As-Built ADA Design Exceptions

Best Management Practices (BMPs)

Background:

Design exceptions (DEs) are typically approved during preliminary engineering, prior to bid opening. Periodically construction of compliant curb ramps is not feasible or deviates from design, requiring design exceptions during or after ramp construction to establish ramp compliance. As-built design exceptions are those identified after construction to establish justification for acceptance of specific non-compliant elements.

All design exceptions must establish the historic record of deviations and exhibit sound engineering decisions, however acceptance of constructed ramps needs to be timely to not impact contract completion and close out.

Level of Effort:

The engineer or record (EOR) has the lead role in completing the design exception and therefore the highest level of effort, as shown in Figure 1.

Unlike other DEs, the Resident Engineer (RE) must be included in the as-built DE process to ensure contract administration and contract impacts are minimal.

Figure 1 – Level of effort necessary for the key persons involved with completing an as-built design exception.

**RE/INSPECTION STAFF**

* Do not wait until all ramps are constructed before beginning inspection. Inspect ramps immediately or as soon as practicable after placement, within 24-48 hours is recommended. Early identification of issues is essential to ensuring adequate time to work through them. Additionally, minor corrections are easier to perform before the concrete is fully cured.
* Once a potential issue is identified in the field it should be relayed immediately to the RE and EOR.
* Questions regarding DE or contract should be directed to the RE.

**ENGINEER OF RECORD**

* **Completion of as-built DEs shall be prioritized in order to minimize impacts for active construction contracts.**
* Ensure RE is included in all correspondence regarding DE.
* A list of ramps locations that are close to the maximum allowable dimensions should be provided to the RE prior to construction.
* EOR will spearhead the development of the DE. This means they will:
  + Draft all documentation.
  + Incorporate comments.
  + Resubmit edits.
  + Communicate changes and update RE on progress.
* A DE workshop including the RE, Region roadway, and ADA Standards is recommended. The workshop is helpful to make sure the issue is understood and there is agreement on the solution prior to completing the DE form.
* Final DE language is very important for the historical record. There are typically several review and edit cycles to get final language approved. It is recommended that initial DE is drafted in word. Some examples of previously submitted word documents are included. Once language is acceptable, the pdf form can be submitted with signatures for final approval.
* When drafting the DE, refer to the [Curb Ramp Design Checklist](https://www.oregon.gov/odot/Forms/2ODOT/7345184.pdf). This can help minimize mistakes.
* Information to include with the request for review:
  + Details regarding whether the contractor followed plans.
  + Details regarding options for correcting.
* Information to include in the review request and the final DE:
  + Details of plan design.
  + Failing inspection report.
  + Explanation describing why compliance was not/cannot be reached.
  + Description of change in condition from plans.
  + Description of components that will require DE.
  + Exhibits and pictures.
  + Contract completion date (to assist with work prioritization).
* Region will need to recommend approval before forwarding to HQ for final approval. Each Region has an ADA lead who can assist, as follows:
  + Region 1 – John Marshall, 503-731-8489, [John.M.MARSHALL@odot.state.or.us](mailto:John.M.MARSHALL@odot.state.or.us)
  + Region 2 – Calvin Larwood, 503-986-2977, [Calvin.R.LARWOOD@odot.state.or.us](mailto:Calvin.R.LARWOOD@odot.state.or.us)
  + Region 3 – Chris Zelmer, 541-864-8812, [Chris.R.ZELMER@odot.state.or.us](mailto:Chris.R.ZELMER@odot.state.or.us)
  + Region 4 – Brian Wood, 541-388-6409, [Brian.WOOD@odot.state.or.us](mailto:Brian.WOOD@odot.state.or.us)
  + Region 5 – Kelli N Martin, 541-805-6630, [Kelli.N.MARTIN@odot.state.or.us](mailto:Kelli.N.MARTIN@odot.state.or.us)
* Once e-mail concurrence on the DE from HQ is obtained, corrective work can begin. Documentation will still be needed to accompany the as-built DE for final approval, but this will allow for the contractor to continue work or de-mobilize if necessary.
* Commonly corrective work can lead to additional non-conforming items, which leads to additional corrective work or adding elements to the DE, if approved. To avoid multiple DE’s corrective actions should be resolved prior to final DE submittal and not included in the final pdf request.

**USEFUL LINKS**:

[Engineering for Accessibility (external)](https://www.oregon.gov/odot/Engineering/Pages/Accessibility.aspx) contains:

* Curb Ramp Design Checklist

[ADA Curb Ramp Design Exceptions](https://www.oregon.gov/odot/Engineering/Pages/Design-Exceptions.aspx) contains:

* Curb Ramp Design Exception Request Form
* ADA Curb Ramp Exception Form User Guide
* General Roadway or ADA Curb Ramp Design Exception Process
* External Design Exception database
* Internal Design Exception Tracking Spreadsheet

**DRAFT WORD DOCUMENT EXAMPLES**:

