



Bulletin
Statewide Program Unit
Certification Program Office
(CPO)

SUBJECT
2018 LPA General Conditions Template and Process Update
– Action Required

NUMBER	101_22	SUPERSEDES	101_09
EFFECTIVE DATE	11/30/2017	PAGE NUMBER	1 of 2
REFERENCE	ODOT Certification Program		
TARGET AUDIENCE	Fully and Conditionally Certified Local Public Agencies, Region Managers & Local Agency Liaisons Regions 1, 2, & 3,		
SUBJECT	Dan Anderson, Will Woods, Steve Cooley, Joel Croff, ODOT Active Transportation Manager, FHWA, ODOT Statewide Programs Unit, ODOT Subject Matter Resources, DOJ		

PURPOSE:

To notify Certified Local Public Agencies (LPAs), including conditionally Certified LPAs, about the following:

1. The 2018 update to the LPA General Conditions Template and related documents;
2. The requirement and timeline for Certified LPAs to update and submit their general conditions, bid book, contract, and special provision documents; and
3. Updates to the review process, including use of the 2018 LPA General Conditions Checklist & Comment Tracking Log.

BULLETIN INFORMATION:

1. **Background:** ODOT has published a 2018 update to the LPA General Conditions Template document to bring it up-to-date and into better alignment with the 2018 Oregon Standard Specifications for Construction. The 2018 updates address common issues observed in the use of the prior template and provide more detailed instructions to template users. Additionally, ODOT has published several sample forms and provisions for optional use by Certified LPAs, which have been developed to be consistent with the LPA General Conditions Template. Finally, ODOT substantially revised the comment tracking log to facilitate the review and approval process.

Generally, Certified LPAs are required to use the current Oregon Standard Specifications for Construction on their federally-funded projects. The General Conditions found in the 00100 section of the Oregon Standard Specifications must be modified for use by Certified LPAs and approved by ODOT. A committee of ODOT and American Public Works Association members first developed a template as a starting point for LPAs several years ago. Most recently, ODOT consulted with Oregon Department of Justice (DOJ) and the Certification User Group Standards Subcommittee in the development of the 2018 update.

2. **Use and Applicability:** Both the 2018 LPA General Conditions Template and the 2018 Oregon Standard Specifications for Construction, which includes the technical provisions 00200-3000, are available for immediate use. Certified LPAs are required to bring their general conditions and technical specifications for use on federal-aid projects into alignment with the 2018 provisions as follows:

- a. **Final PS&E submittal date:** Final PS&E packages submitted to ODOT for approval **after June 30, 2018** shall include the 2018 provisions, unless otherwise agreed to and approved by the ODOT Certification Program Office.
 - b. **Advertisement date:** Regardless of the date of the final PS&E package submittal, Certified LPA projects advertised **after September 30, 2018** shall include the 2018 provisions.
3. **Template and Related Documents:** The 2018 LPA General Conditions Template and related documents are posted on the [Certification Guidance and Forms](#) page under the Construction-related Templates & Samples drop-down menu as follows:
 - 2018 LPA General Conditions Checklist & Comment Tracking Log
 - 2018 LPA General Conditions Template
 - 2018-2015 LPA General Conditions Comparison
 - Sample Contract for Certified LPAs
 - Sample Performance & Payment Bonds for Certified LPAs
 - Sample Project Wages Rates for Certified LPAs
4. **Preparation and Submittal Process:**
 - a. **General Conditions Document:**
 - 1) **Certified LPAs without prior ODOT-approved general conditions (within the last 3 years¹):**

The Certified LPA needs to modify in track changes the 2018 LPA General Conditions Template to establish the agency's proposed general conditions for use on federal-aid projects. This requirement, along with agency specific requirements related to amendments, is in the master Local Agency Certification Program Agreement.

Certified LPAs with prior ODOT-approved general conditions (within the last 3 years): The Sections and Subsections of the 2018 update include several revisions from the earlier 2015 template. (For details see the ODOT Notes/Instructions column in the comment tracking log and the 2018-2015 LPA General Conditions Comparison, which shows a redline version of the revisions.) A best practice would be to start with the 2018 template and then apply any custom LPA language with track changes turned on. Using the file comparison feature in the word processor may facilitate this.

In general, the 2018 template updates match the 2018 Oregon Standard Specifications for Construction book and should be adopted unless otherwise discussed and agreed to with ODOT. However, Certified LPAs that already have approved exceptions to particular provisions may retain them provided those exceptions are internally consistent with other provisions throughout the agency's specifications and contract documents. (See the instructions in the "LPA Notes" column of the tracking log.)

¹ Within three years of the date of this bulletin.

- 2) **Note on Certified LPA revisions:** The templates have been drafted to be internally consistent with each other and the Oregon Standard Specifications. The fewer changes the Certified LPA makes to the standard language in the templates, the quicker the review time.
- 3) **Explain changes:** The Certified LPA should include notes in the tracking log to explain why a change has been made. If the reason for the change is because of a local ordinance, by-law, rule, or standard, please cite (and link if possible) to the requirement.
- 4) **ODOT boilerplate updates to Section 00100:** Between the November 2017 publication of the 2018 LPA General Conditions Template and the date a Certified LPA submits its documents for review, ODOT may have issued boilerplate updates affecting Section 00100. It is the Certified LPA's responsibility to review the ODOT boilerplates to see if any updates to Section 00100 should be incorporated into the Certified LPA's general conditions. Updates that reference new state law requirements or federal program requirements most likely, but don't always, apply.

b. Bid Book and Contract Documents:

- 1) **Certified LPAs without prior ODOT-approved documents (within the last 3 years):** Certified LPAs are required to submit the following LPA templates and documents for review along with the general conditions document: advertisement, bid booklet (sometimes called "invitation to bid"), and any special provisions for use on federal-aid projects. This is because the provisions in these documents often have the effect of modifying the general conditions. Certified LPAs should try to eliminate any redundancies and inconsistencies in the bid and contract documents with the general conditions by cross-referencing the appropriate sections of the general conditions where appropriate.
- 2) **Certified LPAs with prior ODOT-approved documents (within the last 3 years):** If the Certified LPA's only revisions to its previously approved bid book and contract documents is to update them to reference the 2018 General Conditions instead of the 2015, only the last two rows of the Bid Book & Contract Checklist need to be completed. And only the final version of the updated documents submitted. All other revisions need to be noted and explained in the LPA Notes column and a track changes version of the updated documents submitted.

c. General Conditions Checklist & Comment Tracking Log: To facilitate ODOT and DOJ review, Certified LPAs should carefully review the ODOT Instructions/Notes column as they make decisions on which provisions to adopt or modify. Fill in the LPA Notes column in the 100s Checklist and Bid Book & Contract Checklist tabs according to the instruction in the LPA Notes column header. **New!** Certify that the documents being submitted for ODOT review have been prepared in accordance with ODOT instructions and have been reviewed with local legal counsel. Document this certification statement in the comment log and in the email submitting the documents to ODOT for review.

d. Submission: Submit the comment tracking log along with the Certified LPA's modifications to the 2018 LPA General Conditions Template (showing track changes), bid booklet, contract documents,

and special provisions in Word format to ODOT’s Certification office at ODOTcertification@odot.state.or.us for ODOT/DOJ² review.

e. Approvals:

- 1) **Certified LPAs without prior ODOT-approved documents (within the last 3 years):** A Certified LPA’s general conditions and related documents must be ODOT-approved prior to their use on federal-aid projects. Please allow at least 60-90 days for the review process. It is often helpful for ODOT and DOJ to meet with Certified LPA staff and their legal counsel once or twice during the process so the Certified LPA can explain its approach and to resolve outstanding issues.
- 2) **Certified LPAs with prior ODOT-approved documents (within the last 3 years):** If a Certified LPA follows this process and certifies that the documents submitted are in accordance with ODOT’s instructions and have been reviewed by the Certified LPA’s legal counsel, the Certified LPA may immediately begin use of their updated provisions while ODOT’s review and approval are pending. **Note:** If the Certified LPA makes new revisions or retains previously approved revisions that are legally impermissible or otherwise unacceptable or end up being inconsistent with other provisions and result in federal non-participation, the Certified LPA will be responsible for the nonparticipating costs.

5. Subsequent ODOT boilerplate updates to Section 00100: It is the Certified LPA’s responsibility to monitor ODOT boilerplate updates and to determine whether an update should be included in the agency’s special provisions or incorporated into the agency’s general conditions.

6. Website link: <http://www.oregon.gov/ODOT/LocalGov/Pages/Certification-Guidance-Forms.aspx>

7. Technical Assistance: Please contact Tiffany Hamilton, Certification Program Manager at the contact information listed below or Dan Anderson, Senior Specifications Engineer at Daniel.A.ANDERSON@odot.state.or.us or 503-986-3777 for questions regarding the use of the templates, sample documents, and tracking log or about the review and approval process.

Feedback:

We are always trying to improve. Please send any feedback regarding this document to the Certification Program Office at ODOTCertification@odot.state.or.us, or contact the Certification Program Manager or Certification Coordinator.

<p>Tiffany Hamilton Local Agency Certification Program Manager Active Transportation – Statewide Programs Unit Tiffany.HAMILTON@odot.state.or.us 503-986-3649</p>	<p>Amber Garrett Certification Coordinator Active Transportation – Statewide Programs Unit Amber.J.GARRETT@odot.state.or.us 503-986-4258</p>
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² Note: The Oregon Department of Justice represents ODOT, and their review is solely on behalf of ODOT.