

## CONSTRUCTION MANAGEMENT

### CHAPTER 8

#### Introduction

If the Local Agency is identified for construction management responsibilities in the CDOT/Local Agency IGA, then the Local Agency may fulfill this responsibility with qualified staff or may contract with a consultant for these services. Construction management consists of inspection and testing services, including Quality Assurance inspections during the fabrication of precast concrete products. The Local Agency Project Manager shall refer to the applicable version of the [CDOT Construction Manual](#), the [CDOT Bridge Fabrication Inspection Manual](#), and [CDOT Field Materials Manual](#) for more detailed information on construction management, fabrication inspection, and materials testing. Section 122 of the *CDOT Construction Manual* contains information specific to the administration of Local Agency projects.

Upon CDOT's issuance of Concurrence to Award/Notice to Proceed and the executed Option Letter encumbering construction funds, the Local Agency is able to charge eligible costs to the construction phase.

CDOT is transitioning from paper to accepting all submittals, forms, Project Records and supporting documents in electronic format on Local Agency projects. During the transition period from paper to electronic medium, unless specifically stated, documents and forms listed in this Chapter will be accepted from the Local Agency in paper or electronic format, although the latter is preferred and may be required by the CDOT Region where the project is located.

Project Records which require a Professional Engineer, Professional Architect, or Land Surveyor Seal are defined in the CDOT Construction Manual as Signature Type 1 documents. Project Records which do not require a professional stamp are Signature Type 2 documents. See Section 120.1.1 in the [CDOT Construction Manual](#) and see Appendix B for Local Agency requirements for electronic records and electronic signatures.

ProjectWise Explorer/Project Share is the repository for project documentation during the project. The CDOT Project Manager will provide ProjectWise Explorer/Project Share access to the Local Agency. The Local Agency should place submittals, forms, Project Records and supporting documents in ProjectWise Explorer/Project Share in accordance with the location shown on the Construction Oversight Checklist, or as directed by the CDOT Project Manager. In the event any Project Records are submitted in paper format, the CDOT Project Manager will file in ProjectWise Explorer.

The CDOT Project Manager will provide the applicable Construction Oversight Checklist to the Local Agency. This checklist provides federal and state requirements during construction. A sample Construction Oversight Checklist can be found in Appendix B.

This *Desk Reference* uses “CDOT Project Manager” to refer to the CDOT staff member responsible for providing assistance to the Local Agency. The CDOT Project Manager is also referred to as the CDOT Local Agency Coordinator.

### **8.1 Issue Notice to Proceed to the Contractor**

The Local Agency shall issue a Notice to Proceed to the Contractor. The Contractor may not commence work prior to receiving the Notice to Proceed. Follow the [CDOT Standard Specifications](#), subsection 108.02, to ensure this notice contains the correct information. The Resident Engineer shall be copied on the Notice to Proceed (NTP). A sample NTP is in Appendix B of this *Desk Reference*.

### **8.2 Project Safety**

Before construction commences on the project, the Contractor must submit a Project Safety Management Plan in electronic format compliant with Section 107.6 of the [CDOT Construction Manual](#). Follow the *Standard Special Provisions* and the [CDOT Standard Specifications](#), subsection 107.06, to ensure the Plan addresses all protocols. Safety is of the highest priority on CDOT projects, which includes Local Agency projects.

The Contractor is expected to comply with the Plan at all times, and to provide updates as work conditions or personnel change. The Plan should address issues including, but not limited to, the following:

- Hygiene protocols
- Meeting arrangements, including techniques for remote meetings.
- Social Distancing requirements on construction worksites
- Non-medical face coverings

### 8.3 Conduct Conferences

#### 8.3.1 Preconstruction Conference

The Local Agency shall conduct the Preconstruction Conference and shall invite CDOT, usually the Project Manager or Resident Engineer, and a representative from the Region Civil Rights Office. The FHWA should also be invited to the conference if the project is under its oversight. See the [CDOT Construction Manual](#) for information on conducting the conference and for the required Contractor Submittals. A [Preconstruction Conference Agenda Form](#) is available on the Local Agency Manual Webpage and in Appendix B. Following the conference, a completed copy of the agenda and minutes in electronic format should be sent to each attendee. One copy should also be sent to the FHWA for all Federal-aid Highway oversight projects.

[Required posters](#) for the Contractor's bulletin board can be accessed on CDOT's website.

It is recommended the Local Agency require submittals in electronic format be turned in at least three working days prior to the Preconstruction Conference. Submittals can then be reviewed and any deficiencies discussed at the conference. The following submittals are required from the Contractor (see Appendix A of this *Desk Reference* for copies of the forms):

1. List of Contractor's representatives identified in the Preconstruction Conference agenda in electronic format (see Appendix B of this *Desk Reference*).
2. [CDOT Form 205](#) – Sublet Permit Application. If the Contractor is subcontracting any work, this form must be submitted in electronic format and approved by the Local Agency before the subcontractor can begin work. The Contractor needs to complete a separate Form 205 for each subcontractor. This includes professional services and trucking companies (that are acting as subcontractors). The Local

Agency must ensure that the Form 205 is completed with correct line items, quantities, and costs by the Contractor before submission to CDOT.

For projects advertised prior to July 1, 2022, the Local Agency shall review each form for accuracy and work with the Contractor to correct the form if needed. The Local Agency submits the original forms to the CDOT Project Manager who will forward them to the Region Civil Rights Office. After the Region Civil Rights Office reviews the form, it is sent to the Local Agency and the CDOT Project Manager is copied.

Projects advertised on or after July 1, 2022 will be required to use Civil Rights compliance software systems. The current compliance software utilized to monitor subcontracting is the B2GNow system. If the project is using the B2GNow software, the Form 205 is submitted by the prime contractor and recommended for approval by the Local Agency -- both actions taken in the system. Once the Local Agency has recommended the Form 205 for approval, they should notify the Civil Rights Office and copy the CDOT Project Manager. Using the B2GNow system, the Civil Rights Office approves, denies, or returns the form for updates. Contact the CDOT Project Manager or the Region Civil Rights Office for assistance or questions.

The supplier or subcontractor may not begin work until the Form 205 has been approved in the B2GNow system. Physical subcontracts may be requested by CDOT or the Local Agency. If any discrepancies or issues arise during the review of the form, the Region Civil Rights Office notifies the Local Agency and Contractor for corrections or stoppage of work.

3. [CDOT Form 1425](#) - Suppliers Application Approval Request List. The Contractor must submit a completed Form 1425 for each direct supplier that meets the \$10,000 criteria outlined within subsection 106.01 of the [CDOT Standard Specifications](#). The Form 1425 shall be submitted to the Engineer prior to beginning any work on the project or incorporating materials into the project, or at such time that the \$10,000 amount is known to be exceeded. Include the item to be supplied, company name, address, telephone number, contact person, and DBE status. See the "Special Notice to Contractors" in the [CDOT Field Materials Manual](#), and subsection 106.01 of the [CDOT Standard Specifications](#).

For projects advertised prior to July 1, 2022, the Local Agency shall check the form and either submit the original signed form to the CDOT Project Manager who will forward it to the Region Civil Rights Office or route the form for electronic signatures.

Projects advertised on or after July 1, 2022 will be required to use compliance software systems. The current compliance software utilized to monitor suppliers is the B2GNow system. If the project is using B2GNow software, Form 1425 is submitted by the prime contractor to the Local Agency and ultimately approved in the system. Contact the CDOT Project Manager or the Region Civil Rights Office for assistance or questions.

4. [CDOT Form 838](#) - OJT Trainee/Apprentice Record. The Contractor must submit a completed form for each trainee or apprentice on the project. This form is required if apprentices and / or trainees are present and counting toward the project OJT goal. OJT Program information is found at the following link: <https://www.codot.gov/business/civilrights/ojt> .

Projects advertised on or after July 1, 2022 will be required to use compliance software systems. The current compliance software utilized to monitor the OJT program is the LCPtracker system. If the project is using LCPtracker, OJT participation is tracked in the system. The CDOT Form 832 is required to be submitted monthly to provide additional information regarding the trainee status that is not captured in the software system. Contact the CDOT Project Manager or the Region Civil Rights Office for assistance or questions.

OJT Program requirements do not apply to projects fully funded with state or Federal Recovery funds.

5. Procedure for handling EEO complaints. The procedure needs to detail who, what, when, where, and how an employee can file a complaint within the Contractor's organization and also a means for filing a complaint outside of the company.

6. Method of monitoring subcontractor EEO compliance. The Contractor needs to outline its process to monitor subcontractor compliance with all the regulations.
7. [CDOT Form 465](#) – Non-discrimination in Employment Notice (Labor Unions or other Worker’s Organizations). If the Form 465 is being used for recruitment, it should be addressed to the recruitment source. If the form is not being used to recruit applicants, it should be addressed to Employees/Applicants.
8. Contractor Supervisory EEO Meeting minutes and attendance roster in electronic format. The Local Agency is responsible for ensuring that a meeting was conducted in the past year, all EEO issues were addressed, and the supervisor/superintendent for the project is on the list of attendees. According to the *Title 23 CFR Appendix A to Subpart A of Part 230*, periodic meetings of supervisory and personnel office employees will be conducted before start of work and then not less often than once every 6 months.
9. An agenda and tentative date for the Contractor’s First Project EEO Meeting. This meeting must be conducted as soon as a representative workforce is on the project. After the meeting is held, the Contractor must submit the minutes and the attendance roster in electronic format to the Local Agency showing that a majority of the workforce attended the meeting. Subcontractors who are not present for the initial meeting must conduct their own EEO meeting and documentation of the meetings must be provided to the Local Agency.
10. Contractor's Method of Handling Traffic. A different Method of Handling Traffic (MHT) must be submitted in hard copy or electronic format for each traffic situation as detailed by the traffic control plan in the Contract. In accordance with subsection 630.10 of the [CDOT Standard Specifications](#), the Local Agency must review the MHT and either approve or return it for revisions. Once the MHT is approved, the Contractor, traffic control supervisor, and the Local Agency Professional Engineer must sign it.
11. Critical Path Method schedule in electronic format. The schedule is required at least ten working days prior to the start of work. Schedules are described in subsection 108.03 of the [CDOT Standard Specifications](#).

12. Certificate of Insurance (subsection 107.15 of the [CDOT Standard Specifications](#)). The Local Agency shall obtain the Certificate of Insurance from the Contractor prior to the Notice to Proceed or commencement of work. The Local Agency must check the expiration date on this document to make sure that insurance coverage does not expire prior to project completion. The policy shall name the Local Agency as primary insured and CDOT as an additional insured. Should coverage expire, the Local Agency must receive from the Contractor a renewal certificate.
13. Concrete (follow Colorado Procedures [\(CP\) 62](#) and asphalt mix (follow [CP 52](#)) designs in electronic format

### **8.3.2 Other Conferences**

One or more of the following conferences may be required depending upon the nature of the project: Presurvey, Construction Staking, Environmental Precon, Monumentation, Partnering, Structural Concrete Pre-Pour, Concrete Pavement Pre-Paving, and Hot Mix Asphalt Pre-Paving. See the [CDOT Construction Manual](#) for further information and sample agendas.

### **8.4 Develop and Distribute Public Notice of Planned Construction to the Media and Local Residents**

The Local Agency should distribute a public notice announcing the project to affected parties such as adjacent property owners or businesses. This can be accomplished with a newspaper item, fliers distributed by hand, email, city or county website, and/or other means of mass communication. The CDOT Project Manager should be given the opportunity to review the public notice prior to distribution.

### **8.5 Supervise Construction**

The Local Agency shall notify the Resident Engineer and/or the CDOT Project Manager prior to commencement of work and shall provide updates when issues arise on the project. The Local Agency shall notify the Resident Engineer, CDOT Project Manager, and CDOT Bridge Inspection Unit prior to fabrication of structural items and identify their

inspectors responsible for Quality Assurance during fabrication. Notices shall be in electronic format.

A licensed Professional Engineer registered in Colorado shall be “in responsible charge of construction supervision.” See the Local Agency Contract Administration Checklist (CDOT Form 1243). The Local Agency shall provide competent, experienced staff that will ensure the contract work is constructed in accordance with the plans and specifications.

CDOT’s Construction Inspector Qualification Program and training requirements are described in the [CDOT Construction Manual](#), Section 101.103.7. Certain Local Agency projects require inspectors to have successfully completed training and certification. For projects that are constructed partially or entirely within CDOT right of way, within any roadway template, that add lanes, or have other work activities as determined by the CDOT Resident Engineer, this certification is required.

On projects with structures, the Local Agency’s Structural Engineer should be available during construction to assist in interpreting the structural plans and specifications and to resolve structure-related construction issues.

CDOT Staff Bridge may provide technical assistance, when requested, to Local Agencies, Consultant design engineers and CDOT Region staff. This assistance will involve answering specific questions and facilitating the use of CDOT structures-related documents.

### **8.5.1 Construction Inspection and Documentation Responsibilities**

As a requirement for receiving federal or state funds, the Local Agency shall be responsible for inspecting and documenting the Contractor’s work on the project. The [CDOT Construction Manual](#) gives guidelines on how each item should be inspected and documented.

The Local Agency shall have written or electronic documentation, such as [Form 266](#), to support all Contractor payments. Section 100 of the [CDOT Construction Manual](#) contains guidelines on how to document pay quantities. Item documentation shall



include project number, item number, work description, date, specific location on the project, method of measurement, quantity paid, and signature of inspector.

Local Agencies should ensure that they are in compliance with inspection and documentation requirements to maintain eligibility for funds.

### **8.5.2 Additional Construction Inspection and Documentation Responsibilities for projects with Structures**

As directed by the CDOT Region, the Local Agency's Project Engineer will provide all pertinent documents to the CDOT Project Manager for filing in ProjectWise or place all documents in ProjectShare by the Final Inspection/Owner Acceptance walkthrough. Items 1, 2, 3, 5 and 8 shown in the list below are prepared during the project development phase but are included in construction phase documentation to provide a single comprehensive package of information for each structure. At a minimum, documents include:

1. Design calculations and Independent Design Check calculations (completed during project development). Independent Design Checks are required for only major and minor structures that carry the highway system and other structures that could affect the highway system, i.e., walls, non-standard inlets and culverts, and non-S-standard sign and signal structures. Exceptions may be as approved by CDOT Staff Bridge. Both Design calculations and Independent Design Check calculations must be signed and sealed by a Colorado Licensed Professional Engineer (CO PE sealed).
2. Supporting documents/reports (completed during project development), such as:
  - Final Structure Selection Report
  - Final Geotechnical Report (CO PE sealed)
  - Final Hydraulics Report (CO PE sealed)
3. Load Rating Package, (for all Major and Minor Structures as defined in the Rating Manual) including the electronic bridge model file (CO PE sealed) (completed during project development)
4. Inspection Sketches per CDOT Detailing Manual

5. Software Input Files (Calculations & Ratings) (completed during project development)
6. Bid Results/Summary
7. Final bid documents, including Plans and Specifications (CO PE sealed). Plans shall be submitted in both PDF and native file format. MicroStation files are preferred but AutoCAD files are accepted.
8. MicroStation DGN files and related reference files (completed during project development). Provide cross sections for walls in DGN format. AutoCAD files will be acceptable for projects outside of CDOT ROW.
9. Final Information Package
10. Correspondence directly affecting design and construction
11. Final Detail Letter (FDL)
12. All construction documents, including, but not limited to, as-built drawings, working drawings, shop drawings, material certifications and test reports
13. Intergovernmental Agreements defining Maintenance and Ownership when applicable.

In addition to normal construction inspection, the Local Agency will be responsible for having a final walk through inspection to identify any remaining items (punch list) that the Contractor needs to complete or adjust to conform to all of the project plans and specifications. The Local Agency's Engineer of Record shall be invited to the final walk through for their input into the conformance of the project. The Engineer of Record includes the Structural Engineer of Record and could also include other professional engineers associated with the project. See Chapter 11, Finals, for additional information.

### **8.5.3 Force Account Work**

For force account work by the Contractor, funds cannot be used for equipment rental rates that exceed those in The Rental Rate Blue Book for Construction Equipment. Refer to subsection 109.04 of the [CDOT Standard Specifications](#) for a more thorough explanation of compensation for force account work. Rates for owned or long-term leased equipment that exceed the Blue Book rates are not eligible for participation. Actual rental rates may be reimbursed at rental rate invoice cost for that specific task. CDOT can assist with providing rental rate information. Work that will be paid by Force

Account must be carefully tracked using [CDOT Form 10](#) – Inspector’s Report for Force Account Work. Certified payrolls must be submitted in electronic format for force account work performed by the Contractor even if certified payrolls are not required on the project.

#### **8.5.4 Maintain Diaries**

The Local Agency should keep daily diaries of all activities on the project in electronic format by using [CDOT Form 103](#) – Project Diary, or their own form that contains the same information. Refer to Section 100 of the [CDOT Construction Manual](#). Diaries assist Local Agencies in cases of disputes, claims and lawsuits.

#### **8.5.5 Time Counts**

Refer to the Contract documents for time count requirements. Most contracts require the Local Agency to furnish a weekly statement to the Contractor showing the days charged. A weekly statement may not be required on a completion date project. The [CDOT Form 262](#) – Weekly Time Count Report – Work Days and [CDOT Form 263](#) – Weekly Time Count Report – Calendar Days are presented in Appendix A of this *Desk Reference*. Refer to subsection 108.08 of the [CDOT Standard Specifications](#), and Section 100 and Appendix B of the [CDOT Construction Manual](#) for a more thorough explanation of time counts.

#### **8.5.6 Submit Project Schedule and Conduct Progress Meetings**

The Contractor must submit a project schedule in electronic format to the Local Agency before the project begins, and monthly schedule updates before payments are made. It is recommended that weekly progress meetings be conducted to monitor progress and plan effectively. If construction activities could have an adverse effect on water quality, a weekly meeting is required per subsection 208.03(e) of the [CDOT Standard Specifications](#). Refer to the Contract and also Section 100 of the [CDOT Construction Manual](#) for more information. Accurate, realistic schedules and updates are critical to evaluating disputes and claims.

### 8.5.7 Utility/Railroad Coordination

Contact involved utility and railroad representatives to schedule the performance of the work as set forth in the project plans and specifications. Coordinate the work with the construction activities.

### 8.5.8 Monitor Construction/Civil Rights Compliance

See Chapter 10 of this *Desk Reference* for monitoring requirements.

## 8.6 Review and Approve Shop Drawings

“Shop drawing” is a general term that includes drawings, diagrams, illustrations, samples, schedules, calculations, and other data that provide details of the construction of the work and details to be used for inspection. Shop drawings are Project Records submitted in electronic format by the Contractor for formal review and returned for action. Subsection 105.02 of the [CDOT Standard Specifications](#) defines which items require shop drawings. The Local Agency will review and mark the shop drawings and return them to the Contractor in accordance with the *CDOT Standard Specifications*.

The review and approval process shall not exceed four weeks, unless noted otherwise in the project specifications. The drawings shall be marked with one of the following:

MARK	MEANING
Reviewed, no exception taken	Shop drawings have been reviewed and do not require resubmittal
Reviewed, revise as noted	Shop drawings have been reviewed and the Contractor shall incorporate the comments noted in the shop drawings into the work. The shop drawings do not require resubmittal.
Resubmit, revise as noted	Shop drawings require correction or redrawing and shall be resubmitted for review. If shop drawings are returned for correction or redrawing, corrections shall be made and the shop drawings shall be resubmitted by the Contractor in the same manner as the first submittal. Specific notation shall be made on the shop drawing to indicate the revisions

## 8.7 Perform Traffic Control Inspections

All Methods of Handling Traffic (MHT) shall be reviewed and approved by the Local Agency Project Engineer prior to use. The Local Agency shall verify that all traffic control is in accordance with the *Manual on Uniform Traffic Control Devices (MUTCD)*

and Contract requirements. If a MHT shows that a vertical or horizontal clearance will be restricted by construction activities (see subsection 630.10, items (8) and (9) of the [CDOT Standard Specifications for Road and Bridge Construction](#)), the Local Agency Project Engineer must use the notification procedures described in the [CDOT Construction Manual](#), subsection 630.2.4, Review of Method of Handling Traffic.

For projects within CDOT ROW, if a speed limit reduction is specified in an MHT, a [Form 568, Authorization and Declaration of Temporary Speed Limits](#), must be executed.

The review of work zone traffic control on locally-administered projects is the responsibility of the Local Agency and Contractor personnel, whether the project is on a local road or state highway. Best practices for insuring quality traffic control encourages regular review of the Contractor's traffic control and that these reviews are documented within the project file. Additionally:

- Traffic Control Supervisor training requirements are described in the [CDOT Construction Manual](#), Section 630.2.5. A copy of the certifications shall be placed in ProjectWise/Project Share.
- The Local Agency Project Engineer, or their qualified designee, should make at least one nighttime inspection upon implementation of a new MHT that includes nighttime traffic control devices. The inspection should be documented in ProjectWise/Project Share.

The Local Agency Project Engineer and the CDOT Project Manager/Resident Engineer shall make joint Traffic Control Reviews once each calendar year for each active Local Agency project. See Section 630 of the [CDOT Construction Manual](#) for more information.

A copy of the Traffic Control Review Form is included in Appendix B. The Local Agency or their contractor may use this form as a reference when checking traffic control.

## 8.8 Perform Construction Surveying

Construction survey work consists of performing surveying, related computations, and staking necessary for the construction of all elements of the project.

## 8.9 Monument Right-of-Way

Final monumentation shall be done after the right-of-way is purchased. Right-of-way monuments shall be set at each point designated on the right-of-way plans and in accordance with the *Colorado Revised Statutes (CRS)*. This work shall be performed under the direct supervision of a Professional Land Surveyor, registered in the State of Colorado.

## 8.10 Prepare and Approve Interim and Final Contractor Pay Estimates

The Local Agency Project Engineer shall certify, on each Contractor estimate or billing, that the work has been completed in reasonably close conformity with the plans and specifications.

The Local Agency is responsible for all estimate payments to the Contractor. The Local Agency shall review quantities with the Contractor, and the billing shall address required retainage or securities. Retainage or securities amount will not be less than those required by CDOT contracts. Before payment is made, the Contractor shall submit suitable schedule updates and materials certifications in the same manner as the original submittal in accordance with the [CDOT Standard Specifications](#).

Contractors are required to pay subcontractors for the items included in the estimate within 7 days of receipt of the payment according to the prompt payment law, *CRS 24-91-103 (2)*. The local agency shall ensure prompt payment to subcontractors by collecting and reviewing on a monthly basis [CDOT Form 1418](#) - Monthly Payment Summary or by using a similar method of oversight.

Projects advertised on or after July 1, 2022 will be required to use compliance software systems. The compliance software currently used to monitor prompt payment is the B2GNow system. If the project is using B2GNow software, by the 15th of each month, the prime contractor is required to record all payments to subcontractors by completing

an audit in the system. The subcontractor or supplier will receive a notice to confirm payment within fifteen days from the notice. The Form 1418 is not required if using the B2GNow system. Contact the CDOT Project Manager or the Region Civil Rights Office for assistance or questions.

### **8.11 Prepare and Approve Interim and Final Utility and Railroad Billings**

Verify that the work was performed as stated in the Contract and that the billing is for actual work performed. Refer to the project agreement for billing and payment arrangements.

### **8.12 Prepare and Authorize Change Orders**

Under *Title 23 CFR 635.105*, CDOT is responsible for insuring construction of locally administered Federal-aid Highway projects are completed in conformance with approved plans and specifications. Additionally, under *Title 2 CFR 200.332*, CDOT is responsible to see that the award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award. For these reasons, CDOT reviews all change orders to make certain the change order packet is comprehensive, includes all associated effort and costs, and is reasonable within the original scope and intent of the approved project. Rules and regulations on federally funded and state-funded projects apply to the entire contract and apply to all change orders, regardless of funding.

Change orders, also called Minor Contract Revisions (MCRs) and Contract Modification Orders (CMOs), are needed for items such as changes to the scope of work, specifications, pay items, design, duration, project limits, and typical sections in addition to other reasons as detailed in Section 120.7 of the [CDOT Construction Manual](#). See Appendix C of the *CDOT Construction Manual* for example change orders. Use of contingency money (MCR dollars) typically budgeted into the project and/or use of any money from underruns of existing items also requires a change order.

Additionally, if a change order adds new work items or increases the total dollar amount of the Contract, the Contractor is required to make Good Faith Efforts to obtain additional DBE participation sufficient to meet the Contract Goal in accordance with the

Standard Special Provision, Disadvantaged Business Enterprise (DBE) Requirements. Documentation of Good Faith Efforts should be submitted to the Region Civil Rights Office with a copy to the Local Agency and the CDOT Project Manager.

The Local Agency shall discuss all change orders, including those paid by overmatch, with the CDOT Project Manager/Resident Engineer (and with FHWA on Projects of Division Interest (PODI)). The Local Agency must receive written approval from CDOT prior to commencing any work, regardless of the funding source. On PoDI projects where FHWA determines that the FHWA Area Engineer needs to sign the CDOT Form 90 – Change Modification Order, this signature must be obtained and the form completed before the work starts or the change order will not be reimbursable. See Section 120.7.5 of the [CDOT Construction Manual](#) for the procedure. Change orders where work is incorporated into the project prior to CDOT or FHWA approval are subject to a non-reimbursement determination.

The Local Agency may use its own form or CDOT's [Form 90](#) for a change order. If the Local Agency chooses to use its own form, it must contain the same content and information as on the CDOT Form 90, including signature blanks for all parties. See Section 120.7.6.1 of the [CDOT Construction Manual](#) for information on change order content.

Change orders are Project Records and are required to follow Type 1 Signature requirements. See Section 120.7.5.2 of the [CDOT Construction Manual](#) for information on electronic signatures on Change Orders. The change order must provide enough information for the contractor to build the work directed in the change order and establish how the work will be measured and paid.

The following statement, included in the body of the Form 90 (or equivalent), must be signed by a qualified representative of the Local Agency for all change orders that involve the expenditure of Federal or state funds before the work covered by the change order commences:



Should federal funds or state funds not be available to cover these additional costs, or the Federal Awarding Agency decides not to participate in these costs, the Local Agency agrees to provide the required funds.

The \_\_\_\_\_  
(Name of Local Agency)

approves this Change Order No. \_\_\_\_\_ by signing below.

\_\_\_\_\_  
Authorized Signature                      Title                      Date

**8.13 Submit Change Order Package to CDOT**

The Local Agency will submit the complete and final change order package, consisting of the [CDOT Form 90](#) (or equivalent), along with the letter of explanation detailing background, the reason for the change order, price and time justifications, any budgetary implications, and any attachments, for review and electronic signature in Adobe Sign by CDOT. This final change order package must be in compliance with Section 120.7 of the [CDOT Construction Manual](#). (See Appendix A for Form 90.) Review time by CDOT will vary depending upon the complexity of the change order.

It is the responsibility of the Local Agency to follow up with the CDOT Project Manager/Resident Engineer and FHWA, if applicable, to obtain the electronic signatures on the change order.

Once all signatures are completed, the CDOT Project Manager/Resident Engineer will distribute the approved change order, including explanation letter and all supporting documents, as follows:

- Local Agency,
- CDOT ProjectWise/Project Share,
- Region Program Engineer/Region Finals Engineer, and
- Construction Engineering Services Area Engineer - notify by email with a link to the change order when it is available in ProjectWise/Project Share

The Local Agency shall forward an electronic copy of Form 90 and its attachments to the Contractor.

Should there be instances of non-compliance, the CDOT Project Manager should notify the Resident Engineer, Program Engineer and FHWA for further discussion and resolution.

#### **8.14 Prepare Local Agency Reimbursement Requests**

Billing charges are submitted once a month or less frequently to the CDOT Project Manager during project construction and at completion. Billing procedures and required documentation will be established during CDOT/Local Agency Agreement negotiations. It will take approximately 30 days for CDOT to review, approve and pay proper project billings submitted by the Local Agency. The Local Agency is responsible for ensuring the supporting documentation matches the invoice and is eligible for reimbursement. Invoices submitted with incomplete supporting documentation will require resubmittal and will restart the review period.

The final bill shall be marked "**FINAL.**" The Local Agency shall bill for 100 percent of eligible costs noting the percentage of local funding share. CDOT's Resident Engineer will verify the reimbursement according to the established matching ratio specified in the Inter-Agency Government Agreement. If applicable, there shall be an itemized list of other miscellaneous project charges; i.e., utility relocation or construction engineering. These charges shall be substantiated by the supporting documentation.

See Appendix B of this *Desk Reference* for a sample Local Agency billing package.

#### **8.15 Monitor Project Financial Status**

The Local Agency shall continually monitor the financial status of the project. If additional funds are needed, the Local Agency is responsible for assuring the funds are available in as timely a manner as possible. The Local Agency shall provide the additional funding unless Federal participation has been approved. See Chapter 3 for additional information on financial responsibility.

### **8.16 Prepare and Submit Monthly Progress Reports**

By the first of every month and timed to coincide with billing submittals, the Local Agency shall prepare and submit in electronic format to the CDOT Project Manager/Resident Engineer an update for every active construction project. The update should include work progress over the past month, percent completed, time charged, outstanding issues, and projected completion date of the project.

Some funding programs, such as the Safe Routes to School program, have unique monthly progress/status reports. Contact your CDOT Project Manager for additional information.

### **8.17 Resolve Contractor Claims and Disputes**

The Local Agency shall follow the claims procedure established and contained in the construction contract. Typically, the Local Agency uses their own claims procedures. The Local Agency can use the CDOT Disputes and Claims Procedure found in subsection 105.21 through 105.23 of the CDOT Standard Specifications; however, a Project Special Provision may be required to clarify responsibilities of each party. The Local Agency's resolution of claims that involve federal participation must be coordinated with CDOT.

All claim payments made shall be documented on a properly executed change order.

### **8.18 Conduct Routine and Random Project Reviews**

CDOT will conduct routine and random project reviews to ensure the project is being administered in accordance with the terms of the Contract and the approved project specific agreement between CDOT and the Local Agency. On Federal-aid Highway funded projects, FHWA may participate in these reviews, or conduct their own separate reviews.

The [Field Review of LA Project Site & Documentation](#) was developed and is recommended for use by CDOT personnel when visiting and reviewing Local Agency construction projects. Not all sections of the form need to be filled in for every site review. Copies of the completed document for each site visit should be forwarded to the

Local Agency, the Resident Engineer, and the CDOT Project Manager. File an electronic copy in ProjectWise/Project Share.

### **8.19 Ongoing Oversight of DBE Participation**

The Local Agency should understand the concepts of eligible participation and commercially useful function as they apply to DBE participation. If any fraud or misrepresentation of DBE participation is suspected, the Local Agency should contact the CDOT Project Manager and Region Civil Rights Office.

On projects advertised on or after July 1, 2022, the Local Agency is responsible for monitoring the day-to-day DBE participation and notifying the CDOT Project Manager if it appears that a DBE is not performing in accordance with CDOT Form 1417 – Approved DBE Participation Plan.

On projects advertised on or after July 1, 2022, the Local Agency will be required to use compliance software, currently B2GNow, to monitor DBE participation. Refer to the standard special provision, Disadvantaged Business Enterprise (DBE) Requirements dated July 1, 2022, or latest version thereof, for additional information. Contact the CDOT Project Manager or the Region Civil Rights Office for assistance or questions.

DBE program requirements do not apply to projects funded with state or Federal Recovery Funds.

#### **8.19.1 CDOT Form 1419 - DBE Participation Report**

For projects advertised prior to July 1, 2022, the Contractor shall complete the [CDOT Form 1419](#) – DBE Participation Report (January 15, April 15, July 15 and October 15) and submit originals or electronically route the form for electronic signatures to the Local Agency. The Local Agency shall check the Form 1419 for completeness, attach copies of all supporting (approved) [Form 1420s](#) and forward the original, or electronically route, to the CDOT Project Manager and the Region Civil Rights Office. The Local Agency shall also forward the final Form 1419 – DBE Participation Report, which summarizes all participation on the contract, to the CDOT Project Manager, CRBRC, and the Region Civil Rights Office. Form 1419 needs to be completed even if the DBE goal is zero or there are no DBEs used on the project. The Local Agency is responsible for evaluating

progress toward the contract goal throughout the project.

Projects advertised on or after July 1, 2022 will be required to use compliance software systems. The current compliance system utilized to monitor DBE participation is the B2GNow system. If the project is using B2GNow software, this report is embedded in the system and a Form 1419 is not required to be submitted.

DBE program requirements do not apply to projects funded with state or Federal Recovery Funds.

### **8.19.2 CDOT Form 1420 - DBE Participation Plan Modification Request**

During the performance of the contract, the Contractor shall use [CDOT Form 1420](#) – DBE Participation Plan Modification Request to communicate to the Local Agency all requests for termination, reduction, and/or substitution of DBE commitments. It is a best practice for the Contractor to coordinate with the Local Agency prior to sending the form to CDOT. The CDOT Region Civil Rights Manager, CDOT Project Manager and the Local Agency should work together to resolve any concerns regarding the Form 1420. No commitment shall be terminated or reduced without CDOT Region Civil Rights Office approval. As a final step, the Local Agency signs the approved Form 1420, returns the final version of the form to the CDOT Region Civil Rights Office. The Region Civil Rights Office then updates the DBE commitment and associated information in the B2Gnow system.

DBE program requirements do not apply to projects funded with state or Federal Recovery Funds.

### **8.20 Roles and Responsibilities on Both Federal and Non-Federal (State) Projects (unless specifically stated)**

- **Local Agency** – Responsible for administration of the construction project, ensuring that Federal and/or State requirements are met, and the public's interests are protected. Construction project administration includes all aspects of project management, administration of the contract, and safety/operations. Responsible for supervising the construction, construction quality assurance and project close out. Responsible for supervising the contractor and for contract

oversight and field reviews to confirm satisfaction of all contract obligations.

Specific responsibilities of the Local Agency include, but are not limited to, the following:

- Administer the Contract(s) between the Local Agency and its consultant(s) and/or contractor according to established federal, state, and local policies and procedures.
- Include all federal and state requirements in contracts and ensure compliance with these requirements.
- Be adequately staffed and suitably equipped to complete the work. This means that the Local Agency must perform project administration (including inspecting construction). Consultant engineers and inspectors may be hired to assist with this, but cannot make critical project decisions that are best made by the Local Agency on the public's behalf.
- Maintain familiarity with day-to-day project issues and operations, especially those pertaining to safety.
- Oversee project personnel responsible for making sure the project is built according to the contract.
- Approve contract changes and seek concurrence/approval from CDOT in accordance with CDOT Form 1243.
- Perform field reviews with a frequency appropriate to the project size and complexity.
- Review project financials to ensure safeguards are in place to minimize fraud, waste, and abuse.
- Direct staff to carry out project administration and ensure it is done satisfactorily, including proper documentation.
- Coordinate or direct staff to coordinate project activities with other Local Agencies.
- Additional responsibilities include:
  1. Designate the full-time Administrative Employee in Responsible Charge of the project.
  2. Identify the Professional Engineer in "responsible charge of construction supervision" who is responsible for ensuring that all work and materials used on the project, and applicable project documentation conform to contract requirements and established policies and practices, as follows:
    - a. Manage the project within the current approved construction budget

- b. authorization, or approved budget changes.
  - c. Ensure timely completion of the project based on the original project schedule and approved schedule revisions.
  - d. Ensure the work is inspected daily and as required to confirm reasonable conformance to the contract and to verify all safety protocols are followed.
  - e. Ensure the project records and other documentation are proper and current.
- **Project Inspector/Material Tester** – Responsible for inspecting the work for compliance with plans and specifications. Responsible for initial, follow-up, completion, and final inspections of work in progress, including interim and final measurements. Responsible for completing inspection documentation, field diaries, and forms for the development of progress payments. Responsible for testing materials against the contract quality assurance specifications to ensure the project will perform as required once in service. Responsible for notifying contractor and Project Engineer of non-compliance with the contract plans and specifications.
- **Fabrication Inspector/Quality Assurance Inspectors** - Responsible for assessing and accepting or rejecting the fabricated work, the fabrication plant, and the contractor's quality control process inspection and testing personnel. Responsible for completing the CDOT Form 193B and submitting to the CDOT Fabrication Engineer.
- **Traffic Control Supervisor** - Responsible for providing Traffic Control Management on a 24-hour-per-day basis, including inspecting work zone traffic control during non-working hours, nights and weekends and addressing/resolving issues. Responsible for ensuring traffic control devices are cleaned and functioning properly. Contractor – Responsible for completing the work described on the plans and specifications and for furnishing all labor, materials, equipment, tools transportation, and supplies required to complete the work in accordance with the contract with the Local Agency.
- **CDOT** – Responsible for administering the Federal-aid Highway program in accordance with the current [Stewardship and Oversight Agreement](#) with FHWA, and providing oversight of Local Agencies to ensure compliance with Federal and

State requirements in accordance with the project's Intergovernmental Agreement. CDOT is also accountable to the Transportation Commission and the State Legislature for the successful implementation of state programs and projects in accordance with state laws and requirements.

- **FHWA** – Overall responsibility for the Federal-aid Highway Program including those project actions which cannot be assumed by the CDOT or the Local Agency. Responsible for all eligibility and participation determinations and actions on Projects of Division Interest (PoDI).