



ALABAMA DEPARTMENT OF TRANSPORTATION

Bureau of County Transportation

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Robert Bentley
Governor

John R Cooper
Transportation Director

September 22, 2014

MEMORANDUM 2014-15

To: County Engineers

Cc: Division County Transportation Engineers

From: 
D.E. (Ed) Phillips, Jr., P.E., State County Transportation Engineer

RE: Use Of County Forces To Accomplish Work On Federally
Funded Construction Projects

Please find attached the new formal Policy and Procedure to utilize when County Forces are to perform certain items of work (at no cost to the project) on Federally funded construction projects. Please note that this new policy is effective immediately.

If you have questions or comments concerning this policy, please do not hesitate to contact this office.

DEP/dep

Cc: Mr. John R. Cooper, Transportation Director
Mr. Ronald L. Baldwin, Chief Engineer
Mr. Don Arkle, Assistant Chief Engineer, Policy and Planning
Mr. Clay McBrien, State Office Engineer
Mr. Sonny Brasfield, Executive Director, ACCA
FHWA
File

USE OF COUNTY FORCES TO ACCOMPLISH WORK ON FEDERALLY FUNDED CONSTRUCTION PROJECTS

This policy outlines procedures required for Counties to perform certain items of work as noted in the plans and contract when utilizing County forces and County funds. It is understood this policy relates only to those projects where County forces mobilize on the project site after all work as let in the contract has been inspected and accepted for maintenance per Subarticle 105.15(c) of the ALDOT *Standard Specifications*, latest edition, and ALDOT Construction Information Memorandum (CIM) 1-2009, dated March 5, 2009.

It is also understood that items to be accomplished by County forces are to be shown on the contract plans and clearly shown as performed by County forces and not part of the contract. Specific items are to be discussed and shown on a case-by-case basis in consultation with various ALDOT Division/Region Offices and Bureaus as required. All work performed will conform to ALDOT specifications. Necessary testing of materials shall conform to ALDOT's *Testing Manual*, latest edition.

The Contractor shall be responsible for traffic control devices until all controlling items of work are complete as noted in the plans and contract. The County will assume ownership and responsibility for all traffic control devices installed by the Contractor under contract upon acceptance of the project for maintenance as noted above. County forces will not be allowed to mobilize within the limits of the contract until the project is accepted as noted above, except in cases where preapproved by ALDOT.

The County will secure the necessary permit(s) and be responsible for the implementation of best management practices (BMPs). When a County performs its own approach work, the Contractor will be responsible for erosion and sediment control measures required for replacement of the bridge structure only. The County will assume ownership and responsibility for any and all BMPs installed by the Contractor under contract upon acceptance of the project for maintenance as noted above. The County shall maintain all BMPs until work performed by County forces is accepted and permanent vegetation established, per CIM 1-2009. The County shall be responsible for removal/modification of such BMPs, when appropriate.

The County shall provide a letter to their ALDOT Division/Region County Transportation Engineer advising of their intent to begin work on the project within ten (10) calendar days of acceptance as previously noted. The County must begin work with ten (10) calendar days of issuance of letter and specify acceptance of ownership for traffic and sediment control on the project with a copy provided to the Contractor.

Once the County has completed all required items of work, a final inspection will be conducted jointly by ALDOT and County personnel. If all items of work are found to be satisfactory, ALDOT will accept the project for maintenance and notify the County in writing. If a punchlist is developed, the County will be notified by letter and given thirty (30) calendar days to complete remaining items of work. If the County does not complete all items of work within this period, all Federal and State funds will be suspended to the County until remaining items are completed as noted above.

No project closed to traffic will be opened to traffic until all items of work performed by the contractor and the county have been inspected and accepted by ALDOT.

The County will notify the Division/Region when the project is complete and the Division/Region will perform a final inspection to determine whether the project was completed in substantial compliance with approved plans. Final acceptance will be made by the Division/Region with a copy of the letter furnished to either County Transportation Bureau or Innovative Programs Bureau, respectively.

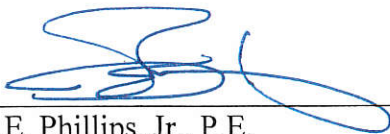
A certification will be submitted by the County at the presumptive final inspection of County performed work (signed and stamped by the County Engineer) stating that all work performed by County forces as part of the project was constructed in accordance with final plans submitted to the State and with applicable specifications, supplemental specifications, and special provisions shown on the final plans or with the State's latest specifications which were applicable at the time of plan approval.

Any project documentation for County force work required by specifications, applicable supplemental specifications and applicable special provisions will be retained by the County for a period of three (3) years following receipt of final payment and made available for audit by the State upon request. If an audit is performed and required documentation is not available, the County will address necessary steps to correct all issues at their cost or refund disputed project costs to the State.

All work performed by County forces will be the responsibility of the County. All costs associated with this work will be the responsibility of the County.

In the event a County does not successfully perform the required items of work, ALDOT reserves the right to suspend that County's ability to perform such future work under all federal aid programs.

Recommended for Approval:

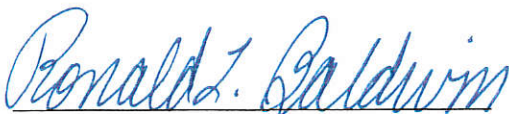


D.E. Phillips, Jr., P.E.
State County Transportation Engineer



Edward N. Austin, P.E.
State Innovative Programs Engineer

Approved:



Ronald L. Baldwin, P.E.
Chief Engineer



John R. Cooper
Transportation Director

SECTION 105
CONTROL OF WORK

In the case of a contract for the placing of a course upon a course or subgrade previously constructed, the Contractor shall maintain the previous course or subgrade during all construction operations.

The Contractor's attention is directed to Article 104.07 for maintenance of roads and detours, and compensation thereof.

(b) COMPENSATION.

All cost of maintenance work during construction and before the project is accepted shall be included in the unit prices bid on the various pay items and the Contractor will not be paid an additional amount for such work.

105.14 Failure to Maintain Work.

If the Contractor, at any time, fails to comply with the provisions of Article 105.13, the Engineer will immediately notify the Contractor of such non-compliance. If the Contractor fails to remedy unsatisfactory maintenance within 24 hours after receipt of such notice, the Engineer may immediately proceed to maintain the project, and the entire cost of this maintenance will be deducted from monies due or to become due the Contractor on his contract.

105.15 Acceptance.

(a) CONSTRUCTION ACCEPTANCE INSPECTION.

Whenever the Engineer considers the work provided for and contemplated by the contract is nearing completion, or within two weeks of written notice of presumptive completion of the entire project by the Contractor, the Division Engineer and all pertinent personnel (such as Division construction, project county transportation, and maintenance personnel, FHWA, county, municipal or other owner representatives as applicable) will inspect all the work in the contract. The Contractor should not presume completion of the entire project until permanent vegetation is established. If the Division Engineer finds that the work has not been satisfactorily completed at the time of such inspection, the Contractor will be advised in writing as to the work to be done or the particular defects to be remedied to place the work in condition for acceptance for maintenance purposes. The Contractor will have a maximum of four weeks to correct and complete the items listed. Time charges should resume if the work is not completed in the four weeks.

(b) PARTIAL ACCEPTANCE FOR MAINTENANCE.

When requested by the Contractor in writing, the Engineer may consider accepting a portion of the contract for maintenance prior to all items of work being completed. This will apply to specific items or operations of being restricted by seasonal limitations or check periods in accordance with 108.07© or 108.09 or work as directed by the Engineer. All other contract items of work shall be satisfactorily complete.

The Engineer will notify the contractor that they will assume maintenance of specific items or operations of work and will also indicate which items are not accepted. The partial acceptance letter to the contractor should also detail the disposition of time charges for the remaining work.

Additional costs for completing the remaining items of work as a consequence of a partial acceptance such as traffic control and remobilization shall be borne by the Contractor. Partial acceptance shall in no way void or alter any terms of the contract.

Once the remaining items of work have been satisfactorily completed, the Engineer will accept the portion of work and assume maintenance of the project henceforth.

(c) FINAL ACCEPTANCE.

1. GENERAL.

Upon due notice from the Contractor of presumptive completion of the remaining items of work in Subarticles (a) and (b) above, the Division Engineer and all pertinent personnel will make an inspection. If all construction provided for and contemplated by the contract is satisfactorily completed, that inspection shall constitute the final inspection.

2. VEGETATION BONDS.

When directed by the Engineer, the Contractor shall provide a vegetation bond covering sustained growth of established or planted vegetation. The bond shall be of sufficient value to cover all costs associated with the replanting or reestablishment of the vegetation should it become necessary. The dollar amount of the bond shall be the costs for the labor, materials and equipment required for traffic control, temporary erosion and sediment control, and permanent vegetation establishment. The period of time covered by the bond will not be required to be greater than 12 months unless shown

otherwise on the plans. Vegetation bonds should not be used as a substitute for established vegetation of a permanent species.

3. ACCEPTANCE FOR MAINTENANCE.

Upon satisfactory completion of the work as noted in Item 105.15(c)1 above, the Division Engineer will notify the Construction Engineer that the Contractor has completed all work required by the contract. After the Construction Engineer has concurred with the Division Engineer's recommendation, the Construction Engineer will advise the Contractor in writing that the work has been accepted and the Department will assume the maintenance thereof subject to the "record check" of materials and workmanship.

4. NPDES TERMINATION

Within 10 days of Acceptance for Maintenance, the Engineer will request NPDES Permit Termination as outlined in Subarticle 107.21(e). The Contractor shall be responsible for stormwater runoff control on the project until the storm water permit is terminated or 30 calendar days after the Engineer's request for termination has been processed, whichever is less. The Contractor is also responsible for correcting problems associated with onsite erosion and offsite sedimentation deposition during this time.

5. CONTRACTOR'S ADVERTISEMENT OF COMPLETION.

The Contractor, immediately after receiving Notice of Acceptance for Maintenance, shall give notice of said completion by an advertisement for a period of four successive weeks in some newspaper in general circulation published within the county in which the project is located. If the project is located in more than one county, an advertisement shall be given in a newspaper of general circulation published within each county in which the project is located. Proof of publication of said notice shall be made by the Contractor to the Director, by affidavit of the publisher, and a printed copy of the published notice. If a newspaper is not published in a county where work is done, the notice may be given by posting at the Court House for 30 days and proof of same shall be made by the Probate Judge or Sheriff and the Contractor.

6. WRITTEN NOTICE OF FINAL ACCEPTANCE.

After completion of all requirements noted in this Article and Article 109.12, the Engineer will process the Final Estimate for payment. At this time, the Construction Engineer will give the Contractor written notice that the project is completed, and will specify that date as Final Acceptance.

105.16 Claims for Adjustments and Disputes.

Claims shall be handled as provided in Section 110, Claims.

SECTION 106 CONTROL OF MATERIALS

106.01 Source of Supply and Quality Requirements.

(a) GENERAL.

Attention is directed to Section 800, Materials, which includes additional Specifications for materials.

The materials furnished for use in the work shall be new unused materials, unless otherwise specified, meeting all quality requirements of the contract. In order to expedite the inspection and testing of materials, the Contractor shall notify the Engineer of his proposed sources of materials prior to delivery. At the option of the Engineer, materials may be approved at the source of supply before delivery is started. If it is found after trial that sources of supply for previously approved materials do not produce uniform and satisfactory products, or, if the product from any source proves unacceptable at any time, the Contractor shall furnish acceptable materials from other approved sources. The Engineer shall have the right to reject the entire output of any source from which he finds it is impracticable to secure a continuous flow of uniformly satisfactory materials.

1. Federal Participating Projects.

a. Steel and Iron Products.



BOB RILEY
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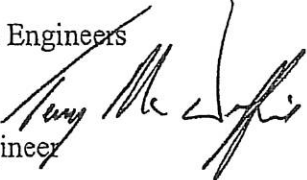


JOE McINNIS
TRANSPORTATION DIRECTOR

March 5, 2009

Construction Information Memorandum Number 1-2009 (replaces CIM 4-2007)

TO: ALDOT Division Engineers

FROM: Terry McDuffie 
Construction Engineer

RE: Vegetation Establishment and Project Acceptance Procedures

It is the intent of the Chief Engineer's office as well as this office that a satisfactory stand of permanent vegetation of the required species be established prior to any project being accepted for maintenance. Due to seasonal limitations, ALDOT currently does not have a year round seed mix for permanent vegetation for medians and front slopes.

When requested by the Contractor in writing and if it is in the best interest of ALDOT, the Division Engineer may consider accepting for maintenance a completed portion of the project prior to all work items being completed. Under no circumstances will individual items of work that have not been satisfactorily completed be considered for acceptance. Additional costs for completing the remaining items of work as a consequence of a partial acceptance beyond that required by and provided for in the contract, shall be borne by the Contractor.

Vegetation Bonds may be required at the discretion of the Division Engineer to guarantee sustained vegetation growth provided that they are required in accordance with requirements given in Subarticle 105.15(c) and cover all costs related to establishing the permanent vegetation should it become necessary. Costs to be considered should include, but not be limited to, those for labor, materials and equipment for traffic control, temporary erosion and sediment control and permanent vegetation establishment. Vegetation bonds should not be used as a substitute for established vegetation of a permanent species.

The procedures for Partial Acceptance for Maintenance and Final Acceptance for Maintenance have been clarified and are a part of this memorandum. The procedures may also be used for partial acceptance of projects for reasons other than vegetation establishment. The procedures apply to all projects let to contract through the ALDOT Bureau of Office Engineer and administered by the Construction Bureau.

TM/BF

Attachment

pc: Mr. D.W. Vaughn
G.M. Harper
Mr. Larry Lockett
Mr. D.E. Phillips
Mr. Lamar McDavid
FHWA

CIM File

Procedure for Partial Acceptance for Maintenance (ref. 105.15):

1. The Contractor provides written notice of presumptive completion of a portion of the project and requests Partial Acceptance for Maintenance.
 - Time charges continue unless partial acceptance is requested due to vegetation establishment being restricted by seasonal limitations and all other contract items are complete.
 - Otherwise, time charges may be suspended or extended based on seasonal limitations after the satisfactory application of seed prescribed by tables in 860.
 - The decision to suspend or extend contract time shall be based on the applicable type of time specified in the contract and shall be in accordance with 108.07(c) or 108.09.
2. A Construction Acceptance Inspection is performed.
 - The inspection should take place within two weeks of the notice from the Contractor.
 - All pertinent personnel (applicable Division construction, project, county transportation and maintenance personnel, FHWA, county, municipal or other owner representatives) shall be invited and should be present.
 - A summary of items for correction and completion prior to acceptance should be provided to the Contractor as soon as possible.
3. The Division Engineer accepts for maintenance all completed items requested.
 - Areas of required vegetation are not accepted if not satisfactorily established in accordance with 652.
 - Areas where vegetation has not been established due to seasonal limitations must be stabilized using a seed mix designated for use during Fall and Winter.
 - Temporary erosion and sediment control BMPs are installed and maintained by the Contractor as required.
4. The Contractor and State Construction Engineer are notified by the Division Engineer that ALDOT will assume maintenance of the accepted items.
 - Items accepted and items not accepted should be clearly listed.
 - The disposition of time charges should be addressed in the letter to the Contractor.
 - Time charges should be resumed or contract time extended based on the first available date to apply permanent vegetation as shown in the seed mix tables.
 - The Contractor's written request for partial acceptance should be included with notification to the state construction engineer.
 - The Division Engineer may consider approving removal of traffic control devices if requested by the Contractor.
5. The State Construction Engineer notifies the Materials and Tests Engineer of the partial acceptance and requests that the materials record check begin.
6. The Contractor completes any items not previously accepted for maintenance.
 - Permanent vegetation is applied in the Spring in accordance with seed mix tables in 860.01.
 - Costs associated with the Contractor's request to partially accept the project such as temporary traffic control and remobilization costs would be at the Contractor's expense.
7. The Contractor follows Procedures for Final Acceptance for Maintenance.

Procedure for Final Acceptance for Maintenance (105.15):

1. The Contractor provides written notice of presumptive completion of the entire project and requests Final Acceptance for Maintenance.
 - The Contractor should not presume completion of the entire project until permanent vegetation is established.
 - Time charges may end after the satisfactory application of seed prescribed by tables in 860 if all other items of work are complete.
2. A Construction Acceptance Inspection of areas previously not accepted for maintenance is performed by Division office personnel.
 - Inspection should take place within two weeks of the notice from the Contractor.
 - All pertinent personnel (applicable Division construction, project, county transportation and maintenance personnel, FHWA, county, municipal or other owner representatives) shall be invited and should be present.
3. A letter summarizing items for correction and completion prior to acceptance are provided to the Contractor as soon as possible.
 - Disposition of time charges and notice of possible resumption of time charges should be included in the letter.
4. The Contractor is allowed a maximum of four weeks for completion of all work.
 - Time charges should resume if work is not completed within four weeks.
5. The Division Engineer accepts remaining items for maintenance if complete.
6. The Division Engineer recommends to the State Construction Engineer that the project be accepted for maintenance.
7. The State Construction Engineer notifies the Bureau of Materials and Tests of the acceptance for maintenance and requests a final materials record check.
8. The Division Engineer requests NPDES Permit Termination within 10 Days of the Final Acceptance for Maintenance. (ref. 107.21(d))
 - The Contractor is responsible for correcting problems associated with onsite erosion and off site sediment deposition until NPDES Permit Termination or for 30 days after the submittal of the request for permit termination.
 - Where ALDOT is not listed as the owner on the NPDES permit, the listed owner will request termination of the permit coverage within 10 days of the final Acceptance for Maintenance.
9. The Contractor is notified by the State Construction Engineer that ALDOT will assume maintenance of the project.
 - Final acceptance is subject to the record check of materials and workmanship.
 - The Contractor is directed to provide required final estimate documentation. (ref. 109.12)
 - The Division office continues to work toward completion of the Final Estimate.
10. The Materials and Tests Engineer provides notice of the completed records check to the Division Engineer and the State Construction Engineer.
11. The Division Engineer submits the Final Estimate and notifies the State Construction Engineer of completion of Division project records check, materials record check and Contractor provided final estimate documentation including the proof of Contractor advertisement.
12. The State Construction Engineer issues the notice of Final Acceptance to the Contractor.
13. The State Construction Engineer forwards the Final Estimate to the Finance Bureau.