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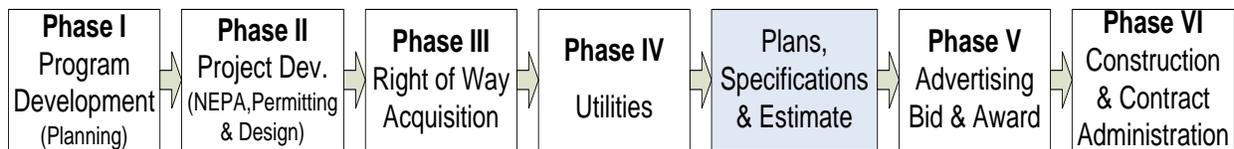
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# SECTION B

# NON-CERTIFIED AGENCY

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

This chapter details project development requirements for any local public agency (LPA) operating as a non-certified local public agency (LPA). It is applicable to all Federal-aid Highway Program (FAHP) funded projects. In the sequence of project development, *Plans, Specifications and Estimates* (PS&E) follows *Design*. PS&E for non-certified LPA projects, which are developed for 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 approved, 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 by ODOT. In addition, the local public agency (LPA) must identify an employee to be in responsible charge of the project.

Non-certified LPAs shall use ODOT's "PS&E Delivery Manual" and the Project Development Checklist to ensure completeness of the contract plans prior to submitting them for approval. The latest checklist, Final PS&E Submittal Checklist is available at ODOT's [Project Letting website](#). Refer to the ODOT [Office of Project-Letting](#) website for additional files, guides, documents and manuals that are specific to local agency project delivery. The Final PS&E Submittal Checklist does not include all requirements, but contains many of the major ones.

PS&E bid documents are submitted to the ODOT regional [Local Agency Liaison](#) for submittal to ODOT's Office of Project Letting (OPL) [Specifications, Estimating and Office of Pre-letting \(SEOPL\)](#) 6-9 weeks prior to advertisement. Additional information about key PS&E dates is available in the [ODOT PS&E Delivery Manual](#).

### B. KEY PS&E PROCESS POINTS

The following key items are required for PS&E approval. All key items of approval from FHWA are included in the PS&E Delivery Manual and in the Final PS&E Submittal Checklist.

## 1. Civil Rights Compliance

The Regional [Local Agency Liaison](#) is the first contact for advice and assistance on Civil Rights matters, including EEO, OJT and DBE program requirements. The Office of Civil Rights assists the Regional Local Agency Liaison in responding to LPA questions and issues. Visit ODOT's Office of Civil Rights website and [Title VI web site](#) for additional information.

NOTE: In order to remain compliant under the Title VI of the Civil Rights Act of 1964, LPAs that receive federal funds must develop and maintain a Title VI Plan if they serve a population above 200,000 or execute a Non-discrimination agreement if the population is below 200,000. Refer to the Title VI chapter in this *LAG Manual* and the Title VI website for information and templates.

## 2. Wage Rates

There are three areas of specifications in ODOT contracts pertaining to Labor Compliance.

- FHWA 1273 Section IV (included by ODOT in contract documents);
- The Prevailing Wage Determination applicable to the project (included by ODOT in the contract documents) and;
- Section 00170 of the Specifications.

PS&E will contain modified provisions to 00170 as appropriate for each project. The requirements, documents and specifications pertaining to wage rate are listed below.

- 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 or other federal requirements and laws contact the ODOT Labor Compliance officer.
- FHWA 1273 Section IV
- Prevailing Wage Determination applicable to the project
- Section 00170 of the Specifications

*NOTE: ODOT will include wage rate requirement information by reference in the Special Provisions and insert them in the actual contract for each project*

## 3. Design Standards and Quality Control

### a. Local public agency (LPA) Responsibility

The local public agency (LPA) 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, ODOT approved edition of the following, unless otherwise requested by local public agency (LPA) 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](#) and the required boilerplate Special Provisions;
- [Manual on Uniform Traffic Control Devices](#) and Oregon Supplements;
- Transportation Research Board’s [Highway Capacity Manual](#);
- [Title 23](#) and [Title 49](#), United States Code Federal Regulations, Highways and Regulations;
- [Contract Administration Core Curriculum Participants Manual & Reference Guide](#);
- [PS&E Delivery Manual](#)
- [Estimating manual and Specifications and Writing Style Manual Manual](#)
- [Contract Plans Development Guide](#)
- [Oregon Standard Drawings and Oregon Standard Details](#)
- ODOT’s [Right of Way Manual](#);
- ODOT’s [Bridge Manuals](#);
- ODOT’s [Highway Design Manual](#); and
- Other ODOT [Technical Services Manuals](#);
- Other ODOT Guidance issued as Technical Directives, Bulletins and Advisories;

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 non-certified local public agency (LPA) projects shall be English Units. This includes, but is not limited to, right of way, environmental documents, plans, specifications, estimates and utilities.

#### **b. Assurance Checks**

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

## 4. Other Requirements

### a. Commitment Tracking

When applicable, LPAs 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, business access, and environmental considerations.

### b. 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.

### c. Categorical Exclusion Process

The Categorical Exclusion (CE) Closeout Process, Guidance, and Documentation on the Geo-Environmental website is available under “bulletins.”

### 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.

### 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](#). 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

LPAs 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 public agency (LPA)’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](#) 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 public agency (LPA) 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 public agency (LPA) Supplied Materials**

Justification for the use of local public agency (LPA) supplied materials or services (e.g. striping a project) must be documented by the local public agency (LPA). Local public agency (LPA) supplied materials must be justified through the local public agency (LPA)'s Public Interest Finding to the Regional Local Agency Liaison for ODOT's approval. The local public agency (LPA) 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**

LPAs should take advantage of any existing, standard manufactured product warranties or guarantees. [Warranties](#) on projects require ODOT's approval. See FHWA's [Contract Administration Guide](#) and [23 CFR 635.413](#) for additional guidance.

#### **k. Salvage Materials**

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 ODOT's [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.

## **C. CONTRACT PLANS AND SPECIFICATIONS**

Contract Plans and Specifications shall comply with the [Contract Plans Development Guide](#), [PS&E Delivery Manual](#), [Specification and Writing Style Manual](#) and [Estimating Manual](#) and other guidance as appropriate. Below are some of the most common requirements.

## 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 public agency (LPA) 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 current Oregon Standard Specifications for Construction. Special Provisions are derived from boiler plates. The boiler plates contain instructions, references to other required sections, fill-in-the-blanks 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 current Oregon Standard Specifications for Construction; and
- To provide specifications that describe special project features in common usage.

If any changes are made to the boiler plate special provisions, LPAs must follow [ODOT’s technical bulletin TSB090-2B](#).

ODOT’s Special Provisions can be found at ODOT’s [Special Provisions](#) website. Modifications to standards are approved through the Office of Project Letting (OPL) at 90% PS&E. LPAs should use follow the technical bulletin [TSB090-2B](#) process outlined at the [Office of Project Letting website](#) including completing the [Project Specific Special Provisions Summary Form \(PSSP\) # 734-2798](#). OPL has recently added detailed guidance and information on special provisions at the [Project Specific Special Provisions \(PSSP\) FAQs](#) website.

Guidance on the specification assembly process is described in the [ODOT Specifications and Writing Style Manual](#).

## **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.

Every item with a public interest finding must be included in the estimate of costs either as an anticipated or bid item.

The PS&E estimate shall separately list the costs of nonparticipating items such as local public agency (LPA) force work and local public agency (LPA) 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.

ODOT is responsible for completing the final engineer's estimate.

## **E. ADDITIONAL RESOURCES**

- ODOT's [Office of Project Letting Manuals/Forms Project Letting](#) (Specifications, Estimating, Pre-letting, Quality Assurance for Design)
- ODOT's [Roadway Engineering Section Forms](#)
- ODOT's [Technical Support Sections](#)
- ODOT's [Statewide Programs Unit](#)
- ODOT's [Office of Civil Rights](#)
- ODOT's [Regional websites](#)