**GUIDANCE FOR WHEN THE PROJECT ENGINEER IS A CONSULTANT**

This construction bulletin revises the CDOT Construction Manual by adding 101.103.61 Project Engineer (Consultant) to assist in clarification of duties and responsibilities for the Project Engineer when he is not a CDOT employee.

**101.103.6.1 Project Engineer (Consultant)**

As stated in Section 101.47 of the CDOT Standard Specifications for Road and Bridge Construction, the Project Engineer is the Chief Engineer’s duly authorized representative who may be an employee of a consulting engineer (consultant) under contract to CDOT. The Consultant Project Engineer (CPE), if not a licensed Professional Engineer, shall be under the responsible charge of the consultant’s Professional Engineer (a licensed P.E. in Colorado) who is in direct charge of the work and satisfactory completion of the project. Both the CPE and consultant Professional Engineer shall report directly to a CDOT Resident Engineer (RE) or designee as stated in the scope of services contract.

The responsibilities of the consultant fulfilling the role of the Project Engineer will be similar to that of the CDOT Project Engineer, however, the CPE and the consultant Professional Engineer are not authorized to sign or approve Contract Modification Orders (CMO’s) and time extensions. The CPE and the Consultant Professional Engineer shall coordinate as a team to keep the RE informed of project progress as directed and manage the project work. All field revisions and design changes must be approved by the RE prior to implementation.

The CPE’s duties regarding construction Contracts include:

1. Administer the Contract according to established CDOT Policies and Procedures, including those described in this manual.
2. Ensure that all Work and Materials used on the Project, and applicable Project documentation conform to Contract requirements and established CDOT Policies and practices. Prior to the work taking place the CPE and Consultant Professional Engineer shall obtain written approval from the RE or CDOT Engineer of Record for:
* All price adjustments.
* Documentation that does not meet the Contract or accepted CDOT guidelines.

The Contractor shall make all requests in writing and the CPE shall respond to those requests as directed by the RE. Responses to Contractor requests shall be in writing on a CDOT Form 105 and shall be documented in the daily diary. Instructions and directions provided to the Contractor shall be documented on a CDOT Form 105 and in the daily diary.

1. Manage the Project within the current approved construction budget authorization, or approved budget changes.
2. Ensure Contract Time is managed in in a way that benefits the Project.
3. Ensure timely completion of the Project based on the original project schedule and approved schedule revisions.
4. Ensure the Work is inspected daily and as required to ensure reasonable conformance to the Contract.
5. Ensure the Project records and other documentation are proper and current.
6. Ensure DBE, OJT, and other requirements are fulfilled.
7. Ensure the Contractor is paid timely for all Contract items that are satisfactorily completed in accordance with the Contract.

The CPE and other Project personnel should not direct the Contractor’s operations. The Project Engineer is responsible for ensuring that the Contractor uses proper methods for performing quality work safely and in compliance with the Contract requirements. If the Project Engineer or other project personnel attempt to direct the Contractor’s operations, the Contractor may claim that the project personnel assumed risk and responsibility for the Work product.

The CPE has limited authority to make changes to the Contract Plans and Specifications. For questions and interpretations related to pay items, plan quantities, locations and methods of installation, etc. for the work shown in the plans and specifications, the CPE shall consult with the RE or the CDOT Engineer of Record for clarification. The CPE shall document all verbal discussions for questions and interpretations of the plans using a CDOT Form 105 and sending copies to the Consultant Professional Engineer and the CDOT RE.

When an immediate decision needs to be made regarding the Contractor’s work, and that decision may impact project costs or safety of the traveling public, or result in a different installation than what is shown on the plans, the CPE shall contact the CDOT RE for guidance. If the CDOT RE cannot be reached, then the CPE shall contact the Consultant Professional Engineer to address the issue of the Contractor’s work and make sure that all potential safety issues are resolved prior to the Contractor leaving the site for the day. The CPE shall follow up with the RE as soon as possible to discuss the issue in question.