

DB Section 141.56 - Context Sensitive and Sustainable Solutions (CS³)

(a) Scope - Agency's CS³ Program is based on the principles of two emerging concepts in the transportation industry: Context Sensitive Solutions and Sustainability. Context Sensitive Solutions are defined by the Federal Highway Administration as an interdisciplinary approach that involves all stakeholders to develop transportation solutions that fit the physical setting, preserve scenic, aesthetic, historic, and environmental resources, and maintain safety and mobility. Sustainability is defined as using, developing, and protecting resources at a rate and in a manner that allows people to meet their needs today, while ensuring that future generations can meet their own needs. It means simultaneously meeting needs of the environment, economy, and community, also referred to as the "triple bottom line."

Design-Builder shall establish and implement a CS³ Approach consistent with these principles that applies to all phases of the Project, including planning, design decisions, and construction practices.

ODOT adopted strategic goals and objectives for the OTIA III Program that provides guidance for the development of a CS³ Approach. Design-Builder's CS³ Approach shall include the establishment and implementation of strategies that maximize the five primary Program goals:

- Stimulate the economy
- Employ efficient and cost-effective delivery practices
- Maintain freight mobility/keep traffic moving
- Develop projects that are sensitive to their communities and landscapes
- Capitalize on funding opportunities

The purpose of Design-Builder's CS³ Approach is to:

- Describe Design-Builder's vision for applying a comprehensive CS³ Approach to the Project, including planning, design, and construction stages
- Document potential opportunities and challenges to implementing CS³
- Ensure regular communication between Design-Builder and Agency on progress toward achieving the primary Program goals
- Assure that Design-Builder manages and documents both qualitative and quantitative aspects of the Work such that Agency has the ability to report successes and lesson's learned to external Stakeholders and the general public in a timely fashion

(b) Standards and References - Design-Builder shall establish and implement a CS³ Approach in accordance with this Section.

References are provided for Design-Builder's general information.

(1) Standards

- Section 141.31 – Temporary Traffic Control
- Section 141.51 – Environmental Compliance
- Section 141.52 – Public Information and Involvement
- Section 141.54 – Economic Development
- Section 141.55 – Diversity

(2) References

- ODOT OTIA III State Bridge Delivery Program’s CS³ Guidebook, Sections 1 and 2
- CS³ Performance Measures Framework, version 4.1
- HB 5077 Budget Report, pages 29 and 30
- NCHRP Report 480: “A Guide to Best Practices for Achieving Context Sensitive Solutions”

(c) Requirements - Design-Builder’s CS³ Approach shall be incorporated by reference into Design-Builder’s Quality Plan. (See, **DB General Provisions**, Section 154.) Design-Builder shall summarize CS³ Key Area information and document procedures and protocols for establishing and implementing its CS³ Approach. Design-Builder’s CS³ Approach shall contain all relevant Work aspects including, but not limited to, the following areas:

(1) CS³ Team and Key Area Task Leads - Implementation of Design-Builder’s CS³ Approach is the responsibility of all Design-Build team members. Design-Builder’s Project Manager shall have overall responsibility for the development and implementation of Design-Builder’s CS³ Approach. Design-Builder may designate a CS³ Lead to assist Design-Builder’s Project Manager with routine operation and execution of the CS³ Approach. Design-Builder shall designate task leads in the following CS³ Key Areas, listed below under their relevant OTIA III Program goals, to guide development of strategies to meet expectations in the primary program goals and related Performance Specifications:

- a. Program Goal 1** - Stimulate the economy - CS³ Key Areas:
 - Economic Stimulus (see **DB General Provisions**, Section 141.54 – Economic Development)
 - Diversity (see **DB General Provisions**, Section 141.55 - Diversity)
- b. Program Goal 2** - Employ efficient and cost-effective delivery practices - CS³ Key Area:
 - Cost-effectiveness
- c. Program Goal 3** - Maintain freight mobility/Keep traffic moving - CS³ Key Area:
 - Mobility (see **DB General Provisions** Section 141.31 – Temporary Traffic Control)
- d. Program Goal 4** - Build projects sensitive to communities and their landscape - CS³ Key Areas:

- Public Involvement (see **DB General Provisions**, Section 141.52 – Public Information and Involvement)
- Environmental Justice (if applicable, see **DB General Provisions**, Section 141.51 – Environmental Compliance)
- Environmental Program Management (see **DB General Provisions**, Section 141.51 – Environmental Compliance)
- Sustainability (see **DB General Provisions**, Section 141.51 – Environmental Compliance, specifically the requirements relating to Materials and Contamination Performance Standards)

e. Program Goal 5 - Capitalize on Funding Opportunities - There is no expectation for an assigned CS³ Key Area Task Lead. This goal is programmatic in nature and will be reported only as Design-Builder sees applicable. Design-Builder shall work with Agency to maximize funding opportunities by duly considering opportunities presented by Agency and alerting Agency of potential funding opportunities identified by a third party during Design-Builder's normal course of business.

Two CS³ Key Areas, cost-effectiveness and sustainability, do not have Performance Specifications directly associated with Design-Builder's strategy development. Their application is more comprehensive in nature. These CS³ Key Area Task Leads shall be assigned by Design-Builder to promote strategies that improve circumstances in these areas (i.e. make more cost-effective or more sustainable.)

All other CS³ Key Area Task Leads shall be qualified to perform Work in accordance with the associated Performance Specification requirement. The CS³ Key Area Task Leads do not need to be exclusively dedicated to the CS³ Key Area Task Lead role, unless required by the related Performance Specification. However, the assignment of responsibility should take into account the staff's ability to provide a meaningful level of effort. For example, an Assistant Project Manager could be the CS³ Key Area Task Lead for cost-effectiveness if they will be closely connected to scope, schedule, and budget issues. However, a Public Involvement Manager may not be able to meet the CS³ Key Area requirements of both public involvement and sustainability on a Project.

(2) CS³ Plan - Design-Builder's CS³ Approach is documented in a CS³ Plan. Design-Builder shall submit the CS³ Plan to Agency for review and Acceptance within 50 Calendar Days following Notice to Proceed (NTP) and prior to start of any Work. Design-Builder must provide an acceptable plan and gain Agency Acceptance within 75 Calendar Days following NTP or Work shall be stopped.

The CS³ Plan shall be established and maintained by Design-Builder such that it provides assurance that Design-Builder organization and implementation strategies comply with the Contract requirements pertaining to the primary OTIA III Program goals and the CS³ Key Areas of the Work. Design-Builder shall set guiding principles for the Project based on the Program goals and communicate those principals to all Design-Build team members. The process of maximizing strategies in all of these CS³ Key Areas may lead to situations with conflicting direction or result in conflicting solutions. Design-Builder shall define a process for proactively addressing conflicts and providing rational and balanced solutions.

The CS³ Plan shall provide sufficient detail to describe Design-Builder's vision for applying a comprehensive CS³ Approach to the Project, including planning, design, and construction stages and be consistent with Performance Specifications related to each CS³ Key Area, where applicable.

The CS³ Plan shall be structured to provide an overview of Design-Builder's CS³ Approach and each of the CS³ Key Areas as follows:

I. Introduction, Including General Project Characteristics

II. General CS³ Approach

- Guiding principles for Design-Builder
- Interdisciplinary Team
- Decision-making and conflict-resolution process, as it relates to the Program goals and the CS³ Key Areas
- Process for implementing process improvement and documenting lessons learned

III. Program Goal Discussion

- Stimulate the economy
 - Economic Development Plan (see **DB General Provisions**, Section 141.54) and economic stimulus activities
 - Diversity Plan (see **DB General Provisions**, Section 141.55) and other diversity activities
- Employ efficient and cost-effective delivery practices
 - Cost-effectiveness strategies
- Maintain freight mobility/keep traffic moving
 - Executive Summary of Mobility strategies, especially the Traffic Management Plan (TMP) (see **DB General Provisions**, Section 141.31)
- Build projects sensitive to communities and their landscape
 - Executive Summary of Communications Plan and other Public Involvement strategies, including Environmental Justice (where applicable)
 - Executive Summary of Environmental Stewardship strategies (see **DB General Provisions**, Section 141.51), including environmental enhancements and diversion of construction and demolition waste from landfills using reduce, reuse, and recycle strategies
- Capitalize on funding opportunities
 - Funding opportunity strategies (where applicable)

IV. Schedule of Major Activities and Deliverables Related to CS³ and CS³ Key Areas

Following NTP, Design-Builder shall schedule a two-hour meeting with Agency as necessary to discuss the requirements of the CS³ Plan and facilitate the creation, review and Acceptance of the CS³ Plan. Design-Builder shall provide not less than five

(5) Working Days notice of a meeting request. No additional time extensions for Design-Builder's CS³ Plan Acceptance will be allowed for scheduling delays associated with Agency meetings.

Design-Builder shall promptly update and resubmit the CS³ Plan to Agency's Project Manager for Acceptance when any major changes occur that influence the overall CS³ Approach, including the general integration process and strategies in any CS³ Key Area. Minor changes to the CS³ Plan do not require an immediate update but shall be incorporated in the next required update. In addition, Design-Builder shall submit either (a) an updated CS³ Plan for review by Agency PM annually (within 12 months of receipt of last Acceptance from Agency PM), or (b) a narrative statement that no updates or revisions have been made to the Accepted CS³ Plan during that 12-month period and that all current processes, procedures and protocols are functioning as intended.

(3) CS³ Plan Meeting - Design-Builder shall schedule a two (2) hour meeting with Agency PM for the purpose of Design-Builder to present the CS³ Plan and seek comments on the strategies and goals contained therein. The meeting shall be held within 14 Calendar Days of initial CS³ Plan submittal. Design-Builder shall ensure that at least the following team members participate in the meeting:

- Project Manager
- Project Quality Manager
- Design Manager
- Construction Manager
- All CS³ Key Area Task Leads, as described in Subsection b-1

Agency will commence Review and Comment on Design-Builder's CS³ Plan following this meeting. Design-Builder shall assume an Agency review period of not less than seven (7) Calendar Days per submission to provide comments to the CS³ Plan.

(4) CS³ Summary Reports - To assist Agency in refining its general CS³ Program, Design-Builder shall submit to Agency, for review and Acceptance, CS³ Summary Reports that describe the effectiveness of strategies implemented based on the CS³ Plan and include a combination of quantitative and qualitative analysis. The CS³ Summary Reports shall be submitted in accordance with the following direction:

- a.** For Design-Build projects with proposed contract duration less than two (2) years, Design-Builder shall submit acceptable CS³ Summary Reports at 50% progress payment completion and within 45 Calendar Days following Final Second Notification. Design-Builder shall gain Agency Acceptance within 30 Calendar Days of submittal.
- b.** For Design-Build projects with proposed contract duration greater than two (2) years, Design-Builder shall submit acceptable CS³ Summary Reports annually on the anniversary of the NTP, and within 45 Calendar Days following Final Second Notification. Design-Builder shall gain Agency Acceptance within 30 Calendar Days of each submittal.

c. CS³ Summary Report Format - The CS³ Summary Report shall be structured to provide an overview of CS³ and the CS³ Key Areas as follows:

I. Introduction, Including General Project Characteristics

II. General CS³ Approach

III. Program Goal Discussion

- Stimulate the economy
 - Economic stimulus strategies and results
 - Diversity strategies and results
- Employ efficient and cost-effective delivery practices
 - Cost-effectiveness strategies and results
- Maintain freight mobility/keep traffic moving
 - Mobility strategies and results
- Build projects sensitive to communities and their landscape
 - Public involvement strategies and results, including environmental justice (if applicable)
 - Environmental stewardship strategies and results, including diversion of construction and demolition waste from landfills using reduce, reuse, and recycle strategies
- Capitalize on funding opportunities
 - Funding opportunity strategies and results (if applicable)

IV. Lessons Learned and Process Improvement

V. Path Forward

The intent of the CS³ Summary Report is to provide a balanced account of Design-Builder's experience establishing and implementing its CS³ Approach. Lessons learned is knowledge derived from the implementation and evaluation of a program that can be used to identify strengths and weaknesses of future program design and implementation. This information will be helpful in modifying and improving program functions in the future.

Agency will assess the CS³ Summary Reports based on how the Project was developed, designed, and delivered. For evaluation purposes, this information may be drawn from observations by Agency, regulatory agencies, Stakeholders, or other documented means of evaluation, such as surveillances or quality audits.

(5) CS³ Summary Report Meetings

Design-Builder shall schedule a two (2) hour meeting with Agency PM for the purpose of presenting CS³ successes, lessons learned, and path forward within 14 Calendar Days of CS³ Summary Report submittal. Design-Builder shall ensure that the following team members participate in the meeting:

- Project Manager

- Project Quality Manager
- Design Manager
- Construction Manager
- CS³ Key Area Task Leads, as described in Subsection b.1

Design-Builder shall be responsible for documenting the meeting and distributing minutes to Agency participants for Review and Comment.

