

*CHAPTER 3 – DELEGATION OF AUTHORITY

3-1 DELEGATED AUTHORITY

The Oregon Transportation Commission (OTC) has delegated certain authorities to various positions in the Agency. The Director and the Executive Deputy Director have delegated, through sub-delegation orders, some authority to lower levels in the Agency. Since approval of some construction related items may take some time to obtain, the Project Manager (PM) must stay aware of project funding, authorization, and expenditures, as well as any potential changes or other issues that may require approval at other levels. The PM must define the needed actions and obtain proper approvals within the expected timeframes.

The Authorities pertaining to ODOT’s Construction Program, which were approved in November 2011, are summarized in the table below.

Item	Region PM/CPM	Bridge Delivery Unit CPM *(1)	Bridge Delivery Unit Manager *(1)	Area Manager	Region Project Delivery Managers	Region Manager	Statewide Project Delivery Manager *(1)	Contract Admin. Engineer	State Const. Mat'l Engineer	Tech Serv Manager Chief Engineer	Highway Division Adm.	Oregon Trans. Comm
Authorization Increases (>\$500K accumulated total value)	None	None	None	None	None	None	None	None	None	None	ALL*(3)	ALL
Authorization Overruns (<\$500K accumulated total value)	None	None	LA \$250K	LA \$250K	LA \$250K	SUB 5 \$500K	SUB 17 \$500K	LA \$500K *(2)	LA \$500K	SUB 4 \$500K	DEL 3 \$500K	ALL
CCOs for Authorized Work and Minor CCOs	LA \$100K	LA \$100K	LA \$250K	LA \$250K	LA \$250K	SUB 5 \$250K	SUB 17 \$250K	LA ALL	LA ALL	SUB 4 ALL	DEL 3 ALL	ALL
Major CCOs and Claim Settlements	LA \$50K	LA \$50K	LA \$125K	LA \$125K	LA \$125K	SUB 5 \$125K	SUB 17 \$250K	LA ALL	LA ALL	SUB 4 ALL	DEL 3 ALL	ALL
Contract Time Adjustments	LA 14 DAYS	LA 14 DAYS	LA 30 DAYS	LA 30 DAYS	LA 30 DAYS	SUB 5 30 DAYS	SUB 17 30 DAYS	LA ALL	LA ALL	SUB 4 ALL	DEL 3 ALL	ALL
Progress and Final Payments	None	None	None	None	None	None	None	LA All	LA All	SUB 4 All	DEL 3 All	All

LA = Letter of Authority (maximum, at discretion of person granting)

SUB (n) =Sub-delegation Order (number)

DEL = Delegation Order (number)

*(1) OTIA III Bridge Projects Only

*(2) Overruns on Claim Settlements Only

*(3) Highway Division Administrator establishes the original construction authorization and can change the construction authorization as needed to deliver the STIP.

The authorities delegated to ODOT PM’s are not delegated to Local Agencies or Consultants who may be employed by the Agency or Local Agencies. For those projects, that authority remains at Region/Bridge Delivery Unit (BDU) level.

Authority to approve increases in the Project Authorization for projects not on the State Highway System (local funds involved) has been delegated to the Manager of the Program and Funding Services Unit.

* All marked text updated October 2013

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The authority to perform Agency acceptance of construction Projects has been delegated to the State Construction and Materials Engineer.

Major Changes are defined below. The dollar value is the absolute value of all items on each Change Order. There are situations, however, where the dollar value of the change may be small but the magnitude or type of the change is significant, such as a change in scope, project limits or a particular Specification change. In those cases, the PM must secure all approvals including the Professional of Record (POR) and/or the [Technical Resource List](#) before proceeding with the Changed Work.

The Construction Section has authority to approve all Change Orders and adjustments of Contract Time that are beyond the Region Manager or Statewide Project Delivery Manager authority.

The Agency does not have the authority to change the scope or intent of the requirements in Sections 00100 through 00199 of the Contract without concurrence from the Department of Justice (DOJ). Before such changes can be made, the PM must contact the Contract Administration Engineer (CAE), who will request the approval of the DOJ for such changes.

The PM must obtain proper approvals for changes to the Contract where appropriate. In addition to approval, the change may require concurrence by the POR, the Specification Technical Resource, and/or FHWA. When necessary, the PM shall obtain advance approval by electronic mail, or facsimile, before authorizing the Work to commence. The PM must submit the actual Change Order shortly thereafter. Document all prior approvals or other discussions on the [Work or Change Order Supporting Data, form 734-1882](#), submitted with the appropriate Change Order. [Refer to [Chapter 15 - Change Orders/Force Account/Work by Public Forces](#)]

In emergency situations, the PM may take whatever action is necessary to protect the public and the transportation facility and may obtain formal approval after the emergency Work has started. This only applies to emergency situations and the PM must obtain proper approvals soon thereafter.

3-2 MAJOR CHANGES

Major Changes are those that meet or exceed the following criteria. The PM must obtain proper approvals (including FHWA as indicated) before allowing any of the Changed Work to start.

1. Changes in geometric design that affect the operating or safety characteristics of the facility (*Full Federal Oversight Projects only*).
2. Changes in structural design (*Full Federal Oversight Projects only*).
3. Changes to the Typical Section (*Full Federal Oversight Projects only*).
4. Changes to Contract Plans or Specifications other than those changes that are commonly made within the scope and intent of the original Plans and Specifications (*Full Federal Oversight Projects only*).
5. Changes to staging or the traffic control plan other than those changes that are necessary to implement the intent of the original Plans and Specifications (*Full Federal Oversight Projects only*).
6. Cost reduction proposals (*Full Federal Oversight Projects only*).
7. Single changes affecting Contract completion time (including suspensions of Work) by more than 14 Calendar Days or cumulative changes (including suspensions of Work) affecting contract completion by more than 30 Calendar Days (*Full Federal Oversight Projects only*).
8. Changes resulting in an absolute value increase of \$100,000 total cost when all items affected by the change are considered unless covered by another of these criteria (*Full Federal Oversight Projects only*).
9. Any sensitive or controversial change, or any change for which FHWA review and approval is specifically requested (**all projects**).
10. Orders for Force Work (Work to be done by ODOT or other public agency forces) (*Full Federal Oversight Projects only*).
11. Changes that affect environmental mitigation or commitments (**all projects**).
12. Waiver of Buy America provisions (**all projects**).
13. Addition of, or revisions to, warranty provisions (*projects on National Highway System (NHS) only*).
14. Right of Way access control revisions (*projects on NHS only*).
15. Changes to the scope of Work or extension of the Contract limits shown in the project documents approved by FHWA (**all projects**).
16. Work not already approved by FHWA, if FHWA participation is questionable (**all projects**).

Also refer to the discussion above regarding changes that are significant but of small dollar amount and changes to the scope and intent of the requirements of Sections

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00100 through 00199. Major Changes may have small dollar value but have a large impact on the project.

The PM must also obtain the concurrence of FHWA for those Major Changes on the Federal-Aid projects shown in *italics* for each type of Major Change. The authorization to approve matrix below also depicts these Major Changes and the approval authorities:

	Action Requiring Approval	Which Agency has Authorization to Approve ¹	
		Full Federal Oversight Projects ²	Non-Full Federal Oversight Projects
1	Changes in geometric design, which affect the operating or safety characteristics of the facility.	FHWA	ODOT
2	Changes in structural design.	FHWA	ODOT
3	Changes to the Typical Section.	FHWA	ODOT
4	Changes to Contract Plans or Specifications other than those commonly made within the scope and intent of the original Plans and Specifications.	FHWA	ODOT
5	Changes to staging or the traffic control plan other than those necessary to implement the intent of the original Plans and Specifications.	FHWA	ODOT
6	Cost reduction proposals.	FHWA	ODOT
7	Single changes affecting Contract completion by more than 14 Calendar Days, or cumulative changes (including suspensions of Work) affecting Contract completion by more than 30 Calendar Days.	FHWA ³	ODOT
8	Changes resulting in an absolute value increase of \$100,000 total cost when all items affected by the change are considered.	FHWA	ODOT
9	Any sensitive or controversial change, or any change for which FHWA review and approval is specifically requested.	FHWA	FHWA
10	Orders for Force Work (to be completed by ODOT or other public agency).	FHWA	ODOT
11	Changes which affect environmental mitigation or commitments.	FHWA	FHWA
12	Waiver of Buy America provisions.	FHWA	FHWA
13	Addition of, or revisions to, warranty provisions.	FHWA	FHWA ⁴
14	Right of Way access control revisions.	FHWA	FHWA ⁴
15	Changes to the scope of Work or extension of the Contract limits shown in the Project documents approved by FHWA.	FHWA	FHWA
16	Work not already approved by FHWA, if approval is questionable.	FHWA	FHWA

¹ Except for Action No. 7, advance written approval by FHWA is required.
² All Change Orders for Design-Build projects are considered Major Change Orders. For Design-Build projects with any Federal funding, treat as a Full Federal Oversight Project.
³ Approval to be given at a later date; see page 2 of December 20, 1999 letter for details.
⁴ ODOT has approval for Non-NHS Projects.

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The PM must obtain all proper Agency approvals before ordering any Work that is beyond authority level of a PM. FHWA will not participate in the cost of Work that was started prior to their concurrence of the Work. Certain changes made without FHWA concurrence could jeopardize federal funding for the project.

When the PM must secure FHWA funding approval on the types of changes listed above, FHWA will give advance tentative approval on their Record of Authorization to Proceed with Major Contract Provision, Form 1365, and will give formal approval upon submission of the Change Order. This form is available on the FHWA website at:

<http://www.fhwa.dot.gov/programadmin/contracts/fhwa1365.cfm>.

Any project bid using an alternative contracting method such as Design-Build, CM/GC, A+B, etc, and which contains any amount of federal funding will require FHWA discussion and concurrence prior to approval of Change Orders, Extra Work Orders and Force Orders.