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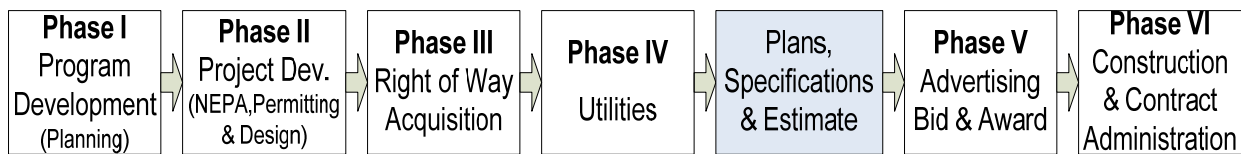
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SECTION B

NON-CERTIFIED AGENCY

Chapter 11 Plans, Specifications and Estimates (PS&E)

This chapter details project development requirements for any local agency operating as a non-certified local agency. It is applicable to all federal-aid funded projects. In the sequence of project development, *Plans, Specifications and Estimates* (PS&E) follows *Design*. PS&E for non-certified local agency projects, which are developed through ODOT, shall be prepared in accordance with this chapter. PS&E refers to a set of documents or the deadline for the submittal of those same documents.



A. OVERVIEW

After a project's NEPA clearance, right of way and preliminary design have been completed, work begins on the final version of the project's PS&E. The PS&E documents are used to award and administer a construction contract. The PS&E must have ODOT's review and approval before the project can be advertised. In addition, employees of engineering organizations of a local agency must be in responsible charge of the project as per 23CFR1.111.

Non-certified local agencies shall use ODOT's "USER'S GUIDE TO PS&E DELIVERY" and the Project Development Checklist to ensure completeness of the contract plans prior to submitting them for approval. The latest checklist, PD-02 Project Completeness Checklist is available at ODOT's Office of Project Delivery website.

Refer to the ODOT Office of Project Delivery website for additional files, guides, documents and manuals that are specific to local agency project delivery.

When applicable, local agencies should have a commitment file containing a summary of commitments made during project development. The file should be reviewed to ensure that the commitments are incorporated in the PS&E. These commitments typically involve right of way or environmental considerations. See the PD-02 Project Completeness Checklist for a listing of possible required permits.

Completed PS&E bid documents shall be furnished to the [Regional Local Agency Liaison](#) for submittal to ODOT's [Specifications, Estimating and Office of Pre-letting \(SEOPL\)](#) 9-11 weeks prior to advertisement.

B. KEY PS&E PROCESS POINTS

The following key items are required for PS&E approval.

1. Civil Rights Compliance

FHWA projects are subject to Civil Rights compliance reviews by ODOT. Additional Civil Rights information is available in the [Disadvantaged Business Enterprises \(DBE\)](#), [Equal Employment Opportunity \(EEO\)/On the Job Training \(OJT\)](#) and Title VI chapters in this *LAG Manual*.

2. Wage Rates

By Oregon state statute, both state and federal wage rates must be included in federal-aid projects as related to the functional classification of the roadway. The contractor is required to pay the higher of the two rates. For additional wage rate information contact ODOT's [Regional Local Agency Liaison](#) or visit the following links:

- [Oregon State Bureau of Labor and Industries \(BOLI\)](#) index of wage rates;
- [OAR Division 25 839-025-000](#)
- [US Department of Labor](#); and
- [ODOT Specifications](#).

ODOT will include wage rate requirements by reference in the Special Provisions and insert them in the actual contract for each project.

3. Quality Control

Local Agency

The local agency is responsible to ensure the quality control of the PS&E. The PS&E shall at a minimum be in conformance with the applicable, current, approved edition of the following, unless otherwise requested by local agency and approved by ODOT:

- [AASHTO](#) (American Association of State Highway and Transportation Officials) "A Policy on Geometric Design of Highways and Streets;"
- [Oregon Standard Specifications for Construction](#) or the certified local agency's Standard Provisions;
- [Manual on Uniform Traffic Control Devices](#) and [Oregon Supplements](#);

- Transportation Research Board’s [Highway Capacity Manual](#);
- Local Agency Certification Procedures found in the *LAG Manual* on ODOT’s [Local Government Section Publications](#) web page;
- [Title 23](#) and [Title 49](#), United States Code, Highways and Regulations;
- [Contract Administration Core Curriculum Participants Manual & Reference Guide](#);
- ODOT’s [Right of Way Manual](#);
- ODOT’s [Bridge Manuals](#);
- ODOT’s [Highway Design Manual](#); for ODOT facilities* and
- Other ODOT [Technical Services Manuals](#).

*Design standards for all projects on the Oregon State Highway System shall be in compliance with standards specified in ODOT’s current edition of the ODOT’s [Highway Design Manual](#) and related references. Construction plans shall be in conformance with ODOT standard practices.

Installation of traffic control devices will meet the warrants prescribed in the [Manual on Uniform Traffic Control Devices](#) and [Oregon Supplements](#). Any installation of traffic control devices on or adjacent to ODOT facilities requires the approval of the State Traffic Engineer or State’s Region Traffic Engineer as described in the ODOT Traffic Signal Policy and Guidelines and the ODOT Traffic Manual. These references can be found at the ODOT’s [Traffic Engineering Operations Section](#) web page.

The standard unit of measurement in all project documents and products of certified local agency projects shall be English Units. This includes, but is not limited to, right of way, environmental documents, plans, specifications, estimates and utilities.

ODOT

ODOT shall perform assurance checks on all technical reports and PS&E documents.

4. Other Requirements

a. [FHWA Form 1273](#)

ODOT shall include [FHWA Form 1273](#), “Required Contract Provisions, FHWA Construction Contracts,” and such amendments that modify [FHWA Form 1273](#). Copies of [FHWA Form 1273](#) and amendments are available from the [Regional Local Agency Liaison](#). ODOT inserts this document after the PS&E documents are approved for advertising.

b. FHWA [Categorical Exclusion \(CE\) Closeout Process, Guidance, and Documentation](#) on the Geo-Environmental web site under “bulletins.”

c. Affirmative Action

Additional information is available in the Non-Certified Section, Chapter 8, [EEO/OJT](#).

d. DBE

In accordance with FHWA and ODOT efforts to increase DBE participation in FHWA projects, ODOT has developed a process for DBE participation. For additional information, refer to the Non-Certified Section, Chapter 7, [DBE](#).

e. “Buy-America” Requirements

Steel and/or iron materials that are permanently incorporated into the project shall consist of American-made materials, as outlined in the [Oregon Standard Specifications for Construction](#), see Volume 1, Part 100, Subsection 00160.20. The certified local agency must use the “Buy-America” requirements in each contract now used by ODOT. Local agencies should use the special provision language available at ODOT’s [Special Provisions](#), see Part 00100, Subsection 00160 for the Buy America boilerplate language. FHWA must approve all waivers to the “Buy America” requirements.

f. Traffic Control Plans

Traffic Control Plans shall be included in the contract documents and shall be consistent with Part VI of the [Manual on Uniform Traffic Control Devices](#) and [Oregon Supplements](#). Construction projects that impact bicycle or pedestrian traffic must include accommodation for all impacted modes of travel in the contract Traffic Control Plans.

g. Sole Source Justification

Local agencies needing a sole source justification should contact the [Regional Local Agency Liaison](#) as soon as possible. Any specified project material from a sole source must be justified through the local agency’s Public Interest Finding. The Public Interest Finding must be submitted to the [Regional Local Agency Liaison](#) for ODOT approval, prior to submitting the PS&E package. More information is available within the [Construction Program Management and Inspection Guide](#) on FHWA’s [Construction and Maintenance](#) website.

h. Patented and Proprietary Items

The use of trade names in specifications and on plans shall be avoided if possible. Instead, specifications shall be formulated to ensure full opportunity for competition among equivalent materials, equipment and methods. Specifying patented or proprietary material, products or processes is allowed for federal-aid projects only under one of the following conditions:

- The materials are listed on ODOT’s [Qualified Products List \(QPL\)](#) and the reference in the specifications is “use (material) from the QPL;” please note, copyrighted names or labels should not be specifically referenced, use the generic material classification;
- At least two names of acceptable materials or products, if available, are listed together with “or approved equal;”

- The non-certified local agency is requiring a specific material or product and a written Public Interest Finding document has been prepared and approved by ODOT; or
- The material or product has been approved through FHWA as an experimental feature.

See FHWA’s [Construction Program Management and Inspection Guide](#) for additional information.

i. Local Agency Supplied Materials

Justification for the use of local agency supplied materials or services (e.g. striping a project) must be documented by the local agency. Local agency supplied materials must be justified through the local agency’s Public Interest Finding to the [Regional Local Agency Liaison](#) for ODOT’s approval. The local agency must have produced or acquired the materials through competitive bidding. See FHWA’s [Construction Program Management and Inspection Guide](#) for additional information.

j. Warranty/Guarantee

Local agencies should take advantage of any existing, standard manufactured product warranties or guarantees. [Warranties](#) on projects require ODOT’s approval. All requests for warranty requirements and subsequent revisions shall be submitted to the ODOT [Regional Local Agency Liaison](#) for approval. See FHWA’s [Contract Administration Guide](#) and [23 CFR 635.413](#) for additional guidance.

C. CONTRACT PLANS AND SPECIFICATIONS

Contract plans and specifications shall be “biddable” and “buildable.”

1. Documents Requiring a Professional Stamp

Special provisions and all plan sheets (except for ODOT standard drawings) shall carry the seal and signature of a Professional of Record and must have an assigned “V” Number, a Bridge Number and/or Traffic Numbers as applicable from the [Regional Local Agency Liaison](#) and be submitted both electronically and on ready-to-print mylars.

2. Standard Specifications

All FHWA funded local agency projects that are bid through ODOT will be designed and constructed in conformance with the current Oregon Standard Specifications for Construction and such amendments that modify these specifications. ODOT publishes and distributes the Oregon Standard Specifications for Construction. These specifications can be found at ODOT’s [Specifications Section](#) website.

3. Special Provisions

Special Provisions are specifications pertaining to issues that are unique to an individual project and are not covered in the Oregon Standard Specifications for Construction. Special Provisions, unique to each project, are derived from boiler plates. The boiler plates contain instructions, references to other required sections, fill-in-the-blanks (DAR) and required language that when properly edited results in a print ready bid document suitable for advertisement. The Special Provisions have a dual purpose:

- To provide approved corrections and errata for the Oregon Standard Specifications for Construction; and
- To provide specifications that describe special project features in common usage.

ODOT's Special Provisions can be found at ODOT's [Special Provisions](#) website.

D. ESTIMATES

For PS&E, the estimate of a proposed project's cost shall include the estimated quantity and estimated unit price for each proposed work item. Bridge items shall be segregated from roadway items. A tabulation for each bridge showing its applicable items shall be submitted.

FHWA regulations do not allow materials being salvaged as part of a proposed construction contract to be given to anyone other than the construction contractor without having a letter of Public Interest Finding (LPIF). For more detailed information regarding salvaging items in a construction contract, see the *Technical Bulletin RD07-05(B)* "Salvaging Features and Excess Materials Associated with Transportation Projects by Contract Specification." This bulletin applies for when the Agency wants to salvage an item. Requiring the contractor to give salvaged materials to a third party is not allowed.

Approval for Salvaging Materials LPIF is done by the Region Roadway Engineering Manager when salvaged material is less than \$25,000. When the salvaged material totals more than \$25,000, the Office of Project Letting (OPL) Manager must approve the LPIF. For any amount, if the project is Full Federal Oversight (FFO), then FHWA must also approve the LPIF.

The PS&E estimate shall separately list the costs of nonparticipating items such as local agency force work and local agency furnished materials.

The separate cost groups shall be summarized and totaled on the first sheet of the PS&E estimate.

The [Regional Local Agency Liaison](#) may be contacted for assistance in preparing the PS&E estimate.

FINAL ENGINEER'S ESTIMATE

ODOT is responsible for completing the final engineer's estimate. See PD-07.

E. ADDITIONAL RESOURCES

- ODOT's [Office of Pre-letting Manuals/Forms](#)
- [A User's Guide to PS&E Delivery](#)
- ODOT's [Roadway Engineering Section Forms](#)
- ODOT's [Technical Support Sections](#)
- ODOT's [Local Government Section](#)
- ODOT's [Office of Civil Rights](#)
- ODOT's [Regional websites](#)