



Standards Subcommittee

CUG Summer Workshop
June 27, 2023



Co-Chairs Tiffany Hamilton, ODOT
Olaf Sweetman, Lane County

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Agenda

- Introductions and Welcome
- Brief Update: [Standards Subcommittee Work Plan](#)
- Working Session Topics:
 - SOW Templates (morning)
 - General Conditions – Implementation Plan (afternoon)





Introductions

- Welcome Any New Members



Standards Work Plan Overview



Current Work Plan Items

Updates:

- LAG Manual Review
- Certification Program Agreement

Today's Working Session Topics:

- SOW Templates for CLPA
- General Conditions Template & Update Process



- Overview of Standards Subcommittee work: Focuses on providing input to Certification Programs and ODOT resources around Standards materials (e.g. Statement of Work Library) and collaborating on other types of guidance (e.g. LAG Manual review)
- When we update guidelines, we engage volunteers from this group to divvy up work, provide input, etc.
- We have moved away from doing annual LAG updates and instead provide updates every three years. The next LAG Manual review will likely take place this fall. If you spot problems with the LAG or want to add or clarify anything, LAG Manual users may submit comments or recommendations for revisions by using the comment form linked on the right side of the Local Agency Guidelines webpage: <https://www.oregon.gov/odot/LocalGov/Pages/LAG-Manual.aspx>. This way, we can have an ongoing record of what changes are necessary. We will be soliciting for volunteers in the fall of 2023 to collaborate on the 2024 LAG update effort.
- Between LAG updates, we use bulletins to communicate with certified agencies about important program updates and changes. If there are important issues to address, we may also engage the Standards subcommittee to provide input and feedback before publishing bulletins.
- Once completed, the Certification Program Agreement will be announced by bulletin, but first certified agencies will have an opportunity to provide a final review of the Right of Way Services Exhibit, which is coming soon. This Standards subcommittee has been provided several opportunities to review and provide input on draft Certification Program Agreement templates along with the primary contacts at each certified agency throughout the overhaul process.

Work Plan Focus: SOW Templates



SOW Templates: Background

- Purpose of the templates, Current requirements
- Current workgroup members
- New Templates: HazMat (strongly suggested)
- Survey in Spring 2023 to solicit input
- Let's hear from others!



Background:

- SOW templates for LPAs were established by ACEC and ODOT in 2015.
- Had to re-write SOWs for each federal Certified LPA project as they were written for ODOT owned contracts.
- Workgroup formed in 2020 under the Certification Users Group (CUG) to do that for all the SOW templates

Current workgroup members: Mark Foster (lead), Steve Preszler, Scott Nettleton; with input from Kari Lowe on ROW, and Olaf Sweetman

The workgroup reviews and comments on SOW Templates and, once a draft is developed/updated, they send it to an ODOT Subject Matter Expert, then to Joel Sire, ODOT Procurement (previously Kim Rice) for final suggestions and approval.

SOW Templates can be found on the ODOT website: <https://www.oregon.gov/odot/Business/Procurement/Pages/SOW.aspx>

NOTE: The Environmental SOW Template is required.

Tiffany Hamilton noted that formatting (line spacing, font, etc.) is one of the most time-consuming activities in putting templates together and expressed curiosity about whether there is someone in this workgroup who has or can look into resources for simplifying that process.

A "live" survey for those in attendance at the meeting was conducted after the background

information was shared.

Suggested Focus for Today

- Environmental
- HazMat
- Utility Coordination
- Railroad Coordination
- Others ?

Today's survey results?

- How does your input compare?
- Any significant differences?
- Additional templates that warrant discussion?

Participants suggested that the Project Management Template should also be reviewed in addition to the four listed on this slide.

Pre-Session Survey: Summary of SOW Templates Survey

- 16 total participants
- 7 counties represented:
 - City of Portland (2 participants)
 - City of Salem (1)
 - City of Gresham (1)
 - Lane County (3)
 - Linn County (1)
 - Marion County (1)
 - Multnomah County (1)
- Other participants
 - FHWA (1)
 - ODOT (5)



The Standards Subcommittee leads sent an online survey to Standards Subcommittee members in June 2023, prior to the Summer Session, to determine which SOW Templates are most frequently used, what types of changes to the templates need to be made, and how often those changes need to be made. The following slides provide an overview of the results from the pre/online survey as well as live survey results obtained during the live Summer 2023 Standards Subcommittee session.

Live Survey: Summary SOW Templates Survey

- 18 Participants
- 13 of 18 (72%) participants indicated they use or sometimes use SOW Templates for Certified LPAs to develop their consultant contracts
- For those who indicated that they do *not* typically develop their consulting contract SOWs using the SOW Templates for Certified LPAs, reasons given were:
 - They are not applicable to their role (3 responses)
 - They did not know about them (1 response)
 - Their agency is not certified (1 response)
 - One response: *"They can be complicated and unclear to know what tasks to asking [sic] for. There are so many options for tasks and it's hard to know what is applicable vs contingency as we are not the subject experts."*



Pre-Session Survey: Key Points

- 90% of Local Agency respondents use or sometimes use the SOW Templates
- Task 3. Environmental (Required) is the most frequently used Template
- Templates that require the most changes:
 - Task 3. Environmental (Required)
 - Task 3.4. HazMat
- Revising or adding language – most frequent or significant edits
- Several respondents interested in supporting the work



Similar to Live Survey Results

- The participants who indicated they do not use the SOW templates are primarily ODOT and FHWA representatives who have no need for them
- Given that it is required, it was not surprising that the Task 3. Environmental template is the most frequently used, followed by HazMat
- Participants noted that the most frequent change they made is revising or adding language to Template tasks
- We were happy that 10 participants indicated interest or possible interest in joining the CUG Standards SOW Work Group. If you are interested in joining this Work Group, please email ODOTCertification@odot.oregon.gov
- CUG leaders issued a bulletin about recently and noted that the Environmental template should be the starting place for changes given it is a required form.

Pre-Session Survey: Which of the following SOW Templates have you used? (Check all that apply)

Task Number and Title	Responses
Acronyms and Definitions	4
Task 1. Project Management	6
Task 2. Survey	4
Task 3. Environmental*	9
Task 3.4. HazMat*	8
Task 4. Public Involvement	5
Task 5. Utility Coordination**	4
Task 6: Geotechnical and Pavement	6
Task 7. Hydraulics	6
Task 8. Traffic Engineering and Management	5
Task 9. Railroad Coordination	1
Task 10. Roadway Design	5
Task 11. Bridge Design	4
Task 12. Permits	3
Tasks 13. Design Acceptance Package	5
Task 14. Right of Way*	6
Task 15. Plans, Specifications, and Estimate	5
Task 16. Advertisement and Award Assistance	6
CA/CEI SOW for CLPA	1

Most frequently used:

- Task 3. Environmental (req'd)

Least frequently used:

- Task 9. Railroad Coordination
- CA/CEI SOW for CLPA***

Note: All SOW Templates have some legal requirements tied to them

*These templates are suggested and/or required with the exception of Right of Way, which some agencies do not do.

**This template is probably used more than represented in this survey. It is definitely used when engaging a consultant

***This is a newer template

As noted previously, the most commonly used Template is Task 3. Environmental, followed by HazMat then tasks 1, 6, 7, 14, and 16.

Live Survey: Which of the following SOW Templates have you used? (Check all that apply)

Task Number and Title	Responses
Acronyms and Definitions	8
Task 1. Project Management	9
Task 2. Survey	7
Task 3. Environmental	10
Task 3.4. HazMat	8
Task 4. Public Involvement	5
Task 5. Utility Coordination	5
Task 6: Geotechnical and Pavement	7
Task 7. Hydraulics	5
Task 8. Traffic Engineering and Management	4
Task 9. Railroad Coordination	0
Task 10. Roadway Design	7
Task 11. Bridge Design	3
Task 12. Permits	5
Tasks 13. Design Acceptance Package	6
Task 14. Right of Way	4
Task 15. Plans, Specifications, and Estimate	7
Task 16. Advertisement and Award Assistance	5
CA/CEI SOW for CLPA	4

Most frequently used:

- Task 3. Environmental (req'd)

Least frequently used:

- Task 9. Railroad Coordination

Similar to Pre/Online Survey Results

The live survey results are similar to the pre-online survey. Task 3. Environmental is the most frequently used template. The next most frequently used was Task 1. Project Management. Also similar to the pre/online survey, Task 9. Railroad Coordination was the least frequently used.

Pre-Session Survey: When you are developing your SOWs (from the SOW Library for CLPAs), which ones require the most changes?

Task Number and Title	Responses
Acronyms and Definitions	0
Task 1. Project Management	0
Task 2. Survey	0
Task 3. Environmental	4
Task 3.4. HazMat	3
Task 4. Public Involvement	1
Task 5. Utility Coordination	0
Task 6: Geotechnical and Pavement	1
Task 7. Hydraulics	1
Task 8. Traffic Engineering and Management	1
Task 9. Railroad Coordination	0
Task 10. Roadway Design	1
Task 11. Bridge Design	1
Task 12. Permits	1
Task 13. Design Acceptance Package	0
Task 14. Right of Way	2
Task 15. Plans, Specifications, and Estimate	0
Task 16. Advertisement and Award Assistance	0
CA/CEI SOW for CLPA	2

Most frequent changes

- Task 3. Environmental (req'd)
- Task 3.4. HazMat

Least frequent changes

- Acronyms and Definitions
- Task 1. Project Management
- Task 2. Survey
- Task 5. Utility Coordination
- Task 9. Railroad Coordination
- Task 13. Design Acceptance Package
- Task 15. Plans, Specifications, P& Estimate
- Task 16. Advertisement and Award Assistance

Pre/online survey results. Given that it's the most frequently used and each project is unique, it's not surprising that the required Task 3. Environmental SOW Template requires the most changes.

Live Survey: When you are developing your SOWs (from the SOW Library for CLPAs), which ones require the most changes?

Task Number and Title	Responses
Acronyms and Definitions	0
Task 1. Project Management	1
Task 2. Survey	1
Task 3. Environmental	3
Task 3.4. HazMat	3
Task 4. Public Involvement	2
Task 5. Utility Coordination	2
Task 6: Geotechnical and Pavement	2
Task 7. Hydraulics	1
Task 8. Traffic Engineering and Management	1
Task 9. Railroad Coordination	1
Task 10. Roadway Design	2
Task 11. Bridge Design	1
Task 12. Permits	1
Tasks 13. Design Acceptance Package	1
Task 14. Right of Way	2
Task 15. Plans, Specifications, and Estimate	2
Task 16. Advertisement and Award Assistance	1
CA/CEI SOW for CLPA	1

Most frequent changes

- Task 3. Environmental (req'd)
- Task 3.4. HazMat

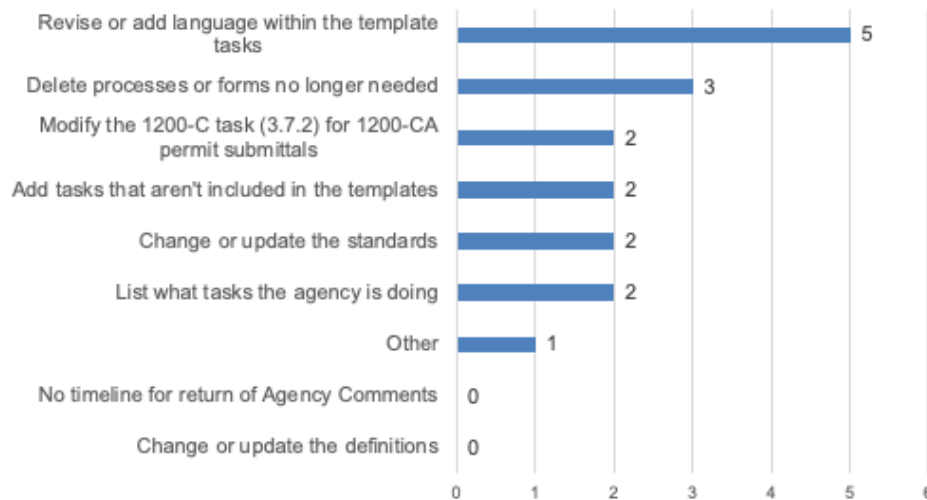
Least frequent changes

- Acronyms and Definitions

***Similar to Pre/Online
Survey Results***

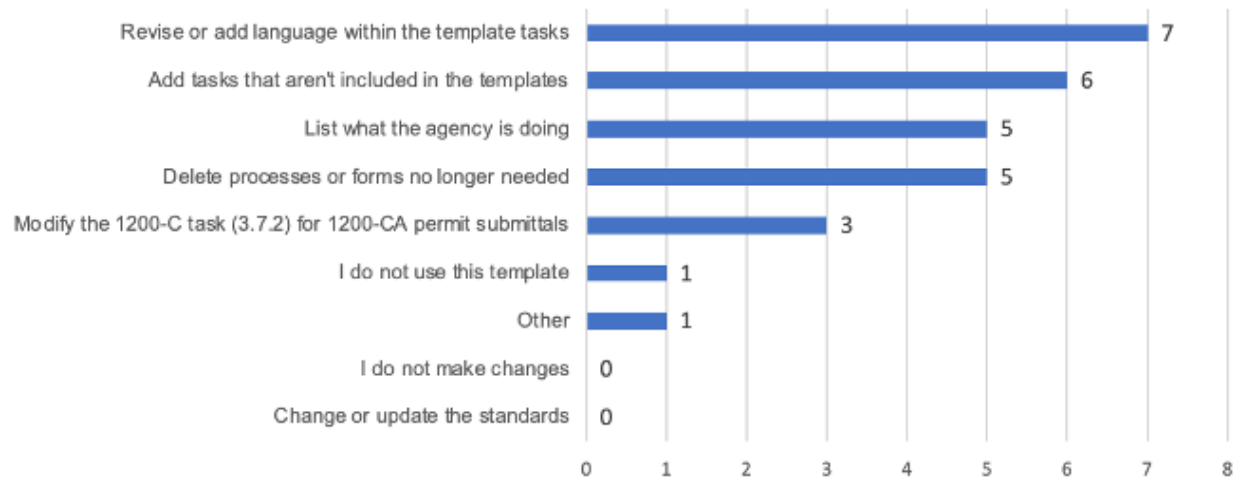
Live survey results are similar to the pre/online survey results in terms of which SOW templates most frequently require changes.

Pre-Session Survey: Please identify the most frequent or the most significant changes you typically make to these SOWs.
(Check all that apply).



As shown in the bar graph, revising or adding language was the most frequent or most significant of changes respondents indicate they typically make to these SOWs

**Live Survey: Please identify the most frequent or the most significant changes you typically make to these SOWs.
(Check all that apply).**



As you can see, the live results for this question are very similar to the pre/online survey.

Pre-Session Survey: What improvements to SOW Templates do you suggest?

- *Format all templates exactly the same (font, line spacing indents, etc.).*
- *Simplify scope, add template language for all major federal permits and for local land use, add template language for bridge preservation tasks.*
- *The SOW templates are perhaps the best resource we have available for the preparation of the RFP's and eventual consultant selection. Since each project is unique; it is difficult to pinpoint and/or suggest any changes. My only suggestion is to keep these templates up to date, as requirements and processes evolve and change.*
- *Allow flexibility on Envi, and ROW SOWs*
- *No improvements, just want to say that it is very nice to be able to have these templates to utilize! The majority of our edits are just project specific tweaks.*



Live Survey: What other specific changes do you make to these Templates?

- *Deadlines*
- *Make substantial changes to public involvement depending on project*
- *PM (Project Management)*
- *PM (Project Management)*
- *Removing subtasks*



Table Discussions – Notes from Meeting

Types of modifications needed by template:

Project Management

- Idea of how many onsite meetings w/consultants?
 - Number of people
 - Hours needed
 - How often
 - Agenda Y/N and who prepares
- Changes based on meetings and length of project

Utility Coordination

- Challenge due to large difference in consultant estimate of boiler plate language sometimes requires the need to limit scope (i.e.. # of letters, follow up with utilities, etc.)
- Owner might do some of the work, delete score
- Prompts or links to ODOT utility manual



Table Discussions – Notes from Meeting (continued)

Types of modifications needed by template:

Cost Estimating and Bid Analysis

- Estimating concepts and best practices
- Using CE forms 734-5096
- Bid price analysis concepts and best practices
- AWP Estimation demo
- CCO Reconciliation (complicated change order)
- Unbalanced bids and penny bids
- Construction schedule and cost impact

Railroad Coordination

- "None"



Table Discussions – Notes from Meeting (continued)

Types of modifications needed by template:

Other

- Roadway and bridge design: Include language for maintenance/rehab type of work.
- Traffic engineering: Include instructions on when the mobility considerations checklist, work zone decision tree, and are TMP needed.
- Consistency in format/grammar
- 1200-CA DEQ requires cover sheet and erosion and sediment control plans to match staging
- Update ODOT's qualified consultant list for use by certified LPAs
- Sample "Scope of Work" language for use at time of RFP (versus including a full Statement of Work)
- Public Involvement: Include different or more engagement strategies. Focus on Equitable engagement. Link or reference PI plan writing guide.



Work Plan Focus: General Conditions



2024 Certified LPA General Conditions Template

- How we got here
- Purpose of the templates, requirements
- Workgroup members – seeking CUG volunteer(s)
- Key changes – minimal; rolled in key 2021 ODOT special provision updates



Tiffany Hamilton and Dan Anderson covered this.

- Generally, Certified LPAs are required to use the current Oregon Standard Specifications for Construction on their federally funded projects. (LAG Section B, Section C Chapter 11 PS&E and per the Certification Program Agreement, formerly referred to as the Master Agreement.)
- However, because they are written from the perspective ODOT as the contracting agency, a local agency must first modify key portions of the General Conditions in Part 00100 of the Oregon Standards before they can be applied to a local agency project. To assist with this, about a decade ago the ODOT Specifications Unit and APWA formed a workgroup to developed a General Conditions template for use by local agencies.

ODOT Workgroup/review team: State Specifications Engineer, Dan Anderson; Specifications Specialist, Heather Howe; Construction Contracts Procurement Specialist, Betty Fears; Certification Program Manager, Tiffany Hamilton. The team also consultants with Senior AG, Rob Gebhardt at DOJ as needed.

We also have some CUG volunteer opportunities – to review and comment on the template, bulletin, and submittal checklist. It would be especially helpful to have someone from a Certified LPA with experience preparing past submittals to review the submittal checklist.

Key changes: Nothing major. This template update should be noncontroversial. Rolled in key ODOT boilerplates (ex. BABA, which has already been rolled out to Certified LPAs in the October and December 2022 template redlines), moved defined terms from tech specs, focused on ensuring defined terms are capitalized appropriately.

Group Discussion – What we hope to hear from you on today.

- What are your questions, concerns on the general conditions template?
- Suggested clarifications to the bulletin language?
- Suggested changes to the preparation and submittal process?
- Suggested changes to the new checklist?

Bulletin 101-65: 2024 Certified LPA General Conditions Template & Process Update

PURPOSE - Notify Certified LPAs:

1. General Conditions template is updated to align with 2024 Oregon Standard Specifications for Construction
2. Timelines to begin use of 2024 Oregon Standards
3. Where to find template and related documents
4. How to prepare and submit the Certified LPA General Conditions template and related documents to ODOT for review and approval



Tiffany Hamilton and Dan Anderson explained:

This template was initially developed in partnership with APWA. CUG members have provided input on this template and are generally part of the update and review process. The biggest change between the 2021 and 2024 general conditions template update is probably the addition of Build America, Buy America. However, that was rolled out to certified agencies in December 2022. Thus, we're not anticipating certified agencies to identify many issues of concern.

Certified LPA Timelines to Transition to 2024 Oregon Standard Specifications

Unless otherwise approved by the Certification Program Manager, for Certified LPA projects:

- Final PS&E packages submitted to ODOT for approval **on or after October 1, 2023** must include the 2024 provisions.
- Regardless of the date of the final PS&E package submittal, Certified LPA projects advertised **after January 1, 2024** must include the 2024 provisions.

- Tiffany explained these timelines are necessary because ODOT won't be maintaining boilerplate special provisions for the 2021 Oregon Standards after the first of the year.
- We will approve exceptions on a case-by-case basis. Email ODOT Certification.
- Certified agencies need to be aware that many of their consultants know about the timelines for using the 2024 Oregon Standards on ODOT projects, which differs from when certified agencies are required to begin use of the 2024 Oregon Standards on their projects. Thus, certified agencies will need to make it clear with their consultants the timeline for applying the new standards to their projects.
- Dan Anderson clarified that ODOT's last 2021 Special Provisions document update will be posted August 1, 2023, for the November bid opening. ODOT will then transition to maintaining 2024 Special Provisions for the September 2023 posting, which apply to the December 2023 bid opening.
- The 2024 Oregon Standard Specifications for Construction are now posted to the ODOT Specifications website. The book version is also available for purchase from the publisher, Lynx. See ODOT's Standard Specifications website for information about how to purchase a hard copy: https://www.oregon.gov/odot/Business/Pages/Standard_Specifications.aspx

Certified LPA Timelines to Transition to 2024 Oregon Standard Specifications

ACTION REQUIRED:

By July 31, 2023, the program liaison or coordinator for each Certified LPA should complete the [2024 Oregon Standards Specifications for Certified LPAs Survey](#) to acknowledge the above timelines, inform the Certification Program Manager of any needed exceptions, and help ODOT plan for needed review time.

Tiffany:

- This survey is about helping ODOT understand when our peak work times will be and to schedule time accordingly.
- Use of the survey format helps us see at glance which agencies have responded (an efficiency on our end).
- It will also help identify the need for exceptions.
- Is July 31st a reasonable timeline? Should this be later?

The group generally agreed that July 31st would be a reasonable timeline to respond to the survey. One agency indicated they would need a bit of extra time due to a conflict. Tiffany agreed to leave due date as July 31, but work with agencies that need some extra time on an as-needed basis.

Preparation & Submittal Process - Overview

- Prepare Certified LPA's 2024 General Conditions template.
- Prepare new or redline updates to bid book and related contracting templates, including:
 - Advertisement
 - Bid booklet (AKA "invitation to bid", project manual, etc.)
 - Liquidated damages rates or calculation approach
 - Agency-specific special provisions for use on federal project
- Carefully review all documents for consistency.
- Review with Certified LPA's legal counsel.
- Complete review checklist, certifications, and submit to ODOTCertification@odot.oregon.gov

General Conditions:

- Start with the 2024 template.
- Use track changes.
- Adopt template language (unless indicated by instructions or agreed to by ODOT).
- Include comment to explain why a proposed revisions is necessary.
- Review ODOT 2024 boilerplates and incorporate any applicable updates.

CUG leaders will be encouraging adopting standard language in the template and doing as little customization as possible. You are encouraged to comment at the top of sections on what has been updated and why.

Draft Certified LPA Construction Contracting Templates Checklist:

- Proposed for use instead of the comment tracking log/checklist spreadsheet
- Is this helpful?
- How is the level of detail (too much, too little, about right)?
- Include certification statements in the checklist?

Tiffany explained regarding bid book and related contracting templates:

- The Certification Programs doesn't currently offer Certified LPA-specific bid booklet, special provision, and related contracting document templates.
- Prior years, we have used an excel comment tracking log and update checklist to accompany the submittal. It can become unwieldy to keep updated.
- See proposed draft checklist for the 2024 update process.
- Seeking input on whether this approach will be helpful.
- Seeking volunteer to help finalize this document and QC form numbers, links, etc.

ODOT publishes two set of documents when it advertises a project (a "bid booklet" and a "special provisions" booklet). Some certified assemble their construction contracting documents "the ODOT way," others combine the bid booklet provisions and special provisions into a single booklet or set of documents. As a result, the draft checklist may appear to duplicate some requirements or cover some requirements in a different order than some certified agencies.

Tiffany requested input from users, asking does this checklist look helpful to you? Does it have enough detail? Is there anything that needs clarification? Should we keep the Certified LPA information, including the certification statements included on the checklist form?

The feedback was generally positive. Several subcommittee members indicated the checklist appears to be helpful. A couple of people indicated an interest in keeping the spreadsheet-style comment tracking log and checklist format from the last two updates. Someone suggested having both the new checklist and the old spreadsheet-style comment tracking log.

ODOT certification will take feed back on the draft until July 14th. Anyone interested in volunteering to help finalize the checklist, was encouraged to let Tiffany Hamilton know.

Next Steps:

- Proposal for the Steering Committee (SOW template work item)
- Provide written comments on General Conditions materials by 7/14/23.
- Upcoming Subcommittee meetings
 - 10/16/2023
 - 12/5/23 @ the CUG Annual meeting



The goal is to get comments on these materials by 7/14/23. The sooner the better so we can roll out bulletins in a timely manner. We are looking for volunteer. If interested in volunteering, please email ODOTCertification@odot.oregon.gov