Chapter 590  Incorporating environmental commitments into contracts during PS&E

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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). 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 or design-builder, respectively. If they aren’t incorporated into the contract, the contractor 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.

WSDOT has prepared a set of crosswalk documents for programmatic environmental commitments to show who is responsible and how they will be implemented. For contract relevant ones, that means the Standard Specification, General Special Provision, or Standard Plan is identified. This allows 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 the WSDOT Environmental commitments & compliance webpage for:

- NPDES Construction Stormwater General Permit (Transfer of Coverage).
- General Hydraulic Project Approval for Bridge and Ferry Terminal Maintenance.
- Documentation of Coverage for U.S. Army Corps of Engineers Nationwide Permits.
- Hydraulic Project Approval – Template Commitments for Stream Simulation Culvert or Bridge Project.
590.02 Incorporate environmental commitments into contracts

The following procedures found on the WSDOT Environmental commitments & compliance webpage explain how to:

- Assign responsibility to commitments which belong to the contractor (PRO590-a).
- Prepare for and convene an Environmental Commitments Meeting (PRO590-c).
- Prepare project special provisions (PRO590-d).

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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 responsibility to implement.

**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 or contractor) 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 between the Design, Construction, Plans, and Environmental Offices used to incorporate commitments into contracts.