

 Bulletin Statewide Programs Unit Certification Program Office (CPO)	NUMBER	101_65	SUPERSEDES	101_45, 101_59
	EFFECTIVE DATE	07/27/2023	PAGE NUMBER	Page 1 of 4
	REFERENCE	ODOT Certification Program		
	TARGET AUDIENCE	Certified LPAs, Applicant LPAs, Regions 1, 2, 3: Region Managers, Area Managers, LAL/TPMs		
SUBJECT	CC			
2024 Certified LPA General Conditions template and process updates: ACTION REQUIRED	ODOT State Specifications Engineer, State Construction Engineer, Statewide Investments Manager, ODOT Statewide Programs Unit and subject matter resources, DOJ, FHWA			

PURPOSE:

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

- The Certified LPA General Conditions template has been updated to align with the 2024 Oregon Standards Specifications for Construction (see section 1).
- Action and applicability timelines for Certified LPA use of the 2024 Oregon Standard Specifications on federal-aid projects (see section 2).
- Where to find the 2024 template and related documents (see section 3).
- How to prepare and submit the Certified LPA General Conditions template and related documents to ODOT for review and approval (see section 4).

BULLETIN INFORMATION:

1. Background:

As of the effective date of this bulletin, ODOT has published the 2024 Certified LPA General Conditions for Construction template, bringing the template into alignment with the 2024 Oregon Standard Specifications for Construction. The 2024 template has been updated to: (1) Roll in the generally applicable 2021 boilerplate special provisions; (2) Add several abbreviations in 00110.05 and defined terms in 00110.10, which were moved from the technical specifications into the general conditions (primarily related to temporary traffic control); (3) Add sample provisions for use by Certified LPAs to the General Bidding Requirements in 00120.00 and Request for Plans, Special Provisions, and Bid Booklet in 00120.05; and (4) Revise the instructions to address common issues observed in the use of prior templates.

Generally, Certified LPAs are required to use the current Oregon Standard Specifications for Construction on their federally funded projects. However, the general conditions in section 00100 must first be modified by certified LPAs and approved by ODOT for use on federal-aid

projects. (See the Local Agency Guidelines Manual for Certified Local Public Agencies, Section B, “Foundational Documents” and Section C, Chapter 11: PS&E.)

Several years ago, a committee of ODOT and American Public Works Association members developed the template as a starting point for LPAs. More recently, ODOT has consulted with the Certification User Group Standards Subcommittee on template updates, including this 2024 update.

2. Applicability and timelines:

Unless otherwise agreed to and approved by the Certification Program Manager, Certified LPAs are required to bring their general conditions, technical specifications, and related documents for use on federal-aid projects into alignment with the 2024 Oregon Standard Specifications as follows:

- 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.

ACTION REQUIRED: By August 15, 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.

3. Where to find the template and related documents:

The following Certified LPA General Conditions template and related documents are posted on the [Certification Guidance and Forms](#) page under Construction-related Templates & Samples:

- 2024 Certified LPA Construction Contracting Templates Checklist
- 2024 Certified LPA General Conditions template
- 2024-2021 Certified LPA General Conditions Comparison (redline)
- Sample Contract for Certified LPAs
- Sample Performance & Payment Bonds for Certified LPAs
- Sample Project Wage Rates for Certified LPAs
- Sample Liquidated Damages Calculator
- Sample Certified LPA Special Provision 00180.85(b) Liquidated Damages

The [Oregon Standard Specifications for Construction](#) and the [ODOT Boilerplate Special Provisions](#) are posted on the ODOT Project Controls Office website.

4. How to prepare and submit documents to ODOT for review and approval:

Prior to use on federal-aid projects, each Certified LPA is required to prepare and submit the below-listed documents for ODOT approval. All documents should be reviewed by the Certified LPA's legal counsel prior to submitting to ODOT for review. Allow at least 60-90 days for ODOT review. Including significant revisions to the General Conditions template or duplicative or inconsistent provisions within the relating contracting document may result in a substantially longer review time. If needed, contact the Certification Program Manager to coordinate a meeting between the ODOT review team and Certified LPA staff to discuss and resolve any complex review issues.

General Conditions template: Prepare the Certified LPA's General Conditions for Construction for Certified Local Public Agencies Template document as follows:

- Start with the 2024 template and then apply any custom Certified LPA language with track changes turned on. (For Certified LPAs with a previously approved general conditions template, using MS Word's file "compare" tool (found on the Review tools ribbon) may facilitate the update process. Be sure to use the 2024 template as the "original" document.)
- Adopt the 2024 template language unless otherwise indicated by the template instructions or agreed to by ODOT. Where changes are proposed to template language, include a comment explaining why the change is necessary. The fewer changes made to template language, the quicker the review time.
- Prior to submittal of the modified template, review the ODOT 2024 boilerplate updates and incorporate any applicable updates into the Certified LPA's general conditions template. (Updates that reference new state law requirements or federal program requirements most likely, but do not always, apply.)

Bid book and related contracting templates: Prepare and submit all the following Certified LPA templates for review and approval along with the general conditions document. For Certified LPAs with previously approved bid book and related contracting templates, please prepare and submit updated templates showing revisions to the last-approved version in track-changes (MS Word version).

- Advertisement
- Bid booklet (sometimes called "invitation to bid") (include any attachments and referenced documents such as the sample contract and bond forms)
- Liquidated damages calculation approach (subject to FHWA approval)
- Agency-specific special provisions intended for use on federal-aid projects

Carefully review all documents for consistency between the general conditions, bid book, and related contracting templates.

Review Checklist: To facilitate the ODOT review process and to help the Certified LPA confirm the template and related documents are ready for review, complete the 2024 Certified LPA Construction Contracting Templates Checklist.

Submissions: Submit a **complete set of documents** including all the following in **Word format** to: ODOTCertification@odot.oregon.gov:

- Completed Certified LPA Construction Contracting Templates Checklist
- Certified LPA's modifications to the 2024 Certified LPA General Conditions template (shown in track changes)
- Bid book and related contract documents listed above (if previously approved, modifications shown in track changes)
- Any Certified LPA special provisions intended for use on federal-aid projects (if previously approved, modifications shown in track changes)

Required certification: Complete the submittal certification statement on the review checklist. This is to confirm the materials have been prepared according to the instructions in this bulletin and have been reviewed by the Certified LPA's legal counsel. Submissions that are missing materials or the required certification will be considered incomplete and may delay or halt the review and approval process.

Optional certification: Certified LPAs with full ODOT-approval of their 2021 General Conditions, bid book, and contract template documents may begin use of their 2024 updated documents while ODOT's review and approval are pending, provided the Certified LPA meets all the above-listed submission requirements and completes the optional certification statement on the review checklist. This is to acknowledge the Certified LPA's responsibility for any non-participating costs resulting from unapproved construction contracting provisions.

5. Technical assistance:

For questions regarding the use of the template or related documents or about the review and approval process, please contact Tiffany Hamilton, Certification Program Manager at the contact information below, or Dan Anderson, State Specifications Engineer at Daniel.A.ANDERSON@odot.oregon.gov or 503-986-3777.

Questions or concerns? Please contact us at:

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