



CHAPTER 12

PROJECT RECORDS

The Resident Engineer (RE) will develop or receive many documents and records while administering a construction Project. The documents and records include those that are needed to justify that the Work has been completed according to Contract requirements and that payment has been made.

For the purposes of this manual, "Project Records" is defined as follows:

All information in any way relating to the Project or performance of the Contract, including but not limited to all:

- Financial and accounting records and information.
- Correspondence – including internal communications, emails, field notes, file notes, diary entries, communications with Agency, Subcontractors and authorities.
- Notices, orders, permits, and opinions.
- Survey data – including survey drawings, reports, maps, original computations and other data.
- Materials testing records and Materials certifications.
- All other documents and information whether generated by, for, or received by the Agency in the performance of the Contract, and whether any of such records are:
 - Paper-based.
 - In the form of electronic data.

- In electronic/digital format capable of being reduced to paper-based or electronic/digital format,
- In audio format.
- Constitute visual reproductions such as photos or videotape.

At any time during the life of the Project, the Project Records may be reviewed or audited by a number of parties, including:

- Construction Section personnel.
- ODOT's Internal Audit and Review group.
- Federal Highway Administration (FHWA).
- Region personnel.
- Representatives of Department of Justice or attorneys for a Contractor.
- Any other group performing an audit.
- A person reviewing records under the Public Records Law.

The Project Records:

- Provide documented evidence that the Project was built with Materials that were in conformance with Contract requirements.
- Provide documented evidence that the Contractor has been justifiably compensated for the Work completed.
- Record events and happenings on the Project or that involved the Project.
- Justify that Project costs are reimbursable with Federal or other funds.

The Project Records must be maintained in such a manner that provides documentation and understanding of how the Project progressed, what Materials were incorporated into the Project, and how much Work was performed on the Project.

12-1 Organization of Project Records

For each Project, the RE and the RE staff must become familiar with conditions pertaining to Pay Items and quality requirements, which are included in the Project Plans and Specifications. RE staff also must establish methods to determine quantities, to assure proper quality, and to organize the Project records.

The Project Records associated with an Agency construction Project must be organized, kept current, and filed in a manner as required by the Contract, see 00170.08. Contact the Region Assurance Specialist (RAS) or the Contract Administration Unit (CAU) for further guidance.

The RAS will periodically review the Project documentation for compliance with the Contract requirements during the life of the Project.

12-2 Public Records and Disclosure

Project Records are generally classed as public records, under Oregon's Public Records Law and as defined in ORS 192.005(5), and are available to be reviewed by the Contractor, attorneys, and others who may now, or later, have an interest in the Project.

Certain Project Records are exempt from disclosure and should not be made available to persons other than Agency employees. Two (2) types of Project Records that are generally exempt from disclosure are:

- Records pertaining to litigation when a complaint has been filed or is likely to be filed; and
- Communications of an advisory nature within or between public bodies, with other than purely factual material that is preliminary to final Agency action.

As defined in ORS 192.501 to 192.515, public records that are exempt from disclosure include, but are not limited to:

- Home address.*
- Date of birth.*
- Telephone number.*
- Social Security number.
- Signature.
- Trade secrets.
- Information relating to the appraisal of a real estate prior to its acquisition.

If exempt information is contained in a record that has been requested, such as on a certified payroll, the record must be copied, the exempt information blacked out, and the record recopied before it is released. This is done to ensure that none of the exempt information is visible.

* Per ORS 192.502, this information may be disclosed if the requester can show that the public interest requires its disclosure. The person requesting the information has the burden of showing that public disclosure would not constitute a reasonable invasion of privacy.

For Project Records pertaining to litigation or potential litigation, contact the Contract Administration Engineer (CAE). If you have a question about whether a specific document is exempt from public disclosure, contact the CAE. Do not provide any exempt records to persons other than Agency employees without the authorization of the CAE.

When a non-ODOT employee is allowed to examine any Project Records, safeguard the records from theft, damage, or destruction, and record the event in a diary or memorandum. Include the date, place, persons present, and a listing of the records examined.

12-3 Retention of Project Records

The CAU is responsible for storage of the Project documentation that is required to be submitted to the Construction Section at the completion of a Project. [Refer to Chapter 37 - Submittal of Final Project Documentation.]

The submitted quality, quantity, and labor compliance documentation is combined with the Construction Section files and, along with other Project Records, is submitted to the State Archives by the CAU to be archived for the applicable retention period. The CAU is responsible for archival processes in accordance with Oregon State Archives requirements found at:

<https://sos.oregon.gov/archives/Documents/recordsmgmt/sched/schedule-highway-division.pdf>