

 Bulletin Statewide Programs Unit Certification Program Office (CPO)	NUMBER	101_66-Rev-3	SUPERSEDES	<u>101-66-Rev-2 and 101_65</u> (in part)
	EFFECTIVE DATE	12/04/2023 Revised: 08/12/2024 Revised: 07/17/2025 <u>Revised: 12/02/2025</u>	PAGE NUMBER	Page 1 of 4
	REFERENCE	ODOT Certification Program		
	TARGET AUDIENCE	Certified Local Public Agencies, Region Managers and Local Agency Liaisons		
SUBJECT	CC ODOT Statewide Investments Section Manager, FHWA, ODOT Statewide Programs Unit, ODOT Subject Matter Resources (Dan Anderson, Betty Fears, BJ McCartney)			
Certified LPA General Conditions Template (2024): Redline of 2023, 2024, and 2025_Boilerplate Updates (ACTION REQUIRED)				

PURPOSE:

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

- The 2024 General Conditions for Construction for Certified Local Public Agencies Template (“2024 General Conditions Template”) has been updated with boilerplate updates as redline revisions and is posted for review and use.
- DBE-related boilerplate updates need to be updated in the certified LPA’s bid book and special provisions templates rather than the general conditions template.
- **Action Required:** Certified LPA’s program liaison or designated contact needs to complete the acknowledgement survey by December 15, 2025.

(Note: Substantive Rev-3 revisions are shown in “underline text”.)

BULLETIN INFORMATION:

1. **Background:** On July 27, 2023, ODOT issued CPO Bulletin [101_65](#): *2024 Certified LPA General Conditions template and process updates*. This CPO Bulletin 101_66-Rev-3 notifies Certified LPAs that the 2024 General Conditions Template referenced in 101_65, 101-66-Rev-1, and Rev-2 has been replaced by a redline revision of the template that contains applicable ODOT boilerplate special provisions issued through December 1, 2025. The updated template also contains a small number of other needed fixes shown in redline. However, some fixes made to the font style formatting are not shown in redline. Additionally, with the Rev-1 update, the template was reformatted to a standard layout of 8.5 x 11 letter size rather than specification book size.

Note on DBE Program Related Changes: The ODOT boilerplate special provisions related to the Disadvantaged Business Enterprise (DBE) Program [Interim Final Rule \(IFR\)](#) (effective October 3, 2025) have **not** been included as redlines in the Rev-3 updates to the 2024 General Conditions Template.

Each Certified LPA should instead update DBE-related references and provisions (shown in track changes) within the agency’s bid book and related contracting templates, including special provisions, with the changes requested below in section 2, Part B. Submit the updated templates to

ODOTCertification@odot.oregon.gov for review and approval prior to use on federal-aid projects moving forward.

Complete the Certified LPA Acknowledgement Survey in section 3 below to acknowledge this requirement and let the Certification Program know when your agency anticipates submitting updated templates for review.

2. Summary of 2023, 2024, and 2025 Redline Updates:

Part A. The following sections have been updated in the Certified LPA General Conditions template, which can be implemented as either an update to a certified LPA's general conditions template or project special provisions:

- 00110.05 Conventions [...]: Minor fix, deleted word "Section" in (b). (2023)
- 00110.10 Abbreviations: Added "PCD – Pedestrian Channelizing Device". (2025)
- 00110.20 Definitions: Added definitions for the terms "Pedestrian Accessible Route" and "Pedestrian Channelizing Device". Added definitions for Materials Unbalanced Bid and Mathematically Unbalanced Bid. (2025)
- 00120.00 Prequalification of Bidders: Updated the ODOT Procurement Office address. (2024)
- 00120.70 Rejection of Non-responsive Bids: Replace the bullet that starts, "The Agency determines that any Pay Item ..." with "The Bid is found to be Mathematically Unbalanced and Materially Unbalanced. (2025)
- 00120.40 Preparation of Bids: Added 00160.20(d) Build America Buy America Act Requirements to Bidding Considerations list under (b). (2023) In (f), updated an Oregon Administrative Rule reference. (2024)
- 00130.00 Consideration of Bids: Revised second paragraph regarding grounds for rejection of bids (related to other unbalanced bid provisions updates).(2025)
- 00130.40 Contract Submittals: In the lead-in paragraph, added (optional) language providing Agency discretion to require execution of particular documents with an acceptable form of electronic signature. In (c), corrected the cross-reference to 00170.70(e). (2024)
- 00130.50 Execution of Contract and Bonds: In the lead-in paragraph, added (optional) language providing Agency discretion to require execution of particular documents with an acceptable form of electronic signature. (2024)
- 00150.50 Cooperation with Utilities: In (c), revised the OAR reference in the tenth bullet. (2025)
- 00160.20 Preferences for Materials: Revised Buy America provisions in (a) and Build America Buy America provisions in (d) to implement changes resulting from two new federal rules: (1) [Waiver of Buy America Requirements for De Minimis Costs and Small Grants](#) published by the U.S. DOT on August 16, 2023 (effective August 16, 2023); and (2) [Guidance for Grants and Agreements](#) published by the Federal Office of Management and Budget (OMB) on August 23, 2023 (effective October 23, 2023). (2023) **Important update:** Further revised provisions in (d) to implement changes resulting from FHWA final rule, [Buy America Requirements for Manufactured Products](#), published on January 14, 2025 (final assembly requirement effective

October 1, 2025; 55 percent of total cost of all components of the product requirement effective October 1, 2026). (2025)

- 00165.10(b) Nonfield-Tested Materials: Added subsections (1) Rejections and (2) Transport to acceptance criteria. (2025)
- 00165.35(e) Certification of Origin of Construction Materials (**important update**): Revised to require use of a form “furnished by the Engineer” rather than specifying a form number. (2024)
- 00165.91 Fabrication Inspection Expenses: Added heading to “Table 00165-3” and updated reduction in payment rates by zone. (2025)
- 00170.61(a) Workers’ Compensation: Corrected the cross-reference to 00170.70(e). (2024) Revised caption and provision to also reference “employer’s liability”. (2025)
- 00170.65(b)(1) Minimum Wage Rates: Updated state wage rate publication title. (2024)
- 00170.70 Insurance: In (d) and (g), added “Oregon” in front of Department of Transportation. In (j) and (k), revised to limit applicability to State of Oregon to when federal transportation funding is involved. (2024) In (a) at “Contractor” added extended reporting and tail coverage requirements language; at “Insurance Provisions” added “Employer’s Liability” references; and at “Commercial General Liability” revised provision. In (b) revised Third Notice to say, “Third Notification”. In (c) revised excess/umbrella liability provisions. In (e) and (g) added “Employer’s Liability” references. In (i), revised “Insurance Requirement Review” provision. (2025)
- 00180.21 Subcontracting: In (a), corrected the cross-reference to 00170.70(g). (2024) In (d), minor fix, deleted word “Subsection” in (d). (2023)
- 00195.50 Progress Payments and Retained Amounts (**important update**): In (c) and (f), updated provisions to comply with Oregon [House Bill 4006 \(2024\)](#), which obligates contracting agencies to accept a surety bond in lieu of all or a portion of required retainage with limited exceptions (effective upon passage and applies to contracts into which a contractor or subcontractor enters on and after the effective date). (2024)
- 00197.20 Equipment: At (c)(1), added an advisory editorial note regarding the formula formatting. (2024). Increased the standby time rate percentage from 40% to 50% in (e). Certified LPAs need to review and determine whether to adopt the update. (2023)
- 00197.80 Percentage Allowances: Increased the Contractor markup rate percentages on Materials (from 17% to 19%), Equipment (from 17% to 19%), Labor (from 22% to 29%), and Special Services (from 17% to 19%). Certified LPAs need to review and determine whether to adopt the update. (2023)

Part B. The following DBE-related updates, which are subject to further changes, need to be updated in a certified LPA’s bid book and/or special provisions template as applicable and submitted to ODOT Certification for review and approval prior to the certified LPA’s next PS&E:

- 00110.10 Abbreviations – Deletion of DBE abbreviation. (2025)
- 00120.10 Bid Booklet – Deletion of DBE information from bullet that starts “Appendix, which includes ...”. (2025)

- 00120.70 Rejection of Non-responsive Bids – Deletion of the bullet that starts, “The Bidder has not complied with the DBE requirements ...”. (2025)
- 00160.01(a) All Materials – Revisions deleting DBE references in the last two paragraphs of subsection (a). (2025)
- 00170.07 Records Requirements: Deletion of “non-DBE” reference in first paragraph and the last paragraph of (a). (2025)
- 00170.10(g) Paid Summary Report: Deletion of DBE references throughout subsection (g) and related updates. (2025)
- 00180.20 Subcontracting Limitations: Revised to delete DBE references in (d), (e)(1) and (2).

3. Webpage links:

- **2024 General Conditions Template** (redlined with the 2023, 2024, and 2025 boilerplate updates) and related documents are posted on the Certification Guidance and Forms page under the Construction-related Templates & Samples drop-down menu at:
<https://www.oregon.gov/ODOT/LocalGov/Pages/Certification-Guidance-Forms.aspx>
- **Oregon Standard Specifications for Constructions** and the ODOT Boilerplate Special Provisions are posted on the ODOT Project Controls Office website at:
[https://www.oregon.gov/odot/Business/Pages/Standard Specifications.aspx](https://www.oregon.gov/odot/Business/Pages/Standard_Specifications.aspx)
- **Certified LPA Acknowledgement Survey:** <https://forms.office.com/g/rZvxNjiMUh>

4. **Technical Assistance:** For questions regarding the use of the Certified LPA construction contracting templates and sample documents or about the review and approval process, contact the Certification Program Manager (information listed below) or the State Specifications Engineer, Dan Anderson at Daniel.A.ANDERSON@odot.oregon.gov or 503-986-3777.

Questions, concerns, or need an ADA accommodation or alternate format? Please contact us at:

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