



OREGON DEPARTMENT OF TRANSPORTATION TECHNICAL SERVICES
TECHNICAL SERVICES DIRECTIVE

SUBJECT Professional Sealing of Project Special Provisions	FINAL NUMBER TSB11-01(D)	EFFECTIVE DATE 07/01/2011	VALIDATION DATE 11/01/2021	SUPERSEDES TSB06-02(B)
	WEB LINK(S) https://www.oregon.gov/odot/Engineering/Pages/Technical-Guidance.aspx			
TOPIC/PROGRAM Professional of Record Guidance	APPROVED SIGNATURE Original signed by Steven B. Cooley, PE, PLS Engineering & Technical Services Branch Manager/Chief Engineer			

PURPOSE

The purpose of this Directive is to provide direction for sealing by a Professional of Record (POR) of Project Special Provisions produced for project advertisement and award. The document management of the signature sheets is also included.

GUIDANCE

By law, specifications are to be sealed by a licensed professional (ORS 671.379, ORS 672.020(2), ORS 672.025(2)).

PORs must seal the specification sections that are used for the construction of their design product. The specification sections include Standard Specifications, Boilerplate Special Provisions, and Project Special Provisions. The POR is certifying the specifications called for are applicable to their design.

This Technical Directive supersedes the Technical Bulletin TSB06-02(B) *Interim Requirements for Professional stamping of Project Special Provisions pending complete update of ODOT Policy DES 05-02.*

DEFINITIONS

Boilerplate Special Provisions – The Boilerplate Special Provisions modify the Standard Specifications by adding, replacing or deleting information from them. Sections of the Standard Specifications may have a related Boilerplate Special Provision. Some Boilerplate Special Provisions are stand-alone, which means that an entire section is added to the language in the Standard Specifications. The Boilerplate Special Provisions are selected and assembled for the Project Special Provisions based on design and bid items used. All Boilerplate Special Provisions have been reviewed and approved for use by the ODOT State Specifications Engineer, the Department of Justice Business Transactions Section and the Federal Highway Administration (FHWA).

Licensed Professionals – This group includes, but is not necessarily limited to, Registered Professional Engineers, Registered Professional Land Surveyors, Registered Photogrammetrists, Registered Geologists, Certified Engineering Geologists, and Registered Landscape Architects in Oregon.

Oregon Standard Specifications for Construction (aka “Standard specifications”) – The Standard Specifications describe the contractual relationship and responsibilities between the contractor and the Agency. It provides directions, provisions, and requirements necessary for performing highway construction public improvement projects. They encompass all the specifications approved for use on ODOT projects by the ODOT Chief Engineer, FHWA, and by the Oregon Department of Justice.

ORS 671 & 672 – These chapters of Oregon Revised Statutes detail the legal requirements for affixing the seal of a Registered Landscape Architect, Registered Professional Engineer, Registered Professional Land Surveyor, Registered Geologist, and Certified Engineering Geologist to final documents prepared by the Registrant.

OSBEELS – The Oregon State Board of Examiners for Engineering and Land Surveying.

OSBGE – The Oregon State Board of Geologist Examiners.

OSLAB – The Oregon State Landscape Architect Board.

Professional of Record (POR) – Licensed professionals that, by the conditions of their professional license, are required to seal their final professional work products. The final work product may include, but is not limited to final design plans, technical reports and specifications.

Project Special Provisions – The Project Special Provisions consist of a set of assembled Boilerplate Special Provisions, including the Standard Specifications by reference and any approved modifications or additions to the Boilerplate Special Provisions. The Project Special Provisions are part of the advertisement package for the construction contract and become the contract special provisions part of the contract after the contract award.

Phase Gate Delivery Manual – This manual provides information and guidance for submitting PS&E packages to the ODOT Project Controls Office (PCO).

ODOT Specification Manual – This manual provides instructions for the preparation of the ODOT Standard Specifications, Boilerplate Special Provisions, and Project Special Provisions.

BACKGROUND/REFERENCE

Additional guidance is necessary to provide PS&E providers and PORs clear direction related to what is expected from the special provision signature sheets.

ODOT Policy DES 05-02 *Requirements for Licensed Engineers, Land Surveyors, Geologists, Landscape Architects, and Photogrammetrists* was updated July 2020. The policy provides for the ODOT Chief Engineer to issue and maintain technical guidance that lists specific work products requiring professional seals. This Technical Directive is issued under the authority of that policy. This Technical Directive, TSB11-01(D), is also a companion to Technical Directive TSB11-02(D) *Documents Requiring the Seal of Licensed Engineers, Land Surveyors, Geologists, Landscape Architects, and Photogrammetrists*, in which TSB11-01(D) is referenced.

EXPLANATION

All Project Special Provisions are to be sealed by a POR licensed to practice the discipline(s) covered by the Provisions. A seal is not required if a special provision does not constitute professional work as defined and governed by OSBEELS, OSBGE, or OSLAB. The following list provides specification sections that do NOT have to be sealed:

- Part 00100 – General Conditions (All 00100 sections)
- Section 00210 – Mobilization
- Section 00290, except Hazardous Materials and Noise Control

Section 00305 Surveying must be sealed by a PLS or PE.

The POR of the Project Special Provisions is certifying:

- The Standard Specifications and Boilerplate Special Provisions used for design and construction are applicable to the project; and
- Any project specific special provisions were written by them or under their supervision.

The POR is responsible for the selection and application of the specifications to the project. The expectation is for PORs to work with the other PORs on a project for overlapping specifications (such as materials) that will have multiple seals. The signature sheet will declare what design the POR is responsible for, but the PORs need to ensure that any modifications in overlapping specifications are appropriate for their design. For example, if Section 00440 Commercial Grade Concrete is modified by the Roadway Designer for a specific design piece (i.e. sidewalks), then other discipline PORs need to verify if the change is appropriate for their design, or the Project Special Provision needs to specify with which design elements it is appropriate (i.e. “Use fiber reinforced concrete in sidewalks”).

For sections of the Project Special Provisions that have more than one contributing POR, each POR must indicate their area of responsibility. This indication can be done by listing subsections, discipline (i.e. Roadway, Traffic, ITS, Illumination, Traffic Control), design element, plan sheet numbers, or structure number. The signature sheet template includes a place to indicate area of responsibility and list of appropriate specification sections.

RESPONSIBILITIES

The Region Technical Center Manager is responsible for ensuring adherence to this technical guidance, as part of the approval of the PS&E submittal.

The POR is responsible for the appropriate selection and application of specifications to their project design; and sealing the signature sheet certifying the specifications that are included in their design. The POR, in coordination with the project Specification Writer, is responsible for obtaining concurrence for modifications to Standard Specifications and Boilerplate Special Provisions from the Specification Technical Resource, Resident Engineer, Measurement and Payment Technical Resource and State Specifications Engineer as required in the ODOT Specifications Manual and Technical Bulletin TSB21-01(B).

The project Specification Writer is responsible for providing formatted project signature sheets to PORs for signature; signing the Special Provisions Integrity Certification; and compiling the final Project Special Provisions for bidding and contract according to the ODOT Specifications Manual.

The Project Controls Office (PCO) is responsible for maintaining the Signature Sheet template and review of PS&E submittals according to Operational Notice PD-07.

ACTION REQUIRED

The POR certification has three steps. First is the certification of the final PS&E Project Special Provisions. Second is the certification of the final contract specifications. Third is concurrence with modifications made to the project specifications by Contract Change Order.

1. PS&E Deliverable

Use the current version of the ODOT Specification Signature Page (00088_SIG.docx) from the [ODOT Boilerplate Special Provisions website](#).

All specifications sections, except those listed above, need to be included in the listed specifications. See Attachment "A" for an example.

The original signature pages are to be retained with the project design file in ProjectWise. Signature sheets are submitted to PCO as part of the PS&E submittal package. Failure to provide these documents is cause for rejection of the PS&E submittal package.

2. Addenda to Solicitation Documents

Addenda modifying the Project Special Provisions require documented concurrence from the appropriate POR prior to posting. Modification includes deleting, replacing, or adding special provision language or sections and affected bid items. The concurrence may be provided via signature on the addenda document itself or via explicit e-mail concurrence. The preparer of the consolidated Project Special Provisions is accountable for being able to substantiate this documentation requirement. The documented concurrence does not have to be submitted to PCO, but is to be kept with the Region project file.

If addenda modifying the Project Special Provisions are issued, then a new original special provision signature sheet is required when the final contract special provisions are submitted. The special provision signature sheet is not required to post the addendum letter and is not published with the addenda letter. The special provision signature sheet must be sent to PCO with the final contract special provisions.

The new special provision signature sheet will be incorporated into the contract.

If no addenda were issued relating to the certified specification sections, then a new special provision signature sheet is not required. For example, if only one Project Special Provision section was modified via addenda, the POR responsible for that section would submit a new special provision signature sheet with the new date the sheet was sealed. Other special provision signature sheets from other PORs on the project would not have to be updated and submitted.

3. Modifications to Project Specifications by Contract Change Order

Contract Change Orders modifying the technical portions of the project specifications require documented concurrence from the appropriate POR prior to execution. Modification includes deleting, replacing, or adding special provision language or sections and affected bid items. The concurrence may be provided via explicit email and must be attached to the supporting data to document the concurrence. POR concurrence must also be noted on the Work or Change Order Supporting Data Sheet.

CONTACT INFORMATION

Title: Engineering & Technical Services Branch Manager/Chief Engineer
Branch/Section: Engineering & Technical Services Branch
Phone: (503) 986-4412
E-mail: steven.b.cooley@odot.state.or.us

ATTACHMENT A: Special Provisions Signature Sheet

OREGON DEPARTMENT OF TRANSPORTATION SPECIAL PROVISIONS

FOR

Bridge
Mill Creek Bridge Generic Somewhere Hwy
County

PROFESSIONAL OF RECORD CERTIFICATION:

<p>Seal w/signature</p> <div data-bbox="256 823 631 1121" style="border: 1px solid black; padding: 10px; text-align: center;"><p>SEAL HERE</p></div>	<p>I certify the Special Provision Section(s) listed below are applicable to the design for the subject project for Pavements. Modified Special Provisions were prepared by me or under my supervision.</p> <p>Section(s) 00350, 00641, 00730, 00745, 00755, 02001, 02690</p>
--	---

FINAL ELECTRONIC DOCUMENT AVAILABLE UPON REQUEST