



CHAPTER 11

BEFORE ON-SITE WORK CAN BEGIN

The Contractor shall not begin On-Site Work, as specified in 00180.40(b), until it has:

1. Received Notice to Proceed.
2. Filed the required public works bond with the Construction Contractors Board (CCB) (See 00170.20).
3. An accepted Project Work schedule.
4. An approved Traffic Control Plan.
5. An approved Pollution Control Plan.
6. An approved Erosion and Sediment Control Plan.
7. Met with the Agency at the required preconstruction conference.
8. Assembled Materials, Equipment, and labor on the Project Site (or has reasonably assured that they will arrive on the Project Site) so the Work can proceed according to the Project Work schedule.

The Contractor is required, per 00195.12(a), to submit the Pay Items selected for the steel escalation/de-escalation program in writing to the

NOTE: For projects using either Design-Build or Construction Manager / General Contractor (CM/GC), refer to the project specific contract for activities that will occur before On-Site Work can begin.

Resident Engineer (RE) before or within seven (7) Calendar Days after the Pre-Construction Conference.

As required by the Contract, the RE may request that the Contractor submit other information before On-Site Work begins.

The following topics are discussed in greater detail in this chapter:

- 11-1: Cooperative Arrangements (“Partnering”)
- 11-2: Pre-Construction Conference
- 11-3: Tourist-Oriented Directional (TOD) and Business Logo Sign Sketch Map and Narrative
- 11-4: Project Schedule
- 11-5: Traffic Control Plan
- 11-6: Erosion and Sediment Control Plan
- 11-7: Pollution Control Plan
- 11-8: In-Water Work Permit (IWWP) & Migratory Bird Treaty Act

11-1 Cooperative Arrangements (“Partnering”)

The Contractor may enter into a voluntary cooperative arrangement with the Agency on all Projects. (See Subsection 00150.05.) The intent of a cooperative arrangement (aka “partnering”) is to enhance working relationships, establish lines of communication, and develop processes to resolve Project issues. Partnering is encouraged and will be established at the Contractor’s request. If the Contractor elects to not participate in partnering, but the RE believes it is essential, the RE should contact the Contract Administration Engineer (CAE) to facilitate the Contractor’s participation.

If the Contractor elects to participate in a cooperative arrangement, it will do so by signing and returning the Cooperative Arrangement Form, form 734-0338 ,provided with the Notice of Intent to Award. The form must be submitted no later than the time the Contractor returns the signed Contract to the Agency.

The Construction Program Analyst in the Construction Section will then notify the RE of this participation and assist the RE in selecting a facilitator. The RE and the selected facilitator will work together to schedule a date for the orientation workshop. The workshop should occur before Work starts or early in the Project.

Cooperative arrangements developed during a Partnering Workshop do not change the terms of the Contract unless a Contract Change Order is executed. If a cooperative arrangement document is prepared, then an electronic copy should be sent to ODOT Contract Services to be placed in the Project’s Contract Electronic Files.

11-2 Pre-Construction Conference (“Pre-Con”)

The Contractor shall meet with the RE for a Pre-Con before any Work is performed and within 30 Calendar Days of the Notice to Proceed as required by 000180.42, unless otherwise approved in writing by the Agency.

Once the RE and Contractor has established a date for the Pre-Con, the RE will send a Pre-Con letter describing the items to be discussed at the upcoming Pre-Con meeting. [See Exhibit 11(B).] The RE will also incorporate any Project specific Office of Civil Rights Pre-Con requirements in the packet of information sent to the Contractor. [Refer to Chapter 18 - Workforce and Small Business Equity Programs for specific information regarding “OCR-Pre-Con Requirements”.]

Objectives to be accomplished during the Pre-Con include:

- Identifying key personnel and communication protocol.
- Reviewing the Project Work schedule.
- Sharing the Project Work schedule with Utilities and receiving their information on utility relocations and potential conflicts with their facilities.
- Assuring that the Contractor is aware of Project Work and responsibilities including safety, quality control and documentation, Workforce and Small Business Equity Programs, surveying, environmental and permit regulations and requirements, among other considerations.
- Informing the Contractor of procedures for consent to subcontracts, progress payments and timing.

It can be effective to break down the Pre-Con into a series of meetings related to specific disciplines and/or subjects. For example, separate meetings may be held to discuss the following topics:

- Review of initial Project Work schedule.
- Utilities.
- Quality control and quality documentation.
- Payments to Contractors.
- Contractor surveying.
- Environmental and regulatory requirements.
- Subcontracting, reports (MEURS, Subcontractor Paid Summary, etc.), and Workforce and Small Business Equity Programs (EEO, DBE, OJT).
- Labor compliance, payrolls, and wage determinations.

If the RE and the Contractor are familiar with Agency requirements, the RE may agree to exchange a memo reminding the Contractor of some of the requirements rather than spending significant time on them at the meeting(s). [See Exhibit 11(B).]

Persons who should attend a Pre-Con include:

- Key personnel from the Contractor and its Subcontractors.
- RE, Assistant RE, Inspectors, QCCS, Contract Administration Specialist or/and office personnel responsible for processing documentation and payment.
- Region Environmental Coordinator.
- Office of Civil Rights representative.
- ODOT Transportation Project Manager for local public agency Projects.
- FHWA.
- Affected Utility and Railroad representatives.
- Professional of Record (POR).
- Public Information Officer.
- Labor Compliance Officer.
- Other personnel (Maintenance, other local government representatives, etc.).

The RE must record the audio of the meeting(s), as well as provide a written summary to the attendees of the meeting detailing pertinent points, agreements, and assignments given to personnel.

The RE must have an agenda for the Pre-Con and each smaller meeting. [See Exhibit 11(C).] Topics addressed at the Pre-Con or other meeting(s) may include:

The Contractor and RE should schedule a regular time to meet (preferably weekly). Items to be addressed at these meetings include:

- Review of past Work progress, events, and impacts to the Project schedule.
- Review of Contractor's "look ahead" schedule.
- Information or work needed to allow progress on the job.
- Outstanding issues.
- Communication protocol.
- Showing appreciation for accomplishments by either party.

BEST PRACTICE: Conduct pre-work meetings for critical construction processes including, but not limited to, surveying, Aggregate production, paving, and Bridge deck placement.

11-3 Tourist-Oriented Directional (TOD) and Business Logo Signs

As specified in 00225.05, the Contractor is required to submit one copy of a sketch map of the Project showing existing tourist-oriented directional (TOD) and business logo signs as well as a written narrative describing how these signs will be kept in service and protected throughout the construction phases.

A. TOD Signs

TOD signs display the names of qualified tourist-oriented businesses or activities, or qualified historical or cultural features, together with directional information. The TOD signs are used by the traveling public and include places such as parks, golf courses, hospitals, historic or scenic sites, vineyards, beaches, lighthouses, wildlife parks or areas, and flower fields. TOD signs are usually blue or brown, but may be other colors. Oregon Travel Information Council website at:

<http://ortravelexperience.com/for-businesses/sign-programs/>.

B. Interstate Business Logo Signs

Interstate business logo signs consist of a large blue sign panel with individual business logo plaques mounted on the panel. Interstate signs have legends, or titles, for five different types of services: Gas, Food, Lodging, Camping and Attractions. As the name implies, these signs are located on interstate highways and expressways at exits where the businesses are located.

C. Off-Interstate Business Logo Signs

Off-interstate business logo signs consist of individual business logo plaques mounted on a large blue panel. Off-interstate sign panels have legends or titles for four different types of services: Gas, Food, Lodging and Camping.

Private business signs are NOT considered business logo signs and do not need to be included in the submittal. If you are not sure whether the sign is a TOD or business logo sign, include it in the submittal.

Contractor Submittals

The instructions for processing the TOD and business logo map and narrative is based on submittal of one copy of each by the Contractor.

The Contractor must submit the TOD or business logo sign information five days prior to the Pre-Con. The RE will electronically forward the submittals via email to the Contract Administration Unit (CAU) mailbox at: ODOTContractSvcs@odot.state.or.us. The CAU will forward the submittal electronically to Oregon Travel Experience.

GOOD TO KNOW: In accordance with 00170.82(c), the RE will assess liquidated damages for each sign out of service for more than five Calendar Days should the Contractor fail to protect and maintain each sign.

11-4 Project Work Schedule

The Contract requires that the Contractor prepare and submit its Project Work schedule to the RE for review 10 Calendar Days prior to the Pre-Con. (See 00180.41.) One of the three types of schedules described below will normally be identified in the Special Provisions. The three schedule types are:

1. **Type A:** A simple, time-scaled bar chart and narrative specified on simple Projects and only updated when the current schedule no longer represents the progress of Project Work or if significant Work has been added to the Project.
2. **Type B:** A time-scaled critical path bar chart for Project Work that requires monthly progress reports usually specified on more complex, linear Projects.
3. **Type C:** A time-scaled critical path schedule requiring monthly updates and progress reports usually specified on complex Projects where several Work paths exist. (The Contractor may submit a critical path method logic diagram with a time-scaled bar chart instead.)

During the Project the Contractor is also required to submit a supplemental "look ahead" Project Work schedule each week to the RE, which shall:

- Identify the sequencing of activities and time required for prosecution of the Work.
- Provide for orderly, timely, and efficient prosecution of the Work.
- Contain sufficient detail to enable both the Contractor and the RE to plan, coordinate, analyze, document, and control their respective Contract responsibilities.

The Contractor is responsible for the following tasks regarding the Project Work schedule (as specified in 00180.41):

- Submitting the Project Work schedule specified in the Special Provisions to the RE before the Pre-Con.
- Updating and/or providing progress reports for the Project Work schedule monthly for Type B and C schedules, or as needed for Type A schedules.
- Submitting with each update a narrative that describes changes to the schedule, any problems or issues that may affect the schedule such as impacts causing delays and the reasons why scheduled Work is not being accomplished.

The RE uses the Project Work schedule to:

- Plan the work of the Project office.
- Assure that the Contractor understands the limitations imposed on its Work by Contract or local ordinances.
- Assure that Work is proceeding on schedule.
- Communicate the Contractor's schedule and planned completion date to the local residents, businesses, and media through Region Public Information Officer.
- Assess possible delays to the Project Work.
- Review each schedule update to be aware of changes, potential delays, and upcoming Work. This will assist the RE in determining if action should be initiated. The CAE can provide training and assistance in understanding, reviewing, and analyzing the Project schedule, changes, and impacts to the Project Work schedule if needed.
- If the initial schedule has not been submitted, determine if Work should start. Once the initial schedule is approved, if the Contractor fails to submit the schedule update as required, consider withholding the progress payment as necessary.
- Review the schedule to assure it shows Work will be accomplished within the Contract Time requirements, does not violate Contract restrictions, and depicts realistic performance of the Work.
- Look for errors or oversights in the logic for the Project Work schedule. Address concerns with the Contractor.

For non-compliance, the RE should consider suspending Work or withholding payment if the Contractor fails to provide the required schedule, updates, as stated in 00180.50(h).

The RE must address the issue of Project Schedule when completing the required Prime Contractor Performance Evaluation. [Refer to Chapter 34 - Contractor Performance Evaluation.]

11-5 Traffic Control Plan

The Contractor must submit a written Traffic Control Plan (TCP) showing all Traffic Control Measures (TCM) and quantities of Traffic Control Devices (TCD) for approval five days prior to the Pre-Con in accordance with 00225.05. If the Contractor does not use the Agency TCP, the Contractor must provide engineered and stamped working drawings in accordance with 00150.35. The RE must approve any proposed changes to the TCP.

If the TCP does not provide the desired results, the Contractor must propose changes to the TCP to adequately handle traffic. All changes must be submitted in writing and be approved by the RE with consultation of the Region's Traffic Engineer.

The RE will evaluate how well the Contractor complied with the TCP when completing the required Contractor Performance Evaluation. [Refer to Chapter 34 - Contractor Performance Evaluation.]

11-6 Erosion and Sediment Control Plan

The required Erosion and Sediment Control Plan (ESCP) discussed in 00280.02 establishes the minimum requirements for Project construction sites and conditions on Agency-controlled lands. The Contractor must submit signed copies of the following elements to the RE no less than 10 Calendar Days prior to the Pre-Con:

- A Contractor-developed "construction" ESCP incorporating the Agency's ESCP and all proposed modifications to it that fully comply with the NPDES Storm Water Discharge Permit (e.g. 1200-CA).
- A narrative as described in the Storm Water Discharge Permit (1200-CA) and the Agency Erosion Control Manual.
- Implementation schedules for the ESCP based on each phase of the Contractor's construction schedule.

An Agency-developed ESCP is typically furnished as part of the Contract Plan set, which helps fulfill part of the ESCP requirements of the permit. This initial ESCP, when adopted by the Contractor, may be used as the basis of the construction ESCP.

The RE must approve the ESCP before the Contractor may commence any site activities that have potential to cause erosion or sediment movement. The Contractor must keep a copy of the approved ESCP with any updated changes readily available in electronic format or a paper copy during all construction activities.

If the ESCP is not providing the results in accordance with permit and Contract requirements, the Contractor is responsible for making needed changes to the ESCP to adequately control erosion and sedimentation.

Payment to the Contractor for developing, revising, monitoring, inspecting, and documenting the ESCP will be included in the lump sum bid item "Erosion Control." The Contractor is paid for this bid item according to the lump sum breakdown specified in 00280.90, unless modified by the Project Special Provisions.

When completing the required Prime Contractor Performance Evaluation, the RE must address compliance with permit requirements. This includes elements of the ESCP. [Refer to Chapter 34 - Contractor Performance Evaluation.]

11-7 Pollution Control Plan

The required Pollution Control Plan (PCP) is discussed in 00290.30(b).

The Contractor must prepare and submit a PCP relevant to its operations for Agency approval 10 Calendar Days before the Pre-Con. The Contractor may prepare the PCP on the template supplied by the RE, or may prepare the PCP in its own format, as long as all required information in 00290.30(b) is included. [PCP template](#).

The RE must review and approve the PCP before the Contractor may commence Work.

If the PCP is not achieving the results in accordance with Contract requirements, or it no longer accommodates actual or planned situations at the Project Site, the Contractor must modify its PCP to adequately prevent pollution.

When the PCP is included in the Contract as a bid item, specific percentages of the lump sum quantity are paid at different milestones throughout the life of the Project, as defined in 00290.90, unless modified in the Project Special Provisions.

When completing the required Prime Contractor Performance Evaluation, the RE must address compliance with permit requirements. This would include elements of the PCP. [Refer to Chapter 34 - Contractor Performance Evaluation.]

11-8 Migratory Bird Treaty Act

The Migratory Bird Treaty Act compliance is discussed in 00290.36(a).

If required by Special Provision, the Contractor must prepare and submit a migratory bird protection plan for review and Agency approval 10 Calendar Days before the Pre-Con. The Contractor may prepare the migratory bird protection plan in its own format, assuming all required information in Special Provision 00290.36(c) is included. The RE must review

and approve the migratory bird protection plan before the Contractor may commence Work.

The RE should contact the Project Biologist or Regional Environmental Coordinator if they have any questions.