for certain actions or claims arising in connection with the use of gravel or aggregate material containing NOA; if the applicant has a site specific plan approved by the Chief Engineer and they follow that plan during construction.

On projects with known NOA every person working in the project area must take the T2 Asbestos Awareness Training. All workers in the project area must follow the approved project site specific plan.

A list of best practices for NOA materials is posted at:

<http://www.dot.state.ak.us/stwddes/desmaterials/noa.shtml>

If NOA materials are found during construction immediately notify the Chief Engineer and stop work in the affected area. A site specific plan must be approved by the Chief Engineer before work can resume in the NOA area.

## 9.7. Airport Construction Safety

Airport safety requirements are described in FAA Advisory Circular (AC) 150/5370-2F, Operational Safety on Airports During Construction.

A Construction Safety and Phasing Plan (CSPP) is developed by the Department or the airport operator. The CSPP is normally submitted to FAA for approval during the design phase. The CSPP and any changes to the CSPP must be approved by FAA before implementation. The contract should comply with the requirements of the CSPP.

The contractor must submit a Safety Plan Compliance Document (SPCD) to demonstrate how they will comply with the CSPP. The SPCD may provide additional details (such as key personnel, construction phasing or equipment) that were not known at the time the CSPP was developed. The Project Engineer should review the SPCD, and approve the SPCD when it is in compliance with the CSPP.

Each contract for an airport improvement that affects an aircraft operational area (runway, taxiway, aircraft parking apron, and other facilities that adjoin these areas) has a special provision that specifically addresses that airport's traffic and safety requirements. The contract should also include drawings that depict runway and taxiway safety areas, vehicle movement setback lines, designated haul routes, obstacle free zones, temporary lighting requirements, and construction phasing information.

The two principal safety concerns when a contractor works on or adjacent to existing airport operational areas that are open to traffic are:

1. Marking the open portions of those operational areas, so moving aircraft know clearly where to taxi, takeoff, and land
2. Keeping construction equipment and construction project workers separated from moving aircraft

The contract requirements for airport traffic control and safety vary considerably from site to site, but generally include:

- Minimum length and width requirements for the runways
- Marking the closed portions of the runways or taxiways
- Strategic Event Coordination (SEC)
- Filing Notices to Airmen (NOTAMs) that describe the current status of the runway with the appropriate FAA Flight Service Station
- Providing plainly visible markings delineating the open portion of the runways (thresholds and edges), taxiways, and parking aprons from construction areas
- Aircraft frequency radio contact requirements
- Airport security requirements
- Scheduling or work sequencing requirements
- Coordination requirements

#### **9.7.1 Notification Before Work**

The Project Engineer shall write a letter to the appropriate FAA Flight Service Station (FSS), and send a copy to the FAA project manager, before the contractor begins work on an airport project. The letter should give the FAA/FSS basic information on the construction project including:

- The scope of work
- The duration of the contract
- The name of the contractor
- The Project Engineer's telephone number

Copies of the letter should be sent to the Regional Airport Safety and Compliance Officer, the DOT&PF airport manager, airport maintenance contractor (if appropriate), other adjacent FSSs, and the contractor.

Prior to starting work, the Project Engineer and the contractor's superintendent should meet with the airport manager and/or Regional Airport Safety and Compliance Officer and a local FAA tower or FSS representative, and air carrier representatives to establish communications, discuss the proposed work, review the CSPP and SPCD, and ensure that everyone fully understands the scheduling of construction activities in conjunction with aircraft operations.

#### **9.7.2 Strategic Event Coordination (SEC)**

Prepare and submit a Strategic Event Coordination form (FAA Form 6000-26, Airport Strategic Event

Submission) when required. The SEC form must be submitted to FAA via email (send email to [9-AJV-SEC-WSA@faa.gov](mailto:9-AJV-SEC-WSA@faa.gov)) at least 45 days prior to the strategic event. These are events that last for greater than 24 hours, or for 4 hours for consecutive days, and they include:

- NAVAID Shutdowns
- Full or partial runway closures
- Significant taxiway closures

#### **9.7.3 Notices to Airmen (NOTAMs)**

See Section 9.16 and FAA Advisory Circular 150/5200-28D for more information.

Prepare NOTAMs according to the Advisory Circular and the contract. The airport manager or authorized representative will review and sign the NOTAMs form, and will submit NOTAMs to the FAA.

Each time there is a change in an aircraft operational area (length, width, location, surface condition, lighting, personnel and equipment in the vicinity), a new NOTAM should be prepared and older NOTAMs may have to be cancelled. Only FAA may issue NOTAMs for navigation facilities and approach lights.

When work on the project is completed or is suspended for the season, the last construction NOTAM in effect should be cancelled or a new one issued to convey current runway, taxiway, and parking apron conditions to the FAA.

#### **9.7.4 Radio Communications**

At airports equipped with an Air Traffic Control Tower (ATCT), all movement of personnel, vehicles and equipment on open/active runways or taxiways are under direct radio control of the ATCT during hours of ATCT operation. When the ATCT is closed, see the following paragraphs.

At airports equipped with only an FSS, all movements on open/active runways or taxiways shall be coordinated with the FSS by radio on the airport's Common Traffic Advisory Frequency (CTAF).

At non-towered/non-FSS on-field airports, coordinate operations on the open/active runway or taxiway with the appropriate FSS on the airport's Remote Communications Outlet (RCO).

Using the CTAF, vehicle operators will be required to notify all aircraft using the airport of their location on the runway. This will require radios capable of

scanning multiple frequencies. Give all aircraft the right-of-way, and undertake all construction operations and movements on the airport using common sense and caution. All vehicles operating under these conditions should be equipped with radios containing the proper frequencies and operating amber beacons. If a radio isn't available in the vehicle, then the vehicle should be escorted by a properly marked vehicle capable of communicating on the proper frequencies or by a trained flagger using handheld radios.

## 9.8. Highway Traffic Control and Safety

Implementation of the Traffic Management Plan (TMP) allows for the safe passage of traffic through a highway construction work zone. Section 3.10 covers TMPs and their review and acceptance in detail.

Refer to the contract for traffic control devices payment details.

Prior to the contractor beginning work on the project, the Project Engineer should send a letter to the law enforcement entities having jurisdiction in the area (police, fire and EMT), advising them of the pending construction project and of the project limits, the work schedule, the names and phone numbers of the contractor and worksite traffic safety supervisor, and the Project Engineer's contact information. The Project Engineer should request the cooperation of law enforcement in controlling traffic during construction and should request that they notify the project field office of any accidents that occur within the construction work zone. The Project Engineer should also request that the law enforcement entity provide the project office with copies of all those accident reports.

When there is an agreement for additional traffic enforcement within the project limits, the Project Engineer or regional traffic control coordinator should specify the days and times for law enforcement to be present (see Section 3.10). It is important that project staff also document the dates that law enforcement work in the project limits, using an Inspector's Daily Report or the Traffic Law Enforcement Presence Log, Form 25D-108.

A TCP must be approved before construction starts. See ACM 3.10 for more information. All traffic control devices required by the approved TCPs, in and around the active construction area, must be in place before construction starts, and must be maintained during construction. Project staff should monitor the

TCPs. The Project Engineer is responsible for the contractor's compliance with all requirements of the TCPs, including the daily measurement of pay item quantities.

Each day, project staff must document in an Inspector's Daily Report (Section 10.3) or diary, that traffic control devices were checked and whether or not they were in compliance with the approved TCPs.

Under the contract, the responsibility for checking, placing and maintaining the traffic control devices rests with the contractor and must be in accordance with Section 643 of the *Highway Specification*.

Report device counts each day using the Traffic Control Signs and Devices Daily Report, Form 25D-103. It is signed and dated by both the Contractor's Representative and the Project Engineer's Representative.

The contractor must report each day using the Traffic Control Daily Review, Form 25D-104. It is signed and dated by the Contractor's Representative. The contractor's daily documentation on Form 25D-104 should include the TCP numbers in effect, the details of any variations from the approved TCPs, and indicate if any devices need to be repaired or replaced. Dimensional sketches, still, and video photography may be used to clarify the daily entries to document traffic control.

During construction, TCPs may require modification to meet changed construction schedules or conditions. A major revision to the TCP changes the basic application of the approved plan; The Project Engineer and either the region's Traffic and Safety unit, or the Traffic Control Coordinator of the Construction Unit, will review major revisions. A minor revision is one that does not change the basic concept of the plan and can be reviewed by the Project Engineer. When the TCP is found to be acceptable, the Project Engineer will notify the contractor in writing.

Report any vehicular accidents within the project limits, or within the construction work zone (between construction warning signs), or involving traffic in a queue backed up from work with the project limits, on the Work Zone Accident Report, Form 25D-123 (Also see Section 6.2). Report accidents to the regional traffic and safety engineer, within 10 calendar days of occurrence. Submit a copy of the police report and other pertinent information upon receipt.

The *Alaska Traffic Manual* contains additional information on construction work zone traffic safety.

## **9.9. SWPPP & HMCP Implementation and Monitoring**

See Section 3.11 for plan review requirements. See Section 9.17 for other agencies permits, environmental commitments, and contractor obtained permits. Environmental commitments that are identified in the permits or in the contract should be incorporated into the SWPPP.

Ensure that the contractor keeps the approved and updated SWPPP, HMCP and SPCC at the on-site project office, or a nearby office. They are the documents of record, and must be made available to any local, state or federal inspector who requests them.

Project Staff should keep a working copy of the contractor's SWPPP.

### **9.9.1 Signature Authority and Personnel Qualifications**

When a SWPPP is required, the contractor must delegate responsibility and signature authority to a superintendent. The superintendent may delegate work to a SWPPP manager. The superintendent, and SWPPP manager, must have current certification as an Alaska Certified Erosion and Sediment Control Lead (AK-CESCL), or other qualifications that meet the CGP, Appendix C requirements for qualified person. The Project Engineer should verify that the SWPPP documents the contractor's personnel qualifications (certifications).

The Regional Director will delegate responsibility and signature authority to the Project Engineer. The Project Engineer, the project Stormwater Inspectors, and the Regional Construction Stormwater Specialist must have a current certification as an Alaska Certified Erosion and Sediment Control Lead (AK-CESCL), or other acceptable training that meets the CGP requirements for qualified personnel. The Project Engineer and project Stormwater Inspectors must send their certifications to the Superintendent for inclusion in the SWPPP.

When there is personnel turnover or a person assumes the duties of someone on leave: the new person must be AK-CESCL certified. Enter the new person's data on the SWPPP Project Staff Tracking log, Form 25D-127. Enter a copy of their AK-CESCL certification into Appendix E of the SWPPP. The new person's

data must be documented before they can inspect or sign SWPPP documents.

### **9.9.2 Duties of Project Engineer and Inspector**

The Project Engineer and the project Stormwater Inspectors must be familiar with the contractor's SWPPP (Section 3.11.), HMCP, the contents of the Department's *Stormwater Pollution Prevention Plan Guide*, and the CGP.

The Department and the contractor are co-permittees for the project SWPPP and HMCP. A violation of permit requirements may result in a monetary penalty for the Department and the contractor.

In addition to the inspections required under the CGP, the Project Engineer and project staff must keep daily watch on the contractor's operations and BMPs. Project staff must immediately report to the Project Engineer observations of inadequate BMPs, a need for new BMPs, or pollutant discharges. The Project Engineer will report them to the superintendent or SWPPP manager and ensure that corrective action is taken within applicable deadlines.

The Project Engineer must become familiar with the project site, and be alert to instances where the SWPPP is not adequate or where the contractor is not following the SWPPP. If there are instances of inadequate BMPs or noncompliance with the SWPPP or CGP, direct the contractor to take corrective action. Ensure that the contractor updates the SWPPP regularly and completes required record keeping. Ensure that SWPPP amendments are signed by the Superintendent or SWPPP Manager and approved by the Project Engineer.

### **9.9.3 Reporting non-compliance to DEC**

If the contractor reports to the Project Engineer, or if the project staff observe: an incident that is (1) non-compliant with the CGP and (2) which may endanger health or the environment; then the Project Engineer must immediately report the incident to the Regional Construction Stormwater Specialist (or equivalent environmental position).

The Regional Construction Stormwater Specialist will determine whether the incident is reportable under the Standard Permit Conditions of the CGP and if so, will make a verbal and written report to DEC on behalf of the Department. The verbal report must be made within 24 hours of the first discovery of the incident.

The written report must be filed within five days of the first discovery of the incident.

Verbal Reports should be made to DEC at:

- Outside of Anchorage: 877-569-4114
- Anchorage Area: 907-269-4114

The contractor is also responsible for reporting the same incident to DEC and other agencies as required by law. If possible the Department and contractor should coordinate reports to ensure a consistent explanation. If the contractor doesn't co-sign the Department's report, they must file their own written report with DEC. The contractor may file their own report even if the Department decides the incident is not reportable.

#### **9.9.4 Public Notice, Forms and Permits**

Ensure the contractor has posted public notices and SWPPP postings, as required in the contract and CGP.

The following plans, forms or permits are included in the contractor's SWPPP documents:

- SWPPP formatted per DOT&PF SWPPP template – contractor's document that requires approval from the Department
- 25D-105, SWPPP Subcontractor Certification - Subcontractor signs prior to commencing soil disturbing work
- 25D-106, SWPPP Pre-Construction Site Visit – contractor's document that SWPPP Preparer signs
- 25D-107, SWPPP Delegation of Signature Authority for CGP Documents - DOT&PF – Department's Regional Director signs
- 25D-108, SWPPP Delegation of Signature Authority for CGP Documents - Contractor – contractor's Corporate Officer signs
- 25D-109, SWPPP Certification for DOT&PF – The Project Engineer signs a certification when the SWPPP is approved
- 25D-111, SWPPP Certification for Contractor – The superintendent signs the certification when the SWPPP is approved by the Department
- 25D-125, SWPPP Training Log – contractor tracks personnel training
- Copies of eNOIs in effect and acknowledgement letters from DEC.

- HMCP - contractor's document that requires approval from the Department. It becomes part of the SWPPP.
- Reference the SPCC Plan (if required) – No approval required

The following forms are used by the contractor during construction and kept up to date in the SWPPP:

- 25D-100, SWPPP Construction Inspection Report – Must be completed by the superintendent or SWPPP manager/representative. Requires dual signature and certification by superintendent and Project Engineer after each joint inspection
- 25D-110, SWPPP Grading and Stabilization Activities Log – Superintendent or SWPPP manager/representative date and initial, used to record dates of land disturbance and stabilization measures
- 25D-112, SWPPP Corrective Action Log – Superintendent or SWPPP manager/representative date and initial, used to document timely maintenance or corrective actions
- 25D-114, SWPPP Amendment Log – Superintendent or SWPPP manager signs and dates amendment, project engineer initials to document approval, used to document changes to the SWPPP
- 25D-115, SWPPP Daily Record of Rainfall – Initials required, any worker can fill it out
- 25D-127, SWPPP Project Staff Tracking – contractor and DOT&PF tracks qualified personnel and positions
- 25D-129, SWPPP Visual Monitoring Data – Only used on selected projects and as required by special provision
- 25D-140, SWPPP Turbidity Monitoring Form – Only used on selected projects and as required by special provision
- 25D-143 SWPPP Noncompliance Notification – The contractor should coordinate with the Regional **Construction** Stormwater Specialist to fill out the report. The contractor signs their report and submits it to DEC.

The following forms are filled out by the Department and kept up to date in the SWPPP:

- 25D-113, SWPPP Delayed Action Item Report – The Project Engineer prepares the report and sends a copy to the Superintendent for inclusion in the SWPPP, used to document BMP actions that are not practicable to complete by the Complete by Date written on construction stormwater inspection report and to assign a new Complete by Date.
- 25D-127, SWPPP Project Staff Tracking – contractor and DOT&PF tracks qualified personnel and positions
- 25D-143 SWPPP CGP Noncompliance Notification – The Project Engineer notifies the Regional **Construction** Stormwater Specialist (RSWS) of reportable events. The Regional **Construction** Stormwater Specialist in coordination with the contractor fills out the report. The RSWS signs the report for DOT&PF and submits it to DEC.

### **9.9.5 Reduced Inspection Frequencies and Seasonal Suspension**

When the entire site is stabilized according to the CGP, the Project Engineer may approve the reduction of the inspection frequency to once every 30 days. If the inspection frequency is reduced and the worksite is not actively staffed, the site does not have to be inspected after storm events. If the site is actively staffed, the site must be inspected within two working (business) days of the end of a storm event that resulted in a discharge from the site.

Indicate in the SWPPP why the site is eligible for reduced inspection frequency, and provide the beginning and ending dates. After the SWPPP amendment is approved by the Project Engineer, inspections can be conducted on the new schedule.

During reduced inspection frequencies, the contractor must inspect (preferably jointly with the Department), monitor, and report on BMPs, and take corrective action as required by contract and the CGP.

During seasonal suspension of work (CGP Appendix C calls this winter shutdown) the Project Engineer may approve the reduction of the inspection frequency to once every 30 days, or may waive inspections entirely after 14 days of freezing conditions until 21 days prior to the anticipated spring thaw.

If seasonal suspension is planned for a project, the anticipated dates of fall freeze-up and spring thaw for the site must be documented in the SWPPP. After the

SWPPP amendment is approved by the Project Engineer, inspections can be conducted on the new schedule.

Acceptable control measures for stabilization must be provided for conveyance channels, disturbed soils, slopes and stockpiles; prior to, during, and at the conclusion of seasonal suspension. Frozen ground by itself is not considered adequate stabilization. In addition, erosion and sediment controls must be installed in anticipation of spring thaw.

When inspections occur during seasonal suspension or on a reduced inspection frequency, it is preferable that inspections are conducted jointly by the contractor and Department. However, if it is not practicable to conduct a joint inspection, the entity that conducts the inspection must explain why it was not practicable, and provide a copy of the inspection report to the other entity within three days of the inspection and document the submittal.

### **9.9.6 Final Stabilization and Notice of Termination**

The contractor is responsible for all aspects of the SWPPP, including inspection requirements, until final stabilization is achieved. The Project Engineer, in consultation with the **Regional Construction Stormwater Specialist** and/or environmental personnel, is responsible for determining the date when final stabilization has been achieved. The contractor has 30 days after the date of final stabilization, to submit the Notice of Termination (NOT) to the DEC either by certified mail or through the APDES electronic filing system.

The regional director will sign the Department's eNOT, and they or the environmental section will submit the eNOT to DEC. Although the CGP allows 30 days to do this, it is best to file the Department's NOT as soon as final stabilization is determined. The Project Engineer should send copies of both eNOT submissions to the environmental section and ensure that copies of both are included in the SWPPP of record.

When the contractor's eNOI includes areas where the Department is not an operator (has a SWPPP and SWPPP2s), then the contractor may not be able to file an eNOT until all areas are stabilized. For further information see Highway Specification 641-3.01.6 (Airports **P-641**-3.1.f).

### 9.9.7 Project Reporting Requirements

The Department will store records including copies of the initially approved SWPPP, the final SWPPP, inspection reports, and other listed forms kept during construction.

The regions will use eDocs to transmit to Headquarters D&ES. Send the following documents on a regular basis during the construction season, and once every 30 days during a reduced inspection frequency:

- 25D-100, Inspection Report
- 25D-115, Daily Record of Rainfall
- 25D-110 Grading and Stabilization Log\*
- 25D-112, Corrective Action Log\*
- 25D-113, Delayed Action Item Report\*
- 25D-114, SWPPP Amendments and Amendment Log\*
- 25D-127, SWPPP Project Staff Tracking\*
- Changes to Site Maps\*

*\* Asterisked forms and data are transmitted if they were changed or information added during the reporting time period.*

When the contractor fails to meet an environmental requirement of the contract that is identified as SWPPP Liquidated Damages (LDs), then the Project Staff should document those LDs on Form 25D-126, SWPPP Liquidated Damages Calculation Table. The LDs will be reviewed by the region. After review the regional accounting office will bill the contractor. The Project Engineer may withhold project funds until the contractor pays the LD amount to the regional accounting office. Funds used for payment must be separate from project funding.

### 9.10. Oil and Hazardous Materials Reporting Requirements

In the event of a release, discharge or spill, of oil or hazardous substance, the Project Engineer and contractor should be notified immediately. The contractor should begin spill containment and cleanup as soon as practicable.

The contractor is responsible for reporting spills. The following state and federal reporting requirements should be included in the contractor's HMCP:

**State DEC:** Any release of a hazardous substance must be reported to DEC as soon as the person knows about the discharge.

The following are DEC requirements for reporting oil discharges:

- **To water:** Any release of oil into water must be reported as soon as the person knows about the discharge.
- **To land:** Any release of oil *in excess of 55 gallons* must be reported as soon as the person knows about the discharge. Any release of oil *in excess of 10 gallons but less than 55 gallons* must be reported within 48 hours after the person has knowledge of the discharge. A person in charge of a facility or operation must maintain and provide to the DEC on a monthly basis a written record of any discharge of oil from *1 to 10 gallons*.
- **To impermeable secondary containment areas:** Any release of oil *in excess of 55 gallons* must be reported within 48 hours after the person has knowledge of the discharge.

Notify the Alaska Department of Environmental Conservation (DEC) at one of the following telephone numbers, depending upon project location:

- Central (Anchorage) 907-269-3063
- Northern (Fairbanks) 907-451-2121
- Southeast (Juneau) 907-465-5340
- Outside normal business hours, call: 1-800-478-9300

DEC Reporting requirements and forms can be found on the web at:

<http://www.dec.state.ak.us/spar/spillreport.htm>

Via telephone, DEC will assist you in completing an Oil and Hazardous Substances Spill Form (Section 17). Submit it to DEC after telephone notification.

**Federal:** In the event of an oil spill that reaches any surface waters, or a spill on land of certain hazardous substances (listed in Table XII in Appendix 18.12) exceeding the Reportable Quantity (RQ) level, *the contractor must notify the National Response Center in Washington, D.C., immediately at (800) 424-8802.*

THE NRC web form can be reached at:

<http://www.nrc.uscg.mil/nrchp.html>

The contractor should document information about the spill, and the contractor's spill response, containment and cleanup efforts. Other agencies may also inspect the cleanup efforts and make additional requests for cleanup actions.

### **9.11. Right-Of-Way Considerations**

During construction, the Project Engineer may encounter situations that involve unavoidable construction work outside the Department's property or right-of-way limits or situations that involve an adjacent private property owner or lessee's encroachment onto the Department's property or right-of-way. The Project Engineer must obtain a construction permit from the private property owner, or an agreement from the lessee, before permitting the contractor to work outside the Department's property/right-of-way. If the Project Engineer encounters difficulties obtaining the necessary permission, they should seek assistance from the regional right-of-way unit or the airport-leasing unit.

If the Project Engineer discovers encroachments in the right-of-way and no right-of-way document exists in the field records that permit the encroachment, contact the right-of-way unit for assistance in permitting them or in having them removed. The Project Engineer should give the right-of-way unit the opportunity to review all permits or agreements they initiate.

### **9.12. Differing Site Conditions**

When the contractor encounters conditions in the progress of the work that they feel differs from those represented in the contract, the contractor must notify the Project Engineer in writing. Following the contractor's notification, the Project Engineer must notify the Group Chief/PM and should investigate and document the condition and the contractor's efforts in dealing with it. The Project Engineer and the project staff should thoroughly monitor the situation, including doing additional testing and documentation as required, until they resolve the matter.

If a change is found that the Department is responsible for, the Project Engineer should discuss the condition, along with possible actions to mitigate its effects, with the Group Chief/PM. The Project Engineer should attempt to resolve the situation with the contractor, regardless of where the responsibility may lie. If the Project Engineer and the contractor are unable to resolve the situation, the contractor has recourse under the claims and disputes clause in the contract.

This clause establishes a formal framework for handling disputes, and the Project Engineer and the project staff should be very careful to follow it. Once in the dispute status, the Project Engineer should continue to carefully review the documentation being gathered by the project staff. The Project Engineer should keep both the Group Chief/PM and the federal funding agency current on the status of the changed condition and its resolution. The Project Engineer should continue to fully monitor and document the condition, and the contractor's expense in dealing with it, until the matter is resolved.

The Project Engineer should also review project funding if it appears that the project will incur an additional financial liability from the dispute. Once the dispute is resolved, the tentative agreement must be formalized through a contract change document (Section 13.1.).

### **9.13. Claims and Disputes**

The contract establishes a formal framework for the Department and the contractor to follow in the event of a dispute or a claim for an adjustment in the contract; the procedures outlined in AS 36.30.620 form the basis for this framework. If a conflict cannot be avoided, the contract language provides a mechanism for the contractor to seek relief over any contractual matter including interpretation of the contract, a question of fact, extension of contract time, or any act or occurrence that may form the basis for additional compensation.

The burden is on the contractor to first notify the Project Engineer of the situation. If the matter cannot be resolved within seven days of that notification, the contractor has 14 days to submit a written Notice of Intent to Claim to the Project Engineer. Try to resolve the issue based on the contract documents. The contractor must submit a written claim to the contracting officer within 90 days after the date the contractor became aware of the basis of the claim or should have known of the basis of the claim, whichever is earlier.

The claims package must include:

- Act, event, or condition giving rise to the claim
- Contract provisions that apply to the claim and provide the requested relief
- The items or items of contract work affected and how they are affected
- Specific relief requested
- Statement of accuracy and good faith

The contracting officer has 90 days from receipt of the claim package to issue a decision.

The contractor has 14 days after receipt of the decision to appeal to the commissioner. The commissioner may adopt the contracting officer's decision within 15 days after receipt of an appeal as the final decision without a hearing.

If the contractor is not satisfied after exhausting the administrative process, the contractor may pursue the matter through the judicial system.

Throughout this process, it is important for the Project Engineer and the project staff to thoroughly document all of the contractor's operations, keeping both written and visual records. It is most important for the Project Engineer to thoroughly review all of the staff's project reports each day to ensure that the project staff remains vigilant but impartial in the dispute. In addition, keep both the Group Chief/PM and the federal funding agency current on the status of the dispute and its resolution. As with any dispute, once the parties resolve it, they must formalize the agreement through a contract change document and they must advise the federal funding agency of the terms of that resolution.

### 9.14. Partial Completion

The Department may accept, at its discretion, a substantially complete geographically separate portion of the project. When the contractor notifies the Project Engineer that work has been substantially completed at a geographically separate location, the Project Engineer should, after coordinating with the Group Chief/PM, schedule an inspection and follow the procedures outlined in Sections 15.1 and 15.3.

### 9.15. Airport Master Record

The Project Engineer collaborates with design and the airport manager in updating the Airport Master Record. Most updates are done on-line electronically. For links to electronic forms go to:  
<https://nfdc.faa.gov/xwiki/bin/view/NFDC/PublicADC>

FAA requires an Airport Data Change Form and electronic as-constructed (as-built) records of the airport layout.

Other forms or information (records) may be required for changes to:

1. Runway Length

If this submission details runway length changes for runways with an Instrument Approach Procedure (RNAV, GPS, ILS, SID, STAR, etc.), then the data must be submitted via a survey. Federally-funded surveys must be submitted through the FAA Airports GIS program.

2. Traffic Pattern Altitude, Right Traffic, Declared Distances

If this submission requires changes to any of the following items:

- Traffic Pattern Altitude
- Right Traffic
- Declared Distances

then you must submit an FAA Form 7480-1 to the appropriate Airports District Office (ADO).

3. ARFF Index

If this submission requires changes to the Aircraft Rescue and Firefighting (ARFF) Index, please send the information to the appropriate regional ADO for approval and publication.

Submit information (records) two months before substantial completion of any airport project regardless of funding source. The Project Engineer should review the forms with the airport manager for changes in any of the data elements. The Project Engineer should field-review data elements such as:

- Airport manager information
- Services available to the airport
- Non-commercial landing fee
- Condition of the surface
- Current users of the airport
- As-constructed (as-built) information

Submit to the design section the information that reflect the changes (runway dimensions, surfacing, lighting changes, or navaid installation), and certificates, warranties and equipment maintenance information. Design should submit copies of the updated information to the maintenance and operations unit, and the airport manager.

The section (design, construction, or airport manager) responsible for submitting the Airport Data Change Form and other required information to the FAA varies by region.

## 9.16 Notices to Airmen (NOTAMs)

Refer to AC 150/5200-28D, *Notices to Airmen (NOTAMs) for Airport Operators*, and Section 17 for a sample FAA NOTAM. Also see Section 9.7.

A NOTAM is a notice containing information (not known sufficiently in advance to publicize by other means) concerning the establishment, condition, or change in any component (facility, service, or procedure) of, or hazard in, the National Airspace System (NAS); the timely knowledge of which is essential to personnel concerned with flight operations.

The function of the NOTAM system is to disseminate information until the associated aeronautical charts and related publications have been amended. It is not intended to be used to impose restrictions on airport access for the purpose of controlling or managing noise or to advertise data already published or charted.

FAA Flight Service Stations (FSS) and Automated Flight Service Station (AFSS) receive and manage most NOTAM information for processing and dissemination on the NOTAM system. The National Flight Data Center (NFDC) in Washington, DC, has national program management responsibilities for the system and has exclusive operational control of certain NOTAM elements.

The Project Engineer should maintain a file of existing NOTAMs in the project office. The Project Engineer should coordinate with the contractor and airport manager to provide information for NOTAMs. The Project Engineer may draft:

- requests for a new NOTAM,
- to extend an existing NOTAM time duration, or
- cancel the original NOTAM and reissue the data as a new NOTAM with a new time

Draft NOTAMs should be submitted to the airport manager or their authorized representative. Due to Advisory Circular requirements and the need to format information in specialized language, only the airport manager or an authorized representative listed with FSS can provide NOTAM information to the FSS.

Usually the FSS issues the NOTAM. Alternatively (if certified by FAA) the airport manager or authorized representative may use the digital NOTAM system to publish NOTAMs. The digital system is posted at: <http://notamdemo.aim.nas.faa.gov/dnotam/>

Normally notification should be made not more than 3 days before the expected condition is to occur.

The airport manager or authorized representative must coordinate the issuance, maintenance, and cancellation of NOTAMs about airport conditions resulting from construction activities with tenants and the local air traffic facility (control tower, approach control, or air traffic control center).

Only the FAA may issue or cancel NOTAMs on shutdown or irregular operation of FAA-owned facilities. Only the FAA may issue or cancel NOTAMs regarding navigation facilities and approach lights.

Any person having reason to believe that a NOTAM is missing, incomplete, or inaccurate should notify the airport manager.

## 9.17. Environmental Permits and Commitments

The Department and contractor must comply with all environmental permits and commitments required to construct a project. These are included in the contract documents.

See the *Alaska Environmental Procedures Manual* for additional information on environmental permits and approvals.

### 9.17.1 Alaska Pollutant Discharge Elimination System General Permit

In November 2009, the Alaska Department of Environmental Conservation took over primacy from EPA for the National Pollutant Discharge Elimination System (NDPES) and assumed full authority to administer the wastewater and discharge permitting and compliance program, and began the Alaska Pollutant Discharge Elimination System (APDES) General Permit for Construction Activities in Alaska. The Alaska Construction General Permit (CGP) authorizes stormwater discharges from both large and small construction-related activities that result in a total land disturbance of equal to or greater than one acre and where those discharges enter waters of the U.S. (directly or through a stormwater conveyance system) or a municipal separate stormwater sewer system (MS4). This permit requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) during the construction phase of a project. All work must be conducted in accordance with the CGP, the SWPPP, and the contract. Both the

contractor and the Department are fully liable for the SWPPP.

### **9.17.2 Permitting Agencies**

- The U.S. Army Corps of Engineers issues permits for work in Navigable Waters of the U.S. (Section 10). Discharge of materials into any waters or wetlands of the U.S. is prohibited by the Clean Water Act (Section 404) without a permit. The act also prohibits transporting dredged material for disposal in ocean waters without a permit (Section 103).
- The U.S. Coast Guard permits bridges over navigable waters (Section 9) and private aids to navigation.
- The U.S. Department of the Interior, Bureau of Land Management (BLM) issues permits for material sites on BLM managed land in Alaska for the sale of sand, gravel, and rock. The permit requires that material sites be developed in an environmentally sound manner.
- The Alaska Department of Fish and Game issues permits for work in special areas like fish habitat, state game refuges, critical habitat, or sanctuaries.
- The Alaska Department of Environmental Conservation issues permits for stormwater discharge, wastewater disposal, Section 401 Certificate of Reasonable Assurance (certifying that an activity is in compliance with the Clean Water Act), design plan approval for water and sewer facilities, and construction dewatering. They also handle soil and water contamination, fuel spill cleanup, fuel storage, and related issues.
- The Alaska Department of Natural Resources issues permits for tidelands, right of way, land use, temporary water use, water rights, and material sites on state land. The State Historic Preservation Office must review all material sites. Material sites must also be developed in an environmentally sound manner.
- The Department permits designated material sites for projects that have designated sources.

### **9.17.3 Environmental Commitments**

A Location Hydraulic Study may be required for cities and boroughs that have flood-plain management. These include Anchorage, Fairbanks, Kenai, Juneau, and the Matanuska-Susitna area.

National Marine Fisheries Service oversees the Marine Mammal Protection Act, Essential Fish Habitat, and the Endangered Species Act. The U.S. Fish and Wildlife Service also has jurisdiction over the Endangered Species Act, the Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act. The Department may have commitments based on any of these laws. Commitments can be found in the project-specific environmental document, permits, environmental commitments memorandum, and project specifications.

### **9.17.4 Contractor Permits**

The contractor permits contractor-furnished material sites. The contractor submits documentation from the following agencies for clearances or permits:

- The State Historic Preservation Officer's historic and archeological clearance.
- U.S. Fish and Wildlife Service clearances for eagle nests and threatened or endangered species.
- U.S. Army Corps of Engineers determination of no wetlands or a permit issued for working in wetlands.
- Alaska Department of Fish and Game fish habitat permit for work below ordinary high water.
- An approved Alaska Department of Natural Resources Mining and Reclamation Plan or an exemption.
- A material sales and/or land use agreement with the property owner.
- A MSGP permit or SWPPP2 permit with Alaska Department of Environmental Conservation. The contractor must file an NOI and NOT with DEC for projects where the total disturbed area (project, material sources, material disposal areas, and other areas with earth-disturbing activities that are directly related to the project) is more than one acre.

The contractor must submit a Hazardous Material Control Plan to the Project Engineer for approval, as well as a copy of the contractor's Spill Prevention Control and Countermeasure (SPCC) plan when fuel storage exceeds 1,320 gallons, and there is a reasonable expectation that a spill of these products could reach navigable waters of the United States.

The contractor may be required to obtain an APDES Excavation Dewatering General Permit from Alaska Department of Environmental Conservation. The contractor's SWPPP must have a BMP plan for dewatering that provides assurance that all wastewater will be properly managed, treated, and discharged in accordance to the CGP.

Water use by the contractor may require Alaska Department of Natural Resources' Temporary Water Use Permit and an Alaska Department of Fish and Game Fish Habitat Permit.

Construction camps require Alaska Department of Environmental Conservation water and wastewater permits and the property owner's land use permit.

### **9.17.5 Achieving Permit Compliance**

In order for your project to achieve compliance under these permits and commitments, you and your staff must pay close attention to:

- *The project's environmental document, permits, environmental commitments memorandum, and the project specifications.* Read them every time a new activity starts. Understand what each permit or commitment requires the contractor to do. Request assistance and clarification from the regional environmental manager on any portions that are ambiguous, or don't fit the field conditions.
- *Special conditions.* The Department must comply with the special conditions in permits. Special conditions are usually found in the U.S. Army Corps of Engineers' 404 permits, and may also be found in other agencies permits.
- *Expiration dates.* Permits are issued for a certain length of time and they expire. Verify the permit expiration dates. If they will expire before the projected project completion date, then the permit may need to be updated. Contact the regional environmental manager, who will refer you to the environmental analyst assigned the project and request a permit modification well in advance of the expiration date. Once a permit expires, usually a new one is required.
- *Making changes in permitted areas.* Do not make any changes to the footprint of a project, pipes, fill, or riprap in areas covered by the permit without contacting both the Designer of Record and the regional environmental manager. If there is a change, the permit may need modification.
- *Stormwater runoff.* Read the contract language regarding the Stormwater Pollution Prevention Plan (SWPPP). Incorporate and maintain all best management practices identified in the SWPPP into the project. Perform joint inspections and ensure the contractor corrects any deficiencies in the SWPPP. Make sure the contractor complies with the SWPPP, and the DEC Construction General Permit. See Sections 3.11 and 9.9 for additional requirements for the SWPPP.
- *Waste areas for overburden and excess subgrade.* All waste areas must be in uplands or in permitted wetlands. This includes waste areas on private property, and written permission from the landowner to use the area as a waste area. The law requires the contractor to have a U.S. Army Corps of Engineers permit before placing waste material in wetlands, stream channels, and other Waters of the U.S. DNR must approve state land outside the highway right-of-way for use as a waste area. Waste areas included in the SWPPP must be jointly inspected with the contractor for compliance.
- *Material sites.* Material sites have permitted quantities. If they are to be exceeded in quantity or duration, revise the permits before they expire. Material sites included in the SWPPP must be jointly inspected with the contractor for compliance.
- *Violations.* If you discover that the contractor is in noncompliance or is violating any condition of any permit, or is not complying with the SWPPP requirements, notify your project manager, the regional environmental manager, and the Regional **Construction** Stormwater Specialist. You may direct the contractor to stop work on that portion of the project. You may withhold progress payments to cover any fine that is a result of the violation. Penalties by the U.S. Army Corps of Engineers may be as high as \$50,000/day in fines and from 1 to 3 years of imprisonment. Some permits hold the person(s) certifying compliance responsible and they, along with the Department and the contractor, may be cited for violations. See Highway specification 641-3.04 Failure to Perform Work, for more information.
- *Permit modifications.* Any variation from the issued permit or commitment requires project manager approval and concurrence from the regional environmental manager.

## 9.18. Nighttime Operations

Frequently the Special Provisions for a project restrict work on the existing traveled way to a specified period at night. Based on traffic counts, the regional traffic unit determines times for closing lanes and for nighttime work.

The effectiveness of handling traffic through night construction depends upon the Traffic Control Plans, Lighting Plan, and the details of the contractor's operations. The contractor is required to submit and obtain approval of his lighting plan before proceeding with nighttime work. Also, here are some details to consider:

- In addition to the requirements for signs and warning devices shown in the Traffic Control Plans, changeable message signs in advance of the work may be used effectively. You may also consult the regional traffic unit on the use of changeable message signs.
- Use road flares to get motorists' attention only under emergency conditions. Take care to prevent fires in susceptible high fire-risk areas.
- During daylight hours, mark signs and lane closure locations in advance. The Project Engineer should review lane closures' layouts for visibility and effectiveness. When possible, mark cone locations in advance so that cones may be placed quickly and accurately and the resulting line of cones will be straight and correctly spaced.
- Ensure that all flaggers' positions, clothing, and equipment meet the requirements of the specifications.
- When rain gear is necessary, it shall conform to the requirements of the specification for tops and bottoms.
- To maintain the cones, signs, and other safety devices, the Work Zone Supervisor must patrol the project's traffic control systems.
- Personnel, representing the Department and the contractor, who are capable of and empowered to make decisions quickly if the need arises, must be on the job at all times.

## 9.19 Coordination with Bridge Section

Projects with permanent or temporary bridge work require coordination between project staff and the designer of record or a designee. Most permanent bridge design work is done by the Department's Bridge Section. Some permanent bridges and most temporary bridges are designed by a consultant. In both cases there will be a material and fabrication submittal and review process (Section 8.3.3). There may also be structural welding (Section 11.6), and off-site inspection and testing services (Section 11.7).

Project staff should notify the Bridge Section:

- two weeks prior to the anticipated opening of a permanent or temporary bridge to traffic
- the day a permanent or temporary bridge is opened or partially opened to traffic
- The day an existing or temporary bridge is taken out of service

The notifications will allow the Bridge Section to plan for "initial inspection" (term is defined by 23 CFR 630.305 as initial inspection after the bridge is completed) and entering data into the bridge inventory system within 90 days of bridge opening. Provide this notification to the Bridge Section regardless of whether a consultant or the Bridge Section is designer of record.

The designer of record will note critical dimensions (including height and width clearances) in the bid documents. The permanent bridge structure should be measured for as-built dimensions. Note height and width of clearances under/over railroad tracks, overpasses, traffic surfaces, and navigable waters. Where restrictions are tight, Project Engineer may require a professional surveyor to verify clearance. Notify the Statewide Bridge Section if critical clearances change from design.

The bridge load rating is determined by the designer of record (Bridge Section or a consultant). For a bridge designed by a consultant, verify that the load rating was submitted to and approved by Bridge Section, prior to opening the bridge to public traffic.

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## 16. Project Closeout

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- 16.1. Project Closeout Overview
- 16.2. Contractor's Administrative Requirements
- 16.3. Final Estimate Assembly/Final Payment
- 16.4. Final Acceptance
- 16.5. Engineer's Administrative Responsibilities
- 16.6. Final Construction Report
- 16.7. Reserved
- 16.8. Report on Design Recommendations
- 16.9. Report on Claims
- 16.10. As-Built Drawings
- 16.11. Other Elements of the Final Construction Report
- 16.12. Project Materials Certification for Project Closeouts
- 16.13. Project Financial Closure
- 16.14. Final Federal Reimbursement
- 16.15. Record Retention & Disposal

### 16.1. Project Closeout Overview

This section covers all of the administrative requirements that both the contractor and the Project Engineer must comply with before the construction contract can be closed out, the project's records can be properly disposed of, and the final billing sent to the federal funding agency.

With a few exceptions, most of the records needed to accomplish all of this have already been prepared during the course of the contract. The most important things that remain for the Project Engineer to do are secure additional certifications and documents from the contractor, prepare the final estimate, complete the project history (for FAA projects only) and assemble the final construction report.

The Exhibits include a Project Closeout Checklist that outlines all the significant closeout steps leading to the Final Completion Report. The Final Construction Report summarizes the project through the following:

- materials testing summary;
- project materials certification;
- memorandum of exceptions to the project materials certification;
- explanation of overruns, underruns, and change documents;
- final estimate;
- report on any design recommendations;
- report on any claims; and
- as-built drawings.

The Department retains the report indefinitely.

Following acceptance and distribution of the Final Construction Report, the remaining project field records are combined with the regional office records and they are either micro-filmed and the originals destroyed, scanned and uploaded for electronic document storage and the originals destroyed, or they are placed in storage for the required period of time. Then the project's construction phase financial account is closed out and preparations are made to final bill the federal funding agency. All of these steps are explained in more detail in the following sections.

### 16.2. Contractor's Administrative Requirements

Before processing the contractor's final payment, the Project Engineer must insure that the contractor has complied with all of the administrative requirements of the contract.

Additional administrative requirements the contractor must meet vary from contract to contract. The contractor's failure to comply with these requirements may result in the deduction of monetary damages from the contractor's final payment. Most of the following examples of requirements have limited applicability, but give a general idea of what the Project Engineer should expect from the contractor:

- Maintenance and operating manuals and warranties for equipment purchased under the contract;
- As-built drawings for specialty items such as electrical work or structures;
- Records to document the use of Alaskan Products on state-funded projects containing Alaska Product Preference requirements (AS 36.30.322-4 and 3 AAC 92.050);
- An Electrical Administrator's Certificate of Personal Supervision for all electrical installations (AS 08.40.195 and 12 AAC 32.900);
- Copy of Notice of Completion approved by DOLWD Wage and Hour Division (may be submitted with Final Estimate)
- Copy of contractor's Notice of Termination from DEC

- Unbonded contractors must provide written certification that all persons supplying materials or labor have been paid (AS 36.25.010 and 3 AAC 92.050).

When the following is applicable to the project, the contractor must submit the required information to the DOT&PF Civil Rights Office (CRO):

- Evidence to verify payments to DBE subcontractors, manufacturers, brokers and regular dealers on the DBE Monthly Summary (Form 25A-336) ;
- Federal Aid Highway Construction Contractor’s Annual EEO Report (Form PR-1391) required from all contractors and subcontractors on FHWA funded projects.

The Department must request clearance for the contractor’s DBE and OJT (if applicable) from the CRO. The CRO may request additional submittals from the Department, such as final DBE quantities. Clearance can be given by email.

The Department must verify, in written form, that the contractor has tax clearance from the Department of Labor and Workforce Development (DOLWD) Employment Security Division. The Department must receive written tax clearance from the Alaska Department of Revenue that confirms the contractor is current on their tax payments to the state. Tax payments to the state must be current through the end of the last calendar quarter that the contractor had employees working on the project. Confirmation is usually sought from the tax offices closest to the contractor’s home area.

### 16.3. Final Estimate Assembly/Final Payment

The final estimate assembly is essentially the contractor’s final pay estimate plus a certificate of release. The Project Engineer should compute the final quantities as soon as possible after issuance of the Letter of Project Completion, preferably within thirty days. The forms used for the final estimate and the format of presentation may differ from the progress pay estimates used throughout the project, depending on regional preferences.

Calculate quantities and show them to the appropriate significant decimal (Section 4.7). Coordinate the calculation of all final costs associated with the

Training Program pay items with the regional contract compliance officer.

The Project Engineer may use the:

- Summary of Quantities form (Form 25D-025) to prepare the final estimate;
- The quality assurance/review unit reviews the final estimate and signs both the Final Estimate Review Report (Form 25D-031) and the Certification of Final Estimate (Form 25D-116);
- Both the Project Engineer and the Contractor, use the certification form (Form 25D-116) to certify the Final Estimate; and
- Obtain the certificate of release from the contractor on the Contractor’s Release form (Form 25D-117), or on the Assignee’s Release form (Form 25D-118) if the contractor has assigned their payments to a third party.

The final estimate contains several sections. The first is a numerical listing of contract pay items and final quantities, which includes the FA Code for each pay item on FHWA-funded projects (Section 2.3).

List original contract pay items first, followed by a listing of change documents with the pay items that were added listed under each change document (or list change orders in the order of the item numbers added).

If the contract contains both participating and non-participating pay items, divide the list into two sections. If there is more than one source of funds within either of those categories, the list is subdivided further.

On FHWA-funded projects, the second section contains a summary showing the cumulative costs in each of the FA Code categories, including any CE costs paid to the contractor (23 CFR 140.203b).

The final section of the estimate is a summary listing of all contractor payments, including the final, broken out by funding source and eligibility (participating or non-participating).

Once the Department receives clearance from Alaska Department of Revenue and Civil Rights/DBE Office, the Project Engineer should sign the Certification of Final Estimate and send it through the Group Chief/PM to the regional quality assurance/review unit for review and approval.

The regional quality assurance/review unit will review the Final Estimate in accordance with P&P 05.01.050 Concurrent Review of Construction Projects. When they have completed the review, that unit will complete and sign the Final Estimate Review Report, sign the certification, and return the estimate assembly to the Project Engineer.

The Project Engineer or Concurrent Review Section, should send the Final Estimate and Certificate of Release to the contractor. When the contractor returns the forms acceptably completed and has submitted the approved Notice of Completion from DOLWD, send the forms through the Group Chief/PM to the finance unit, for final payment. If the Project Engineer or Concurrent Review Section, is aware of any outstanding claims or unresolved disputes, carefully review the contractor's release or written certification before determining whether to proceed with processing the final payment.

#### 16.4. Final Acceptance

The final acceptance by the Department of all work and obligations under the contract, and the formal closure of the contract, is made through the Letter of Final Acceptance to the contractor.

Final acceptance is made following receipt by the Project Engineer of the signed final estimate and an acceptable certificate of release from the contractor. Since the final estimate is not sent to the contractor until the contractor has satisfied all of the physical and administrative requirements of the contract, the Letter of Final Acceptance constitutes the last contractual act.

The Project Engineer prepares the letter for the Contracting Officer's signature including a statement relieving the contractor of further obligations under the contract, except for those involving warranties or guarantees.

Distribute copies of the letter to other units in the Department, other entities directly involved with the contract, and to the federal agency on all projects involving federal funds.

#### 16.5. Engineer's Administrative Responsibilities

After closing out the contract, completing the Final Construction Report should be the top priority. However, before the Project Engineer can submit the Final Construction Report, they have certain administrative responsibilities they must complete.

These responsibilities vary from project to project but may include any of the following:

- **Airport Layout Plan (ALP):** provide Design with any changes in the ALP for them to complete and submit to FAA.
- **Airport Master Record:** The Project Engineer collaborates with Design and the Airport manager in updating FAA Form 5010. FAA requires Form 5010 and a sketch two months before substantial completion of any airport project regardless of funding source. The form contains each individual airport's operational characteristics.

The Project Engineer estimates the date of substantial completion and reviews the form with the Airport Manager for changes in any of the data elements. Advise Design of each change. The Project Engineer shall review data elements in Form 5010 in the field for Design such as:

- Airport Manager information
- As constructed information
- Condition of the surface evaluation
- Inventory of current users of the airport
- Services available to the airport
- Non-commercial landing fee verification

Design receives the data changes and updates the form and sketch to reflect the changes (runway dimensions, surfacing, lighting changes, or navaid installation). They forward the updated information on Form 5010 to the maintenance and operations unit and the Airport Manager. The section (Design, Construction, or Airport Manager) responsible for submitting FAA Form 5010 to the FAA varies by region. See FAA Order 5010.4 Airport Safety Data Program for additional information.

- **Airport Sign Plan:** provide design with any changes to the airport sign plan for them to complete and submit to FAA. (49 CFR Part 139 airports only).
- **Alaska Railroad Release:** requires a release from the railroad on all projects interfacing with the railroad.
- **Exhibit A, Airport Property Map:** on projects that have acquisition of land, provide design with any changes to Exhibit A, Airport Property Map, for them to complete and submit to FAA.

- **FAA Sponsor Certification Construction Project Final Acceptance:** a certification signed by the Group Chief/PM on all FAA-funded projects that certifies that the Department has complied with the twelve requirements of the federal aid airport grant program (49 CFR 18.50).
- **Proof of Construction for Right of Way:** a Department form (Form 25D-173) required on projects involving the acquisition of public land or rights-of-way across public lands. The form certifies that the project conformed to the right-of-way limits. If the form does not apply to a project, it is not required.
- **Proof of Use for Materials Sources:** Form 25D-174 to be submitted on projects involving Department-furnished materials sources, whether the sources were used or not. Complete a form for each source and include a plan view of the source showing the condition of the source at the end of the project along with a tabulation of quantities of materials removed. If there were no Department-furnished sources in the contract, the form is not required.
- **Transmittal Letters and Memoranda:** written records required to document: that as-builts, and pile and boring logs have been transmitted to the bridge design unit; that as-builts have been transmitted to maintenance and operations/international airport management, and the FAA; and that a complete set of materials, maintenance, and operating manuals and warranties have been sent to maintenance and operations or to the owner agency.

## 16.6. Final Construction Report

The key to contract closeout is the Final Construction Report. It is primarily a compilation of the most important documents generated during the project (or a listing of those documents). There are a number of elements that are required in each final report, and several more that are necessary only if applicable to the particular project:

### Required

- Final Construction report summary sheet (Section 16.11);
- Final Estimate Assembly (Section 16.3);

- Materials Summary and Materials Certification (Section 16.11);
- As-built drawings (Section 16.10);

### As-Applicable

- Explanation of Overruns, Underruns, and Change Documents (Section 16.11);
- Report on Design Recommendations, if any (Section 16.8);
- Report on Claims, if any (Section 16.9)
- Memorandum of Exceptions (Section 16.12)
- Final Federal Billing verification (Section 16.14).

The noted sections of the manual contain detailed descriptions of each of these elements.

When you have assembled the Final Construction Report and completed all of the administrative requirements outlined in section 16.5, submit the report to the regional quality assurance/review unit for their final review, through the Group Chief/PM. When the review has been acceptably completed, copies of the report are distributed based on regional distribution procedures. The report is then placed in the permanent construction file.

Send one copy of the entire Final Construction Report, except for As-built drawings, to Statewide D&ES, D&CS Administrative Assistant.

On federally-funded projects, the last document is added to this permanent project record at a later date: on FAA funded projects, this is the FAA's grant closure letter, and on FHWA-funded projects, it is the Final Voucher submittal letter.

## 16.7. Reserved

## 16.8. Report on Design Recommendations

The Project Engineer should report on any Design recommendations that have been encountered during the construction of the project.

## 16.9. Report on Claims

A report should include information on all claims and their resolution; if any claims remain unresolved at the time the Final Construction Report is prepared, their status should be reported in detail.

## 16.10. As-Built Drawings

The Project Engineer and project staff must carefully and accurately prepare the final set of marked-up as-built drawings. If, during the course of construction, you recorded all field changes on the marked-up drawings in a timely fashion, there should be very little additional information that needs to be added to them in the contract closeout phase. Once the final pay item quantities have been calculated, reviewed, and approved for payment, they should replace the estimated quantities on the marked-up drawings.

The Project Engineer should initial and date each sheet and sign and date the cover of the marked-up set to indicate that each sheet was completed and checked. Either the marked-up set (copied to mylar) or redrafted original drawings (updated to reflect as-built status) may be used as final as-built plans, depending on regional policy. Additional sheets and copies of approved shop drawings, schematics, or other working drawings should be added to the original plan sheets as needed to accurately portray the completed project.

If the Final Construction Report is completed prior to completion of as-built plans, it should include a record of the as-built's status (e.g. transmittal memorandum). Final as-built plan sets are distributed as follows: to the FAA on FAA-funded projects (14CFR 152.213c); to the regional maintenance and operations head, the international airport manager, or the owner agency on projects built by the Department for others; to the Highway Data Group on highway projects; and to the Final Construction Report (to replace the transmittal memorandum, if applicable).

## 16.11. Other Elements of the Final Construction Report

The principal elements of the Final Construction Report are described in other sections; the remaining elements of the report are covered briefly here.

### Final Construction Report Summary Sheet

This is the final description similar to that contained in the Invitation for Bids. The summary sheet also gives very basic information about the project including identifying the Project Engineer and the contractor, significant contract dates, and significant contract financial information.

## MCL, Final Materials Testing Summary and Project Materials Certification

This is the quantity of all materials tests taken during the project and whether they passed or failed are shown in the Materials Testing Summary (Section 5.4).

The MCL and Material Testing Summary are submitted to the regional quality assurance/materials unit, along with the Project Materials Certification and an attached Memorandum of Exceptions (if necessary).

The regional quality assurance/materials unit reviews the MCL, Materials Testing Summary, signs the Project Materials Certification, and forwards it with the Memorandum of Exceptions (if necessary), to the Project Manager.

## Explanation of Overruns, Underruns and Change Documents

A listing of only those original major pay items whose final quantity varied more than 25 percent from the estimated quantity and a brief explanation for each quantity change.

List and briefly explain each change document. On multiple project contracts, separate comparison listings for each project are not necessary.

If there are no overruns, underruns, or change documents on the project, this item is not required.

## 16.12. Project Materials Certification for Project Closeouts

All federal and state funded airport and highway projects require a Project Materials Certification, which is prepared by the Project Engineer for review and signature by the Regional Quality Assurance Engineer. Use the Project Materials Certification to indicate whether there are:

- no exceptions to the material requirements,
- minor exceptions to the material requirements, or
- exceptions to the material requirements as listed in an attached Memorandum of Exceptions.

The Project Materials Certification is provided to FHWA on all NHS projects. Non-NHS projects shall have a Project Materials Certification, but it is not included in the project closeout package to FHWA.

All FAA projects require a Project Materials Certification to be included in each closeout report to FAA.

All State funded airport and highway projects require a Project Materials Certification to be included in each closeout report.

See Section 17 for a Project Materials Certification Letter example that is signed by the Project Engineer and the Quality Assurance Engineer.

### **16.12.1 Memorandum of Exceptions**

When a Memorandum of Exceptions is required, it is prepared by the Project Engineer from the Project Exception List, and submitted for concurrence to the Regional Quality Assurance Engineer. The Memorandum of Exception is required in the following cases:

- More than 10 percent of the required acceptance tests for any construction product fail to meet contract requirements or are missing from project records.
- Any required acceptance test that has structural implications, fails to meet contract requirements or is missing from project records.

The above guidelines are not intended to reduce testing requirements as set forth in the project Materials Testing Summary.

The Memorandum of Exceptions provides a basis for acceptance of the nonconforming material. An engineering analysis of the nonconforming material's test values should be made to determine the magnitude and extent of the material; and to determine acceptability based on performance and the anticipated service life. If the engineering analysis indicates the construction project can be expected to provide a reasonable but reduced service life, limited Federal participation may be allowed.

### **16.12.2 Minor Exceptions, Price Adjustment, and Change Orders**

If there are exceptions to the material requirements, but those exceptions do not warrant a Memorandum of Exceptions, then those exceptions are considered minor and are listed on the Materials Testing Summary.

Asphalt (or other material) that is subject to price adjustment through the contract language (e.g. Highways QLA or Airports PWL process) is not considered a materials exception.

When a change order alters the terms of a contract so that non-conforming material satisfies the changed contract conditions, that material is not considered a materials exception.

### **16.13. Project Financial Closure**

After the project control unit receives the Letter of Final Acceptance (Section 16.4), they will send a Project Completion Form (PCF) to the Group Chief/PM, the designated construction phase financial manager (Section 2.2).

The construction phase financial account in IRIS cannot be closed to charges until all contracts have been closed, all encumbrances have been liquidated, all final audits of consultant contracts and utility agreements have been completed by Internal Review, and all further charging of expenses to the account have ceased. The PCF form, when signed by the Group Chief/PM, certifies that all construction phase activity is complete, both physically and financially, and allows the construction account to be closed to further charges.

The Group Chief/PM is responsible for contacting all of the support groups that have charged to the construction phase financial account to determine the current status of their involvement with the project and to advise them that the construction account is being closed to further charges. The Group Chief/PM needs to make certain that all consultant/utility contracts, involving payments out of the construction account, have been completed and are financially closed.

The remaining balance in all encumbrances in the construction phase, including the encumbrance to the construction contractor, must be liquidated. If the Internal Review audits have not been completed, the Group Chief/PM should provide the Internal Review unit with a list of all construction phase contracts and with the information they need to audit each one.

If the construction phase is still active when the Group Chief/PM receives the PCF form, they should return the form to the project control unit giving them an estimated closure date. When they reach that date, they repeat the procedure. When all of the construction phase work is ultimately complete, the Group Chief/PM authorizes the financial closure of the construction financial account.

### **16.14. Final Federal Reimbursement**

Statewide Grants & Projects in the Administrative Services Division prepares and processes the billings

for FHWA and FAA final reimbursement (Final Billing) in the same manner as the interim billings. The Project Engineer is not directly involved in the billing process.

Statewide Grants & Projects prepares the Final Billing after reviewing the financial data in IRIS, the final estimate assembly, and the Letter of Final Acceptance, and closing all of the project's financial phase accounts.

After Final Billing is complete, the Final Voucher is compiled. Statewide Planning Division prepares the Final Voucher for submission to the FHWA and closure of the project.

The FHWA will not process the Department's Final Voucher until receipt of:

- A copy of the Final Inspection Form FHWA-1446C-AKDO
- The Final Construction Report, including the:
  - o Final Estimate Assembly
  - o Project Materials Certification (in the format shown in 23 CFR 637.207)
  - o Explanation of change documents and claims

After closing an FAA's project financial phase accounts, the Final Billing (the Final Grant Reimbursement Request) is prepared.

The FAA will process the final payment request after receipt of the closeout report. Project Control prepares the closeout report which includes:

- Final construction Report
- Final Outlay Report and Request for Reimbursement for Construction Projects (Form SF-271)
- Final Federal Financial Report (Form SF-425)
- Sponsor Certification for AIP Grant Close-out
- Final Payment Summary Worksheet
- Inventory of Non-Expendable Personal Property (if an Equipment Acquisition project)

After the FAA's final grant payment, they issue their Grant Closure letter to Statewide Aviation and the regional office.

## 16.15. Record Retention & Disposal

Place the field records and regional office records on the project in storage. When the Project Engineer completes all work on the project, transmit to the Group Chief/PM for storage:

- All of the field records including files,
- conformed contracts & plans,
- engineer's diary,
- inspector's daily reports,
- survey books,
- materials test results,
- scale tickets,
- photographic records,
- Certified Payrolls,
- SWPPP with amendments, and
- SWPPP inspection reports.

According to regional policy or practices, store or transmit to the owner agency, regional maintenance and operations, or the international airport:

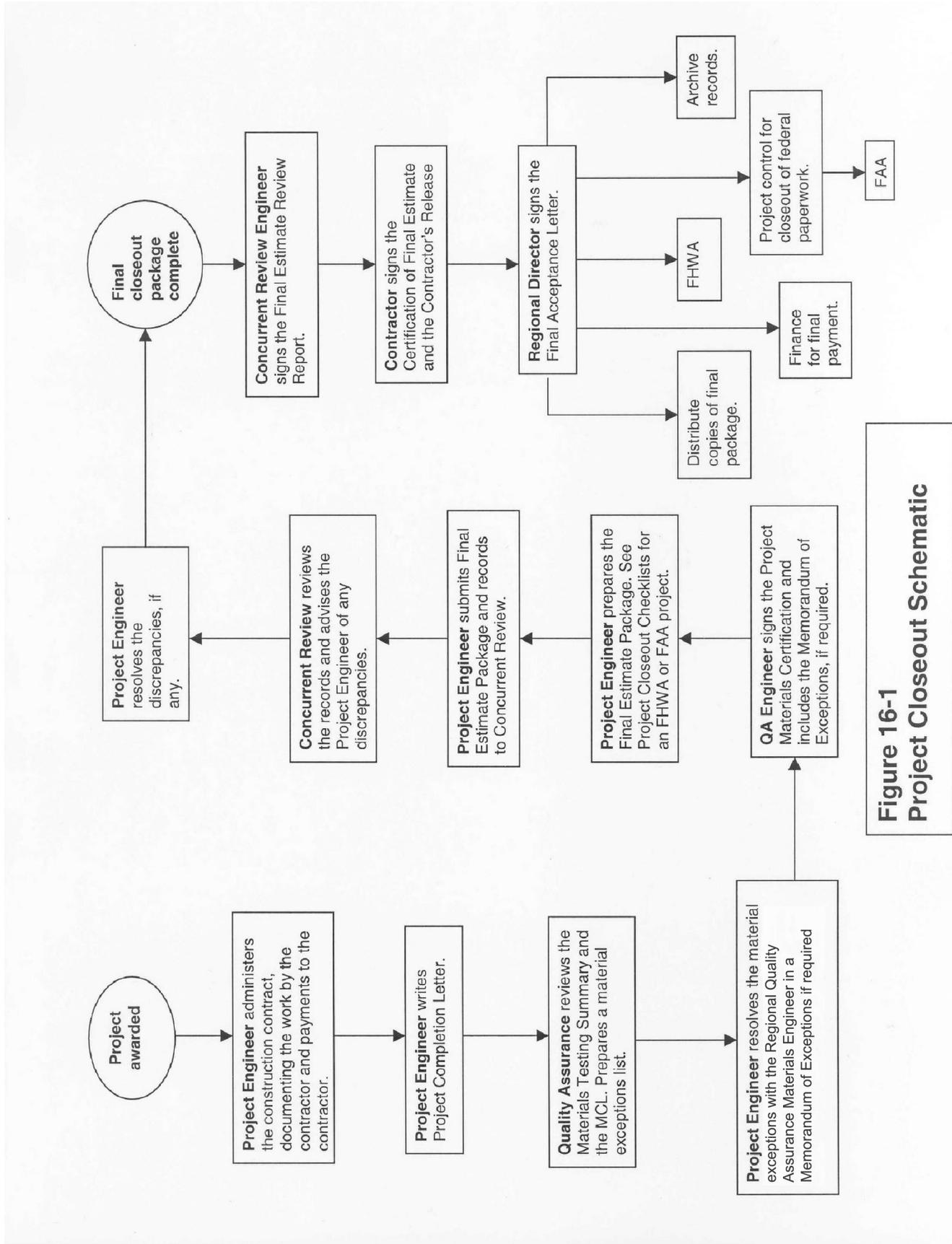
- A complete set of materials submittals,
  - maintenance and operating manuals,
  - warranties,
  - a set of the completed as-built drawings (FAA allows CAD as-built drawings on CD),
  - field survey books on airport projects to the aviation design unit, and
  - field survey books on highway projects, dealing with original survey monuments, to the right-of-way unit.
- Personnel records should be removed and destroyed.

Store and maintain the original records (may also be microfilm or electronic records) for the following minimum periods of time:

- State-funded projects – three years from the date of final acceptance

- State Student Loan Corporation funded projects – three years from the date of final acceptance or until July 1, 2021; whichever is later
- FAA-funded projects – three years from the date of final grant payment (14 CFR 151.55c)
- FHWA-funded projects – three years after submittal of the Final Voucher (49 CFR 18.42b)
- SWPPP records for minimum three years after NOT with DEC

In the event of a lawsuit, the records should be kept three years after all court settlements.



**Figure 16-1  
Project Closeout Schematic**

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