

 Bulletin Statewide Programs Unit Certification Program Office (CPO)	NUMBER	101-74	SUPERSEDES
	EFFECTIVE DATE	12/31/2024	PAGE NUMBER Page 1 of 2
	REFERENCE	ODOT Certification Program	
	TARGET AUDIENCE	Certified Local Public Agencies, Region Managers, Area Managers, Local Agency Liaisons/Transportation Project Managers	
SUBJECT	cc ODOT Statewide Investments Manager, Statewide Programs Unit, Subject Matter Resources (ODOT Procurement Office), FHWA		

PURPOSE:

To notify Certified Local Public Agencies (LPAs) about an updated consultant contract indemnification provision for use with ODOT’s LPA Template for FHWA-Funded Contracts to implement Senate Bill 1575 (2024) requirements, effective January 1, 2025.

BULLETIN INFORMATION:

Background: [Senate Bill 1575](#) amends [ORS 30.140](#) and makes unenforceable any contractual provision that requires a consultant to defend a public body against claims for professional negligence relating to the consultant’s professional services (“architectural, engineering, photogrammetric mapping, transportation planning or land surveying services” (A&E Services) or “Related services,” (Related Services) as those terms are defined in [ORS 279C.100](#)) – unless the provision is limited “to the extent prohibited” by the requirements of Senate Bill 1575.

ODOT is in the process of updating the LPA A&E Contract and Request for Proposal templates for use by Certified LPAs, which will include an updated professional liability provision that complies with Senate Bill 1575. However, the overall template updates are not anticipated to be ready for use until around June 2025. In the meantime, this bulletin provides Certified LPAs with the updated professional liability provision.

Contract Provision to Update: In the Terms and Conditions section of the LPA A&E Contract template (Form C017-B070620-Rev3 or earlier, dated 5/3/22 in the Revision History or earlier), revise 13.b Claims for Professional Liability as follows:

b. Claims for Professional Liability. To the fullest extent permitted by law, and except to the extent prohibited under ORS 30.140(4), Consultant shall indemnify, defend, save, and hold harmless the Agency, the State of Oregon, the Oregon Transportation Commission, and the Oregon Department of Transportation, and their respective officers, members, agents and employees from any and all claims, suits, actions, losses, liabilities, damages, costs and expenses, including attorney fees, of whatsoever nature, resulting from or arising out of the professionally negligent acts, errors or omissions of Consultant or its subcontractors, or their respective agents or employees, in the performance of Consultant’s professional services under the Contract.

Applicability: The requirements of Senate Bill 1575 apply to contracts that include A&E Services and Related Services (except for Design Build) and that are entered into or renewed (i.e. amended for extension of time or reinstatement) on or after January 1, 2025, and on or before December 31, 2034. Note, these requirements do apply to A&E Services and Related Services provided under Construction Manager/General Contractor contracts.

ACTION REQUIRED: By January 15, 2025, the program liaison or coordinator for each Certified LPA should complete the [CPO Bulletin 101-74 Acknowledgement Survey By CLPA](#) to confirm this bulletin has been reviewed and shared with applicable agency staff.

Technical Assistance: For technical assistance with the RFP and contract templates for use by Certified LPAs, please email [Joel Sire](mailto:Joel.Sire@odot.oregon.gov), Procurement and Contract Specialist in the ODOT Procurement Office and copy ODOTCertification@odot.oregon.gov.

Web Links:

- Certified Local Agency Resources for Consultant Selection (webpage link):
<https://www.oregon.gov/odot/Business/Procurement/Pages/LPA.aspx>
- LPA Contract for A&E Services and Non-A&E Planning Services (direct link):
<https://www.oregon.gov/odot/Business/Procurement/DocsLPA/pskLPA.doc>

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

<p>Tiffany Hamilton Local Agency Certification Program Manager ODOT Statewide Programs Unit Tiffany.HAMILTON@odot.oregon.gov 503-551-6277</p>	<p>Certification Program Office ODOT Statewide Programs Unit Statewide Investments Management Section ODOTCertification@odot.oregon.gov</p>
--	---