

## CHAPTER 10 – SUPERINTENDENCE BY CONTRACTOR

Section 00150.40 specifies the requirements and responsibilities for the Contractor's Superintendent. *For alternative Contracts such as Design-Build and Construction Manager/General Contractor (CM/GC), the Contractor's superintendence responsibilities are very different and will be specified in the applicable Contracts.*

Some of the requirements for the Contractor in regards to superintendence include:

- Keep one (1) complete set of Contract Documents available on the Project Site at all times;
- Designate, from the Contractor's organization, a competent single representative responsible for the Project, experienced in the type of Work being performed, and capable of reading and thoroughly understanding the Plans and Specifications;
- Provide all assistance reasonably required by the Agency to obtain information regarding the nature, quantity and quality of any part of the Work; and
- Coordinate and control all Work performed under the Contract, including without limitation the Work performed by Subcontractors.

The Superintendent is the Contractor's single, designated representative responsible for the Project, and shall:

- Have full authority and responsibility to promptly execute orders or directions of the Agency;
- Have full authority and responsibility to promptly supply the Materials, Equipment, labor and Incidentals required for performance of the Work;
- Be available during the hours of work on the Project Site for communications with the Agency; and
- Be present for all On-Site Work, except as provided in the Contract Documents or approved by the Agency.

The Superintendent for the Project shall be available to the Project Manager (PM) at all times for contact by phone or radio. The PM also has the right to require the Superintendent to be on the Project Site by giving the Contractor 48 hours advance verbal or written notice.

For short periods of time during the performance of minor or Incidental portions of the Work the Contractor may designate a person to act on behalf of the Superintendent. The Contractor must submit the designee's name, duration of appointment and scope of authority to the PM.

In 2004, the Agency and the Association of General Contractors (AGC) entered into a Memo of Understanding (MOU) pertaining to Project management and superintendence

by the Contractor. This MOU may be used to assist in determining appropriate superintendence by the Contractor ([See Exhibit 10\(A\)](#)).

. The PM and Superintendent should identify an organizational chart with designated lines of communication for routine Project communications, such as between Inspector and Contractor Supervisor.

The Superintendent is responsible for all Contract Work, including that of Subcontractors, Suppliers, and rented, operated Equipment. As such, the Superintendent is responsible to schedule and coordinate their Work, assure that they properly complete their Work, and resolve any problems with their Work. Because the Agency only has a Contract with the Contractor, the Agency may impose sanctions against the Contractor **only** for any actions of a Subcontractor that warranted such sanctions.

Problems that cannot be resolved with other Contractor personnel should be discussed with the Superintendent. If the problem is with the Superintendent, the PM should resolve that with the Contractor's home office and may need to also involve the Region/BDU and Contract Administration Engineer (CAE).

The Superintendent, in addition to other duties, is responsible for maintaining a current Project schedule. The Superintendent should also work with the PM to conduct regular meetings to assure that the Project is progressing effectively, that the Project working relationships are effective, and that issues are being addressed and resolved.

The PM must evaluate Superintendence by completing the required Prime Contractor Performance Evaluation. In addition, the Superintendent must evaluate the Agency by completing the Contractor's Construction Process Feedback. [*Refer to Chapter 34 - Contractor Performance Evaluation*]

The PM should take action to assure appropriate superintendence by the Contractor and must document any deficiencies that will be included in the Prime Contractor Performance Evaluation.

**OREGON DEPARTMENT OF TRANSPORTATION  
CONSTRUCTION MANUAL**

**Memo of Understanding (MOU)**

**Endorsed by AGC-ODOT Leadership Team on March 19, 2004**

**Issue:** Project Management and Superintendence by Prime Contractor

**Problem Statement:**

ODOT is increasingly concerned that the level of management and superintendence on Agency contracts by some Prime Contractors of their subcontractors and suppliers does not adequately comply with the contract specifications and is not conducive for the successful completion of the projects. ODOT believes that this situation has become worse since the January, 2000 change to specification 00180.20, which allowed the Prime Contractor to subcontract up to 70% of the project work, an increase from the previous 50% maximum amount.

AGC agrees that this issue does exist on some contracts and needs to be mitigated. AGC believes that this situation can be handled by enforcing current Standard Specifications that give the Department the authority to resolve the situation when in fact it does occur.

**Objectives of this MOU:**

- Clarify ODOT/AGC Expectations of the Prime Contractors based on Contract Specifications regarding project management and superintendence.
- Result in improved project management and superintendence by Prime Contractors of their subcontractors and suppliers.
- Establish point of reference from which to evaluate improvement and revisit in two years.
- Decrease owners' cost to provide inspection and contract administration of projects where superintendence is less than sufficient.
- Recognize that ODOT disadvantages bidders who include full superintendence and management in their bids when we allow contractors to operate without superintendents.

**ODOT / AGC Expectations of Prime Contractor:**

- Every bid includes budget amounts for adequate and sufficient management and superintendence to comply with the spirit of the specifications, the specific needs of the project, and the multiple aspects of the contract work.
- The Prime Contractor is responsible for full management of all aspects of the work, including superintendence of subcontracted work.
- Understand that when a Prime Contractor is not in compliance with the Specifications as it relates to superintendence, the Agency may take appropriate action as outlined in the Standard Specifications, including but not limited to Suspension of Work, Breach of Contract, and Termination of Contract.

**OREGON DEPARTMENT OF TRANSPORTATION  
CONSTRUCTION MANUAL**

**Examples of concerns this MOU is intended to improve:**

- Superintendent not on Project and has not discussed absence with Project Manager.
- Superintendent is managing more than one project at a time, without discussion and agreement of the respective Project Manager
- Superintendent not paying attention to subcontractors work and/or is not familiar with subcontractor's work.
- Superintendent has not included subcontractors in schedule planning, does not provide current schedule and/or does not hold subcontractor to project schedule.
- Superintendent is not assuring that the subcontractors certified payrolls and other contract documentation are correct and submitted as required by contract, instead leaving this up to the Agency.
- Superintendent not assuring that the subcontractor is complying with erosion control plan and requirements, instead leaving this up to inspectors.
- Superintendent expects the Agency to assure subcontractor is doing the work correctly instead of actively overseeing the subcontractors work.
- Superintendent sends subcontractor to the Agency for answers rather than initially trying to work through the issues directly with the subcontractor.
- Superintendent is no longer on project after primes work is complete, even when subcontractors are still working on the project. This directly increases the Agency's costs since this often results in the inspector coordinating work.
- Superintendent of the day – superintendents change daily.
- Superintendent has no real authority to manage progress of the project
- Superintendent has not been given real authority to resolve project issues or make decisions
- Superintendent available by phone, not on project providing project management.
- Superintendent not qualified does not understand aspects of the subcontracted work.
- Superintendent not qualified, unable to proactively look ahead for all aspects of the work, unable to plan ahead and coordinate.

*Thomas J. Lewis*  
*Margaret West*  
*[Signature]*  
*[Signature]*

*[Signature]*  
*John Osborn*  
*Scott Wilson*  
*Jeff Lower*