

## **\*CHAPTER 12 – PROJECT RECORDS**

The Project Manager (PM) 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 properly made.

For the purposes of this manual, “Project Records” is defined as:

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, opinions
- Survey data – including survey drawings, reports, maps, original computations and other data
- Materials testing records and Materials certifications
- Work products
- All other documents and information whether generated by or 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, or
  - 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

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**\* All Marked Text Updated October, 2010**

- 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 appropriately compensated for the Work completed;
- Record events and happenings on the Project or that involved the Project; and
- Justify that Project costs are properly reimbursable with Federal or other funds

The Project Records must be maintained in such a manner that anyone can review the documentation and clearly understand 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 PM and the Project staff must become familiar with conditions pertaining to all Pay Items and quality requirements, which are included in the Project Plans and Specifications. They 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 that makes documents easy to find. Contact the Region Assurance Specialist (RAS) or the Contract Administration Unit (CAU) for further guidance.

An efficient means of organizing and tracking the Project quality and quantity documentation is to use binders and notebooks that are divided by bid item or Pay Item. As the appropriate quality documentation is received, enter the information into the Test Summaries and place the documents in the quality notebook. [*Refer to [Chapter 12B – Quality](#)*] As the quantity documentation is received, check the calculations, enter the payment information into the Contract Payments System (CPS), and place the documents in the quantity notebooks.

Contact the RAS or the CAU for support or guidance in setting up project files. 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 anyone else 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 requestor 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.

The ODOT Records Manual specifies the procedure for providing access to or copies of public records and the charges for doing that. The manual is available on the ODOT Records Management website at:

<http://intranet.odot.state.or.us/ssb/bss/rmds/records.htm>

The ODOT Records Officer has also developed a “Helpful Hints” document for responding to public records requests which is also posted on the Records Management website at:

[http://intranet.odot.state.or.us/ssb/bss/rmds/records\\_hints.pdf](http://intranet.odot.state.or.us/ssb/bss/rmds/records_hints.pdf)

If a public records request is received, it must be processed according to the procedure outlined in the ODOT Records Manual. The Agency **cannot** waive or reduce any fees over \$13, or time required for processing the request over 15 minutes. The fee schedule for employee time, copies and delivery costs, which are stipulated in [OAR 731-001-0025](#), include, but are not limited to:

- Beginning on the 16<sup>th</sup> minute, employee labor charge for researching, locating, compiling, editing or otherwise processing information and records is \$25/hour or \$6.25/quarter hour.
- The actual cost for delivery of records such as postage or courier fees.
- \$5.00 for each true copy certification.
- \$0.25 per page for photocopies.
- \$1.00 per page for all records transmitted by fax, limited to 20 pages maximum not including the cover page.
- Actual cost of materials and equipment for producing copies.
- \$5.00 each for CD's.

The person processing the public records request should refer to the ODOT Records Manual and [OAR 731-001-0025](#) for guidance.

### **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 all other Project Records, is submitted to the State Archives to be archived for the applicable retention period. The records retention period is defined in the Special Records Retention Schedules for program and administrative records which are unique to ODOT.

For more information on the ODOT records retention schedule, contact the CAU, and visit the Oregon State Archives record management special schedule at:

[http://bluebook.state.or.us/state/executive/Transportation\\_Dept/transportationsched.htm](http://bluebook.state.or.us/state/executive/Transportation_Dept/transportationsched.htm)

The PM and Region Manager must retain all Project Records not submitted to the Construction Section for the retention period identified in the Special Records Retention Schedule.