

## **CHAPTER 41 – WARRANTIES, GUARANTEES, RESPONSIBILITY FOR MATERIALS AND WORKMANSHIP**

As specified in Section 00150.96, the Contractor must provide to the Project Manager (PM), before Third Notification is issued, all manufacturer warranties and guarantees, consistent with those provided as customary trade practice or as required by Contract, for Materials and Equipment installed on the Project. All warranties and guarantees must be originals and state that they are enforceable by the Agency that manages, or is responsible for, the facility.

The PM will transmit the warranties and guarantees to the District Manager with copies of the warranty or the guarantee to both the Office of Maintenance and Operations and the Contract Administration Unit (CAU) as part of the final Project documentation. [*Refer to Chapter 37 - Submittal of Final Project Documentation*]

If a defect is identified, repair work may be covered under the warranty or guarantee. The PM and those responsible for the facility must notify the Contractor and coordinate with those that warranted or guaranteed the Materials or Equipment. If repair work is necessary, the PM will assist in determining and coordinating the repair work.

### **41-1 CONTRACTOR FURNISHED WARRANTIES**

Except for warranty or guarantee periods specified in the Contract or provided as customary trade practice, the Agency does not specifically receive a warranty or guarantee period for general Work. However, for all Contracts awarded by or through ODOT, the warranty specified in 00170.85(b)(1) applies.

This warranty, which covers those Work items with Specifications referencing 00170.85(b)(1), states that the Contractor will warrant that the Work for those items (including Changed Work, Additional Work, Incidental Work, On-Site Work, and Extra Work), and Materials and Equipment incorporated into the Work will meet all technical and performance Specifications required in the Contract.

### **41-2 MANUFACTURER WARRANTIES and GUARANTEES**

If the Contract Specifications reference 00170.85(c)(1) the Contractor will be required to furnish signed warranties from the Materials Manufacturer to the PM. In some instances, the Contract Specifications will specifically limit the percentage of the bid item that can be paid until receipt of the warranty paperwork. The warranty period will be specified in the applicable Specification to which the Warranty applies. The warranty date starts on the date the warranted bid item Work is accepted and complete, and the Agency authorizes payment for that Work to the Contractor, unless otherwise stated in the Contract. Common warranties provided are for Materials such as durable striping (paint), bridge expansion joints and traffic signals.

Some items installed on the Project may have customary trade practice guarantees. If so, the Contractor shall furnish the guarantee to the PM at Project completion.