

Division 6 Contract Provisions and PS&E Word User's Guide

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600.01 Introduction

Contract Provisions are legally enforceable specifications to contracts formed between the Washington State Department of Transportation (WSDOT) and contractors.

600.01(1) General

Contract Provisions consist of the following:

1. Notice to Planholders
 - Project Engineer's name, address, phone number, and email address.
2. Table of Contents
3. Amendments
 - As of September 1, 2019, there are no Amendments to the Standard Specifications for Road, Bridge, and Municipal Construction (Standard Specifications). All changes to the Standard Specifications will be accomplished through General Special Provisions (GSPs).
4. Special Provisions
 - A combination of the General Special Provisions (GSPs), Region Special Provisions (RSPs) and project-specific provisions
5. Boring Logs
 - All final boring logs provided by the WSDOT Geotechnical Division, Region Materials Engineers, and/or consultants
6. Federal-Aid Provisions
 - For federal-aid projects
7. Prevailing Minimum Hourly Wage Rates
 - State, federal, or both, depending on project funding
8. Proposal (informational copy)
 - Proposal Bond
 - Declaration of Non-Collusion (Federal Aid Contracts)
 - Certification for Federal-Aid Contractors (Federal Aid Contracts over \$100,000)
 - DBE/UBE Utilization Certification and Written Confirmation(Federal Aid projects with a Condition of Award (COA) DBE/UDBE goal.
 - Subcontractor List (Contracts Estimated over \$1,000,000)
 - Wage Law Compliance Certification
 - Signature Page
9. Appendices to the Special Provisions
10. Forest Service Provisions (if applicable)
11. Railroad Insurance Forms (if applicable)
12. Other Documents

600.01(2) PS&E Word Program

This section will discuss the PS&E Word Program, GSPs, RSPs and project-specific provisions.

The Special Provisions sections of the Contract Provisions are created using the WSDOT "PS&E Word Program" (see the Appendices for a User's Guide). Each GSP and RSP is given a unique file name. That file name is a number that corresponds to the section of the *Standard Specifications* being supplemented or revised by the document. Project-specific provisions are assigned a unique file name by the writer of the document.

The designer makes a list, called the run-list, of the applicable file names, and the computer system compiles the actual documents in the order requested on the run-list.

The PS&E Word Program allows the designer to access the GSPs through the region's computer network system and enables designers to:

- Read the documents.
- Compile the run-list.
- Write the project-specific information.
- Insert the information in the run-list.
- Compile the completed Contract Provisions.
- Create the Table of Contents.

WSDOT staff may contact the HQ Materials Lab to request access to PS&E Word. Offices not connected to the WSDOT computer network system, consultants, and local agencies can download the PS&E Word program and GSPs from the Internet. The PS&E Word applications and documents can be accessed on the WSDOT Construction Office – General Special Provisions website at:

<http://www.wsdot.wa.gov/Business/Construction/SpecificationsAmendmentsGSPs.htm>

The Internet information is updated on the same schedule as the WSDOT system, so the information is always current. It is the user's responsibility to regularly check for program and GSP updates at the Project Development Specifications website (see above) or by signing up for e-mail alerts at: http://service.govdelivery.com/service/subscribe.html?code=WADOT_75

Assistance with application support issues should be directed to the HQ Material Lab at: MLOHelp@wsdot.wa.gov, Assistance with the PS&E Word Program and the GSP information is available through the HQ Construction Office at:

<http://www.wsdot.wa.gov/Business/Construction/SpecificationsAmendmentsGSPs.htm>

For complete instructions on how to use the PS&E Word Program, access the User's Guide for PS&E Support Contract Provisions at:

<https://www.wsdot.wa.gov/sites/default/files/2012/03/30/PSEWord-UserGuide-2018.pdf>

600.02 Special Provisions

600.02(1) General

The Special Provisions consist of the General Special Provisions (GSPs), Region Special Provisions (RSPs), and the project-specific provisions.

600.02(2) GSPs

GSPs are provisions that are written to cover legal and construction requirements that may occur on a project. They supplement or revise the Standard Specifications and are written to provide statewide standardization for the work covered. The State Construction Engineer, or delegated authority, is the approving authority for all changes made to the *Standard Specifications*, including GSPs. Consequently, after approval, these are available for use, in their original state, for multiple projects.

The Index to the GSPs contains the file name, section heading, date of last revision, and instructions for use.

The GSP file names are directly related to the divisions in the *Standard Specifications*. For example, 8-01.3.OPT1.GR8 would be a GSP that either revises or supplements Section 8-01.3. The extension GR (General Roadway) is followed by the division number of the Standard Specification. The file name 8-01.3 refers to the section (8-01) and subsection (03) in the division.

A GSP is to be used, as is, if it is applicable to the project being developed. HQ Construction Office approval is needed for any revisions to GSPs.

600.02(3) RSPs

RSPs are provisions that are written to cover the legal and construction requirements that occur on projects that differ from region to region. They supplement or revise the *Standard Specifications* and are written to provide regionwide standardization for the work covered.

RSPs are approved for region use by the State Construction Engineer or delegated authority. After initial approval, an RSP can be incorporated into your contract package. Any modifications to an already approved RSP will require resubmittal to the State Construction Engineer or delegated authority.

The Index to the RSPs contains the file name with a region identifier, section heading, date of last revision, and instructions for use.

The RSP_file extension has a region identifier assigned to each region after the file name. The identifier is .DT1 through .DT6 depending on what region is applicable. For example, 8-01.DT1 would be for the Northwest Region.

The file extensions for each region are provided on the following table.

<u>File Extension</u>	<u>Description</u>
<u>.DT1</u>	<u>NWR RSPs</u>
<u>.DT2</u>	<u>NCR RSPs</u>
<u>.DT3</u>	<u>OR RSPs</u>
<u>.DT4</u>	<u>SWR RSPs</u>
<u>.DT5</u>	<u>SCR RSPs</u>
<u>.DT6</u>	<u>ER RSPs</u>
<u>.DT7</u>	<u>Vacant</u>
<u>.DT8</u>	<u>Vacant</u>
<u>.DT9</u>	<u>Ferries RGSPs</u>
<u>.FT?</u>	<u>Fill-Ins</u>

600.02(4) Project-Specific Provisions

The project-specific provisions are written by the designer to supplement or revise information in the *Standard Specifications* to make them fit the project being developed. Project-specific provisions are not to duplicate information contained in the *Standard Specifications*, GSPs, or plans.

Approval of project-specific specifications that alter the *Standard Specifications* (WSDOT Spec. book) is required prior to inclusion in your contract. All project-specific specifications are to be sent, along with justification, to the State Construction Engineer, or delegated authority for concurrence and approval. Special provisions prepared by a support group must be reviewed to ensure they fit within the specifications/Special Provisions of the project. Any changes to a support group Special Provision must have concurrence and approval prior to sending it to the State Construction Engineer, or delegated authority.

FHWA retains approval authority for any modifications to Division 1-02 through 1-09 of the Standard Specifications, General or Region Special Provisions, and any Project Specific Special Provisions on Federal-aid contracts that; Change policy, Change content that may materially affect the specification's intent, or Change content that may affect federal eligibility or involve federal regulations. Therefore, any proposed revisions to Divisions 1-02 through 1-09 must be presented to the State Construction Office as early as possible to determine if FHWA approval will be required. If FHWA approval of a special provision is required, allow for a minimum of 30 days to submit the changes and receive comments or FHWA acceptance. A project will not be allowed to advertise before receiving FHWA approval of special provisions if required.

Think of project-specific provisions as “project-specific revisions to the *Standard Specifications*.” In order to know what information needs to be added to supplement the information in the *Standard Specifications*, or what information in the *Standard Specifications* needs to be revised to be applicable to the project, be familiar with the information in the *Standard Specifications*. The field inspector uses the *Standard Specifications* during project construction, so it is reasonable to use it as a design tool and the basis for project-specific provision writing.

Project-specific provisions will be preceded by six asterisks in parentheses (*****). The asterisks are to be placed after Standard Specification headings and ahead of the project-specific information that either supplements or revises the Standard Specification, as follows:

ROADWAY EXCAVATION AND EMBANKMENT (Spec. book heading)

Construction Requirements (Spec. book section)

Roadway Ditches (Spec. book subsection)

Section 2-03.3(9) is supplemented with the following:

(*****)

Project-specific information goes here

If the designer has written a new project-specific subsection, the asterisks would go after the Standard Specification section heading and ahead of the new subsection heading, as follows:

ROADWAY EXCAVATION AND EMBANKMENT (Spec. book heading)

Construction Requirements (Spec. book section)

Roadway Ditches (Spec. book subsection)

Section 2-03.3(9) is supplemented with the following:

(*****)

Rock Fallout Ditches (new, project-specific subsection)

Project-specific information goes here.

600.03 Format**600.03(1) General**

The Special Provisions will follow the format found in the *Standard Specifications*. Most of the information will appear under the same main headings as the division headings in the Standard Specifications.

Generally, Divisions 2 through 8 in the Standard Specifications each have the following five sections:

1. Description
2. Materials
3. Construction Requirements
4. Measurement
5. Payment

There will be occasions when the work being performed does not fall under one of the divisions in the *Standard Specifications* and the designer will have to write a complete new specification, these are called a Stand Alone Special Provision. The format will remain the same, however the designer is responsible for providing all of the information for all five sections. Stand Alone Special Provisions do not revise or supplement divisions. In these types of specials, the designer will not include a reference to a division being supplemented or revised.

Because the *Standard Specifications* are the beginning point for every GSP and project-specific provision, before writing anything, you need to first explore and be familiar with the *Standard Specifications*.

If the information is adequately covered in the *Standard Specifications*, then there is nothing to write. The most difficult part of writing good Special Provisions is providing the proper amount of information—not too much, not too little—to get the desired results.

600.03(2) Description

The description is a brief statement of what the work is, written in the following format example:

“This work shall consist of removing and disposing of concrete inlets.”

If the work is “furnishing and installing modified catch basins,” a description would not be required, since the description in Section 7-05 of the Standard Specifications covers the construction of all kinds of manholes, inlets, and catch basins. The writer could move on to the materials section and explain any differences in the materials for the modified catch basin.

If a description is required, it will **not** contain:

- Detailed information, such as station limits of the work or quantities.
- Phrases like “as detailed in the Plans,” “as shown in the Plans,” or “as directed by the Engineer.”

If there is a detail in the plans, save this information for the construction requirements section.

It is the designer's responsibility to show the location of every item of work in the plans. It is not necessary to keep stating this in the Special Provisions.

Engineers do not direct the work on the project—they administer the project. The only work that is “directed” by the Engineer is force account work and work that is done off the project; for example, “the Contractor shall deliver the salvaged material to the maintenance site and stack it as directed by the Engineer.”

600.03(3) Materials

The Materials section will normally reference the appropriate section of the *Standard Specifications* or the appropriate section of a nationally recognized material specification such as AASHTO or ASTM.

All materials information is to be in the Materials section of the Special Provisions. If a detail in the plans has materials information on it, do not repeat the information in the Special Provisions. However, there will have to be a reference in the Special Provisions to let the reader know where to find the information. A statement such as “Materials requirements for (work item X) are on the detail in the Plans” is all that is required to get the reader to the information. Do not indicate a specific plan sheet number, but rather reference a series of plans (such as Drainage Plans or Drainage Details) using the same wording as shown on the Index sheet, so the information can be easily found.

The *Standard Specifications* defines the requirements for materials used in road and bridge construction. There are occasions when the regions have the need to change these requirements by Special Provision. The regions will notify the Construction Materials Engineer at the HQ Materials Laboratory and request concurrence with the specification change prior to including the Special Provision in the contract documents.

In some situations, the regions may have a need to reduce the testing frequency of certain materials. This can be accomplished by one of the two following methods:

- Before construction: Contact the Construction Materials Engineer at the HQ Materials Laboratory and request concurrence with the frequency change prior to reducing the testing frequency.
- During construction: Follow the guidance in Section 9-1.1B of the *Construction Manual*, Reducing Frequency of Testing.

To change the testing requirements of a material, such as testing aggregate by visual inspection, request and obtain approval from the HQ Construction Materials Engineer.

When writing a materials specification that includes a revision to Division 9 materials requirements, include the materials requirements within the Special Provision it pertains to—do not place the materials specification in Division 9.

600.03(4) Construction Requirements

The construction requirements must be written to clearly describe what needs to be done. Define the work that the contractor is to perform, and provide any specific requirements that need to be completed or met in order to complete the work. Do not specify *how* to do it or explain *why* the work needs to be done.

Construction requirements are to be shown in the order in which the work is to be performed.

If there is a detail in the plans, this is where a statement would tell the contractor to “construct

the (work item X) as detailed in the Plans.”

Construction requirements are to be placed in the Special Provisions where they are enforceable.

600.03(5) Measurement

The measurement statement will be written to describe how the work or material will be measured, not the pay item name. For example, write “measure the removal of linear feet of drainage structures,” not “Removing Drainage Structures,” (pay item name), or “measure culvert pipe,” not “Schedule A Culv. Pipe 12 In. Diam.” (pay item name).

It is important to read the measurement statement found in the *Standard Specifications*, because many times it will apply to items that would seem to be project-specific. For example, if the project has the item “Special Culv. Pipe 12 In. Diam.,” the measurement statement found in the *Standard Specifications* applies to all culvert pipe: standard, special, modified, and so on.

To be complete, the measurement statement needs to include not only the unit of measure, but information as to when and where the measurement will be made. For example, “The length of culvert pipe or pipe arch will be the number of linear feet of completed installation measured along the invert.”

600.03(6) Payment

The bid item in the payment statement needs to be written in quotes and followed by the unit of measure. The bid item has to have the exact same name found in the Summary of Quantities; for example, “Adjust Catch Basin”, per each. Generally this is all that would be required for the payment statement.

If there is additional work associated with the item, the payment statement needs to also describe the work included. For example:

“Removing Manhole”, per each.

The unit contract price per each for “Removing Manhole” shall include all costs for sawcutting existing pavement associated with the removal.

There should be no surprises in the payment statement. If sawcutting is required and is to be included in the cost of the catch basin removal, it has to have been discussed in some other section of the Special Provision. It will not just show up in the payment statement as being required and included in the cost of the item.

600.03(7) Text General Guidelines

Special Provisions and the plans shall adhere to several general guidelines:

1. Write in a clear, concise, and complete manner.
2. Avoid the use of nonstandard words or numerous cross-references to other specifications.
3. When cross-referencing is necessary, ensure the provision is capable of standing alone as an explanatory document.
4. Place punctuation outside the quotation marks used with a bid item.
5. Capitalize the following words within the text: Contractor, Engineer, Plans, Section (referring to a specific section of the *Standard Specifications*), Special Provisions, Standard Specifications,

Standard Plans, State, and Contracting Agency.

6. Use "all costs" or "all expenses," but not both.
7. Use "as shown in the Plans" rather than "as shown on the Plans."
8. Avoid repetition of information available from other parts of the contract document, including the *Standard Specifications*.
9. Avoid abbreviations, except for those included within a bid item name.
10. Use the word "shall" to denote work to be done by the Contractor.
11. Use the word "will" to denote something the State is to do.
12. Do not use "Incidental to and included in" as a combination phrase. "Incidental to" refers to a general type of work, such as earthwork or paving, whereas "included in" links payment to a specific item of work.
13. Avoid "As directed by the Engineer." Both "As designated by the Engineer" or "As stated by the Engineer" are applicable within the project limits.
14. Avoid using "to the satisfaction of the Engineer." If enough information is available to describe a standard of work, the description is preferable.
15. Avoid "and/or" where possible. For example, "steel, wood, or both" is preferable to "steel and/or wood."
16. Avoid "as per" as a substitute for "in accordance with."
17. Use alpha notation when referring to a number of things; for example, install two catch basins.
18. Express all measurement units in Arabic numerals; for example, 6 inches, 20 feet, 1.5 miles, and so on.
19. Express counted numbers as follows:
 - Spell out numbers 1 through 10 (for example, six working days, seven catch basins, and so on).
 - Use Arabic numerals for numbers larger than 10 (for example, 35 working days, 24 hours, and so on).
 - Spell out all numbers that begin a sentence. If your sentence starts with a large number, try to reconfigure your sentence.
 - **Do not use Arabic and spelled-out numbers together.**