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**590.01 Reflect the environmental commitments in WSDOT's contracts**

WSDOT tracks and identifies commitments during the design process (see [Chapter 490](#)), as well as through construction and sometimes into maintenance (see [Chapter 600](#)). WSDOT [Plans Preparation Manual](#) M 22-31 Division 4 and WSDOT [Design-Build Manual](#) M 3126 Chapter 4 require that contract-relevant environmental commitments be communicated to the contractor/Design-Builder, respectively. If they aren't incorporated into the contract, the contractor/Design-Builder is not obligated to implement the commitments WSDOT makes. Constructing the project is conditioned upon environmental commitments from, for example, National Environmental Policy Act documents, Washington State Environmental Policy Act documents, Endangered Species Act documents, interagency agreements, permits, and other environmental approvals.

In addition, the WSDOT [Environmental Policy Statement E 1018](#) directs WSDOT employees to communicate compliance requirements to contractors/Design-Builders.

WSDOT has prepared a set of crosswalk documents for programmatic environmental commitments to show who is responsible and how they will be implemented; that is, the crosswalk documents identify the [Standard Specification](#), [General Special Provision](#), or [Standard Plan](#) for contract-relevant commitments. These crosswalk documents allow project teams to focus on contract-relevant commitments that are not covered by an existing specification, leading to the development of Special Provisions. The following crosswalk documents may be accessed through WSDOT's [Environmental guidance](#) webpage, under the *Tools, templates & links* tab of the respective discipline's webpage:

- Hydraulic Project Approval Provisions for Water Crossings, accessible on WSDOT's [Fish](#) webpage.
- Hydraulic Project Approval Provisions for Fish Passage Projects, accessible on WSDOT's [Fish](#) webpage.
- General Hydraulic Project Approval – WSDOT Bridge Maintenance and Preservation, accessible on WSDOT's [Fish](#) webpage.
- Nationwide Permits – Standard commitments, accessible on WSDOT's [Wetlands & other waters](#) webpage.
- Programmatic Biological Assessment Minimization Measures for U.S. Fish and Wildlife Service and the National Marine Fisheries Service, accessible on WSDOT's [Endangered Species Act & Essential Fish Habitat](#) webpage.
- [NPDES Construction Stormwater General Permit](#) (Transfer of Coverage), accessible on WSDOT's [Stormwater & water quality](#) webpage.

For your convenience, the WSDOT [Commitment Tracking System \(CTS\)](#) web application contains these crosswalk documents and associated programmatic commitments; refer to the help menu within CTS for instructions on how to copy programmatic documents and their commitments into your project.

## 590.02 Incorporate environmental commitments into contracts

The Region/Mode/Megaprograms Environmental Office is responsible for creating and maintaining the commitment file (WSDOT [Design Manual](#) M 22-01 Section 225.04). Commitments assigned to the contractor/Design-Builder must be incorporated into contracts. For Design-Bid-Build projects, commitments for which the contractor is responsible are added into contracts during the Plans, Specifications and Estimates (PS&E) phase. For Design-Build projects, commitments for which the Design-Builder is responsible are added into the Request for Proposal (RFP); refer to the [Design-Build Manual](#) M 3126 Chapter 4, as well as the instruction boxes within [RFP Template](#), Section 2.8 *Environmental*, for more information about incorporating commitments into the RFP. The level of detail incorporated into commitments differs by project delivery method (e.g., Design-Bid-Build or Design-Build). For example, commitments incorporated into Design-Bid-Build contracts are typically fairly precise because the contracting occurs further along in design. Alternatively, commitments incorporated into Design-Build RFPs may be more conceptual because they are described early in the design phase.

For each commitment, identify which contract document will address the requirement. Per Section 590.01, refer to crosswalk documents or [CTS](#) to find contract coverage information for common and general commitments. Note, both delivery methods (i.e., Design-Bid-Build and Design-Build) may reference [Standard Specifications](#) and General Special Provisions (GSPs) in contracting documents. If it is determined that an environmental-specific Special Provision is needed for the project, or if an existing Standard Specification needs to be changed, the Region/Mode/Megaprograms Environmental Office should coordinate with the Project Office, appropriate headquarters (HQ) Subject Matter Expert(s) (SME), and HQ Environmental Compliance Lead; for Design-Build projects, you should also coordinate with the [RFP Template Technical Requirement SME](#) for the given section (e.g., 2.8 *Environmental*, 2.30 *Water Crossings*).

The Project Office is responsible for facilitating an Environmental Commitments Meeting ([Plans Preparation Manual](#) M 22-31 Division 4). An Environmental Commitments Meeting isn't the same as a preconstruction meeting, as it occurs during procurement (see [Chapter 600](#) for more information on preconstruction meetings). During the Environmental Commitments Meeting, the Region/Mode/Megaprograms Environmental Office and the Design and Construction Project Engineers (or designees) review the commitment file to ensure responsibility for each commitment has been correctly assigned, and that contract documents accurately and thoroughly reflect commitments. Likewise, any commitments added or changed during procurement still need to be updated and tracked in the commitment file; see [Chapter 490](#) for information on tracking commitments during design and [Chapter 600](#) on closing commitments upon completion. It is the responsibility of the Region/Mode/Megaprograms Environmental Office to clearly communicate to the Project Engineer at the Environmental Commitments Meeting how commitments are addressed within the contract. If using [CTS](#) to track commitments, refer to the help menu within CTS for instructions on how to create a Contract Coverage report.

## 590.03 Glossary

These definitions provided context for incorporating commitments into contracts. Some terms may have other meanings in a different context.

**Commitment** – An obligation that WSDOT makes within an environmental document or agreement for the project; or an expectation imposed upon WSDOT by another agency through a permit or approval for the project. Commitments can be either the agency's or the contractor's/Design-Builder's responsibility to implement.

**Commitment File** – This file serves as the repository for all final environmental documents leading to development of the contract.

**Commitment Tracking System** – The [Commitment Tracking System \(CTS\)](#) is a WSDOT web application that allows you to store commitments in a secure computer network server, plus manage the responsibility (WSDOT, contractor/Design-Builder, or both) and implementation method (guidance document or contract) for the commitment. It also allows you to store compliance records, document the status, and report details about commitments from their inception through project delivery and on to maintenance.

**Environmental Commitments Meeting** – A project-level meeting facilitated by the Project Office between the Design, Construction, Plans, and Environmental Offices used to incorporate commitments into contract.

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