

Special Provisions (SPs)

- ◆ Give direction to the contractor
- ◆ Provide field staff with information to control and accept construction
- ◆ Enable contractor to be paid

Types of Special Provisions

- ◆ Frequently Used Special Provisions
- ◆ Previously Approved Special Provisions
- ◆ Unique Special Provisions

Frequently Used Special Provisions (FUSPs)

Developed by MDOT and partners (ie MDEQ, CRA, industry), then approved by FHWA

For regular use, stable requirements, applicable to many projects

Consult FUSP author and FHWA if a modification is needed

Previously Approved Special Provisions

Unique, previously approved for a project. Can be used in other projects without change

Can reduce variations in descriptions of work, construction, and measurement and payment.

Unique Special Provisions

- ◆ SP written specifically for the current project
- ◆ For items not covered in the Standard Specifications
- ◆ Use a previously approved Special Provision, if possible
- ◆ Don't submit a 9 page SP that changes only the unit of measurement

SP Process – Where to start

- ◆ Review the Standard Specifications to determine if work is covered and if standard pay item(s) exist
- ◆ Research to see if a Special Provision already exists
- ◆ If not, draft new or modify existing similar Special Provision

SP Process – Where to start

- ◆ Be careful using your SP's from a past project
 - Something may have changed
 - ◆ ASTM, citations, test methods
 - ◆ MDOT standard plans
 - Review how that favorite SP “worked” in the past project

Naming Your Unique SP

Special Provision Title:

- ◆ Short, One Line, No abbreviations,
- ◆ Include the pay item that this SP alters or creates

Special Provision
For
Pathway Furniture

Naming Your Unique SP

- ◆ Use 'Modify' to cover altered dimensions, allow an alternate material, or alternate design of standard pay item (*Elastomeric Bearing w/new dim*)
- ◆ Add 'Special' to change basis of payment or allow alternate method. (*adjust drain structure by breaking down & rebuilding*)
- ◆ NOTE: If both Modified and Special, Add 'Special'

Headers – First Page

(Local Agency Name)

Special Provision
For
Pathway Furniture

(author)

1 of 1

(date)

Headers – Successive pages

(author)

(x) of (x)

(date)

NO FOOTERS!!

Leave at least 1-inch, for page numbering

Definitions

Be familiar with the definitions in the Standard Specifications for Construction

For example: 'Owner' is not defined. Use the term 'Department' or 'Engineer'.

Terms in Special Provisions

Department.

- A. The Michigan Department of Transportation, when the State is the awarding authority;
- B. The Board of County Road Commissioners or the County of Wayne, when a County is the awarding authority; or
- C. The City or Village or authorized representative, when the City or Village is the awarding authority.

Engineer.

- A. The Director of the Department or the Engineer designated by the Director, acting directly or through authorized representatives, who is responsible for engineering supervision of the construction, when the State is the awarding authority;
- B. The Engineer representing the County, when the County is the awarding authority; or
- C. The Engineer representing the City or Village, when the City or Village is the awarding authority.

Quiz Time – Example 1

Before: Submit an installation plan to the Engineer 15 business days prior to beginning excavation work.

Quiz Time – Example 1

Before: Submit an installation plan to the Engineer 15 business days prior to beginning excavation work.

After: Submit an installation plan to the Engineer 15 ~~business~~ work days prior to beginning excavation work.

Issue: “Business day” is not defined, but calendar day and work day are.

Calendar Day. Every day shown on the calendar, beginning and ending at midnight. Unless otherwise specified in the contract, the word “day” means calendar day.

Work Day (Working Day). All days when, as determined by the Engineer, it is possible for the Contractor to effectively carry out work on the controlling operation.

Focus on Performance

Avoid writing method specifications

Concentrate on the required end product that can be measured

Avoid ambiguous phrases, adjectives, and modifiers

Avoid phrases such as "to the fullest extent possible"

Focus on Performance



Be careful to not prescribe a construction method or sequence

Don't specify equipment to be used

Construction methods are the contractor's area of expertise

Quiz Time – Example 2

Before: Thoroughly sand the window frames before applying primer.

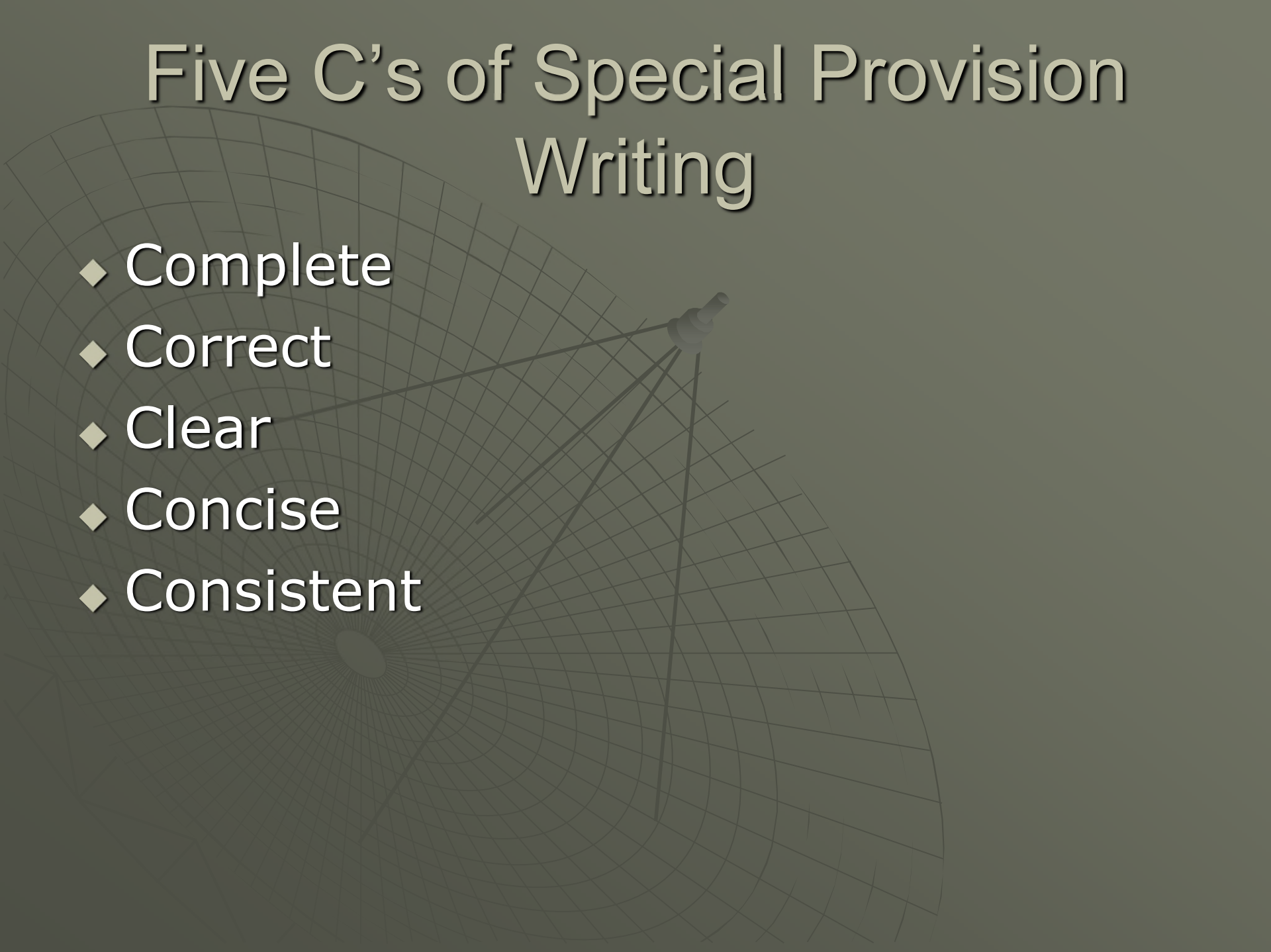
Quiz Time – Example 2

Before: Thoroughly sand the window frames before applying primer.

After: ~~Thoroughly~~ Sand the window frames before applying primer.

Issue: Some adjectives add no value and are open to interpretation. What is the difference between “Thoroughly sand and sand”? Is a different level of work expected? Does this statement need a measurable or a defined result, such as “sand the window frames so that no rust is visible”?

Five C's of Special Provision Writing

- ◆ Complete
 - ◆ Correct
 - ◆ Clear
 - ◆ Concise
 - ◆ Consistent
- 

Complete

- ◆ Contains all necessary and relevant information
- ◆ Include testing and acceptance requirements
- ◆ Include requirements for fabrication submittals to be reviewed and approved

Correct

- ◆ Uses current references & accurately describes technical requirements.
- ◆ Use current ASTM test references (*we see out dated ones or ones that have been discontinued*)

Clear

- ◆ Does not contain explanations, reasons
- ◆ Focus on the end result
- ◆ Direct the contractor's work

Concise

- ◆ To the point. Skip explanations, reasons, or repetitive phrases
- ◆ Focus on end result. Skip discussing the various design considerations

Consistent

- ◆ Uses phrases or terms the same way
- ◆ Describe work types similarly so they are not open to interpretation

Quiz Time – Example 3

Before: Submit a dewatering plan to the Engineer two weeks prior to starting construction.

Quiz Time – Example 3

Before: Submit a dewatering plan to the Engineer two weeks prior to starting construction.

After: Submit a dewatering plan to the Engineer, **for review and approval**, two weeks prior to starting construction. **Do not begin construction until receipt of written approval is received from the Engineer.**

Issue: It is good to require a dewatering plan to be submitted. However, without the need to receive a written approval from the Engineer, the contractor can proceed with a unsatisfactory dewatering plan. The intent in the 'before' was probably to have the contractor receive approval before beginning, but the spec needs to actually say that approval is needed.

Four Part Document

a. Description.

b. Materials.

c. Construction.

d. Measurement and Payment.

The Description Section

- ◆ Clear concise statement of the all work to be done
- ◆ Include definitions/terminology as appropriate
- ◆ Should be part of every SP

The Materials Section

- ◆ List all materials that are used. Include changes/ additions/deletions to material standard requirements.
- ◆ If standard materials are used in non-standard applications, list changes.
- ◆ Include the sampling & testing requirements, and basis of acceptance.

If Section is not Applicable...

List all 4 parts. Say "*None Specified*" when no materials are required.

Example: For Clearing or Removal SP Use:

b. Materials. None Specified.

The Construction Section

- ◆ Most detailed part & subsections may be needed: Documentation Required, and Equipment.
- ◆ List the sequence of events.
- ◆ Identify submission & approval requirements
- ◆ Say "*Construct in accordance with 802.03*" if only a material change

Quiz Time – Example 4

Before: Apply SUPERGREAT coating to the pump stations as directed by the Engineer.

Quiz Time – Example 4

Before: Apply SUPERGREAT coating to the pump stations as directed by the Engineer.

After: Apply SUPERGREAT coating to **all below ground outer surfaces of all** pump station structures, in accordance with the manufacturer's recommendations.

Issue: If you have a manufactured product, almost always it should be applied/installed as per the manufacturer's recommendation or you risk voiding the manufacturer's warranty. That may have been the intent of the 'before' but that is not what got written in the spec.

Measurement & Payment Section

- ◆ Establish new pay items & describe.
- ◆ Or, say that all work will be included in another pay item. Can't be incidental or included in another standard pay item
- ◆ Pay items need to match your estimate exactly.

Measurement & Payment Section

- ◆ Include the statement that "The completed work, as described, will be measured and paid for at the contract unit price using the following pay item(s)".
- ◆ Make sure there are no surprises here. Clarify, but no added work.

Common Issues at Project Turn In

- ◆ Incorrect and/or out dated references (i.e. ASTM C-98)
- ◆ Pay item and units must EXACTLY match with estimate
- ◆ MDOT does not offer testing assistance

Minimize or Eliminate

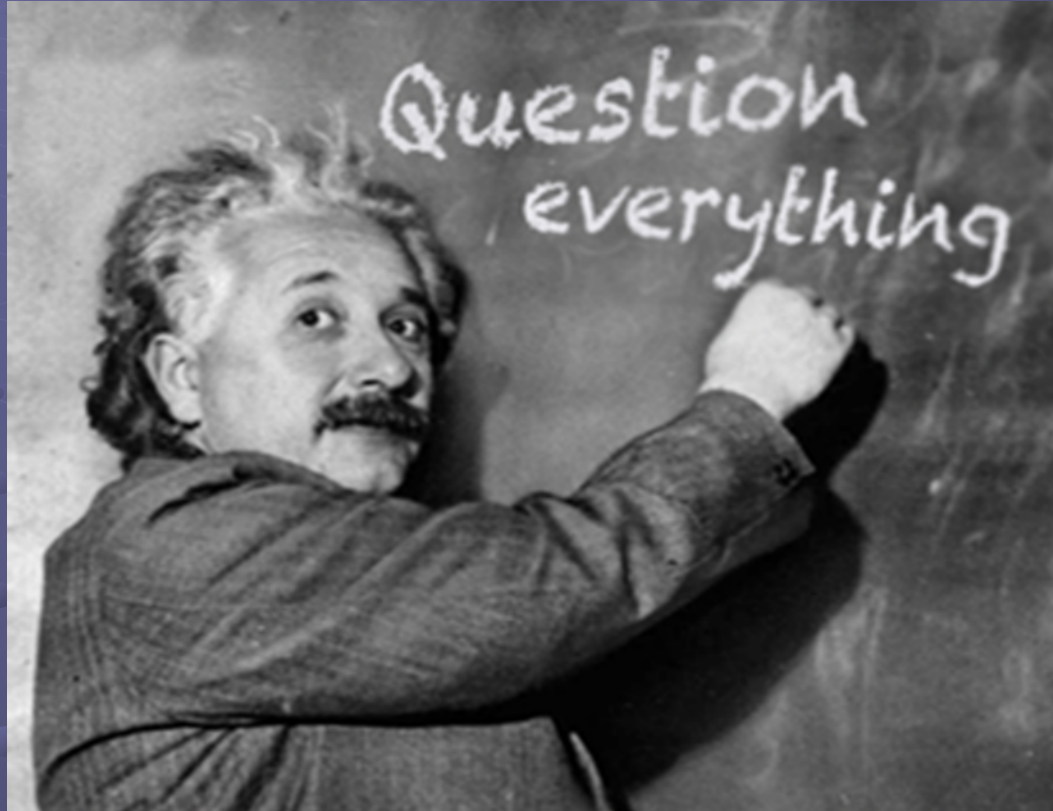
- Machine Grading, Modified
- Station Grading, Modified
- Clearing, Modified

Don't throw everything in
Measurement and Payr

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QUESTIONS?



THANK YOU!