



Marion County Quality Control Plan

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ATTACHMENTS:

- A - Project Development and Design Procedures Checklist
- B - Informal & Formal Consultant Services Procurement Checklist
- C - Design Criteria Worksheet
- D - Advertise, Bid and Award Procedures Checklist
- E - Construction Contract Administration Procedures Checklist

Marion County Quality Control Plan

I. INTRODUCTION AND BACKGROUND

This is the 2020 Edition of the “Marion County Quality Control Plan” prepared as part of the ODOT Local Agency Certification Program. This document is an update to the 2015 and 2019 Editions as periodically revised to reflect changes over time.

The purpose of this Quality Control Plan is to provide the guidance needed to help ensure that the Marion County Public Works Department successfully completes the delivery of Federal Highway Administration (FHWA) funded projects in compliance with applicable federal and state laws and Certification Program requirements. Additionally, this document is designed to:

1. Record Marion County’s procedures for ensuring quality and mitigating risks on FHWA funded projects
2. Document how the delegated authorities for federal-aid project delivery described in the Local Agency Certification Program Agreement are met; and
3. Demonstrate how each FHWA funded project will be systematically reviewed and confirmed for delivery by the appropriate Marion County approval authority.

Under Local Agency Certification Program Agreement No. 30634 as amended on August 29, 2016, the Oregon Department of Transportation (ODOT) has granted Marion County Public Works full Certification in the following functional areas:

- Direct Appointment / Small Purchase Consultant Selection
- Design; not including bridge design
- Advertising, Bid and Award; and
- Construction Contract Administration

Additionally, Marion County has been approved for certification in the functional area of Informal and Formal Consultant Selection; however, the County’s Certification Program Agreement has not yet been amended to reflect that certification.

Pursuant to the Certification Program Agreement, even though federal-aid projects may originate from one or more of the County’s other divisions or departments, only the Marion County Public Works Department shall provide quality control, oversight and have final approval authority for all such federal-aid projects.

II. ROLES AND RESPONSIBILITIES

Marion County Public Works is currently comprised of six divisions (See Figure 1), each of which is overseen by the Public Works Director. The Public Works Director’s authority over the Public Works Department’s operations is delegated by the County Board of Commissioners. Of the six Public Works Divisions managed by the Public Works Director, two are integral to Marion County’s federal-aid project delivery efforts. These two Divisions are the Engineering and Administration Divisions, with the primary responsibility resting with the Engineering Division.

As manager of Marion County's Engineering Division, the County Engineer is ultimately responsible for the Division and its project delivery functions. The County Engineer supports the Agency's involvement in the Local Agency Certification Program.

The County Engineer supervises the County Surveyor, the Capital Projects Manager, the Transportation Engineering Supervisor, and the Land Development Engineering and Permits (LDEP) Supervisor. The County Surveyor supervises the survey section and performs County Surveyor duties. The Capital Projects Manager supervises project design and management, contract administration and project inspection. The Transportation Engineering Supervisor supervises traffic design and works to develop grant applications for funding projects. The LDEP Supervisor supervises the review of private development projects with respect to access and drainage issues within County right-of-way and issues all construction permits.

Collectively, the engineering group has registered professional engineers, registered professional land surveyors, and inspectors that are ODOT certified in General Inspection (CGCI), Asphalt Concrete Pavement (ACP), Environmental Construction (CECI), Bridge Construction (CBCI), Traffic Signals (CTSI), Drilled Shaft (CDSI) and ADA (ADAI).

Marion County has selected the Capital Projects Manager to lead the County's federal-aid project delivery efforts and to act as the Certification Liaison with ODOT. This position reports directly to the County Engineer on matters related to the ODOT Certification process.

A. Capital Projects Section

The *Capital Projects Manager* supervises the design and construction administration for capital projects and oversees FHWA-funded projects under the certification program.

Project Managers (registered Professional Engineers) manage in-house delivered projects from inception to project close out by preparing plans, specifications, estimates and schedules, as well as construction contract administration and other functions necessary to bring projects to completion.

The *Consultant Project Manager* manages the County's outsourced projects from inception to close out by providing management, oversight and direction during all phases of consultant-delivered projects. This person is also the communication hub for all project-related communication between the consultant and ODOT.

The *Permits Specialist* is an Engineering Technician that works with ODOT and other agencies to obtain all necessary permits and clearances during the project development phase and monitors compliance with permit conditions during and after construction.

Construction Inspectors are Engineering Technicians that provide inspection and construction monitoring, project documentation, monitor contractor labor compliance, prepare project quantity and quality documentation, conduct peer documentation reviews, enter quantity data in the County's Engineering and Construction Management System (ECMS) and assist with progress payments.

The *Office Specialist* is clerical staff that assists project managers and construction inspectors by scheduling meetings, processing pay estimates, reviewing contractor's payroll certifications, reviewing and tracking civil rights and labor compliance documents, reviewing inspector's quantity documentation, and other functions as needed. The *Office Specialist* tracks project expenses and processes progress payments through the Accounting Section of the Administration Division.

The QAQC *Coordinators* are engineering technicians that work with Project Inspectors to track Quality and Quantity documentation and ensures that all paperwork is accounted for.

B. Traffic Engineering Section

The Traffic Engineering Section performs planning and preparation of grant applications, preparation of traffic studies, and traffic signal design including traffic controls and signing on Marion County roads. They also provide guidance on traffic-related safety matters, perform transportation planning duties, conduct safety assessments, and develop and review all traffic control plans.

C. Survey Section

The Survey Section performs boundary and right of way surveys, topographic data collection and mapping, and develops legal descriptions and exhibit maps for right of way acquisition.

D. Administration Division

The Administration Division is involved in the administration of all Marion County Public Works contracts. The Managerial Accountant supervises staff that handle all financing related to income, expenses and payments. They handle all Federal-Aid transactions and budgeting within the Public Works Department. They are also responsible for the advertising and contracting of all projects in accordance with applicable federal, state and county procurement rules.

E. Environmental Services Division

The Environmental Services Division is involved in the project via the Environmental Specialist. This person helps the design team choose the best water quality treatment method(s) for the project, provide natural resource consultation, and assist during the environmental coordination and permitting phase.

F. Operations Division

The Operations Division is involved in capital projects via Road Operations Supervisors. These supervisors identify problems located within the project limits to be considered in the project development, and identify long term maintenance issues associated with project design elements.

G. Land Development Engineering & Permits (LDEP)

The LDEP section is involved in capital projects to review any access or drainage related issues within the project limits such as: existing issued permits, access control standards, issuing contractor and utility work permits where needed to meet the County's latest design parameters.

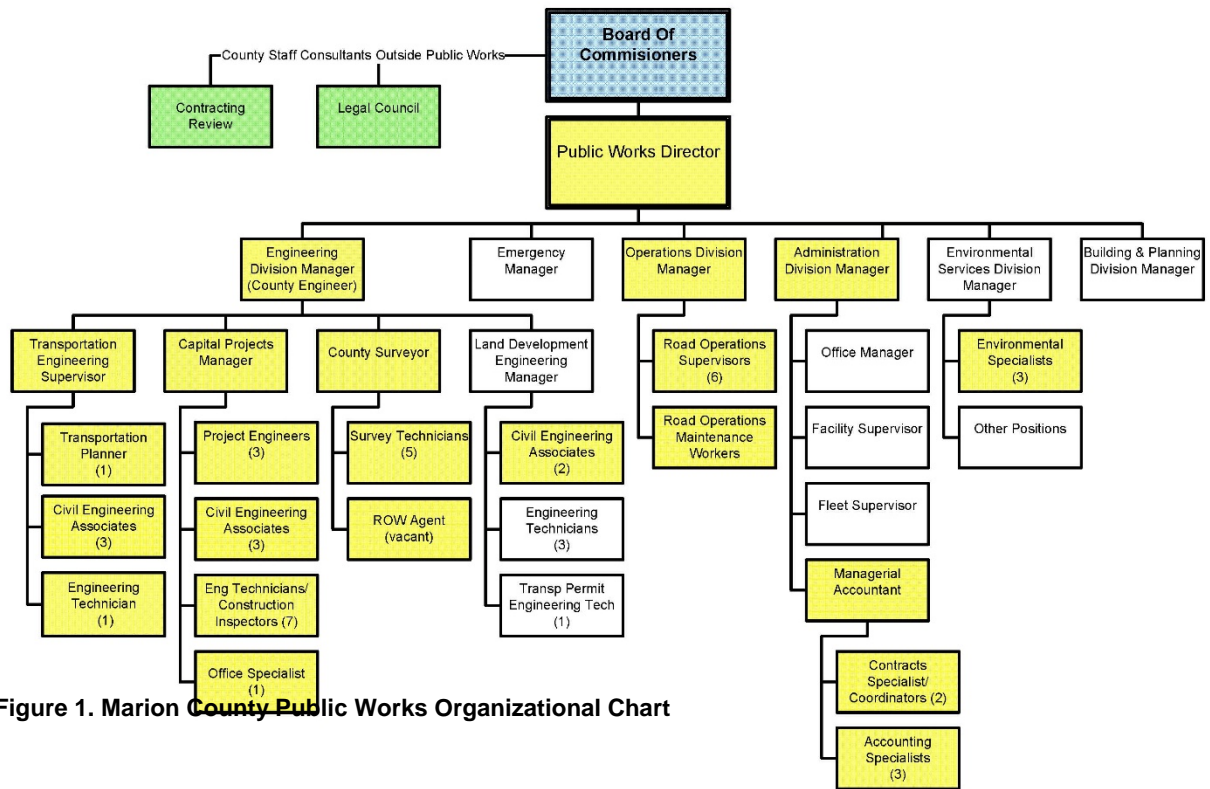


Figure 1. Marion County Public Works Organizational Chart

III. COMMUNICATION PLAN

Once a federal-aid project is approved in the Statewide Transportation Improvement Plan (STIP), a Supplemental Project Agreement has been executed and Notice to Proceed has been received from ODOT, the Capital Projects Manager assigns a Project Manager (who may also serve as Project Engineer) to manage all aspects of the project from development to close-out. This person is the primary point of contact for all project related communication.

The Project Manager (PM) is responsible for managing and facilitating communication with all project stakeholders including:

- Project Development Team (PDT): engineer, planner, designer, surveyor, ROW agent, inspector, utility coordinator, environmental specialist, civil rights coordinator, contracts specialist and others providing input to the PDT.
- External stakeholders: local citizens, ODOT, FHWA, SKATS (MPO), Cherriots (public transit), utility companies and other Local Public Agencies (LPAs).

The PM also communicates with ODOT's regional Local Agency Liaison (LAL) about project progress, and development during design, ROW and construction. Other PDT members may communicate with ODOT subject matter resources directly, however these communications are shared with the PM and

LAL. Special communication channels are always maintained to address environmental, ROW, and Civil Rights-related issues. Details follow in the Preliminary Engineering section below.

As the communication hub, the PM is also responsible to:

- Schedule regular project coordination meetings.
- Ensure that meeting minutes are provided after each meeting.
- Provide list of assignments after each meeting.
- Document and communicate all project decisions and project changes.
- Document and communicate all expectations and directions received.
- Communicate regularly with internal and external stakeholders.
- Keep all promises and respond promptly to all requests.

IV. FINANCIAL ACCOUNTING CONTROLS

The County's accounting group within the Administration Division ensures compliance with federal Single Audit Act (2 CFR part 200, subpart F). An external auditor is also hired to provide single audits as required by the Single Audit Act.

At the beginning of each project, the Project Manager prepares and submits a Request for Project Number form to the Accounting Section to get the project setup in the system. The form contains information such as project name and description, cost accounting code numbers, type of work to be performed and invoicing information. The Project Manager works with accounting staff to setup the Project Budget Worksheet used by the Accounting Section to track expenditures vs available budget for each phase of the project. This worksheet contains the budgeted STIP information for each phase, the required County match, non-federally participating items and estimated expenditures.

Project expenditure reports are updated monthly and are regularly monitored by the Project Manager. If a budget overrun is forecast, the Capital Projects Manager and County Engineer are consulted to determine appropriate methods for filling the funding gap.

As required by 2 CFR 200.400, Marion County's accounting system is capable of allocating expenditures to the appropriate federal program fund category on multi-funded projects. The accounting system also properly allocates payroll, fleet, equipment and other miscellaneous charges to the project.

V. CONSULTANT SELECTION

A. Direct Appointment / Small Purchase

"Direct Appointment" is a procurement method set forth in OAR 137-048-0200 for A&E purchases up to \$100,000. "Small Purchases" is the term used in 23 CFR 172(7)(a)(2) for A&E purchases up to \$150,000. The CFR includes a requirement to follow any lower dollar thresholds in State and local laws and comply with any additional requirements set forth in the federal laws.

For direct appointment / small purchase consultant selection and consultant contract administration, Marion County follows the guidance provided in Section C, Chapter 12 of the *LAG for Certified LPAs* and the current version of ODOT's [LPA A&E Requirements Guide](#) along with the applicable templates and forms located on the ODOT [Local Government](#) website.

The County's direct appointment / small purchase limit is \$100,000, matching the State's maximum allowable amount for these procurement methods.

B. Informal and Formal Consultant Selection

Informal solicitations do not require public advertising and may be used for small procurements up to \$250,000 (federal limit) or such lower amount as provided in the County's administrative rules. Formal selection procedures require public advertising and are generally used for procurements of \$250,000 or greater, but may be used for contracts under \$250,000, at the County's discretion.

When the need to outsource a federal-aid project arises, Marion County utilizes the informal and formal consultant selection process following the guidance found in Section C, Chapter 12 of the *LAG for Certified LPAs* and the current version of ODOT's *LPA A&E Requirements Guide*. Additionally, the County uses the ODOT provided Request for Proposal (RFP) and contract templates (slightly modified for County use) as well as the provided forms to ensure compliance with federal requirements.

The County has added some of its own procedural tasks for Consultant Selection in Attachment B - Informal & Formal Consultant Services Procurement Checklist. Each County staff member involved in the hiring of consultants must be familiar with all three of the noted documents prior to initiating a RFP for Federal Aid Projects. During the solicitation and hiring process, the Project Manager will consult these documents and mark the checklists as items are completed.

C. Disadvantaged Business Enterprise (DBE) Participation

The ODOT Office of Civil Rights (OCR) is required to establish DBE Goals and administer the DBE Program for projects with federal-aid funding. Standard goals for consultant-provided engineering and related services are documented in Section 3.4 of the *LPA A&E Requirements Guide*. The goals are:

- No goal - if any of the following applies:
 - Under \$100,000 (including any anticipated amendments)
 - Single discipline contracts, regardless of dollar amount
 - Emergency Repair (ER) contracts that are necessary to immediately restore essential travel, minimize the extent of damage, or protect the remaining facilities.
- 3% goal - \$100,000 or more AND includes 2-4 disciplines
- 8.5% goal - \$100,000 or more AND includes 5 or more disciplines

VI. PRELIMINARY ENGINEERING

Plans, specifications and estimates (PS&E) are prepared by Marion County Public Works Engineering Division staff or consultants. Management and oversight of PS&E preparation is provided by the Project Manager and the Capital Projects Manager. Overall Design Approval is by the County Engineer.

As an aid to tracking the steps involved in the design phase of the project, the County has developed Attachment A – Project Development and Design Procedures Checklist. Each member of the project team will sign off as their portion of project responsibility is completed. The checklist will be placed in the Project Management Folder for the project on the shared network drive so that each team member will have access to it. It will be the responsibility of the Project Manager to ensure that all team members complete their portion of the work and that they initial and date that it is complete.

All final construction contract documents are reviewed by the Capital Projects Manager, County's Contracts Specialist, Finance Office and Legal Counsel. ODOT's Certified LPA PS&E Submittal & Completeness Checklist is prepared and submitted along with the PS&E package.

A. Manuals and Publications

Marion County routinely uses the most current version of the following documents when developing and delivering federal-aid projects:

- ODOT Local Agency Guidelines for Certified Local Public Agencies
- AASHTO A Policy on Geometric Design of Highways and Streets
- AASHTO Guidelines for Geometric Design of Low-Volume Roads
- AASHTO Roadside Design Guide
- AASHTO LRFD Bridge Design Specifications
- AASHTO Guide Specifications for LRFD Seismic Bridge Design
- ODOT Highway Design Manual
- ODOT Hydraulics Manual
- ODOT Traffic Manual
- ODOT Traffic Signal Design Manual
- ODOT Pavement Design Guide
- ODOT Geotechnical Design Manual
- ODOT Bridge Design and Drafting Manual
- ODOT Right of Way Manual
- ODOT Utility Relocation Manual
- ODOT Bicycle & Pedestrian Design Guide
- ODOT ADA Curb Ramp Process for LPAs
- ODOT Project Delivery Guide
- City of Salem Engineering Standards applicable to Traffic Signals
- Manual on Uniform Traffic Control Devices (MUTCD) and Oregon Supplements;
- National Association of City Transportation Officials Bikeway Design Guide;
- Transportation Research Board's Highway Capacity Manual;
- Oregon Temporary Traffic Control Handbook
- FHWA Contract Administration Core Curriculum Manual
- Oregon Standard Specifications for Construction
- ODOT Construction Manual
- ODOT Manual of Field Test Procedures
- ODOT Non-Field Tested Materials Acceptance Guide

Links to the above listed documents can be found in Section D of the *LAG for Certified LPAs*.

Additionally, Marion County also uses its ODOT/FHWA approved *ADA Design and Inspection Guidelines* document for the design of all curb ramps, pedestrian street crossings, pedestrian activated signal/beacon pushbuttons and design exceptions.

B. Project Set-Up and Initiation

1. Project Management Plan

For the County's larger federal-aid projects (as determined by the Capital Projects Manager), the Project Manager will prepare a project management plan that documents how various aspects of the project will be managed. Typical discussion items include:

- Project requirements
- Design standards (see Attachment C – Design Criteria Worksheet)
- Scope, schedule and budget
- Team organization and resourcing
- Issue resolution
- Risk factors and risk mitigation
- Change management
- Communication
- Quality control / quality assurance
- Safety

As an example, a link to ODOT’s project management plan template can be found in Section D of the *LAG for Certified LPAs*.

2. Quality Control / Quality Assurance

As part of the initiation process, the Project Manager, in consultation with the Capital Projects Manager, will assign independent reviewers for the various technical aspects of the project. Each assigned reviewer will focus on their technical discipline, but will also note other issues as encountered. These reviewers should not have daily involvement in the project design.

3. Design Criteria

Prior to the kick-off meeting, the Project Manager will complete Attachment C – Design Criteria Worksheet. This document is used to communicate project information, facility data such as functional classification and ADT, the design standards to be applied and a variety of design element requirements to the project team.

C. Kick-Off Meeting

Every project will have a kickoff meeting with key technical staff in attendance, including the ODOT Local Agency Liaison (LAL), the ODOT Region Environmental Coordinator (REC) and any other ODOT subject matter resources or consultants as needed. The Project Manager will prepare and distribute an agenda prior to the meeting.

At the kickoff meeting the project manager will provide a draft schedule, scope of work and task budgets. In addition to a detailed project discussion, the Project Manager will present and discuss the project management plan (if one was prepared) and will engage the group in a discussion of the design criteria, federal-aid processes, required documentation, lines of communication, risk management, transitions and handoffs, how quality is defined for the project and technical work assignments.

Following the meeting, formal meeting notes will be prepared and distributed to the attendees.

D. Intermediate and Final Reviews

The assigned Quality Manager, in consultation with the Project Manager, determines the type of review that is expected from each individual at each stage of the process, assigns individual review tasks and establishes the review schedule. The Quality Manager also monitors any non-conformance and notifies the Project Manager of any corrective actions that may be needed.

1. Review Milestones:

Development of plans, specifications and estimates follows a 30-60-90 percent design review process. This process involves a distribution of design documents to a variety of internal and external reviewers. Following receipt of comments, a Project Development Team (PDT) meeting is held to discuss the overall project, design challenges, and any items of concern the team members may have. The distribution lists for these reviews are updated by the Project Manager who will add reviewers as appropriate for each project.

- a. Conceptual design (30%): The conceptual design milestone is reached when a project's type, size, and location have been determined. Plans at this stage are conceptual and specifications have not yet been written. At this point, the 30% plans are submitted to ODOT's Regional Environmental Coordinator to begin the environmental permitting process.
- b. Preliminary (60%): The preliminary design milestone is reached when sufficient design details have been created that allow for the preparation and submittal of permit applications (including the requisite supporting documents and studies), and allow the determination of right-of-way impacts. On smaller, fast-tracked projects, it may be permissible for the preliminary submittal and advanced submittal to be combined
- c. Advanced (approximately 90%) – The advanced design milestone is reached when the project plans are nearing completion and draft specifications with bid items have been developed.
- d. Final (100% PSE) – After the plans are at a final status, the Engineer of Record signs the plans and specifications. Every plan sheet contains a designed by, drafted by, and checked by area requiring initials of those designing, drafting and checking.

2. Review Documentation:

Review comments are captured in comment logs and redlined comments on the plan sheets. The comment log notes the reviewer's name, date of review, the County unit, the document being reviewed, sheet number, the review comment, the action taken and the reason.

Comment logs for each review milestone are housed on a shared network and each reviewer enters their comments into the log as they progress through the review. Redlined comments on the plan sheets are scanned to .pdf files and stored on the network with the comment logs.

3. Review Types:

Depending on the type and size of the project, the Project Manager will determine the types of reviews that are to occur and at what point in the design process they should take place. Typically, several review types are initiated at each of the review milestones. The following review types will be considered:

- Fatal flaw analysis or conceptual reviews
- Calculation checks
- Plan checks
- Specification reviews
- Drawing/specification cross check
- Revision/back-checking controls
- Plans-in-hand site reviews (generally occurs at the 60% design stage)
- Reviews for conformance with federal, state and Certification Program requirements
- Constructability reviews (generally occurs at the 90% design stage)

- Bidability reviews
- Purchasing reviews
- Operations and maintenance reviews

E. Design Exceptions

A Design Criteria Worksheet (Attachment C) will be prepared for each project and will identify any design exceptions early in the design. For locally owned facilities, design exception requests are submitted by the Project Manager to the Capital Projects Manager, who will concur with the request prior to submitting the request to the County Engineer for approval. All design exceptions must be sealed and signed by the Engineer of Record and the County Engineer. For projects on or along the State Highway System or any bridges on the National Bridge Inventory, ODOT retains design exception approval authority.

F. Americans with Disabilities Act (ADA) Compliance

Marion County Public Works has received ODOT and FHWA approval of our ADA design exception and inspection processes in accordance with Certification Program Office Bulletins 101-19 and 101-27. For all work on federal-aid eligible roadways, the County has adopted ODOT's ADA design and inspection processes, including design standards and work zone accessibility requirements. The County's design standards, design exception and crosswalk closure approval processes, and inspection processes are contained in the *Marion County ADA Design and Inspection Guidelines*. It should be noted that for projects on or along the State Highway System, ODOT retains ADA design exception and crosswalk closure approval authority.

1. Curb Ramp Inventory:

Marion County has completed an inventory of all curb ramps within County jurisdiction. This database fully describes each ramp, whether or not it is compliant with current ADA standards and what the deficiencies are (if any) for each ramp. During the initial part of a project's design phase, this database is to be consulted to help determine if any ramp remediation or replacements are necessary.

2. Design:

For the design of curb ramps, sidewalk ramps, pedestrian activated signals and pedestrian activated beacons, Marion County follows ODOT's design standards (with the exception of sidewalk widths), checklists and standard drawings and also includes Special Provision Section 00759 in all contracts that includes ramps and/or bus pads. Information regarding ODOT's accessibility standards can be found at the following link:

<https://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>

3. ADA Design Exceptions:

Stamped and signed ADA Curb Ramp Design Exception Requests, with written justification to vary from established criteria, are prepared by the Project Manager/Engineer, submitted to the County's Capital Projects Manager for concurrence and then to the County Engineer for approval. A modified version of ODOT Form 734-5112 is used to document the need for an exception. Technical infeasibility is the review standard that is applied to all design exception determinations.

4. Crosswalk Closures:

Should a crosswalk be recommended for closure due to safety or other hazard mitigation reasons, the Project Manager/Engineer prepares a Crosswalk Closure Request form, with written justification, and submits it to the County's Capital Projects Manager for concurrence. Once concurrence is received, it is routed to the County Engineer for approval recommendation and then to the Public Works Director for final approval. A modified version of ODOT Form 734-5150 is used to document the need for a closure.

5. Curb Ramp Inspections:

Curb ramp inspections will only be performed by individuals that possess a current ODOT ADA Certification for Inspectors (ADAI). Inspections will be documented using the applicable ODOT curb ramp inspection forms. County Inspectors will monitor the placement of curb ramps as specified in ODOT Special Provision Section 00759 to ensure compliance with standards. Curb ramps must pass inspection prior to payment being made to the contractor.

6. Workzone Accessibility:

Workzone accessibility is a required component of every traffic control plan. Marion County will follow ODOT Technical Services Directive TSB17-01(D) relating to Temporary Pedestrian Access Routes (TPAR). The design and implementation will conform to Chapter 6D of the Manual on Uniform Traffic Control Devices (MUTCD), applicable ODOT design standards and the guidance contained in ODOT's [TPAR Overview Brochure](#) for every FHWA funded project.

G. Environmental Coordination

Compliance with the National Environmental Policy Act (NEPA) is required for projects in the Federal-Aid Highway Program (FAHP) either through FHWA funding or when an approval from FHWA is required. NEPA responsibilities on FHWA-funded or approved projects cannot be delegated to nor managed by the local public agency (whether Certified or not) as per the FHWA Stewardship and Oversight agreement with ODOT and the Approval Authority Matrix contained in Section D of the *LAG for Certified LPAs*.

Since FHWA retains approval authority over all environmental documentation (with the exception of ODOT's Programmatic Categorical Exclusion approval authority), the Project Manager will coordinate with and submit all environmental documentation to the ODOT Regional Environmental Coordinator (with a copy to the LAL) to ensure that the project meets all environmental requirements. Upon approval of the environmental documentations and permits, the Project Manager ensures that all approval conditions listed in the CE Closeout are incorporated in the plans and specifications for the project before it is advanced to PS&E.

Refer to Section C, Chapter 6 of the *LAG for Certified LPAs* for additional environmental information.

H. Civil Rights Compliance

ODOT's Office of Civil Rights (OCR) retains authority over the development, implementation, monitoring and enforcement of the Civil Rights Program, including Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO) and On-the-Job Training (OJT) / Apprenticeship Training Program (ATP) for all FHWA-funded contracts. DBE goals are set and OJT hour assignments are made exclusively by OCR.

Internally, civil rights compliance during the planning, design, ROW and construction phases is managed by the Project Manager. Although that person may delegate some duties to others in the agency, the Project Manager is ultimately responsible for assuring civil rights compliance on the project.

Throughout design and construction, Marion County will follow the ODOT Civil Rights program requirements as described in Section C, Chapter 8 of the *LAG for Certified LPAs*.

I. Utility Certification and Relocation

A Utility Certification form, approved and co-signed by the ODOT State Utility Liaison, is a required submittal as part of the final PS&E package. In order to acquire ODOT approval, the process described in ODOT's [Oregon Utility Relocation Manual](#) must be followed.

Relocation of affected utilities are either non-reimbursable or reimbursable. Typically, if the utility has a compensable property interest in its present location, it would be entitled to reimbursement. If the utility is located on public right of way by permit or franchise agreement, the relocation would generally be non-reimbursable.

LPAs have been granted the authority to contract directly with a reimbursable utility for the cost of relocation work including preliminary engineering. Refer to Section 3.7 of the *Oregon Utility Relocation Manual* for additional information and requirements.

Regardless of the utility's reimbursement status, the following documents are required to be submitted to the State Utility Liaison prior to PS&E, either as the documents are generated or as a package.

- Copies of all Project Notification Letters (when no conflicts are found)
- Copies of all Conflict Letters
- Copies of all Time Requirement Letters
- Utility Certification Form and
- A draft of Special Provision Section 00150.50 that includes the name of each utility within the project limits, the utility's contact information, the type of work, completion date and any special considerations.

J. Right of Way Acquisition

A Right of Way Certification form, approved and co-signed by the ODOT Region Right of Way Manager, is a required submittal as part of the final PS&E package. All right of way acquisition activities must be in conformance with the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970 (the Uniform Act), as amended, and the ODOT Right of Way Manual. Since Marion County does not have ODOT approved in-house right-of-way acquisition capabilities at this time, all of the County's acquisition work is performed by one of the following entities:

- Qualified consultant
- An ODOT approved local public agency
- ODOT Region 2 Right of Way Section

ODOT has not delegated authority to LPAs for self-certification of right-of-way activities. Therefore, Marion County will follow the guidance and procedures as outlined in Section C, Chapter 7 of the *LAG for Certified LPAs*.

K. Letters of Public Interest Finding (LPIF)

LPIFs are required to document why it is in the public's interest to not follow a Code of Federal Regulations or Oregon Statute requirement.

FHWA requires competition not only for the award of a construction contract, but also competition for the various materials and processes involved in the work. Whenever competition for materials or processes is eliminated, a LPIF is required. The only exception is a recent exemption for patented or proprietary products.

On September 27, 2019, FHWA issued a final rule in the Federal Register rescinding the long-standing regulatory provisions for patented or proprietary products in 23 CFR 635.411(a)-(e). This rule provides greater flexibility and encourages innovation in the selection of proprietary or patented materials. It eliminates the requirements limiting the use of Federal funds in paying for patented or proprietary materials, specifications, or processes. This rule took effect on October 28, 2019.

However, ORS 279C.345 still requires approval if a specific item is being required on a project and an "approved equal" is not allowed. In that case, a "Request for Exemption Order when No Approved Equal Allowed" must be approved at the County level and placed in the Project file.

ODOT retains sole approval authority for all other LPIFs. Guidance and instructions for developing and processing LPIF's can be found in the [LPIF Guidance Document](#) on the ODOT Project Controls Office website. LPIF examples and templates are also on the website.

VII. CONSTRUCTION AUTHORIZATION

Receiving authorization for the construction phase of a project encompasses several activities, most by Marion County, but some by ODOT and FHWA. These activities include draft bid book assembly, bid book review by the County Procurement Manager and ODOT's Office of Civil Rights (OCR), submittal and approval of the PS&E package and obligation of construction funds.

A. Bid Book Assembly

After the 90% PS&E review, the Project Manager sends the construction specifications, bid tabulation and Engineer's Estimate to the Public Works Contracts Specialist, who then assembles the draft bid book. Some of the items included are:

- The class of work for the project;
- General bidding requirements and forms
- FHWA-1273 Required Contract Provisions for Federal-Aid Construction Contracts
- Onsite workforce affirmative action requirements for women and minorities
- Disadvantaged Business Enterprise (DBE) Requirements
- Project prevailing wages (BOLI and Davis-Bacon)
- Project bid tabulation
- Special Provisions

Refer to Section C, Chapter 11 of the *LAG for Certified LPAs* for additional information about the bid book contents.

B. Buy America and Cargo Preference Act Provisions

Marion County's approved General Conditions include Specification Section 00160.20, Buy America provisions for domestically produced iron and steel products and Section 00160.21, Cargo Preference Act requirements for the use of United States flag ocean vessels for the transport of materials or equipment acquired specifically for the project. These provisions cannot be waived by a Letter of Public Interest Finding

C. Bid Book Review

Prior to submittal of the final PS&E package, the bid book must first be reviewed by the County Procurement Manager. Once approved internally, the Project Manager sends it to the ODOT Office of Civil Rights (OCR) for review and approval. OCR will issue their approval by email. A copy of that email is a required PS&E submittal item.

D. PS&E Package

For information on the PS&E package and its various components, refer to Section C, Chapter 11 of the *LAG for Certified LPAs* and the PS&E Submittal & Completeness Checklist located in Section D of the *LAG for Certified LPAs*.

E. Construction Fund Obligation

Once the PS&E package has been accepted and approved by ODOT's Regional Local Agency Liaison, the Liaison will send the package to FHWA with a copy to Certification Program Office and a request to ODOT Program & Funding Services for fund obligation from FHWA.

Upon obligation of the federal funds, FHWA will send a copy of the FMIS (financial) report back through channels to the Liaison. The Liaison then sends a copy of the report along with ODOT's notice to proceed with advertisement to the Project Manager.

VIII. ADVERTISE, BID AND AWARD

The Project Manager is responsible for ensuring that the bidding process complies with all federal requirements. The County's Public Contracting Rules provide guidance on advertising projects for bid. The County also complies with the guidance and requirements contained in Section C, Chapter 15 of the *LAG for Certified LPAs*.

A. Ad, Bid, Award Checklist

To assist the Project Manager and project team members with completing this phase, the County has developed Attachment D – Advertise, Bid and Award Procedures Checklist. This list is a complement to the ODOT checklist published in the *LAG for Certified LPAs*. Completing this form is a collaborative effort between the Project Manager, Project Engineer, Project Designer, Office Specialist and Contracts Specialist. This checklist is placed in the shared network project management folder for the project. It is the responsibility of the Project Manager to ensure that all team members complete their portion of the work and that they initial and date when it is complete.

B. Addenda

After advertising the project, any changes to the bid documents are issued by addendum on the County's web site no less than 72 hours prior to the bid closing unless the addendum also extends

the closing. An addendum is prepared by the Project Manager and is reviewed and signed by the Capital Projects Manager. Any addenda that contain a major change to the approved plans or specifications must be submitted to ODOT's Regional Local Agency Liaison for coordination of FHWA and/or ODOT approval prior to posting.

C. First Tier Subcontractor Disclosure

Within two working hours after the Bid Closing on an invitation to bid for a Public Improvement Project having a Contract Price estimated by the County to exceed \$100,000, all Bidders shall submit to the County a disclosure form, as described by ORS 279C.370(2), identifying any first-tier Subcontractors that will be furnishing labor or labor and materials on the Contract, if Awarded, whose subcontract value would be equal to or greater than:

1. Five percent (5%) of the total project Bid or \$15,000, whichever is greater, or
2. \$350,000 regardless of the percentage of the total project Bid.

D. Bid Responsiveness Review

After opening bids, the County Contract Specialist compiles the bid documents and verifies bidder information and submittals for completeness and responsiveness. Items reviewed include:

- Bid content sufficiency
- Bid figures
- Revisions by addenda
- Bid security
- Subcontractor disclosure form
- Prequalification
- Bid signature
- Licenses and registration
- Verification that the Contractor is not on any ineligible list
- Verification that the DBE goal requirement is met
- Bidder is determined to be responsible under State Statute

E. Bid Analysis

The Project Manager is responsible for preparing a tabulation of bids showing the Engineer's estimated bid item values and the bid item details for the lowest three acceptable bids, plus the total bid amounts of all other acceptable bids. Additionally the tabulation spreadsheet will show the difference between the total cost of an item and the estimate, expressed as a percentage of the estimated total contract cost.

The Project Manager conducts a review to assess competition and to evaluate the apparent low bidders pricing for mathematically and materially unbalanced bids following the guidance contained FHWA's [Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation](#). The bid item analysis will utilize the criteria in Attachment B therein. In addition to the Attachment B criteria, the analysis will also consider any bid item that varies more than $\pm 10\%$ from the Engineer's Estimate.

To document the review, a bid analysis summary report is prepared. The bid tabulation spreadsheet and the summary report are then transmitted to the Capital Projects Manager with a recommendation to either award to the lowest responsive bidder, award to the next lowest responsive bidder or rebid the project with additional modifications. If the County determines that it wants to reject all bids and rebid the project, that decision must first receive ODOT's concurrence.

Factors that contribute to unbalancing of bids by the contractor include:

- Obvious errors in the plans or estimate
- Front-end loading of bid items
- Anticipated bid quantity over/under runs
- Token bids that are disproportionate to the real value of the work

F. Award of Contract

The Capital Projects Manager transmits the bidding documents to the County Engineer with their recommended action. The County Engineer will make the final recommendation to the County Administrative Officer whether to accept or reject the bid. Assuming an award determination has been made, the County Procurement Manager (or designee) will publish the Notice of Intent to Award on the ORPIN website.

At the close of the 7-day protest period, if the County Procurement Manager determines that are no compelling reasons to withhold award, the Notice of Award letter is sent to the Contractor and the County proceeds with prompt execution of the contract.

Depending on the contract value, and after review as to form by County Legal Counsel and central Finance Contracts staff, the Public Works Director, County Administrative Officer, Deputy County Administrative Officer, and/or the County Commissioners sign the contract documents as applicable.

G. Project Agreement Estimate

The Project Agreement Estimate (PAE) is in the same form as the engineer's estimate, but includes the actual bid item values, an adjusted construction contingency value and an adjusted summary of funds. The Project Manager prepares and submits the PAE to the regional LAL, who will check it and forward it to ODOT's Program and Funding Services for processing with FHWA.

H. Notice to Proceed

Per Section 00130.90 of the County's approved General Conditions, notice to proceed (NTP) will be issued to the contractor within 5 Calendar Days after the contract is fully executed by the County and contractor. Should the County fail to issue the NTP within that time frame, the contractor may apply for an adjustment of Contract Time.

IX. CONSTRUCTION CONTRACT ADMINISTRATION

For contract administration procedures, Marion County follows Section C, Chapter 16 of the *LAG for Certified LPAs*, the *ODOT Construction Manual* as it applies to the County and our ODOT approved General Conditions (Section 100s) to administer construction contracts. To assist the Project Manager and project team members with completing this phase, the County has developed Attachment E – Construction Contract Administration Procedures Checklist. This list is a complement to the ODOT checklist published in the *LAG for Certified LPAs*.

A. Before Onsite Work Can Begin

Per General Conditions Section 00180.40, the Contractor shall not begin on-site work until the Contractor has:

- Received Notice to Proceed (00130.90)
- Filed the required public works bond with the Construction Contractors Board (CCB) (00170.20)
- An approved Project Work Schedule (00180.41)
- An approved Traffic Control Plan (TCP) or written notification that the County's TCP will be used without modification (00225.05)
- An approved Pollution Control Plan (00290.30)
- An approved Erosion and Sediment Control Plan (00280.02)
- Met with the Engineer at the required Preconstruction Conference (00180.42), and
- Assembled all materials, equipment and labor on the project site, or has reasonably assured that they will arrive on the project site, so the work can proceed according to the project work schedule

All of the contractor's environmental related submittals must receive concurrence from ODOT's Region Environmental Coordinator prior to the County's final approval.

B. Preconstruction Conference

The County's General Conditions Section 00180.42 assigns the contractor responsibility for scheduling the preconstruction conference with the County and their subcontractors. The Capital Projects Office Specialist, after receiving the contractor's request, will invite the Project Manager, Project Engineer, relevant County staff, ODOT LAL, ODOT Civil Rights Field Coordinator, ODOT Environmental Coordinator, and other necessary or impacted participants such as private consulting engineers, cities and impacted utilities to the meeting. The County has developed templates that the Project Manager uses to prepare the meeting agenda.

The Contractor will be required to submit the following items at the preconstruction conference or within the timeframe set forth in the item's specification:

- A traffic control plan according to 00225.05.
- An erosion and sediment control plan (ESCP) and schedule according to 00280.02.
- A pollution control plan (PCP) according to 00290.30(b).
- ACP mix design(s) according to 00745.13.
- List of source(s) of Aggregate
- List of material suppliers
- List of Subcontractors
- Lump Sum Payment Schedule

Discussion during the conference will be digitally recorded. The Project Manager (or designee) will also prepare written meeting minutes and distribute to all attendees in a timely manner.

On large complex projects, a pre-construction conference should be held before each construction phase. It may be desirable to hold separate conferences for some specialized construction items such as paving, bridge work, or electrical work.

C. Subcontracts

Subcontract review and approval is an integral part of Marion County's civil rights and contract management responsibilities. This also includes monitoring and enforcement of the DBE program per the requirements in Section C, Chapter 8 of the *LAG for Certified LPAs*.

In order to subcontract any portion of the work, the contractor is required to submit a written request (ODOT Form 734-1964 [Contractor's Request for Subcontract Consent](#)) with a copy of the subcontract agreement to the County for approval. Consent must be given before the subcontractor is allowed to work on the project. The County will track the percentage of work performed by the subcontractors.

The County will verify that the subcontracts meet all requirements shown on ODOT's 'Subcontractor Consent Checklist' form, that they include the terms as noted in Specification Section 00180.21(d) and that the required indemnification per the County's Master Certification Agreement is included. The County will also ensure the subcontractor is not on the BOLI Contractor De-Barred List. Consent will be given only after all requirements have been met. All approved *Contractor's Request for Subcontract Consent* forms will be forwarded to the Local Agency Liaison and OCR Field Coordinator as well as all DBE subcontracts in their entirety.

Substitution of disclosed subcontractors will be in accordance with ORS 279C.585. The Contractor will provide the Owner with a written notification that identifies the name of the proposed new Subcontractor and the reason for the substitution. Substitution of committed DBE subcontractors requires the Contractor to have "good cause" and obtain ODOT's written approval before termination and/or substitution.

D. Labor Compliance

For labor compliance, the County follows the requirements contained in Section C, Chapter 16 of the *LAG for Certified LPAs* and ORS 279C.845.

Labor compliance is tracked by the Office Specialist who assures that documentation from the Contractor is received in a timely manner and Employee Wage Interviews are conducted by the inspector. The Office Specialist reviews certified payroll with the applicable BOLI or Davis-Bacon wage rates, cross referencing Daily Progress Reports, certified payrolls, and employee interviews.

If errors are noted or if concerns arise, the contractor will be asked for clarification or submittal of a revised certified payroll report as needed. The revised report will include a new signed certification statement of compliance page, and if warranted, proof of payment.

If the Contractor does not submit certified payrolls as required in ORS 279C.845, the County will withhold 25% of any amount earned by the contractor. The County will remind the contractor of their obligation to withhold 25% of their subcontractor's payments for non-submission of certified payrolls at the preconstruction conference.

The County's inspector will conduct wage interviews with the contractor's and subcontractor's employees. These interviews will be compared against certified payrolls to validate classifications and wage rates.

E. Civil Rights Compliance

For civil rights compliance, the County follows the requirements contained in Section C, Chapter 8 of the *LAG for Certified LPAs* and the Civil Rights section of the County's Master Certification Agreement.

The components of ODOT's civil rights program include:

- Affirmative Action (EEO)

- Disadvantaged Business Enterprise (DBE)
- On-the-job Training/ Apprenticeship Training Program (OJT/ATP)

The Capital Projects Office Specialist reviews the Paid Summary Reports (PSRs) and Monthly Employment Utilization Reports (MEURs) for accuracy and completeness and then forwards them to the ODOT Region 2 Civil Rights Field Coordinator for final approval. After reviewing DBE Work Plans (form 3A submitted by the contractor) and the Commercially Useful Function (CUF) Reports (form 3B prepared by the project inspector), the Office Specialist refers documents to the Project Manager for review and signature, and then forwards them to the ODOT Field Coordinator.

If there are On-the-Job Training funds awarded to the contractor, the Office Specialist will receive and review an Apprentice/Trainee Approval Request (ATAR) form, Training Program form and Apprentice/Trainee Monthly Progress Report (MPR) forms before forwarding to the ODOT Field Coordinator.

Civil Rights documentation is kept current throughout the project. The Project Manager will work with the Office Specialist to resolve any outstanding issues documented in the Civil Rights Quarterly Audit Reports completed by the ODOT Civil Rights Field Coordinator prior to the subsequent quarterly audit.

To keep track of the various Civil Rights compliance requirements for each project, the County utilizes a series of spreadsheets, maintained by the Office Specialist, that track the following:

- Prevailing wages rates
- Certified payroll and PSRs
- All DBE information, including 3A work plans, employee interviews, CUF reports, DBE goal balances (adjusted for any increase in contract amount) and submittal dates to OCR.
- MEURs and
- OJT hours with personnel and a running balance

These spreadsheets are reviewed periodically by the Project Manager and serve as an aid to help recognize and cure any potential issues that may arise.

The Project Manager may delegate some duties for documentation review to the Inspector, QAQC Coordinator, and the Office Specialist, however, the Project Manager is responsible for assuring civil rights compliance on all projects.

F. Construction Inspection

All County construction inspectors working on the project must possess current ODOT inspector certifications commensurate with their assigned duties. Depending on the project components, required certifications include:

- General Construction Inspector
- Asphalt Concrete Pavement Inspector
- Bridge Construction Inspector
- Drilled Shaft Inspector
- Environmental Construction Inspector
- Traffic Signal Inspector
- ADA Certification for Inspectors

Inspectors are required to document the jobsite conditions and contractor work performed using Marion County's version of the General Daily Progress Report (Form 734-3474). This form is used to track information such as weather, contractor workforce, on-site equipment, project delays, the quality and quantity of work performed, the location of installations, significant events, arrivals, departures, significant conversations, work hours, and time of work. The reports are printed each day and reviewed by the Office Specialist to ensure completeness. Paper copies are filed sequentially in the project notebook.

The inspector collects and reviews quality documentation, material certifications, verifies that all non-field tested materials meet specification requirements, measures and maintains documentation of pay quantities, monitors the contractor's quality control testing and the agency's quality assurance testing and monitors all work for contract compliance. Refer to the Special Provisions, ODOT's Manual of Field Test Procedures, Nonfield Tested Materials Acceptance Guide and the Inspector's Manual for a description of the required quality documentation.

G. Construction Documentation

Construction documentation and process will generally follow the ODOT Construction Manual as it applies to the County, including Chapter 12 - Project Records. The County will continue to use ODOT forms as applicable and useful for the County's purposes. If Marion County elects to revise these forms in the future, revision dates will be clearly noted and Marion County symbols will be substituted for ODOT symbols. The new forms will provide equivalent information to the original ODOT forms. The County has developed Attachment E – Construction Contract Administration Procedures Checklist to assist the Project Manager, Project Engineer, Project Inspector, QAQC Coordinator, Office Specialist and Project Designer in tracking needed project documentation.

Each project will have a Quality and Quantity Plan outlining both the quality and quantity documentation that needs to be accounted for on every bid item. A binder with corresponding tabs will be prepared to collect the submittals as they arrive. The QAQC Coordinators will help track this information and will notify the inspector or others of deficient items prior to payment of the quantity covered.

1. Quality and Quantity Documentation:

In addition to the documentation prepared and collected by the inspector, the QAQC Coordinator also tracks project quality documentation through Test Summary A, B and B-QA forms for field and non-field tested materials. These form templates have been modified from the original ODOT forms with the insertion of the Marion County logo. Collecting and tracking Certificates of Materials Origin (CMOs) for any steel permanently incorporated into the work is also the responsibility of the QAQC Coordinator. If foreign steel is incorporated into the project, then the QAQC Coordinator will also track the material in the Foreign Steel Summary (Form 734-1968). In no case will the amount of foreign steel incorporated be greater than \$2,500 or 0.1% of the Contract amount, whichever is greater.

The Project Manager is responsible for coordinating assurance reviews by County staff other than the QAQC Coordinator and will work with the QAQC Coordinator to address any deficiencies found. Assurance reviews will be performed by another ODOT certified inspector familiar with QAQC documentation requirements for federal-aid projects. Reviews occur periodically throughout the month. If deficiencies are noted the contractor is notified and is required to resolve the issue prior to payment being made for the particular bid item.

The ODOT Region Assurance Specialist (RAS) will also conduct a risk-based documentation review, generally on a quarterly basis. Deficiencies noted by the RAS in the Document Review Reports (DRRs) will be addressed by County staff prior to the next review.

2. Materials Testing:

Field Tested Materials:

Testing methods, frequencies and documentation follows ODOT's current version of the Manual of Field Test Procedures (MFTP), as amended by Marion County Special Provisions. ODOT's Contract Administration Unit is to be notified if any special provision modifies the MFTP or Quality Assurance Program.

The construction contractor is responsible for all Quality Control (QC) testing and Marion County, through certified consultants (independent laboratories), is responsible for Verification, Independent Assurance (IA) and Third-Party Resolution (dispute) testing. All labs conducting materials testing must be ODOT certified and no single lab may perform more than one component of the quality assurance program.

The County routinely hires consultants to perform the Quality Control Compliance Specialist (QCCS) independent assurance role. The QCCS will be required to have all of the materials certifications outlined in the MFTP. The QAQC Coordinator will work with the QCCS to assure that all of the quality documentation and certifications are obtained and that the materials incorporated into the project meet the requirements of the specifications. The QAQC Coordinator and QCCS also work together to ensure that testing is accomplished according to the test procedures and frequencies in the MFTP.

All materials acceptance is based on MFTP Section 4D unless the project Special Provisions call out Contractor Quality Control Type D or Type E, requiring the testing and frequencies outlined in Section 5. All Verification testing will be performed by an ODOT certified lab hired by the County. Conflicts will be resolved through an independent Dispute Resolution laboratory.

Non-Field Tested Materials:

Non-field tested materials are accepted in accordance with the ODOT Non-Field Tested Materials Acceptance Guide (NFTMAG), the ODOT Qualified Products List (QPL) and Chapter 12-B of the ODOT Construction Manual.

H. Progress Payments

The Project Inspector and Office Specialist compile supporting documentation and calculate item quantities for contractor payments. The supporting documents are reviewed by the Project Manager and/or Project Engineer. Payments are calculated and prepared by the Office Specialist, reviewed and recommended for payment by the Project Manager and reviewed and approved by the Capital Projects Manager and the County Engineer prior to forwarding the pay estimate to the Public Works Administrative Division (PWA) for payment. PWA staff process the invoice for payment to the contractor.

Contract progress payments are made monthly, at a time established by the County and the contractor at the Preconstruction Conference. Monthly progress payments are processed through this established time of the month and remain the same throughout the project, e.g. the third Thursday of the month. Interest will accrue on the amount due less any retainage beginning 30

days after the close of the pay period, in accordance with ORS 279C.570. The County withholds 5% retainage, which is specified in the contract special provisions.

The Contractor may make requests for payment of materials-on-hand in accordance with Section 00195.60 of the County's approved General Conditions. In no instance will the materials-on-hand payment exceed the contract price of the item, less any estimated installation costs as established by the Engineer.

Payment for an item will not be made until the Inspector, Office Specialist and QAQC Coordinator have verified that all required quality and quantity documentation has been received. It is the responsibility of the Project Manager to verify that this has been done.

I. Contract Change Orders (CCOs)

The Contract Change Order process shall follow Section 00196 of the County's approved General Conditions and Chapter 15 of the ODOT Construction Manual as it applies to the County. When a changed condition is encountered or added work is needed, the Project Manager (or designee) compiles the necessary supporting documentation for any proposed CCOs. Examples of supporting documentation include:

- Specific project information that provides sufficient detail and need for the changed or added work.
- How the changed or added work will affect the overall contract.
- Detailed justification of the cost (an independent cost estimate is required).
- Detailed justification for any adjustment of Contract Time.

The Project Manager discusses the proposed change(s) with the contractor, reviews the supporting documentation and recommends any needed changes to the contract. The Project Manager requests a quote from the Contractor and, with input from the Inspector, will verify that the quote is reasonable based upon the County's independent cost estimate. The Project Manager is responsible for negotiating all CCOs. Any recommended changes must also be reviewed and approved by the Capital Projects Manager and County Engineer. For changes in excess of 25% of the original contract amount, individually or in aggregate, approval by the Public Works Director and County Board of Commissioners is required.

The County will consult with ODOT's Civil Rights Field Coordinator early on for changes in prime or subcontract work that may impact the work of committed DBE subcontractors and DBE contract goal achievement.

In accordance with the Approval Authority Matrix (contained in Section D of the *LAG for Certified LPAs*), there are specific major changes that must be pre-approved in writing by ODOT and/or FHWA prior to the work. A change that is outside the scope and intent of the contract documents is an example.

J. Contractor Claims

Marion County makes every effort to avoid construction claim situations. The County strives to be proactive in resolving issues so that claim situations may be avoided. In the event an issue does arise, the process is described in the County's approved General Conditions. Marion County has a four step claim review process which is outlined in Section 199.40 of the General Conditions. Following a claim decision by the County Engineer, the first two steps include a Director of Public

Works review and an Agency Director review. The third step involves binding Arbitration or a Claims Review Board review and, if the first three steps fail to resolve the issue, the final step is litigation.

Refer to the Approval Authority Matrix (contained in Section D of the *LAG for Certified LPAs*) for additional information concerning reporting thresholds for construction claims.

K. Force Account Work

Force Account Work is used to equitably compensate the contractor on a time and materials basis for Extra Work when a negotiated price cannot be reached. The Extra Work is paid according to Section 00197 of the County's General Conditions. The Project Manager is responsible for directing Force Account Work including all labor, equipment and materials used to perform the work.

The following circumstances can require Force Account Work:

- The work is necessary and must proceed without delay;
- The scope is not fully defined;
- The Project Manager and Contractor do not agree on price or time before the work starts.

Daily Force Account Records (ODOT Form 734-3428) shall be kept daily and include all labor, equipment and materials used to perform the work. Records shall be agreed upon and signed by the inspector and contractor's representative (foreman or superintendent) at the end of each day. This information is reviewed by the Project Manager and QAQC Coordinator. The daily records are used as justification for the cost reimbursement to the contractor.

The Contractor is responsible for submitting force account billings for the Engineer's approval. Billings for materials (other than Incidental items out of the inventory of the Contractor or Subcontractors), rental equipment from sources other than the Contractor or Subcontractors, and special services, shall be accompanied by copies of invoices for the goods and services. The invoices shall be fully itemized showing dates, quantities, unit prices, and complete descriptions of goods and services provided.

L. Project Closeout

The project enters the "Closeout" phase of the contract when the construction bid item work is complete and the contractor has been issued Second Notification. The County's closeout procedures follow Section C, Chapter 17 of the *LAG for Certified LPAs* and the applicable chapters in the *ODOT Construction Manual*. Sections 00150.90 and 00150.95 of the County's approved General Conditions address final inspection and final acceptance of a project.

The Project Manager, QAQC Coordinator and QCCS ensure that final project documentation is completed within 120 days of second notification. Third Notification is issued and final payment is made upon receiving all needed documentation from contractor and upon final approval of this documentation by ODOT. Marion County has a Project Closeout section in Attachment E that is used to assure timely project closeout and to avoid oversights in project documentation.

Although infrequent, quality or quantity documentation can occasionally become missing or cannot be retrieved. In those instances, the Project Manager (in collaboration with the POR, QA/QC Coordinator and others) will determine if a Project Manager (PM) Exception or a Contract Change Order is warranted. The Project Manager will also consider whether or not a price adjustment is appropriate.

If a PM Exception is necessary, the Project Manager will prepare a PM Exception Memorandum to document the missing item(s). A memorandum template is available on the County's network (<G:\Engineering\CapitalProjects\Certification\QCQA>) and includes areas for the following information:

- Project information including the project name, ODOT key number, County contract number, PM for the project and the date prepared.
- A description of the bid item(s) including bid item number, specification section(s) and the missing document(s).
- An explanation as to why the missing documentation could not be obtained.
- A description of alternative methods used to accept the material.
- An explanation of how the quantity of the material was verified.
- A description of any price adjustments applied.
- Documentation of any supporting consultations.
- Signature lines for the PM and the County's approval authority.

Once reviewed by the QA/QC coordinator and POR, the memorandum is signed by the Project Manager and submitted to the Capital Projects Manager for approval. An approved PM Exception Memorandum is required as part of the project closeout documentation for any missing items.

For additional guidance, consult the ODOT Construction Manual - Chapter 12C for price adjustments and Chapter 37 for PM Exceptions. Additionally, current ODOT materials testing fees can be found on the Contract Administration Unit's homepage.

M. As-Constructed Plans

Throughout the project, the Inspector prepares a set of red-line as-constructed plans documenting any changes on the contract plan set. At the completion of the project, the Inspector submits the final red lined drawings to the Project Manager for final approval. The red lined set is then transmitted to a project drafter who then makes changes to the final record drawings. The Project Manager will transmit a record set of as-constructed drawings to ODOT after final acceptance of the project.

X. PROJECT RECORD RETENTION

Project records are retained according to County retention policies. The Senior Office Manager for the Public Works Administration Division is responsible for ensuring that all records required by state and federal law are retained for the timeframe required. Electronic files are stored on the County's computer system. At minimum, project records are retained in accordance with the retention schedule in OAR 166-150-0170, Public Works Records - Engineering. In general, this schedule calls for retention of records for a minimum of 10 years. Some records relating to survey and environmental are permanent, and records relating to bridges are maintained until 2 years after the bridge is removed from service. In no case is retention less than six years, which is the minimum FHWA requirement for federally funded projects.

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