



CONSTRUCTION BULLETIN

Searchable Construction Bulletin Document - The document allows for searches of keywords and phrases of all Construction Bulletins
 Date: October 27, 2022

Construction Engineering Services Branch
 Division of Project Support

DATE	BULLETIN #	BULLETIN NAME
October 27, 2022	2022 Number 4	Add Section 208.10 - Permanent Water Quality (PWQ) to the CDOT Construction Manual
August 5, 2022	2022 Number 3	Environmental Product Declarations (EPDs)
June 28, 2022	2022 Number 2	Portland Limestone Cement
May 17, 2022	2022 Number 1	Juneteenth State Holiday
June 28, 2021	2021 Number 5	Revision to Section 107 and Section 120 of the 2019 Construction Manual
March 15, 2021	2021 Number 4	CDOT's MS4 inspection software, ESCAN/CARL
March 10, 2021	2021 Number 3	Revision to Form 1432: DBE Commercially Useful Function Questionnaire
February 24, 2021	2021 Number 2	Stormwater Construction Permit Mod 1
January 22, 2021	2021 Number 1	Revision to Section 120 of the 2019 Construction Manual
August 14, 2020	2020 Number 2	Electronic Signatures for Buy America Documentation
March 27, 2020	2020 Number 1	Temporary Electronic Signature for Change Orders Guidance
August 8, 2019	2019 Number 2	Change Order Price Analysis Tool
March 28, 2019	2019 Number 3	New Permit Requirements
March 29, 2016 [Rev. Oct. 20, 2016]	2016 Number 2	Water Quality Control
February 4, 2016 [Rev. July 26, 2016]	2016 Number 1	Finals Notebook and ProjectWise For Construction
August 17, 2015	2015 Number 6	Permanent Water Quality Mitigation Pool
June 19, 2013	2013 Number 7	Regional Contracts for Water Quality and Erosion Control
August 18, 2010	2010 Number 5	FASTER Project Signs

Add Section 208.10 - Permanent Water Quality (PWQ) to the CDOT Construction Manual via this Construction Bulletin

The procedure for final acceptance and certification of a Permanent Water Quality feature is outlined below.

1. The Contractor shall present a clean Permanent Water Quality Control Measure for the PWQ Survey, the final walkthrough, and final acceptance by the PWQ Program Manager(s).
2. The Project Engineer will receive the as-constructed survey from the Contractor before payment for and final acceptance of any items required to construct the PWQ features. The electronic as-constructed survey shall conform to the requirements of Section 625, use Terrain Modeling Survey System (TMOSS) codes, and shall include all information per Specification 208.10 (b).
3. The Project Engineer will submit the as-constructed survey, including field survey data, survey report, and electronic model files as a complete package, with a signed CDOT Project Engineer Certification - Permanent Water Quality¹, to the Hydraulic Engineer completing the Hydraulic Engineer Pond Information Certification² - Permanent Water Quality.
 - a. The project will retain the PWQ Control Measure Design Engineer to complete the Pond Information Certification, compare the as-constructed survey to the approved design plan, and update the as-builts and O&M plans as needed.
 - b. The project will budget to ensure an Operations & Maintenance Plan³ is completed using the PWQ Program template.
4. Within 10 working days of receipt from the Project Engineer, the Hydraulic Engineer (Design Hydraulic Engineer of Record, or Region-designated Hydraulic Engineer) will review the as-constructed survey to confirm that the PWQ control measures conform to the location, configuration, grade, and volume shown on the plans, using the Hydraulic Engineer Pond Information Certification- Permanent Water Quality².
5. If the field survey data, survey report or electronic model files indicate the control measure was incorrectly constructed, the Hydraulic Engineer will inform the Project Engineer.
 - a. The Project Engineer will direct the Contractor to perform necessary corrective work to the PWQ Control Measure to ensure compliance with the design, at no additional cost to the project.
 - i. The Project Engineer will ensure the corrective work, revised as-constructed survey, revised field survey report, revised electronic model files, and new signed CDOT Project Engineer Certification - Permanent Water Quality are submitted to the Hydraulic Engineer.
 - ii. Payment will not be made for any PWQ items until corrections have been made and another survey has been completed, compared, and accepted, and corrections are made to the as-builts and O&M Plan.
6. Using the PWQ Checklist⁴, the Project Engineer will

- a. Submit the approved final field survey data, final survey report, final electronic model files, and Hydraulic Engineer Pond Certification - Permanent Water Quality, to the HQ PWQ Manager(s) for review and acceptance.
 - b. Schedule a final walkthrough with the CDOT Region Hydraulic Engineer, Headquarters Permanent Water Quality Manager, and Headquarters and Region Maintenance staff (and local agency Maintenance staff as appropriate) to confirm conformance to material requirements, locations, and dimensions.
7. Within 10 working days of receipt from the Project Engineer, the PWQ Program Manager(s) will review the final field survey data, final survey report, final electronic model files, and Hydraulic Engineer Pond Certification - Permanent Water Quality.
- a. Inform the Project Engineer when the PWQ Control Measure has attained final acceptance, i.e. when GIS attributes for the Control Measure have been entered into PWQ inventory, per the PWQ Checklist⁴.

Documents

1. **CDOT Project Engineer Certification - Permanent Water Quality**
<https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality/assets/permanent-water-quality-cdot-project-engineer-certification.pdf>
2. **Hydraulic Engineer Pond Certification - Permanent Water Quality**
https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality/assets/permanent-water-quality_hydraulic-engineer-pond-information-certification.pdf
3. **Operations & Maintenance Plan**
<https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality/assets/example-pwq-cm-maintenance-plan-2019>
4. **PWQ Checklist**
<https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality/assets/pwq-cm-checklist-final-20190718>
Operations & Maintenance Plan Development Guidance
<https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality/assets/o-m-plan-development-guidance-2019>
Operations & Maintenance Plan Notes <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality/assets/example-pwq-cm-maintenance-notes-2019>

References:

Please print a copy of this bulletin and keep it with your copy of the Construction Manual.

The Construction Manual and Construction Bulletins can be found on the Design and Construction Project Support web page at: https://www.codot.gov/business/designsupport/bulletins_manuals.

Please contact Keith Wakefield at keith.wakefield@state.co.us for any construction manual questions.



COLORADO
Department of Transportation

CONSTRUCTION BULLETIN

Construction Engineering Services Branch
Division of Project Support

Revision to Section 107 and Section 120 of the 2019
Construction Manual
2021 Number 5 Page 2 of 16
Date: June 29, 2021 Rev. May 17, 2022

The reasons for this Construction Bulletin are that recently issued specifications have impacted Civil Rights compliance processes on construction projects. The Construction Manual has been updated to align with the issued specifications.

June 18, 2021 (Effective for projects advertised on or after July 1, 2021)

Required Contract Provisions Federal-Aid Construction Contracts
Certified Payroll Requirements for Construction Contracts

June 23, 2021 (Effective for projects advertised on or after July 1, 2021)

Section 101: Definitions and Terms
Section 106: Control of Material (106.01)
Section 108: Prosecution and Progress (108.01)
Miscellaneous: Disadvantaged Business Enterprise (DBE) Requirements (7 (b) Work Included in Commitment and/or Verified via form 205 or form 1425)

Also, in reviewing the Construction Manual it was determined that not all updates associated with the On-The-Job Training Standard Special Provision were made at the time the specification was issued in August 2018. Those elements in the construction manual are now in alignment with the specification.

Subsection 108.08 states (in part),

The Contractor shall not carry on construction operations on Saturdays, Sundays, or holidays unless previously arranged and approved.

Considering that the month of June is part of peak construction season, it is anticipated that the majority of contractors will elect to work June 20, 2022 and forgo observing the day as a holiday; therefore, it is not recommended that any changes be made to the contract.

It is advised that Project Engineers treat June 20, 2022, as a working day. Issuing a suspension of work is not advisable as doing so would be considered an excusable, compensable delay, i.e. the Contractor may be entitled to a time extension and monetary compensation.

Section 107

107.1.1 Davis Bacon Act

Add the following to the existing section:

Senate Bill 19-196 requires the Department of Transportation to apply the requirements of the federal "Davis-Bacon Act" to all projects advertised on or after July 1, 2021 regardless of project size or funding type (this includes CDOT projects that are fully state-funded). Local Agency state-funded projects are excluded from this requirement.



CONSTRUCTION BULLETIN

Construction Engineering Services Branch
Division of Project Support

Revision to Section 107 and Section 120 of the 2019
Construction Manual
2021 Number 5 Page 3 of 16
Date: June 29, 2021 Rev. May 17, 2022

Summary of change:

Davis-Bacon certified payrolls are required on federal-aid and state-funded construction contracts per Senate Bill 19-196 and the subsequently created Colorado Revised Statute 24-92-202.

107.1.1.1 FHWA Form 1273

Delete:

The FHWA Form 1273 - Required Contract Provisions - Federal-Aid Construction Contracts must be incorporated directly into Federal-Aid Contracts, including subcontracts, lower tier subcontracts, and purchase orders. The Contractor shall be responsible for ensuring compliance of all subcontracting entities. The Project Engineer must discuss these requirements with the Contractor and subcontracting entities at the Preconstruction Conference.

Replace with:

The FHWA Form 1273 - Required Contract Provisions - Federal-Aid Construction Contracts must be incorporated directly into Federal-Aid Contracts, including subcontracts and lower tier subcontracts. The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The Contractor shall be responsible for ensuring compliance of all subcontracting and supplying entities. The Project Engineer or Region Civil Rights Office must discuss these requirements with the Contractor and subcontracting entities at the Preconstruction Conference.

Summary of change:

Updated to clarify the various types of contractual agreements and whether the FHWA Form 1273 must be incorporated or referenced.

107.1.1.3 Weekly Payrolls

Delete:

Weekly payrolls are required from all Contractors and subcontractors. CDOT inspectors will randomly sample ten percent of the Contractor's submittals to verify they are signed and certified. All payrolls checked by an inspector will be stamped to document they were checked. If problems are found, the Contractor will be notified immediately and the random sample frequency will be increased to 25 percent until the Contractor becomes compliant. The Contractor shall also check all project payrolls prior to submitting to CDOT. Payrolls checked by the Contractor shall be stamped to document they were reviewed.

Replace with:

Contractor and all tiers of subcontractors: Submission of weekly payrolls (at least every seven days) is required.



CONSTRUCTION BULLETIN

Construction Engineering Services Branch
Division of Project Support

Revision to Section 107 and Section 120 of the 2019
Construction Manual
2021 Number 5 Page 4 of 16
Date: June 29, 2021 Rev. May 17, 2022

Suppliers: When the criteria outlined in Specification 106.01 is met, submission of weekly payrolls (at least every seven days) is required.

Prime Approver: Prime Contractor reviews and approves or rejects all payrolls submitted by their own company as well as all subcontractors and applicable suppliers.

CDOT Project Engineer or designee: Accepts or rejects all submitted payrolls

Using the payroll review checklist

(https://www.codot.gov/business/civilrights/compliance/assets/lcptracker-payroll-review-checklist_05-21.pdf), the CDOT Project Engineer or designee will review 100% of the first four performing payroll submissions of the Contractor, each subcontractor, and each Supplier (if required to be submitted). If the CDOT Project Engineer or designee has determined that the firm has demonstrated compliance in payroll submissions, the individual may determine to reduce reviews to 10% of each firm's payrolls submitted thereafter. If the firm does not demonstrate compliance, the individual may determine to increase the percentage of reviews. All submitted payrolls must be accepted by the CDOT Project Engineer or designee in the LCPtracker system within 14 days of submission from the Prime Approver.

Summary of change:

A payroll review checklist was created to assist project staff in knowing what certified payroll information should be reviewed in the LCPtracker system. Also updated is the frequency of payrolls to be reviewed to focus on an increased number initially and a decreased number once a firm has demonstrated compliance.

107.1.3.1 Utilization Plan

Delete:

For all federal aid projects with a DBE goal greater than zero, the Contractor shall have an approved DBE Utilization Plan (UP) prior to contract award. The UP lists the DBE commitments the Contractor shall use to meet the DBE contract goal. The Project Engineer and regional staff can view the UP in B2GNow under Proposals. Additionally, when the Civil Rights and Business Resource Center creates the contract in B2GNow, the commitments presented in the UP are transferred into the contract. They are designated by a red exclamation point until a Form 205 is received and approved by the CRO. For more information, see the B2G User Manual and support section of the Civil Rights and Business Resource Center
<https://www.codot.gov/business/civilrights/compliance/support/b2g>.

Replace with:

For all federal aid projects with a DBE goal greater than zero, the Contractor shall have an approved DBE Utilization Plan (UP) prior to contract award. The UP lists the DBE commitments the Contractor shall use to meet the DBE contract goal. The Project Engineer and regional staff



CONSTRUCTION BULLETIN

Construction Engineering Services Branch
Division of Project Support

Revision to Section 107 and Section 120 of the 2019
Construction Manual
2021 Number 5 Page 5 of 16
Date: June 29, 2021 Rev. May 17, 2022

can view the UP in B2GNow under Proposals. Additionally, when the Civil Rights and Business Resource Center creates the contract in B2GNow, the commitments presented in the UP are transferred into the contract. They are designated by a red exclamation point until a Form 205 or Form 1425 is received and approved by the CRO. For more information, see the [DBE Participation Training Resources](#) section of the Civil Rights and Business Resource Center.

Summary of change:

Designated commitments in the B2GNow system that are part of the Utilization Plan are shown with a red exclamation point until a Form 205 or Form 1425 is received and approved by the Civil Rights Office.

107.1.4.2 Enrolling Trainees and Apprentices

Delete last paragraph:

When a trainee or apprentice is approved by the CRO, the Contractor shall submit the hours worked on the project by the trainee/apprentice on a Form 832 - Trainee Status and Evaluation. The form is due monthly and requires approval of the Project Engineer. The Project Engineer should review the project hours for reasonableness in comparison to the certified payrolls, daily diaries, or other project observations. The Project Engineer will initiate payment from the OJT force account for hours worked on the CDOT project site and found to be reasonable at the rate of \$2.00 per hour. A copy of Form 832 shall be sent to the CRO each month. At no time should the OJT force account be paid as a lump sum pay item.

Replace with:

When a trainee or apprentice is approved by the CRO, the Contractor shall submit the hours worked on the project by the trainee/apprentice on a Form 832 - Trainee Status and Evaluation. The form is due monthly and requires approval of the Project Engineer. The Project Engineer should review the project hours for reasonableness in comparison to the certified payrolls, daily diaries, or other project observations. The Project Engineer will initiate payment from the OJT force account for hours worked on the CDOT project site and found to be reasonable at the rate of \$10.00 per hour. A copy of Form 832 shall be sent to the CRO each month. At no time should the OJT force account be paid as a lump sum pay item.

Summary of change:

Reimbursement payment increased from \$2.00 per hour to \$10.00 per hour to align with On-The-Job Training Standard Special Provision.

107.1.4.3 Increasing OJT Hours

Delete:

If the OJT Force Account has been expended and the Contractor requests an increase in the OJT force reimbursable training hours, the Project Engineer should consider whether additional funds are available and if the request is timely. The Project Engineer should also consider if the Contractor is close to reaching the OJT goal, has significant work to perform, and training



CONSTRUCTION BULLETIN

Construction Engineering Services Branch
Division of Project Support

Revision to Section 107 and Section 120 of the 2019
Construction Manual
2021 Number 5 Page 6 of 16
Date: June 29, 2021 Rev. May 17, 2022

opportunities are still available. If that is the case, the Project Engineer may grant an increase in the OJT hours. Requests should not be considered if prior approval is not obtained. The Project Engineer may also reject a request if the request is premature, the Contractor is not close to reaching the current OJT goal, a request is made at the end of a project, after trainees/apprentices have worked on site, the paperwork was not submitted in a timely manner, or if the amount requested is significant. When an increase to the OJT hours is approved, the Project Engineer will determine the limit of increase and create a CMO to increase the OJT Force Account.

Replace with:

The Contractor will be reimbursed for no more than the amount outlined in the OJT force Account budget.

Summary of change:

Due to the significant increase in the hourly reimbursement rate, the Contractor will be reimbursed for no more than the amount outlined in the OJT force account budget.

107.1.4.4 Offsite OJT Hours

Delete:

If a Contractor's apprentice is enrolled in a U. S Department of Labor approved apprenticeship program and registered with CDOT using Form 838 and working for the Contractor on a non-CDOT project, the hours worked on the non-CDOT project may be counted toward the project goal. To qualify the approved documentation on Form 832 and concurrence from the CRO is required. If a Contractor elects to use this method, the hours will not be reimbursed from the Project's force account. Adequate documentation shall be submitted by the Contractor to the Project Engineer for approval. An example of acceptable documentation is a Certified Payroll from the other project. The Project Engineer will forward the documentation to the CRO who will have ten days to review the request and issue a decision.

Replace with:

Offsite OJT Hours will not count toward the OJT goal.

Summary of change:

Offsite OJT hours will not count toward the OJT goal per the On-The-Job Training Standard Special Provision.

107.1.4.5 OJT Goal Waiver or Modification

Delete first paragraph:

The Contractor or the Project Engineer may initiate a waiver or modification of the OJT goal. A waiver or modification is approved only in rare cases and because of this, is not discussed in the specification. If the Contractor requests that the OJT goal be waived or modified, a written explanation shall be submitted. Once a written request is received or the Project Engineer



CONSTRUCTION BULLETIN

Construction Engineering Services Branch
Division of Project Support

Revision to Section 107 and Section 120 of the 2019
Construction Manual

2021 Number 5 Page 7 of 16

Date: June 29, 2021 Rev. May 17, 2022

determines a waiver or modification is warranted, the Project Engineer will notify the CRO. The Project Engineer with the CRO will decide whether to approve the waiver or modification General Provisions 100-57 and if approved, a Form 1336 - Waiver Request for Contract's On the Job Training Hours will be completed by the Project Engineer. If applicable, it should include the Contractor's request as an attachment. The CRO will have ten working days to review and approve Form 1336. If Contractor's request for a waiver or modification is denied, the Project Engineer will notify the Contractor in a Form 105.

Replace with:

The Contractor or the Project Engineer may initiate a waiver or modification of the OJT goal. If the Contractor requests that the OJT goal be waived or modified, a written explanation shall be submitted. Once a written request is received or the Project Engineer determines a waiver or modification is warranted, the Project Engineer will notify the CRO. The Project Engineer with the CRO will decide whether to approve the waiver or modification and if approved, a Form 1336 - Waiver Request for Contract's On the Job Training Hours will be completed by the Project Engineer. If applicable, it should include the Contractor's request as an attachment. The CRO will have ten working days to review and approve Form 1336. If Contractor's request for a waiver or modification is denied, the Project Engineer will notify the Contractor in a Form 105.

Summary of change:

The OJT goal waiver or modification process and form are now outlined in the updated On-The-Job Standard Special Provision.

Section 120

120.10.1 FHWA Form 1273

Delete:

Item VII. 4. of FHWA Form 1273 - Required Contract Provisions - Federal-Aid Construction Contracts states the following:

No portion of the Contract shall be sublet, assigned or otherwise disposed of except with the written consent of the state highway agency contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the Contractor of any responsibility for the fulfillment of the Contract. Written consent will be given only after the state highway agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the Prime Contract.

On Federal-Aid projects where FHWA Form 1273 is applicable, the Contractor certifies on Form 205 - Sublet Permit Application that FHWA Form 1273 is attached to and incorporated in every subcontract and purchase order. The Federal Highway Administration considers contract work to include all work performed by rented or leased equipment, with or without an operator.



CONSTRUCTION BULLETIN

Construction Engineering Services Branch
Division of Project Support

Revision to Section 107 and Section 120 of the 2019
Construction Manual
2021 Number 5 Page 8 of 16
Date: June 29, 2021 Rev. May 17, 2022

Replace with:

Item VI. 4. of FHWA Form 1273 - Required Contract Provisions - Federal-Aid Construction Contracts states the following:

No portion of the Contract shall be sublet, assigned or otherwise disposed of except with the written consent of the state highway agency contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the Contractor of any responsibility for the fulfillment of the Contract. Written consent will be given only after the state highway agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the Prime Contract.

On Federal-Aid projects where FHWA Form 1273 is applicable, the Contractor certifies on Form 205 - Sublet Permit Application that FHWA Form 1273 is attached to and incorporated in every subcontract and service agreement.

Summary of change:

Updated to note the section is item VI, not VII.

120.10.2 Form 205

Delete:

The Department assures compliance with subsection 108.01 of the Standard Specifications by requiring on all projects the completion, certification, and submission of Form 205 - Sublet Permit Application. CDOT also uses Form 205 to track and monitor subcontracting percentage and compliance with Disadvantaged Business Enterprise requirements.

The Contractor shall complete and submit an original Form 205 to the Project Engineer for each subcontractor on the project, but the subcontractor may not begin work until Form 205 has been approved. The Project Engineer will consult with the Region EEO/Civil Rights Specialist prior to approval.

The Contractor must submit a revised Form 205 if items of work are added to the subcontract. It is unnecessary to revise the Form 205 for over runs and under runs.

This information is used by EEO to track Contractor compliance with good faith efforts.

To expedite a subcontractor's start date, the Contractor may fax a signed copy of Form 205 to the Project Engineer for signature approval. If this method is used, the Contractor must not delay in forwarding the signed original of Form 205 to the Project Engineer.

The Contractor must execute a written agreement with the subcontractor that includes all relevant State and Federal provisions, before the subcontractor begins work.

The following procedures should be utilized to ensure compliance with subsection 108.01:

1. **Material Suppliers.** Determine if the work to be performed by a firm or individual is part of the construction Contract or is supply of material. The Form 205 is not required for suppliers unless the Contractor is seeking to add a supplier for DBE participation. Instead, the Contractor must list all suppliers on Form 1425. The Engineer must ensure that the CRO receives the original and updated Form 1425. Material suppliers are exempt from the provisions of the Davis-Bacon Act and are not required to submit payrolls.
2. **Subcontractors.** If a firm or individual subcontractor performs the work, a written subcontract, approved Form 205, and certified payrolls are required, subject to the following conditions:
 - a. **Owner/Operator Truck Drivers.** The U.S. Department of Labor takes a nonenforcement position on drivers who own their own trucks, thus Davis-Bacon wages are not required. An owner/operator is defined as an owner driving a truck that is registered in the owner/operator's name. Truck drivers who are owner/operators must appear on a certified payroll. The owner/operator's name, address, and Social Security number must be included on the payroll with the notation "owner/operator" listed under the wages column. Owners of other types of equipment must comply with Davis-Bacon requirements. Contractors may either:
 - i. include owner/operators on the Contractor's payroll with the required information, or
 - ii. submit Form 205 for the owner/operator and have the owner/operator certify and submit its own payroll.
 - b. **Truck Drivers and Site of Work Considerations.** Truck drivers who are not hauling on the site of work, from the site of work, or to the site of work are not covered by the requirements of the Davis-Bacon Act. The Department recognizes the following definition of site of work: Site of Work:

The site of work shall be defined as the physical location where the project exists and any adjacent property that is set up to service the project. If the staging area, pits, or plants can be accommodated on the project site or on adjacent property, but are located elsewhere for circumventing the payment of predetermined wage, the site of work shall include the service area. For the purposes of determining site of work, adjacent shall be defined as "lying near or



CONSTRUCTION BULLETIN

Construction Engineering Services Branch
Division of Project Support

Revision to Section 107 and Section 120 of the 2019
Construction Manual
2021 Number 5 Page 10 of 16
Date: June 29, 2021 Rev. May 17, 2022

close to; sometimes, contiguous; neighboring. Adjacent implies that the two objects are not widely separated, though they may not actually touch.”

Project Engineers should contact the Contracts and Market Analysis Branch at (303) 757-9541 for assistance in making determinations.

- c. Other Truck Drivers and Construction Personnel. All other truck drivers and construction personnel are covered by Davis-Bacon requirements and must appear on certified payrolls in accordance with the following:
 - i. When the Contractor or subcontractor does not own the trucks or equipment, the truck drivers and equipment operators may appear on a Contractor or subcontractor certified payroll with wages shown. This includes concrete pumpers and crane operators.
 - ii. If the truck drivers or operators do not appear on the Contractor payroll, a written subcontract and completed Form 205 must be executed, and the truck drivers or equipment operators must appear on the subcontractor payroll.

Replace with:

120.10.1 Form 205 and Form 1425

The Department assures compliance with subsections 101.61 and 108.01 of the Standard Specifications by requiring on all projects the completion, certification, and submission of the Form 1425 (Supplier Application Approval Request) and Form 205 (Sublet Permit Application). CDOT uses the Form 1425 and Form 205 to enter suppliers and subcontractors into the B2GNow software system for prompt payment monitoring and tracking of compliance with the Disadvantaged Business Enterprise requirements. CDOT also uses Form 205 to track and oversee the subcontracting percentage. The Contractor shall complete and submit an electronic Form 1425 or Form 205 in the B2GNow system for each subcontractor and supplier on the project to the Project Engineer. The Project Engineer will recommend the supplier or subcontractor for approval in the B2GNow system. Once the Form 1425 or Form 205 receives recommended approval from the Project Engineer, the Region Civil Rights Specialist will approve or deny the supplier or subcontractor in the B2GNow system. The supplier or subcontractor may not begin work until the Form 1425 or Form 205 has been approved in the system. The Contractor must submit a revised Form 205 if items of work are added to the subcontract. It is unnecessary to revise the Form 205 for overruns and underruns. This information is used by the CRO to track Contractor compliance with good faith efforts. The Contractor must execute a written agreement with the subcontractor that includes all relevant State and Federal provisions, before the subcontractor begins work.

The following procedures should be utilized to ensure compliance with subsections 106.01 and 108.01:

1. Material Suppliers. Determine if the work to be performed by a firm or individual is part of the construction Contract or is supplying material using the definitions outlined Specification 101.81 and 101.81.5. The Form 205 is not required for suppliers. Instead, the Contractor must submit a Form 1425 for each supplier that meets the \$10,000 threshold outlined in 106.01. Supplier employees, including truck drivers, are not covered by DBRA prevailing wages in the following instances (the prevailing wage requirements do not apply to these employees and are not included on a payroll):

- Employees working at and truck drivers hauling to the project from a facility not deemed part of the “site of the work” are not covered under DBRA prevailing wage requirements. The facility is not considered to be part of the “site of the work” if it does not meet the criteria of dedicated and/or adjacent to the project.
 - a. For example: If truck drivers are hauling material to the project from a facility that is not adjacent or virtually adjacent to the project, they are not covered under DBRA.
 - b. For example: Truck drivers hauling materials to the project from a commercial source are not covered under DBRA. The commercial source is not a facility that is dedicated exclusively, or nearly so, to the project; Therefore, DBRA does not apply.
 - c. Trucking owner-operators are not covered under DBRA.

For drivers that work (either as employees or contractors) for a bona fide material supply company the following additional guidance applies. If the driver is making deliveries of materials to the site of work, that time is not covered for DBRA purposes. However, if the worker of a material supply company (including a driver) performs actual construction work (such as warranty or repair work) for more than an incidental amount of time (20% of a work week), and that construction work is related to an item that has been delivered to the site of work, then that time spent performing actual construction work (on site) would be covered by DBRA. Moreover, if a worker for a material supply company spends more than 20% of their workweek performing actual construction work on the site of work, at that point all time that the worker spends on the site of work, including delivery time, will be considered to be covered. The material supply company should be tracking any time that a material supply company worker spends on the site of work doing actual construction to make sure that the worker is paid the applicable prevailing wage for that work. If the material supply worker spends more than 20% of their work week performing actual construction work, the contractor would then also need to track delivery time spent on site as at that point they are considered to essentially be a construction worker and all of their onsite time would be covered.



CONSTRUCTION BULLETIN

Construction Engineering Services Branch
Division of Project Support

Revision to Section 107 and Section 120 of the 2019
Construction Manual
2021 Number 5 Page 12 of 16
Date: June 29, 2021 Rev. May 17, 2022

2. Subcontractors. If a firm or individual subcontractor performs the work, a written subcontract, approved Form 205, and certified payrolls are required, subject to the following conditions:
 - a. Owner/Operator Truck Drivers. The U.S. Department of Labor takes a non-enforcement position on drivers who own their own trucks, thus Davis-Bacon wages are not required. An owner/operator is defined as an owner driving a truck that is registered in the owner/operator's name. Truck drivers who are owner/operators must appear on a certified payroll. The owner/operator's name, address, and Social Security number must be included on the payroll with the notation "owner/operator" listed under the wages column. Owners of other types of equipment must comply with Davis-Bacon requirements. Contractors shall:
 - i. submit Form 205 for the owner/operator and have the owner/operator certify and submit its own payroll.
 - b. Truck Drivers and Site of Work Considerations. Truck drivers who are not on site haulers (hauling on the site of work, from the site of work, or to the site of work) are not covered by the requirements of the Davis-Bacon Act. The Department recognizes the following definition of site of work: Site of Work: The site of work shall be defined as the physical location where the project exists and any adjacent property that is set up to service the project. If the staging area, pits, or plants can be accommodated on the project site or on adjacent property, but are located elsewhere for circumventing the payment of predetermined wage, the site of work shall include the service area. For the purposes of determining site of work, adjacent shall be defined as "lying near or close to; sometimes, contiguous; neighboring. Adjacent implies that the two objects are not widely separated, though they may not actually touch." Project Engineers should contact their Region Civil Rights Office for assistance in making determinations.
 - i. For drivers that work (either as employees or through a written agreement) for a construction contractor (or subcontractor) performing construction onsite, the following additional guidance applies. Under current DOL guidance as stated in the Field Operations Handbook at 15e22, drivers who work for the construction contractor are covered when loading or unloading materials onsite for delivery or removal if such time is not de minimis, such as just a few minutes spent at a time to pick up or drop something off. Waiting in queue on the site of work to drop off materials from a location that is not on the site of work does not contribute to the few minutes. There is no 20% requirement or

cutoff for determining that work is or is not de minimis for truck drivers who work for contractors. In the Field Operations Handbook, the 20% is only mentioned with reference to drivers who work for material supply companies.

- c. Other Truck Drivers and Construction Personnel. All other truck drivers and construction personnel are covered by Davis-Bacon requirements and must appear on certified payrolls in accordance with the following:
 - i. a written subcontract and completed Form 205 must be executed, and the truck drivers or equipment operators must submit their own payroll.
3. Subcontractors that are also material suppliers on a single project: Per Specification 108.01, when a firm both sells material to a prime contractor and performs the work of incorporating the materials into the project, these two phases shall be considered in combination and as constituting a single subcontract. The Subcontractor shall acknowledge on the Form 205 that they are operating both in the capacity of a Subcontractor and Supplier for a project.
 - a. Certified Payroll considerations: When evaluating whether certified payrolls are required, the primary employer will evaluate what functions the employee is doing on the site of work. If the employee is performing active construction as part of the subcontracted work, the employee will be subject to the Subcontractor certified payroll guidance above.
 - i. If the employee is operating in the capacity of fabricating or processing an item off the site of work or is delivering an item(s) to the site of work, they are acting as a supplier and will be subject to the Supplier certified payroll guidance in the Supplier section below.

Summary of change:

Suppliers will no longer be listed on a single Form 1425. The Contractor is now responsible for submitting a Form 1425 for each supplier individually that meets the \$10,000 threshold in the B2GNow system (similar to the Form 205). Definitions were updated for the terms Supplier and Subcontractor. The definitions align with USDOL regulations and assist the Contractor in determining which form should be submitted for the firm or individual (205 or 1425). It is important to note that employees of construction contractors (Prime and subcontractors) and employees of bona fide material suppliers have different certified payroll tracking and monitoring requirements as outlined above in the updated section. Suppliers are now required to notify the Contractor if an individual spends more than 20% of their workweek performing actual construction work such as installation, repair or warranty work, on the site of work as that would require the submission of a Form 205 and certified payrolls.

Firms can perform as a subcontractor and also a material supplier on a single project. The Form 205 has been updated. Subcontractors must specify on the updated Form 205 if they are purchasing more than \$10,000 from supply firms. This helps to inform CDOT whether to anticipate the submission of Form 1425(s) with the subcontractor's Form 205. The Subcontractor must also acknowledge on the Form 205 if they are operating both in the capacity of a Subcontractor and Supplier for a project.

120.10.3 Use of Form 205 for Leased or Rented Equipment

Delete bullet #3:

3. Federal-Aid Projects. On Federal-Aid projects, all employees performing contract work must appear on a payroll and be paid the predetermined minimum wage.

Replace with:

3. All Projects. On all projects, all employees performing contract work must appear on a payroll and be paid at least the predetermined minimum.

Summary of change:

Updated to state all projects, not just federal-aid projects.

120.10.4.1 Project Engineer Review

Delete:

The Project Engineer will check the following items before submitting Form 205 - Sublet Permit Application to the CRO:

Replace with:

The Project Engineer will check the following items before recommending the Form 205 - Sublet Permit Application for approval to route to the CRO:

Summary of change:

Updated to reflect B2GNow system process for Form 205 approval.

120.10.4.2 Project Engineer Approval

Delete:

The Project Engineer will sign and date Form 205, which constitutes approval to sublet portions of the Contract.

Replace with:

The Project Engineer will recommend the Form 205 for approval in the B2GNow system, which constitutes approval to sublet portions of the Contract.

Summary of change:



CONSTRUCTION BULLETIN

Construction Engineering Services Branch
Division of Project Support

Revision to Section 107 and Section 120 of the 2019
Construction Manual
2021 Number 5 Page 15 of 16
Date: June 29, 2021 Rev. May 17, 2022

Updated to reflect B2GNow system process for Form 205 approval.

120.10.4.3 Region EEO/Civil Rights Specialist Review

Delete bullet #3:

3. Approve Form 205 and Upload in B2GNow: The CRO will review the Form 205. If approved, the Form 205 will be uploaded in the Contract in B2GNow. The CRO shall notify the Project Engineer when the Form 205 has been approved.

Replace with:

3. Approve Form 205 in B2GNow: The CRO will review the Form 205. If approved, the Form 205 will be available in the B2GNow system. The CRO and Project Engineer have access to view the record in the system.

Summary of change:

Updated to reflect B2GNow system process for Form 205 approval.

120.10.5 Replacement of a Subcontractor

Delete:

If it is necessary to replace a subcontractor that is a certified Disadvantaged Business Enterprise, the Contractor must follow the procedures in the Standard Special Provisions included in the Contract.

Replace with:

If it is necessary to replace a DBE subcontractor that is working in a commitment as part of the Utilization Plan, the Contractor must follow the procedures in the DBE Standard Special Provisions included in the Contract.

Summary of change:

Updated to clarify replacement of a DBE subcontractor that is working as part of a commitment.

Effective Date:

The updates apply to projects that are advertised on or after July 1, 2021.

Additional Information:

Only the updated Form 1425 and Form 205 will be available on the forms website going forward. The updated Form 1425 and Form 205 can be used on current, active projects that were advertised prior to July 1, 2021.

In the event a project that was advertised prior to July 1, 2021 does not elect to use the updated forms, please contact the appropriate Region Civil Rights Office as they have been given the legacy copies of the previous Form 1425 and Form 205.



CONSTRUCTION BULLETIN

Construction Engineering Services Branch
Division of Project Support

Revision to Section 107 and Section 120 of the 2019
Construction Manual

2021 Number 5 Page 16 of 16

Date: June 29, 2021 Rev. May 17, 2022

Helpful Links:

[Recently Updated Forms \(Form 205 and Form 1425\)](#)

[CDOT Civil Rights Subletting and Suppliers Compliance Resource Guide](#)

[Payroll Review Checklist](#)

[Certified Payroll Requirements for Construction Contracts Frequently Asked Questions](#)

[Recently Issued Special Provisions](#)

Please direct any questions about this bulletin to the CDOT Civil Rights and Business Resource Center.



Portland Limestone Cement

Every cement supplier will be ceasing production of ASTM C150 Type I/II cements this year and replacing them with ASTM C595 Type IL cements. This is part of the cement industries push for carbon neutrality.

CDOT has been using Type IL cements since 2006 in our pavements, but the ready mixed side has not due to building codes and architects unwilling to update their specifications. Due to recent changes in the building codes, the architects are being forced to update their specifications

Subsection 601.05 states (in part):

“The Contractor shall submit a new Concrete Mix Design Report meeting the above requirements when a change occurs in the source, type, or proportions of cement, slag cement, fly ash, high-reactivity pozzolan, silica fume, or aggregate.”

This will affect CDOT projects once the ready mixed concrete supplier can no longer obtain Type I/II cement and will be required to use Type IL cement. Per CDOT specifications, a change in cement source or type requires a new mix design which takes a minimum of 28-days plus for review. The cost of a typical trial mix is \$5,000-\$9,000.

Type IL cement and Type I/II cement are very similar. Type I/II cement is a clinker that is ground with up to 5% limestone and represents about 3-4% in the Colorado market. Type IL cement uses the same clinker but is ground with 5-15% limestone. The Type IL cements in Colorado typically have 10-12% limestone. The cement companies determined how much limestone to use based on performance. These companies have determined that the Type IL cements with 10-12% limestone perform similarly to the existing Type I/II cements in workability, strength gain and ultimate strength.

CDOT Materials has met with industry representatives and have approved the following transition plan through the Materials Advisory Committee, to minimize the impact on projects statewide:

1. All Concrete mix designs on the CDOT Approved products list set to expire in 2022 will be extended to December 31, 2022, if they are using an ASTM C150 cement.
2. ASTM C150 Type IL cement from the same source can be swapped pound-for-pound with ASTM C150 cements on approved mixes provided the following conditions are met:



COLORADO
Department of
Transportation

Division of Project Support
Contracts & Market Analysis Branch
Area Engineers

CONSTRUCTION BULLETIN

Portland Limestone Cement
2022 Number 2, Page 2 of 2
Date: June 28, 2022

- If the mix design aggregate has been determined to be alkali-silica reactive (ASR) through ASTM C1260 (a mix design requirement) then the ASR mitigative measures with the new Type IL cement must be tested and pass per ASTM C1567.
 - The sulfate resistance requirements in Subsection 601.04 have been met for the sulfate resistance class on your Project.
3. Concrete mix designs that make a change to Type IL cement will expire at their natural expiration date after December 31, 2022.
 4. Concrete mix designs expiring after December 31, 2022, will require a new mix design upon expiring if they have not already changed over to Type IL cement.

If a Contractor needs to make the mix change involving Type I/II and IL cement, the PE/PM should contact the Concrete & Physical properties lab at dot_concretemixdesigns@state.co.us to have your existing mix design(s) reviewed and re-issued with the new cement type.

On Projects with concrete pavement, a new process for strength will be created when the change is made.

Any additional questions can be addressed by Staff Materials Lab or Region Materials Engineer.

References:

Please print a copy of this bulletin and keep it with your copy of the *Construction Manual*.

The *Construction Manual* and Construction Bulletins can be found on the Design and Construction Project Support web page at:

https://www.codot.gov/business/designsupport/bulletins_manuals.



Juneteenth State Holiday
2022 Number 1, Page 1 of 2
Date: May 17, 2022

Juneteenth State Holiday

Subsection 101.02 states (in part),
Holidays recognized by the State of Colorado are:

New Year's Day

Dr. Martin Luther King, Jr.'s Day (observed)

President's Day

Cesar Chavez Day

Memorial Day

Independence Day

Labor Day

Cabrini Day

Veterans' Day

Thanksgiving Day

Christmas Day

Subsection 108.08 states (in part),

The Contractor shall not carry on construction operations on Saturdays, Sundays, or holidays unless previously arranged and approved.

On Tuesday, May 3, 2022, Gov. Jared Polis signed [SB 22-139 Juneteenth New Holiday](#), officially declaring Juneteenth a state of Colorado holiday. Since June 19, 2022, falls on a Sunday, Juneteenth will be observed and state offices will be closed on Monday, June 20, 2022.

It is advised that Project Engineers treat June 20, 2022, as a working day. Issuing a suspension of work is not advisable as doing so would be considered an excusable, compensable delay, i.e. the Contractor may be entitled to a time extension and monetary compensation.

Considering that the month of June is part of peak construction season, it is anticipated that the majority of contractors will elect to work June 20, 2022 and forgo observing the day as a holiday; therefore, it is not recommended that any changes be made to the contract.

CDOT-employed project staff who are scheduled to work on the holiday should coordinate with their supervisors to use the alternate holiday, possibly in a strategic manner considering the fiscal year ends on June 30, 2022. If CDOT-employed project staff elect to observe the holiday on June 20, 2022, they should ensure adequate coverage of the work and may consider backfilling with consultant project staff.



COLORADO
Department of
Transportation

Division of Project Support
Contracts & Market Analysis Branch
Area Engineers

CONSTRUCTION BULLETIN

Juneteenth State Holiday
2022 Number 1, Page 2 of 2
Date: May 17, 2022

Questions or concerns related to this event or resultant issues should be directed to the appropriate Area Engineer.

References:

Please print a copy of this bulletin and keep it with your copy of the *Construction Manual*.

The *Construction Manual* and Construction Bulletins can be found on the Design and Construction Project Support web page at:

https://www.codot.gov/business/designsupport/bulletins_manuals.



COLORADO
Department of Transportation

CONSTRUCTION BULLETIN

Division of Transportation Development
Environmental Programs Branch

**CDOT's MS4 inspection software,
ESCAN/CARL**

2021 Number 4, Page 1 of 2

Date: March 15, 2021

CDOT's MS4 inspection software, ESCAN/CARL

The purpose of this bulletin is to inform CDOT Project Engineers and Contractors about the change in CDOT's MS4 software used for the monthly inspections by the CDOT Region Water Pollution Control Managers (RWPCMs) per the 208 specifications. This change pertains to all projects that have a Colorado Discharge Permit System (CDPS) Stormwater Construction Permit (SCP).

CDOT Headquarter's Water Quality Unit is consolidating and centralizing all of the MS4 Program data, including inspections. The Erosion and Sediment Control Assessment Notebook (ESCAN) and the Corrective Action Response Log (CARL) are now provided by 2ndNature (2N), except for those projects using the ESCAN/CARL 1.0 version. A CDOT Daily Broadcast email was sent December 15, 2020 that discussed the use of the new 2N software. The 2N software was rolled out January 1, 2021 as 'ESCAN/CARL-2NForm'. Revisions to the software continue as needed. User accounts were created for all Contractors, Project Engineers and RWPCMs with existing ESCAN or CARL accounts. New accounts will be added to the system by the RWPCM prior to construction. User guidance documents and training recordings for Project Engineers and Contractors were sent to the Project Engineers December 17, 2020 and are also referenced below.

One major change is that Form 105 Speed Memos for MS4 inspections will not be auto-generated by the 2N software. The Project Engineer will need to generate the Form 105 with an e-signature and date and then ensure it is placed in the Stormwater Management Plan (SWMP). Paul Heffernan sent language options to the Project Engineers January 28, 2021 in an email. The language options can also be found in a google drive folder at: <https://drive.google.com/drive/folders/1AZhvHlySsN27DUR48UzWwicj5qbjSCeU?usp=sharing> (Because it is in a google drive, you will need to copy and paste the link into your chrome browser to get to the Form 105 inspection language).

All existing references to ESCAN and CARL are equivalent to the inspection applications provided by 2N. Therefore, any software programs used now and in the future by CDOT to document MS4 compliance on construction sites are considered ESCAN/CARL. These software programs must be selected by and directed for use by CDOT. In time and if needed, the specifications will change accordingly. For any inquiries regarding the provider selection process, please contact jean.cordova@state.co.us.



COLORADO
Department of Transportation

CONSTRUCTION BULLETIN

Division of Transportation Development
Environmental Programs Branch

**CDOT's MS4 inspection software,
ESCAN/CARL**

2021 Number 4, Page 2 of 2

Date: March 15, 2021

References:

Project Engineer User Guidance Document:



Project Engineer
Construction - 2N Use

Project Training Video: <https://youtu.be/YLxQB0ruFUw>

Contractor User Guidance Document:



Contractor
Construction - 2N Use

Contractor Training Video: <https://youtu.be/EV6oWY52-KQ>



Contracts and Market Analysis Branch
Division of Project Support

CONSTRUCTION BULLETIN

Revision to Form 1432: DBE Commercially Useful Function
Questionnaire
2021 Number 3
Date: March 10, 2021

Revision to Form 1432: DBE Commercially Useful Function Questionnaire

This bulletin provides notification of a revised [Form 1432](#): DBE Commercially Useful Function Questionnaire to provide additional guidance and clarification regarding expected timeframes to complete form sections. No changes were made to the Standard Special Provision: Disadvantaged Business Enterprise (DBE) Requirements. The updated form shall be used for all projects that are advertised after March 15, 2021 and may be used for current, active projects.

Please direct any questions about this bulletin to [Laura Zamora](#).

Stormwater Construction Permit Modifications

The purpose of this Bulletin is to notify all personnel working on projects that have a Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activities (Stormwater Construction Permit [SCP]) that a modification to this permit was issued on December 31, 2020 and became effective on February 1, 2021. All projects with a SCP will now follow the requirements of the modified SCP. Minor changes to specifications 107.25 and 208, SWMP and other program templates, and various program documents will be required to comply fully with the modified permit. Until these updates are released, continue to comply with the requirements of all program documents (Specifications 107.25, 208, M-Standards, SWMP templates, and the 1176 form), with the exceptions noted below. If there are any questions on how to implement these changes on projects, the Project Engineer should coordinate with the Region Water Pollution Control Manager (RWPCM).

The below actions are immediately required for all projects with a SCP:

1. Project Engineers will coordinate with the SWMP Administrator of Design or the SWMP Administrator for Construction to ensure the project plans, specifications, and SWMP are updated to include the following new requirements for Final Stabilization:
 - a. Vegetative cover consists of **evenly distributed** perennial vegetation, and
 - b. Project Engineers should ensure project transects for the project sites have been completed and documented in the SWMP. To close a SCP permit and to achieve final stabilization, the vegetative coverage must be, at a minimum, equal to 70 percent of what **would have been provided by native vegetation in a local, undisturbed area or adequate reference site**. Additional guidance and information will be provided as it becomes available.
2. Project Engineers will direct the SWMP Administrator for Construction or SWMP Preparer to make the following additions to the SWMP (if not already included in the SWMP). These changes can be made in legible handwriting:
 - a. Add the attached revised compliance certification Section 19 of CDOT's form 1176. This should be placed chronologically in the 1176's tab in the SWMP (alternatively, projects using an electronic 1176 form can make this change directly in the form for all future inspections):



1176 amended
language table.docx



- b. Revise Section 1.E - *Existing Soil Data* to include a summary of any existing soil data **and sources** used in the development of the construction site plans or SWMP that describe the soil types found in the permitted area and **the erodibility of the identified soil types**.
 - c. Revise Section 1.F - *Existing Vegetation, Including Percent Cover* to include a description and percent cover of native vegetation on the site if the site is undisturbed, or the percent cover of native vegetation in a similar, local undisturbed area or adequate reference area if the site is disturbed. Include the source or methodology for determining the percentage. If a percent cover is not appropriate for the site location (i.e. arid), describe the technique and justification for the identified cover of native vegetation.
 - d. Ensure that Section 1 – *Site Description* of the SWMP includes the following:
 - i. Revise Section I.I. header to:
“ALLOWABLE NON-STORMWATER DISCHARGES: see Section 11.
NARRATIVES for a description of applicable control measures”.
 - ii. A description of drainage patterns from the site, including a description of the immediate source receiving the discharge and the receiving water(s) of the discharge, if different than the immediate source.
 - iii. A description of alternative diversion criteria, if applicable, as approved by the CDPHE.
 - e. Ensure the Site Map (Tab 2 of the SWMP) includes:
 - i. Locations of all diversions.
3. When a project includes discharges from diversions of state waters within the permitted site, they are now considered an allowable non-stormwater discharge. The modified permit defines diversions as a **discharges of state waters that are temporarily routed through channels or structures (e.g. in-stream, uncontaminated springs, non-pumped groundwater, temporary rerouting of surface waters)**.
- a. Project Engineer will ensure any diversions installed, or to be installed meet one or more of the following conditions:
 - i. Lined or piped structures that result in no erosion in all flow conditions.
 - ii. Diversion channels, berms, and coffer dams shall be lined or composed of a material that minimizes potential for soil loss in the entire wetted perimeter during anticipated flow conditions (e.g. vegetated swale, non-erosive soil substrate). The entire length of the diversion channel must be designed in accordance with Part I.B.1.a.i(i)(2) of the attached modified permit and the attached Guidance for Diversion of State Waters.



- iii. An alternative diversion criteria may be approved by the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division, prior to implementation. The diversion method must be designed in accordance with Part I.B.1.a.i(i)(3) of the modified permit.
- 4. When a project is impacted by firefighting activities, the discharges resulting from emergency firefighting activities are authorized by the permit, and only applies during the active emergency response.
 - a. The Project Engineer will ensure that following the emergency activities the remaining water containing pollutants are properly removed and disposed of in order to minimize pollutants from discharging from the site, unless infeasible. Therefore, Project Engineers will ensure that any cleanup activities are properly documented and saved to the project files to show compliance with Parts I.B.1.a.ii(c) and I.B.1.c.ii of the modified requirement.



COR400000-SCP_Permit_Certification.pdf



COR400000-SCP_Permit_changes.pdf



COR400000-SCP_Fact_sheet.pdf



Guidance for
Diversion of State Wa

If you keep your own copy of the *Construction Manual* (electronic or paper), please keep a copy of this construction bulletin with it. Updates will be made to the Construction Manual to reflect the new project requirements as soon as all information is gathered from CDPHE.

The *Construction Manual*, Construction Bulletins, and Project Development Manual can be found on the Design and Construction Project Support web page at:

https://www.codot.gov/business/designsupport/bulletins_manuals



Contracts and Market Analysis Branch
Division of Project Support

CONSTRUCTION BULLETIN

Revision to Section 120 of the 2019 Construction Manual
2021 Number 1
Date: January 22, 2021

Revision to Section 120 of the 2019 Construction Manual

This bulletin revised Section 120 of the [Construction Manual](#) to address electronic signatures for construction, the use of ProjectWise for change orders and archiving, updating the change order approval process in Adobe Sign per Procedural Directives 21.1 Requirements for the Retention of Records and 508.1 Professional Engineers Stamp and updating the Administrative Settlement procedures.

Please direct any questions about this bulletin to [Laura Zamora](#).



CONSTRUCTION BULLETIN

Division of Project Support
Materials and Geotechnical Branch
Pavement Design and Documentation Unit

Electronic Signatures for Buy America Documentation

2020 Number 2, Page 1 of 1

Date: August 14, 2020

Electronic Signatures for Buy America

The purpose of this Bulletin is to provide temporary guidelines regarding the use of electronic and wet signatures for Buy America documentation. For the purposes of this Construction Bulletin electronic signatures are considered the same as digital signatures. The Materials and Geotechnical Branch in conjunction with the Federal Highways Administration are working to update the current Buy America requirements. This Construction Bulletin will expire when the final guidance is issued.

CDOT's Procedural Directive 21.1 "Requirements for the Retention of Records for Specified Design, Construction, Engineering, and Specialty Groups" dated June 25, 2019 allows the use of Adobe Sign® for electronic signatures used for Project Records, and this includes the Buy America documentation process. Currently the 2021 Field Materials Manual, Special Notice to Contractors requires a wet signature. This Construction Bulletin is authorizing the use of either wet or electronic signatures via Adobe Sign®, Adobe DC, or other electronic signature as stated below.

Industry may incorporate the digital signature process with their company's Adobe Sign®, Adobe DC, or other electronic signature software. The digital signature shall include the signer's name, date, and time the document was signed in addition to locking the document after signing. This guidance does not change the approval process or the content requirements for Buy America documentation; rather it allows the documentation to either be all electronic or all wet copy.

Questions about Buy America documentation and/or the process can be directed to Melody Perkins - Melody.Perkins@state.co.us.



Division of Project Support
Contracts and Market Analysis Branch

CONSTRUCTION BULLETIN

Temporary Electronic Signature for Change Orders Guidance

2020 Number 1, Page 1 of 4

Date: March 27, 2020

The following Construction Manual sections are hereby revised, as follows:

120.7.3 Preparation of Change Orders

120.7.3.1 Requirements and Responsibilities

The use of Adobe Sign® to electronically sign the CDOT Form 90, Contract Modification Order is allowed. A PDAC Task Force to identify the process for utilizing electronic signatures and Adobe Sign software is active and has a deadline to formalize and finalize this process by July 2020. The Task Force is focused on finalizing the electronic signature Change Order process and will issue the results when complete. This Construction Bulletin will expire when the final guidance is issued. Contact the Area Engineers for more information on the process.

- Whenever possible, follow the existing change order process in the Construction Manual for review, documentation, and signature of change orders.
- If obtaining signatures on a hard copy of the Form 90 is not possible or efficient, use these temporary guidelines for obtaining electronic signatures.

To utilize Adobe Sign, the person initiating signatures is required to have access to Adobe Sign software; however, signing documents as a recipient does not require a software license.

Adobe Sign Training I, is available on the SAP Learning Management System (LMS). If you do not have LMS access, go to the [TETP homepage \(https://www.codot.gov/programs/tetp\)](https://www.codot.gov/programs/tetp) then click Register for Courses to request access. Adobe Sign [login instructions](#) are also available on the TETP Adobe Sign Training page. Joshua Palmer (Joshua.J.Palmer@state.co.us) is available to answer questions related to accessing Adobe Sign. Note: The CDOT P.E.s who were provided electronic seals should first try logging into Adobe Sign, many have access but have not logged into Adobe Sign. If you are a CDOT employee and still need access to Adobe Sign, please submit a request using this [Adobe Sign Account Setup Request](#).

Consultant Project Engineers, may initiate the signature process with their company's Adobe Sign license. CDOT Resident Engineers or CDOT delegates will need to initiate the signatures in Adobe Sign if the Consultant Project Engineer does not have a license.

This guidance does not change the pre-approval process or the content requirements for change orders. For a single change order, mixed formats, i.e., using both electronic and hard copies, is not allowed. The final change order will be either all electronic or all hard copy.



COLORADO
Department of Transportation

CONSTRUCTION BULLETIN

Division of Project Support
Contracts and Market Analysis Branch

Temporary Electronic Signature for Change Orders Guidance

2020 Number 1, Page 2 of 4

Date: March 27, 2020

Distribution of the electronic final copy is addressed below; distribution of change orders signed with wet signatures will not change.

Temporary eSign Guidelines

Electronic change orders may have two PDFs (portable document format) when obtaining signatures:

1. The Form 90 and the attachments referenced in it (Form 90 Document) and
2. The Letter of Explanation and its supporting attachments (Letter of Explanation Document).

Form 90 Document

The Engineer will combine the Form 90 and its attachments into one PDF document. If the Form 90 is developed in Site Manager, print the Form 90 in PDF from SiteManager. When setting up the Form 90 PDF document and before routing for signature in Adobe Sign, check the appropriate boxes related to PoDi and Participating funds. This document is routed for electronic signature to the contractor, CDOT personnel, and FHWA personnel (when applicable) (Table 1-Order of Signatures on Form 90). Examples of the Form 90 attachments include new or revised plan sheets or special provisions. The revised or added plan sheets also require the responsible engineer’s seal before routing for signature.

Table 1 - Order of Signatures on Form 90

<u>CDOT Project Engineer</u>		<u>Consultant Project Engineer</u>	
<u>Standard</u>	<u>PoDi/ PTE / *Admin. Settlement</u>	<u>Standard</u>	<u>PoDi/ PTE / *Admin. Settlement</u>
CDOT Project Engineer	CDOT Project Engineer	Resident Engineer	Resident Engineer
Contractor	Resident Engineer	Contractor	Program Engineer
Resident Engineer	Program Engineer	Program Engineer	FHWA Area Engineer
Program Engineer	FHWA Area Engineer		Contractor
	Contractor		RTD or Chief Engineer*
	RTD or Chief Engineer*		

PoDi - Projects of Division Interest
PTE - Project Termini Extension
Admin. Settlement - Administrative Settlement
RTD - Region Transportation Director
FHWA - Federal Highway Administration



Division of Project Support
Contracts and Market Analysis Branch

CONSTRUCTION BULLETIN

Temporary Electronic Signature for Change Orders Guidance

2020 Number 1, Page 3 of 4

Date: March 27, 2020

Letter of Explanation Document

The Engineer will prepare a PDF of the Letter of Explanation and all supporting documentation. Typically, the supporting documents include correspondence, email, independent price justifications, schedules, Form 65, etc. that are referenced in the Letter of Explanation. The attachments to the Letter of Explanation will be sequentially numbered and referenced in the Letter of Explanation and include the Project Code and Project Number on each page. This letter is not distributed to the Contractor and does not require signatures.

Quick Steps for Signatures in Adobe Sign

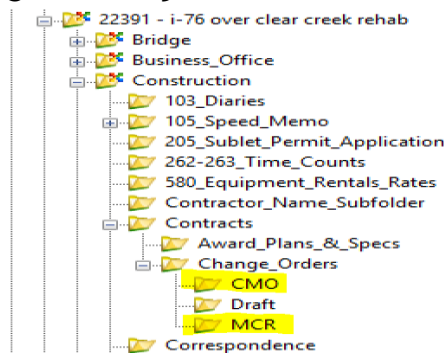
1. In Adobe Sign be sure you are in the “SEND” tab.
2. Input email addresses (copy and paste) of people who need to sign the document in the order you want them to sign. See Table 1-Order of Signatures on Form 90 for correct order of signatures.
3. Click on the “Agreement Name” and type. This is the title of the email which Adobe Sign will automatically send to signers for routing.
4. Under “Agreement Name” type in the content of the email (Example “Please sign”).
5. In the “Files” block drag and drop the Form 90 PDF document.
6. In the lower left of the page click “Next.”
7. On the right column you will see “Recipients” and under that “Signature Fields.”
8. In “Signature Fields” click on “Signature” (do not select “Digital Signature”) and drag and drop a signature block on the form where that person needs to sign.
9. Scroll down below “Signature Fields” to “Signer Info Fields.” Click on “Signer Info Fields” and drag and drop, “Date” in the appropriate date block.
10. Go back up to the “Recipients” field and click on the second signer and repeat steps 8 and 9.
11. Once you have all signature and date blocks created on the form click the “Sign, then Send” at the bottom left.
12. Each individual will follow the steps/arrows to sign the document.
13. The person initiating the workflow will receive emails as individuals sign the document confirming progress.
14. Once you see all recipients have signed the document, place the document in the appropriate ProjectWise Change Order folder (See Figure 1) or if the source document is originated from ProjectWise, Adobe Sign will automatically file the completed and encrypted document in ProjectWise.

Archiving Final Change Order in ProjectWise

NOTE: Upon completion of all documentation, Project Engineer shall notify the Finals Administrator and Karen Sullivan by email, including the ProjectWise file path hyperlink, that the change order documentation is complete and in ProjectWise.

Once signed and completed the Project Engineer may combine the two documents in Adobe Sign or keep the documents separate and place the change order PDF documents in the project's Change Order folder in ProjectWise. Include the Project Code, CMO or MCR, change order number, and Form 90 or Letter of Explanation in the file name (e.g., 22391_CMO002_Form90). See Figure 1 for a [file path](#) example.

Figure 1 ProjectWise File Path Example



Resources

Questions about change orders or the change order process can be directed to the Area Engineers or Karen Sullivan.

Region 1 and ITS Mark Straub - Mark.Straub@state.co.us
Region 2 and 5 Kevin Ryburn - Kevin.Ryburn@state.co.us
Region 3 and 4 Laura Zamora - Laura.Zamora@state.co.us
Karen Sullivan - Karen.Sullivan@state.co.us

For questions about logging into Adobe Sign contact Joshua Palmer, Joshua.J.Palmer@state.co.us, for questions about using Adobe Sign contact the OIT Help Desk, and for questions about the TETP Adobe Sign Training, contact Allison Wilson, Allison.Wilson@state.co.us.

Change Order Price Analysis Tool

The purpose of this Bulletin is to provide information regarding the use of the Change Order Price Analysis Tool for price justification for added items for change orders.

1. The Price Analysis Tool utilizes a subset of the bidding cost data compiled by EEMA and is available at:

https://drive.google.com/file/d/1IeS5bw87eWyLmTnDH_bnv_raYlumhjt/view

OR

<https://www.codot.gov/business/project-management/pre-construction>

then Tools Catalog, CO Price Analysis Tool

2. Instructions for using this tool are available under a separate tab within the Price Analysis Tool.
3. When using the output of the Price Analysis Tool for price justification, a copy of the result sheet needs to be included in the change order package as an attachment to the letter. The price comparison to the Contractor's submitted price will still need to be summarized in the body of the letter of explanation.

Add the following paragraphs to the end of section 120.7.6.2.3, CDOT Cost Data Book, of the Construction Manual:

In addition, a Change Order Price Analysis Tool is available and can be used for price justification for added items for change orders. This tool uses a subset of the bidding cost data compiled by EEMA and is updated frequently. Instruction for use are included as a separate tab within the tool. It is available at:

https://drive.google.com/file/d/1IeS5bw87eWyLmTnDH_bnv_raYlumhjt/view

OR

<https://www.codot.gov/business/project-management/pre-construction>

then Tools Catalog, CO Price Analysis Tool



COLORADO
Department of Transportation

CONSTRUCTION BULLETIN

Division of Project Support
Contracts and Market Analysis Branch

Change Order Price Analysis Tool
2019 Number 2, Page 2 of 2
Date: August 8, 2019

When using the output of the Change Order Price Analysis Tool for price justification of added items, the result sheet needs to be included as an attachment to the letter of explanation. The price comparison to the Contractor's submitted price will still need to be summarized in the body of the letter of explanation.

If you keep your own copy of the *Construction Manual* (electronic or paper), please keep a copy of this Construction Bulletin with it.

The *Construction Manual* and Construction Bulletins can be found on the Design and Construction Project Support web page at:

https://www.codot.gov/business/designsupport/bulletins_manuals



Implementation of the New Stormwater Construction Permit (Permit No. COR400000, Revised Permit No. COR030000) for Active Construction Projects

The purpose of this Bulletin is to notify all project personnel working on projects that have a Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activities (SCP), that a new SCP becomes effective on April 1, 2019.

On April 1, 2019, all active projects that had SCP (COR030000) will now follow the requirements of the new SCP (COR400000). The basic requirements to impose control measures for stormwater discharges through the development and implementation of a Stormwater Management Plan (SWMP), and to minimize the discharge of pollutants from all potential pollutant sources, have not changed. The 107.25 and 208 specifications issued July 2017, and associated standard special provisions, are still in compliance with the intent of the new permit.

The goal of the changes described in this Bulletin is to eliminate or minimize when a change order is required on these projects. If it is determined that there are discrepancies between the new permit requirements and the previous versions of the specifications, the more stringent of the requirements will apply. If this occurs, the Engineer will coordinate with the Region Water Pollution Control Manager (RWPCM).

On or before April 1, 2019, the below actions are required for active projects advertised before March 28, 2019.

1. If the CDOT Resident Engineer (RE) is the signature authority for the SCP, and the RE changes during the course of the construction project, the signature authority will need to be transferred to the new RE. Additional information on this process will be made available as it is received from the Colorado Department of Health and Environment (CDPHE).
2. The Project Engineer will ensure that the new Inspection Forms are utilized:
 - a. 1176 - Stormwater Field Inspection Report – Active Construction (rev. 3/19/19)
 - b. 1177 - Stormwater Field Inspection Report – Post Construction (rev. 3/19/19)
 - c. 1388 - Stormwater Management Field Daily Inspection Report (rev. 3/19/19), if applicable



Form 1176



Form 1177



Form 1388

3. The Project Engineer will direct the SWMP Administrator for Construction to make the following additions to the SWMP (if not already included in the SWMP). These changes can be made in legible handwriting:
 - a. In Section 3, *SWMP Administrator* – cross out the title and replace with “Qualified Stormwater Manager” to identify that the individual(s) who are listed as the SWMP Administrator for Design, SWMP Administrator for Construction, and the Erosion Control Inspector are equivalent to Qualified Stormwater Managers.



- b. In Section 1.H, *Receiving Waters* – Add “5. Stream Crossings” and list each crossing with i. – iv., for all stream crossings located within the limits of construction:
 - i. the location within the site;
 - ii. the stream name;
 - iii. a description of any disturbed upland areas that may contribute to the stream at the stream crossing location; and
 - iv. a description of the control measures implemented for those contributing disturbed upland areas.If there are no stream crossings on the project include the statement, “There are no stream crossings on this project site.”
 - c. In Section 9, *Interim and Permanent Stabilization* – change the title to “Interim and Permanent Stabilization and Long-Term Stormwater Management” and add Section 9.H (labeled “Permanent Water Quality Control Measures) to include the statement “Refer to Tab 18 for permanent water quality control measures.”
 - d. On Site Map – include flow arrows, areas of waste accumulation, and all stream crossings located within the limits of construction (if not already included and if applicable).
4. Minimize soil compaction for areas that will receive final vegetative cover.
 5. Preserve topsoil unless infeasible.
 6. Minimize amount of soil exposed during construction.
 7. The Engineer will ensure that the following structural and nonstructural control measures, or revisions to control measures, are implemented to be in full compliance with SCP COR400000. These are new requirements, therefore, before implementing any changes the Engineer should work with their RWPCM to implement these requirements and to determine what existing pay items may apply or if a change order is needed. If needed, the RWPCM will coordinate with Headquarters Water Quality Section to ensure these control measures are implemented consistently.
 - a. Include a “use agreement” for any control measures (also known as best management practices [BMPs]) outside of the permitted area.
 - b. Install outlets that withdraw water from at or near the surface when discharging from basins or impoundments.
 - c. Maintain pre-existing vegetation or equivalent control measures for areas within 50 horizontal feet of receiving waters.
 - d. Note that CDPHE may require sampling of runoff from sites that discharge to impaired waters.

If you are interested in additional information, a comparison of the changes between the previous permit and the new SCP (COR400000) are included in the attachments below:





COLORADO
Department of
Transportation

CONSTRUCTION BULLETIN

Division of Transportation Development
Environmental Programs Branch

New Permit Requirements
2019 Number 3, Page 3 of 3
Date: March 28, 2019

If you keep your own copy of the *Construction Manual* (electronic or paper), please keep a copy of this construction bulletin with it. Updates will be made to the CDOT 2018 Construction Manual to reflect the new project requirements as soon as all information is gathered from CDPHE.

The *Construction Manual*, Construction Bulletins, and Project Development Manual can be found on the Design and Construction Project Support web page at:

https://www.codot.gov/business/designsupport/bulletins_manuals



Water Quality Control

Purpose:

The purposes of this bulletin are to:

1. Provide a summary of major changes in the revised Water Quality Control and Erosion Control Specifications.
2. Provide a change to the current Standard Specifications, subsection 208.09
3. Issue the revised Environmental Pre-construction Agenda and Certification of Understanding.
4. Issue the revised CDOT Forms: 1176 and 1177.
5. Issue the revised Over an Acre and Under an Acre Templates.
6. Issue the Revised Stormwater Notebook Table of Contents and Notebook Tabs.
7. Issue the revised sections of the *Construction Manual*.

New and Revised Standard Special Provisions:

On March 29, 2016 CDOT issued:

- New Standard Special Provision, *Revision of Section 107, Water Quality Control (CDOT Obtained Stormwater Permit)*
- Revised Standard Special Provision, *Revision of Section 107, Water Quality Control (Contractor Obtained Stormwater Permit)*
- New Standard Special Provision, *Revision of Section 208, Erosion Control*
- Revised Standard Special Provision, *Revision of Sections 107 and 208, Water Quality Control and Erosion Control Under One Acre of Disturbance*
- Revised Standard Plan M-208-1, Temporary Erosion Control (Required for all projects)

These specification changes were implemented as a result of the 2015 EPA audit, 2015 MS4 Permit (COS000005) and experience gained from data provided by the Water Quality reporting software ESCAN. All projects advertised on or after April 21, 2016 are required to implement the new program requirements and documents.

New requirements of these standard special provisions include but are not limited to:

1. New and revised standard special provisions, *Revision of Section 107, Water Quality Control (CDOT Obtained Stormwater Permit and Contractor Obtained Stormwater Permit)*:
 - There are two standard special provisions for subsection 107.25. During the project development process for projects requiring a permit, the Resident Engineer, in consultation with the Region Environmental staff, will determine who should obtain



the Stormwater Discharges Associated with Construction Activity General Permit (CDPS-SCP). Requirements on how to transfer the CDPS-SCP between CDOT and the Contractor were updated to achieve conformance with requirements of the CDPHE.

- Changed the name and the requirements of the pollutant byproducts plan to the Method Statement for Containing Pollutant Byproducts.
- Clarified Contractor requirements to report spills to the Engineer that meet the requirements of Colorado Water Quality Control Act, Regulation 5 CCR 1002-61. These are also the requirements for the Contractor to report project spills to CDPHE.
- Revised the Contractor requirement from Spill Prevention, Control and Countermeasures Plan (SPCC) to a Spill Response Plan (SRP). Provided requirements of when an SRP is required for a project.

2. New standard special provision, *Revision of Section 208, Erosion Control*:

- Replaced the daily inspection requirement with a 7-calendar-day minimum inspection frequency.
- Replaced RECAT with Headquarters Water Quality Inspection and MAR with Region Water Quality Inspection based on the new MS4 requirement to have a risk based inspection program.
- Added Erosion Control Management (ECM) that consists of the administration of the SWMP and inspection of the site. Clarified the roles and responsibilities for the SWMP Administrator and Erosion Control Inspector (ECI) mainly within subsection 208.03 (c) ECM and clarification of responsible party throughout other parts of the specification. Added requirement that one certified ECI is required for every 40 acres of combined temporary and interim stabilization methods used on the project. Obsoleted two pay items, Erosion Control Supervisor, unit Day and Hour. Added a new pay item for ECM, unit Day.
- Replaced the previous requirement that limited the amount of erodible area exposed at one time from 34 acres with the new requirement that a maximum area of temporary stabilization shall not exceed 20 acres.
- Added a requirement that Permanent Water Quality BMPs shall be surveyed by the Contractor and the Contractor's Surveyor shall stamp and seal the paper version of the drawings. The survey data shall also be submitted as a MicroStation or AutoCad file.
- Added and defined stabilization measures as temporary, interim, permanent and final.
- Updated CDOT's regulatory mechanism to enforce the requirements and achieve program compliance with the MS4 Permit. The Contractor will be charged liquidated damages which has increased from \$875 to \$970 for each day after the 48-hour period has expired. During the first 96 hours after the documented finding, the Contractor has the opportunity to submit a written request for deferment from either liquidated damages or a Stop Work Order. The Deferment Entry must be entered into ESCAN



with an explanation of the extraordinary circumstances why a corrective action will require more time to complete.

3. Revised Standard Special Provision, *Revision of Sections 107 and 208, Water Quality Control and Erosion Control Under One Acre of Disturbance*:
 - Added SWMP Administrator duties for projects having less than an acre of total disturbance shall be included in cost of the work.

Current Standard Specifications, subsection 208.09

For current projects advertised before 4/21/16 the EPA Finding 1CS (Appendix C) noted that CDOT was not following the specification in issuing stop work orders after the corrections were not completed within 48 hours or discharges into state waters. The new specification revised language in subsection 208.09 from “may Issue the stop work” to “will issue the stop work order”. Based on the EPA Audit, Project Engineers on projects advertised before 4/21/16 need to therefore interpret the “may” as “will” and shall issue stop work orders and require the Contractor to submit a corrective action plan per 208.09.

Environmental Pre-construction Conference Agenda:

Revised Environmental Pre-construction Conference Agenda (Required for those projects with a Stormwater Permit).

The agenda will be available as a printed sample in Appendix A of the CDOT *Construction Manual*, and is available in electronic format at the following link:

https://www.codot.gov/business/designsupport/bulletins_manuals/cdot-construction-manual/agenda-forms

Water Quality Forms:

Revised CDOT Forms: 1176 and 1177 (Required for those projects with a Stormwater Permit).

The CDOT Forms are a requirement of the CDOT specifications on all projects holding a Stormwater Construction Permit. See subsection 208.03 of the standard special provision.

These forms are available at the following link:

<http://intranet/resources/CDOT-forms/cdot-1100>



SWMP Templates:

Revised Over an Acre and Under an Acre Templates (Required for all CDOT projects).

The CDOT templates have been updated to meet the 107 and 208 standard special provisions and are available in electronic format on the Landscape Architecture site at the following link:

<https://www.codot.gov/programs/environmental/landscape-architecture>

SWMP Notebook Tabs:

Revised SWMP Notebook Tabs (Required for projects having an acre or more of disturbed area).

The CDOT SWMP notebook tabs have been updated to meet the 107.25 and 208 standard special provisions. Printed copies of the tabs are available from the Hydrologic Resources and Ecological Design Unit.

Tabs are available in electronic format on the Water Quality Document page at the following link:

<https://www.codot.gov/programs/environmental/water-quality/documents>

Construction Manual Updates:

Made extensive revisions to Section 107.25 Water Quality Control and Section 208 Erosion Control of the *Construction Manual* to reflect the new *Standard Specifications* and *Standard Special Provisions*.

Print out the following files to update your copy of the *Construction Manual*.



Section 107 Rev
102016.pdf



Section 208 Rev
102016.pdf



COLORADO
Department of
Transportation

CONSTRUCTION BULLETIN

Division of Project Support
Project Development Branch
Standards and Specifications Unit

Water Quality Control

2016 Number 2, Page 5 of 5

Date: March 29, 2016 [Revised Oct. 20, 2016]

References:

Please print a copy of this bulletin and keep it with your copy of the *Construction Manual*.

Chief Engineer's Memo dated March 28, 2016:

<https://www.codot.gov/business/designsupport/chief-engr-memos>

The CDOT MS4 Permit (Permit Number COS000005) can be found on the Water Quality web page at:

<https://www.codot.gov/programs/environmental/water-quality/documents/cdot-ms4-permit/view>

The *Construction Manual* and Construction Bulletins can be found on the Design and Construction Project Support web page at:

https://www.codot.gov/business/designsupport/bulletins_manuals



Finals Notebook and ProjectWise For Construction

Subsection 121.1.1 has been modified in the *Construction Manual* to allow ProjectWise as an acceptable location to house electronic documentation for final pay quantities.

Subsection 121.2.6 has been modified in the *Construction Manual* to require the Project Engineer to submit a Final Notebook and a separate Final Materials Notebook to the Region Finals Administrator.

Appendix B has been modified to include the Project Final Submittal Checklist and Final Materials Submittal Checklist which will be used as the tables of contents for the Notebooks.

Print out the following pages and use them to update your copy of the *Construction Manual*:

(Note: The two Section 100 files remain unchanged from the original bulletin issued on February 4, 2016. Print those files only if you didn't update your manual at that time. The Appendix files and checklist files are new to this revision.)



Section 100 pp
223-224.pdf



Section 100 pp
239-240.pdf



Appendix B pp 1-2
Rev 072616.pdf



Appendix B pp
119-124 Rev 072616.

Following are full-size electronic files of the checklists:



Project Final
Submittal Checklist |



Final Materials
Submittal Checklist |

References:

Please print a copy of this bulletin and keep it with your copy of the *Construction Manual*.

The *Construction Manual* and Construction Bulletins can be found on the Design and Construction Project Support web page at:

https://www.codot.gov/business/designsupport/bulletins_manuals.



Permanent Water Quality Mitigation Pool

Purpose:

This bulletin supersedes Design Bulletin 2014-12: Permanent Water Quality Mitigation Pool Combination Projects and Construction Bulletin 2014-6: Permanent Water Quality Mitigation Pool.

The purpose of this bulletin is to provide direction on tracking Permanent Water Quality (PWQ) project money. A project follows this procedure anytime PWQ Mitigation Pool funds are used (including local agency projects).

PWQ Projects shall not be tracked as Combination Projects.

Background:

CDOT's municipal separate storm sewer system (MS4) Permit requires CDOT to implement a Permanent Water Quality (PWQ) program to address water quality from new development and redevelopment (NDRD). This program requires CDOT to install PWQ Control Measures [(CMs) or best management practices (BMPs)] on all sites that disturb one or more acres. CDOT has revised this program to be more efficient and streamlined. As part of the PWQ program, a Permanent Water Quality Mitigation Pool (the Pool)] has been created to fund water quality projects on a watershed and priority basis. As a result, fewer of CDOT's projects will require onsite permanent water quality.

CDOT has determined the Pool will not exceed the annual PWQ Program/Permit required amount. Because of this, not every Priority project will be funded or fully funded by the Pool. Additional funds may be required from other sources to complete the PWQ project.

The Colorado Department of Public Health and Environment (CDPHE) requires CDOT to report and track how the Pool is spent. This will be done using the PWQ Cost Estimate and Expenditure Spreadsheet which can be found on the PWQ website:

<https://www.codot.gov/programs/environmental/water-quality/permanent-water-quality>



PWQ Guidance:

1. The Project Engineer (PE) and Resident Engineer (RE) will account for the Pool funds separate from other funds. The PWQ work and the other work shall be identified separately in the project documentation such as the Daily Diaries, Inspector's Progress reports, and other forms to document the PWQ work.
2. A PWQ Category has been created in Trns*port to pay for these items. The Project Engineer will record the PWQ work under the associated project Category 1300.
3. The Project Engineer and the Resident Engineer will work with PWQ Program Manager and the Region Business Manager if there is a need to add funds to the PWQ Project's construction phase. Additional funding is not guaranteed.
4. The Pool will pay for elements that exist solely for PWQ. For example, the Pool would pay for an inlet that has the sole purpose of routing flows to a PWQ feature. The Pool would not pay for an inlet that would be necessary without the PWQ feature, solely for drainage purposes.
5. Payment for lump sum items that are required for both the PWQ work and other work and do not typically overrun will be prorated. An example is *Clearing and Grubbing*. The Project Manager and Resident Engineer will determine the percent of the total items applicable to the PWQ work compared to the other work. Decimal equivalents will then be listed in the plan sheet tabulations for the two categories of work so that the total on the Summary of Approximate Quantities is a value of one.
6. Items that are not quantified as lump sum need to be analyzed and proportioned so that the total quantity for PWQ work and the other work is reported separately. An example is *Seeding*. The quantity placed for the PWQ work will be accounted for separately.
7. The Pool will not pay for items that are required for the project like the Field Office, the Field Laboratories and Sanitary facilities. If a change order is necessary, remember the Pool will only be used for elements necessary for the construction of the PWQ features. The Pool will not pay for elements of the project that would exist irrespective of the PWQ feature. For information regarding eligibility to use the Pool, contact the NDRD Program Manager.
8. Change Orders, if required, will be tracked in Category 1300. If the change order impacts both the PWQ work and other work, the Project Engineer and Resident Engineer will determine an accurate proportional difference in costs based on engineering judgment. Cost justifications will need to clearly identify the funding source, or sources for the additional work.
9. If Liquidated Damages (LDs) are necessary they will not be included in Category 1300.

If you have questions please first consult the RE, the Water Quality Specialist or the Environmental Designer. This team is critical in determining the water quality needs on the project.



COLORADO
Department of
Transportation

CONSTRUCTION BULLETIN

Division of Project Support
Project Development Branch
Standards and Specifications Unit

Permanent Water Quality Mitigation Pool
2015 Number 6, Page 3 of 3
Date: August 17, 2015

The contacts for Water Quality Specialists and Hydraulic Engineers can be found on the PWQ website:

<https://www.codot.gov/programs/environmental/water-quality/permanent-water-quality>

For questions regarding the eligibility to use the Pool, NDRD Program requirements or regulations, please contact the NDRD Program Manager, Amber Williams at (303) 757-9814 or dot_pwq@state.co.us.

For questions regarding funding the project phases, contact your region Business Office Manager.

References:

Please print a copy of this bulletin and keep it with your copy of the *Construction Manual*.

The *Construction Manual* and Construction Bulletins can be found on the Design and Construction Project Support web page at:

https://www.codot.gov/business/designsupport/bulletins_manuals.



CONSTRUCTION BULLETIN

Colorado Department of Transportation
Project Development Branch

Regional Contracts for Water Quality
and Erosion Control

2013 Number 7, Page 1 of 2

Date: June 19, 2013

Regional Contracts for Water Quality and Erosion Control

The FHWA has approved a new CDOT SEP-14 contract which allows CDOT to use federal money to create and administer region-wide water quality and erosion control contracts.

This type of contract addresses federally-funded projects in which the Project Engineer has given acceptance to the original Prime Contractor, but for which the stormwater permit is still open. The goal is to provide a single contract whereby a contractor is on call to perform water quality or erosion control work throughout a Region or Engineering Program.

Some CDOT Regions already have this type of contract funded with State money. With the approval through the SEP-14 process, CDOT can now fund these types of contracts with federal money. Below are instructions and additional information to assist the Regions with implementing this new type of contract.

INSTRUCTIONS AND ADDITIONAL INFORMATION:

1. Other than described below, the design, advertisement, award, and construction management of the project will be the same as if the project were a typical design-bid-build project with federal funding.
2. The need for the contract must be approved by the Region RTD.
3. The Region will work with their Business Office to obtain funding.
4. Upon funding the Region will designate a Project Manager to manage the contract.
5. The Project Manager will design or oversee the design of the contract.
6. The contract will incorporate the following basic elements as listed below:
 - Covers multiple construction projects within a Region or multiple construction projects within an Engineering Program. The specific projects do not need to be identified in the contract.
 - Work under this contract can only be performed on projects which have federal funding.
 - Work under this contract can only be performed on projects in which the Project Engineer has provided acceptance to the Prime Contractor and of which the stormwater quality permit is still open.
 - The contract has a maximum contract value.
 - The contract has an expiration date, with a duration of 1 or 2 years, and can be renewed.
 - No Task Order is required to be written to have work performed. The Project Manager or Project Engineer simply notifies the Contractor (preferably in writing after a phone call) of the need for the work.



CONSTRUCTION BULLETIN

Colorado Department of Transportation
Project Development Branch

Regional Contracts for Water Quality
and Erosion Control

2013 Number 7, Page 2 of 2

Date: June 19, 2013

- The contract is awarded based on low bid but can have a qualifications element (pre-approval to bid).
 - This contract will be funded with federal money.
7. During construction the Project Manager will obtain and track the “measurables” as defined in the SEP-14 application and provide the information annually to the respective Contracts & Market Analysis Area Engineer. The attached Excel document is a suggested format: it contains all the information needed to report the “measurable” to the FHWA in the annual report.
 8. The Project Manager will develop the baseline data for comparison to the measurable. For example, one measurable is the time from Project Engineer acceptance to permits closure. The Project Engineer will need to provide this data for construction projects which did not use this SEP-14 contract.
 9. The Contracts & Market Analysis Area Engineers will compile all the information throughout the State and submit an annual report to FHWA.
 10. Attached are samples of this type of contract from other Regions. These sample contracts are funded with State money. Therefore, make adjustments to be certain CDOT meets all FHWA requirements for a typical design-bid-build project with FHWA funding.

References:



Approved
Application.docx



SEP 14
Reporting.xlsx



Contract Example
1.pdf



Contract Example
2.pdf



CONSTRUCTION BULLETIN

Colorado Department of Transportation
Project Development Branch

FASTER Project Signs
2010 Number 5, Page 1 of 2
Date: August 18, 2010

Project Signs for *Funding Advancements for Surface Transportation and Economic Recovery (FASTER) Projects*

This construction bulletin provides guidance on the design and placement of mandatory signs to be installed on projects that are funded with FASTER funds.

CDOT Management has decided that **all** projects funded with FASTER money (both bridges and safety) shall have special signs identifying them as FASTER projects. The signs are to be erected at each major approach to the project. There will normally be a minimum of two of these signs on the project. Since there may be special circumstances, the project manager should consult the Region Traffic Engineer on the number and locations of signs. The sign layout consists of two panels, a W21-1a "Workers Sign" sign mounted on a special FASTER sign. Attached is the electronic file of the sign layout.



FASTER-081610.pdf

Signs shall be mounted on 6 X 6 timber posts for a temporary installation in accordance with the applicable S-Standards. CDOT Resident and Project Engineers shall negotiate a CMO to install these signs on projects already advertised and awarded. These signs will be paid for using bid item 630-80344, Construction Traffic Sign (Special). Attached is a sample change order that can be used.



FASTER Example
CMO.doc

The sign layout can be accessed via the HQ Safety and Traffic Engineering Branch website under the link to the CDOT Sign Library webpage at <http://www.coloradodot.info/library/traffic/traffic-manuals-guidelines/fed-state-co-traffic-manuals/cdot-sign-library.html>

If you have questions, please contact your Area Engineer in Project Development.



CONSTRUCTION BULLETIN

Colorado Department of Transportation
Project Development Branch

FASTER Project Signs
2010 Number 5, Page 2 of 2
Date: August 18, 2010