

2018 General Conditions (100s) Review Checklist

Section Number (Insert additional rows if needed.)	ODOT Instructions/Notes (Some notes only apply to Certified LPAs that are updating previously approved general conditions (e.g., "needed revisions").)	LPA Notes (If your agency adopts the template language for a listed section or subsection please note "No changes Made." If your agency does not adopt or revises template language, note the subsection, type of change, and why. If an exception to a provision has already been approved by ODOT and it remains internally consistent with your agency's other provisions, note "Approved by ODOT --Date". Insert rows as needed. Please date your Notes and Comment Responses.)	ODOT Response Comments	Resolved Date (ODOT Completes)
Document	Insert Certified LPA's file name into the 'LPA Notes' column for file tracking purposes.	[City/County Name] *For prior approved CLPAs also include* [City/County Name] General Conditions mm/dd/yy version was approved by ODOT mm/dd/yy.		
Title	Insert the name of the agency where it states (Certified LPA). Be consistent in referring to the Title of these general conditions throughout your bid and contract documents.	5/1/18 Completed		
0100 - TOC	The table of contents must be updated and or corrected after all the other edits are completed for this document by the Certified Local Public Agency. See additional instructions in the template.	5/1/18 Completed		
00110 – Organization, Conventions, Abbreviations, and Definitions	The listed subsections of Section 110 of the 2018 update includes several revisions LPAs should incorporate for consistency with Oregon Standards. Some subsections are noted as "needed" revisions and should be adopted unless otherwise agreed to with ODOT. Also note several special instructions for 00110.	5/1/18 Completed Section 00110 as noted below		
00110.00 Organization of Specifications	Insert the name of the agency where it states (Certified LPA) and change the year of the book.	5/1/18 Completed	Model LPA notes are shown throughout to provide examples of how to complete the review checklist. Other responses may also be acceptable.	
00110.05 Conventions Used throughout the Specifications Include	Insert the name of the agency where it states (Certified LPA). Other needed revisions.	5/1/18 Completed name. Adopted template language, no changes made.		
00110.05(e)	This template is set up to have all the websites listed in a Special Provision for 00110.05(e), see the ODOT boilerplate special provision 00110.05(e) for an example.	5/1/18 Adopted template language, no changes made. *OR* Deleted subsection (e) and retained/updated County's URL cites throughout the GCs, as approved by ODOT's prior review mm/dd/yy.		
00110.10 Abbreviations	Needed revisions.	5/1/18 Adopted template language, no changes made.		
00110.20 Definitions	Needed revisions throughout subsection. Insert LPA's website information at Bid Book. Insert the name of the agency where it states (Certified LPA) at Standard Specifications.	5/1/18 Adopted template language, no changes made.		
00120 Bidding Requirements and Procedures	Insert Certified LPA specific provisions for 00120.00, 00120.01 and 00120.05 (subject to ODOT / DOJ review). If the your agency uses ODOT to prequalify bidders, see 120.00 template language. If your agency uses a different prequalification process, it must comply with the FHWA Contract Administration Core Curriculum and is subject to approval by ODOT and FHWA. See pp 127 in the CACC. https://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm Note: To ensure competitive bidding that does not unfairly impact non-local bidders, your agency should allow the submittal of Subcontractor Disclosure Forms and revisions or withdrawal of bids by some electronic means like email or FAX. If your agency proposes edits to remove the FAX option then you need to provide an explanation and/or appropriate edits to allow email or other options.	5/1/18 Completed Section 00120 as noted below.	Note, if your agency seeks approval of different LPA-specific bidder pre-qualification requirements, the documented process will need to be reviewed and approved by ODOT and FHWA. The second model answer addresses the federal guidance and state law requirements ODOT will evaluate in making its recommendation to approve to FHWA.	
120.00 Prequalification of Bidders	Insert the agency specific provisions and modify or delete the example language, or if the Agency uses ODOT's prequalification process use the language below and submit, see above instruction for this section.	5/1/18 [City/County] relies on ODOT's prequalification of bidders and has adopted the template language, no changes made. *OR* See edits to 00120.01 (consistent with ORS 279C.365). [City/County] has its own bidder prequalification requirements and confirms its prequalification criteria are consistent with FHWA CACC guidance and ORS 279C.430-450 requirements. [City's/County's] documented prequalification [administrative rules and/or processes] are [attached or posted at www.ABCcounty.gov/procurement/bidderprequalification.xls.] [City/County] understands its bidder prequalification processes are subject to ODOT and FHWA approval.		

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120.01 General Bidding Requirements	Insert the agency specific provisions. Some LPAs include this information in the invitation to bid or notice to bidders and cross reference the applicable Sections here. Note, it's important to ensure the ITB/Notice to Bidders and this Section are consistent with each other. It is best to avoid duplication to limit potential inconsistencies.	5/1/18 Inserted [City/County] provisions. *OR* Inserted cross-reference to [City/County] bidding requirements in [section__ of] the [Invitation to Bid or Bid Documents or __ other template] document.		
00120.05 Request for Plans, Special Provisions, and Bid Booklets	Insert the agency specific provisions (note 120 instructions above). Some Certified LPAs include this information in the invitation to bid or notice to bidders and cross reference the applicable Sections here. Note, it's important to ensure the ITB/Notice to Bidders and this Section are consistent with each other. It is best to avoid duplication to limit potential inconsistencies.	5/1/18 Inserted [City/County] provisions. *OR* Inserted cross-reference to [City/County] bidding requirements in [section__ of] the [Invitation to Bid or Bid Documents or __ other template] document.	Note, a couple of revised template provisions missed in tracking log. Inserted rows as needed.	
00120.15 Examination of Work Site and Solicitation Documents . . .		5/1/18 Adopted template language, no changes made. *OR* Declined to adopt revisions to section 00120.15 in the 2018 GC template. Retained provisions previously approved by ODOT in [City/County] mm/dd/yy version of the GCs, as this is consistent with our current process.		
00120.16 Materials, Equipment, and Method Substitutions		5/1/18 Adopted template language, no changes made.		
00120.40 Preparation of Bids at (a)(2) Electronic Bids	If your agency permits or requires electronic bids, revise.	5/1/18 Adopted template language, no changes made. *OR* Inserted provisions regarding electronic bid preparation to be consistent with [City/County] bidding processes.		
00120.40 Preparation of Bids at (c)(2) Electronic Bids	If your agency permits or requires electronic bids, revise.	5/1/18 Adopted template language, no changes made. *OR* Inserted provisions regarding electronic bid preparation to be consistent with [City/County] bidding processes.		
00120.40 Preparation of Bids at (g) Disclosure of Conflict of Interest	If your agency has its own Conflict of Interest disclosure process, revise as needed.	5/1/18 Adopted template language, no changes made. *OR* Inserted provisions regarding [City/County] COI guidance [attached and/or posted at the following URL].	If your agency has its own Conflict of Interest disclosure policy and revises 00120.40 accordingly, please provide a link or attach a copy with your submission.	
00120.45 Submittal of Bids at (b) Electronic Bids	If your agency permits or requires electronic bids, revise.	5/1/18 Adopted template language, no changes made. *OR* Inserted provisions regarding electronic bid submittal to be consistent with [City/County] bidding processes.		
00120.60 Revision or Withdrawal of Bids	See Section 120 note on ensuring competitive bidding that does not unfairly impact non-local bidders, by providing some form of electronic (e.g., FAX or email) revision or withdrawal of bids.	5/1/18 Adopted template language, no changes made. *OR* Replaced references to FAX with references to email to be consistent with [City/County] bidding processes.		
00120.60 Revision or Withdrawal of Bids at (b) Electronic Bids	If your agency permits or requires electronic bids, revise.	5/1/18 Adopted template language, no changes made. *OR* Inserted provisions regarding electronic withdrawal or modifications to bids to be consistent with [City/County] bidding processes.		
00120.70 Rejection of Non-responsive Bids	2018 update includes several revisions that the LPA should incorporate for consistency with the Oregon Standards, this include two additional bullets. The COI update is a required update.	5/1/18 Adopted template language, no changes made.		
00120.90 Disqualification of Bidders	2018 update includes several revisions LPA should incorporate for consistency with Oregon Standards.	5/1/18 Adopted template language, no changes made.		
00120.91 Rejection of Bid . . .	2018 update includes several revisions LPA should incorporate for consistency with Oregon Standards.	5/1/18 Adopted template language, no changes made.		
00130 – Award and Execution of Contract	The listed subsections of Section 130 of the 2018 update includes several revisions LPA should incorporate for consistency with Oregon Standards.	5/1/18 Adopted template language, no changes made entire Section 00130.		
00130.00 Consideration of Bids				
00130.10 Award of Contract				
00130.15 Right to Protest Award				
00130.30 Contract Booklet				
00130.40 Contract Submittals				
00130.50 Execution of Contract and Bonds:				
00130.70 Release of Bid Guaranties				

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00140 – Scope of Work	The listed subsections of Section 140 of the 2018 update includes several revisions LPA should incorporate for consistency with Oregon Standards. Some subsections are noted as "needed" revisions and should be adopted unless otherwise discussed and agreed to with ODOT.	5/1/18 Adopted template language, no changes made entire Section 00140.		
00140.00 Purpose of Contract	Needed revisions.			
00140.30 Agency-Required Changes in the Work	Needed revisions.			
00140.70 Cost Reduction Proposals				
00140.90 Final Trimming and Cleanup				
00150 – Control of Work	The listed subsections of Section 150 of the 2018 update includes several revisions LPA should incorporate for consistency with Oregon Standards. Some subsections are noted as "needed" revisions and should be adopted unless otherwise discussed and agreed to with ODOT.	5/1/18 Adopted template language, no changes made entire Section 00150.		
00150.00 Authority of the Engineer				
00150.02 Inspector's Authority and Duties				
00150.10 Coordination of Contract Documents at (a) Order of Precedence	Generally, the order of precedence is that shown in the template, however, depending upon how your agency bidding and contract documents fit together some modifications to this subsection might be needed, and will need to be reviewed by ODOT. Note, it would be highly unusual for the LPAs contract form to be at or near the top of this list.			
00150.15 Construction Stakes, Lines, and Grades				
00150.20 Inspection				
00150.30 Delivery of Notices				
00150.35 Plans, 3D Engineered Models, Working Drawings, and 3D Construction Models	Needed revisions.			
00150.40 Cooperation and Superintendence by the Contractor				
00150.50 Cooperation with Utilities	Needed revisions.			
00150.55 Cooperation with Other Contractors				
00150.60 Construction Equipment Restrictions				
00150.70 Detrimental Operations				
00150.75 Protection and Maintenance of				
00150.90 Final Inspection				
00150.97 Responsibility for Materials and Workmanship				
00160 – Source of Materials	The listed subsections of Section 160 of the 2018 update includes several revisions LPA should incorporate for consistency with Oregon Standards. Some subsections are noted as "needed" revisions and should be adopted unless otherwise discussed and agreed to with ODOT.	5/1/18 Adopted template language, no changes made entire Section 00160.		
00160.01 Notification of Source of Supply and Materials	Needed revisions.			
00160.05 Qualified Products List (QPL)	Needed revisions.			

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00160.10 Ordering, Producing, and Furnishing Materials				
00160.20 Preferences for Materials				
00160.21 Cargo Preference Act Requirements	Needed revisions.			
00160.30 Agency-Furnished Materials				
00160.40 Agency-Furnished Sources				
00160.60 Contractor-Furnished Materials and Sources				
00160.80 Requirements for Sources of Borrow and Aggregate				
00165 – Quality of Materials	The listed subsections of Section 165 of the 2018 update includes several revisions LPA should incorporate for consistency with Oregon Standards. Some subsections are noted as "needed" revisions and should be adopted unless otherwise discussed and agreed to with ODOT. Also note several special instructions for 00165.	5/1/18 Completed Section 00165 as noted below.		
00165.10 Materials Acceptance Guides	Needed revisions. Special instructions: If the LPA will use a modified version of the ODOT MFTP for their QA program, consistently use the appropriate subsections for 00165.10(a), 00165.20 and 00165.30(c), do not mix and match. Include appropriate links to Agency's quality assurance program in 00110.05(e). Note: For this option the LPA would, at a minimum, need to modify Sections 2 and 5 of the MFTP and submit to ODOT for separate approval.	(**Most CLPAs**) 5/1/18 For 00165.10(a) deleted option 1 and retained option 2. [City/County] follows the ODOT MFTP as part of our QA program (see section # __ of our Certified LPA quality program plan, last approved by ODOT mm/dd/yr and on file with ODOT's Certification Program Office). *OR* (Very few CLPAs) For subsection (a) retained option 1 and deleted option 2. [City/County] uses a modified version of the ODOT MFTP as part of our QA program (see section # __ of our Certified LPA quality program plan, last approved by ODOT mm/dd/yr and on file with ODOT's Certification Program Office).	Most Certified LPAs do not use a modified version of the ODOT MFTP. If your agency has adopted a modified MFTP this would be clearly described in your agency's approved Certification Program quality plan.	
00165.20 Materials Specifications and Test Method References	Needed revisions. Follow template instructions	(**Most CLPAs**) 5/1/18 Deleted option 1 and retained option 2 for 00165.20, because agency follows the ODOT MFTP. Adopted option 2 template language, no changes made. *OR* (Very few CLPAs) Retained option 1 and deleted option 2 for 00165.20, because agency uses a modified version of the ODOT MFTP. Adopted option 1 template language, no changes made.		
00165.30 Field-Tested Materials	Needed revisions. Follow template instructions	(**Most CLPAs**) 5/1/18 Deleted option 1 and retained option 2 for 00165.30(c), because agency follows the ODOT MFTP. Adopted option 2 template language, no changes made. *OR* (Very few CLPAs) Retained option 1 and deleted option 2 for 00165.30(c), because agency uses a modified version of the ODOT MFTP. Adopted option 1 template language, no changes made.		
00165.35 Nonfield-Tested Materials		5/1/18 Adopted template language, no changes made.		
00165.40 Statistical Analysis	See revisions, also see Special Instruction: If the LPA does not use statistical analysis for payment of materials the LPA will not want to use Section 00745(Statistical Acceptance) and consider Section 00744 (ACP), or if 00745 is used the LPA will want a Special Provision to modify 00745.17, 00745.50 and delete Subsection 00745.95. If Section 00755 is used subsections 00755.92 and 00755.93 may need modification. If Section 00756 is used subsections 00756.92 and 00756.93 may need modification.	(**Most CLPAs**) 5/1/18 Adopted template language, no changes made. *OR* (Very few CLPAs) Modified section 00165.44. ODOT previously approved this language in [City/County] mm/dd/yy version of the GCs. [City/County] has reviewed and confirms this section remains internally consistent with agency's other provisions and processes.	The 00165.40 instructions in the template, which get deleted in the final GCs, explains how an LPA can avoid using the statistical tables for payment of materials. The tables need to be retained by LPAs that do not have an approved modified MFTP, because the tables are cross-referenced in the MFTP for purposes of materials acceptance.	
00165.50 Acceptance Sampling and Testing	Needed revisions. Follow template instructions	(**Most CLPAs**) 5/1/18 Adopted template language, no changes made. *OR* (Very few CLPAs) Modified section 00165.50. ODOT previously approved this language in [City/County] mm/dd/yy version of the GCs. [City/County] has reviewed and confirms this section remains internally consistent with agency's other provisions and processes.		
00165.70 Use of Materials without		Adopted template language, no changes made.		

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00165.90 Incidental Basis		Adopted template language, no changes made.		
00165.91 Fabrication Inspection Expense		Adopted template language, no changes made.		
00170 – Legal Relations and Responsibilities	The listed subsections of Section 170 of the 2018 update includes several revisions LPA should incorporate for consistency with Oregon Standards. Some subsections are noted as "needed" revisions and should be adopted unless otherwise discussed and agreed to with ODOT.	5/1/18 Adopted template language, no changes made entire Section 00170.		
00170.00 General				
00170.01 Other Agencies Affecting Agency Contracts				
00170.05 Assignment of Antitrust Rights				
00170.07 Record Requirements				
00170.10 Required Payments by Contractors	Needed revisions.			
00170.20 Public Works Bond				
00170.61 Industrial Accident Protection				
00170.62 Labor Nondiscrimination				
00170.63 Payment for Medical Care				
00170.65 Minimum Wage and Overtime				
00170.70 Insurance	Needed revisions.			
00170.72 Indemnity/Hold Harmless	Needed revisions.			
00170.78 Conflict of Interest	Needed revisions.			
00170.80 Responsibility for Damage to Work				
00170.82 Responsibility for Damage to Property and Facilities				
00170.85 Responsibility for Defective Work				
00170.94 Use of Explosives				
00180 – Prosecution and Progress	The listed subsections of Section 180 of the 2018 update includes several revisions LPA should incorporate for consistency with Oregon Standards. Some subsections are noted as "needed" revisions and should be adopted unless otherwise discussed and agreed to with ODOT. Also note the special instructions for 00180.85.	5/1/18 Adopted template language with no changes made for Section 00180, except as noted below.		
00180.05 Assignment/Delegation of Contract				
00180.20 Subcontracting Limitations	Needed revisions.			
00180.21 Subcontracting	Needed revisions.			
00180.22 Payments to Subcontractors and				
00180.31 Required Materials, Equipment, Products, and Methods	Needed revisions.			
00180.41 Project Work Schedules				
00180.50 Contract Time to Complete Work				
00180.70 Suspension of Work				
00180.80 Adjustment of Contract Time				

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00180.85 Failure to Complete on Time; Liquidated Damages	<p>Needed revisions. Special Instructions: Each LPA must determine their own rate or amount of liquidated damages based on their own historical or estimated costs.</p> <p>For use on federal-aid projects, this determination in accordance with the FHWA Core Curriculum (subsection I on page 161) is subject to approval by FHWA. Two examples are provided in the template. one uses a percentage of the contract, the other uses a specified daily rate for liquidated damages and includes an example for one completion date and for two completion dates. The example language in the template and other associated language may need to be included or may be more appropriate to be included in a Special Provisions template. If more than one completion date is specified in 00180.50(h) additional language may be necessary. Follow the additional instructions in the template for this subsection.</p>	<p>5/1/18 Retained provisions in 0018.85(a) and (b), but deleted "percentage of contract" provisions in (b)(1) and (b)(2). Deleted "daily rate" example from GC template, but [City/County] will include specified daily provisions in each project as a Special Provision. [City/County] has calculated its estimated daily liquidated damages rates based on administrative costs relative to project size, and understands these rates are subject to FHWA approval. See attached file with calculations. *OR* Retained provisions in 0018.85(a) and (b) including "percentage of contract" provisions in (b)(1) and (b)(2). Deleted "daily rate" examples from the GCs. [City/County] has developed a percent of contract LDs rate based on historical costs or estimated costs and understands these rates are subject to FHWA approval. See attached file with calculations.</p>	<p>Note, this is intended to address federal requirements. CLPAs should also consult with their legal counsel to ensure state law requirements are met.</p>	
190 – Measurement of Pay Quantities	The listed subsections of Section 190 of the 2018 update includes several revisions LPA should incorporate for consistency with Oregon Standards.	5/1/18 Adopted template language, no changes made entire Section 00190.		
00190.20 Contractor to Provide Vehicle Weigh Scales:				
00195 – Payment	The listed subsections of Section 195 of the 2018 update includes several revisions LPA should incorporate for consistency with Oregon Standards. Some subsections are noted as "needed" revisions and should be adopted unless otherwise discussed and agreed to with ODOT. Also note Special Instructions for 00195.10.	5/1/18 Adopted template language with no changes made for Section 00195, except as noted below.		
00195.12 Steel Material Price Escalation/De-Escalation Clause -	Needed revisions if section is retained by LPA. See ORS 279C.535, Steel Escalation/De-Escalation is required for contracts entered into by ODOT but not on contracts entered into by Local Agencies. However, Local Agencies should consider the FHWA Core Curriculum subsection 9.vi.	5/1/18 Adopted template language, no changes made. *OR* Deleted provisions in 00195.12 [and noted section as "RESERVED"].		
00195.13 Asphalt Cement Material Price Escalation/De-Escalation Clause	This subsection has been deleted in the 2018 LPA general conditions update and is now covered in a Boilerplate Special Provision. If the LPA decides to retain this subsection, please see the most current language in the BPSPs.	5/1/18 Adopted template approach of not including 00195.13 in the GCs. *OR* [City/County] has retained 00195.13, as this subsection is generally included in our projects. [City/County] has reviewed the most current ODOT BPSP for this section and have updated the provisions accordingly.	<p>LPAs could reasonably remove / exclude both the steel and asphalt escalation / de-escalation provisions from their GCs and run them as a project special provision if and when needed.</p>	
00195.20 Changes to Plans or Character of Work	Needed revisions.			
00195.50 Progress Payments and Retained Amounts	Needed revisions.			
00195.60 Advance Allowance for Materials on Hand	Needed revisions.			
00195.70 Payment under Terminated Contract	Needed revisions.			
00195.80 Allowance for Materials Left on Hand	Needed revisions.			
00195.90 Final Payment				
00196 – Payment for Extra Work		5/1/18 Adopted template language, no changes made entire Section 00196.		
00196.20 Force Account	Needed revisions.			
00197 – Payment for Force Account Work		5/1/18 Adopted template language, no changes made entire Section 00197.		
00197.00 Scope				
00197.01 General	Needed revisions.			
00197.20 Equipment				
00197.30 Labor				

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00199 – Disagreements, Protests and Claims	<p>For Federal Funded projects the FHWA Contract Administration Core Curriculum Manual indicates that alternative dispute resolution is a State option (see Section 10(j) of the 2014 version). https://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm</p> <p>ODOT recommends that each LPA have a manageable and effective multi-step process for addressing disagreements, disputes and claims. Section 00199 in the LPA template is a recommended process. Each LPA, in consultation with its own legal counsel, should accept Section 00199 or modify it as needed to reflect the process and procedures the LPA deems appropriate for that LPA (subject to review by ODOT).</p> <p>Each LPA should also consider whether any changes are needed for Sections 00180.80 and 00195.95, which reference 00199. Each LPA must also determine if it will include Section 00199.60, or include it with modifications, regarding the process for and appeals to LPA records requests when the Contractor fails to provide the requested records. If included, changes to the Agency decision maker(s) may be necessary.</p>	<p>5/1/18 Completed Section 00199 as noted below. *OR* Retained Section 00199 provisions that ODOT has previously approved in [City/County] mm/dd/yy version of the GCs. [City/County] has reviewed and confirms this section remains internally consistent with agency's other provisions and processes [unless otherwise noted below].</p>	<p>ODOT anticipates that most Certified LPAs will make revisions to section 00199. See the instructions and note the need to verify consistency between cross-referenced sections.</p>	
00199.00 General		5/1/18 Adopted template language, no changes made.		
00199.15 Inappropriate Protest or Claim	Deleted this subsection from the 2018 update. OK to retain as an agency preferred provision provided it is consistent with LPA's other provisions.	5/1/18 Adopted template, did not include subsection 00199.15.		
00199.20 Protest Procedure		5/1/18 Adopted template language, no changes made.		
00199.30 Claims Procedure		5/1/18 Adopted template language, no changes made.		
00199.40 Claim Decision; Review; Exhaustion of . . .		5/1/18 Modified subsection 00199.40 to reflect [City's/County's] 3 step (instead of 4 step) claim process. Deleted arbitration; claims review board step and renumber litigation section as step 3.	Example of an inserted row to add an LPA note regarding agency specific title.	
00199.50 Mediation		5/1/18 Adopted template language, no changes made.		
199.60 Review of Determination Regarding Records		5/1/18 Revised title of agency director responsible for review.		
LPA Submission Certification Statement	Include a statement in the LPA Notes column and in the email submitting the documents to ODOT for review that your "Agency certifies the documents being submitted for review are in accordance with ODOT instructions and have been reviewed with Agency's legal counsel." Please provide the name and title of the person making the certification and also provide the name of the counsel and the date the review with counsel was completed.	5/1/18 On behalf of [City/County] _ <u>Certification Program Liaison (or designee) Name</u> _ certifies that the 2018 [City/County] General Conditions have been prepared in accordance with ODOT instructions and have been reviewed with the [City/County] legal counsel _ <u>Legal Counsel Name</u> _ completed mm/dd/yy.	Model LPA submission certification statement.	