

ARIZONA
DEPARTMENT OF TRANSPORTATION

**STANDARD
SPECIFICATIONS**

for

ROAD AND BRIDGE
CONSTRUCTION



2008

SECTION 104 SCOPE OF WORK:

104.01 Intent of Contract:

The intent of the contract is to provide for the construction and completion of the work to the satisfaction of the Department. The contractor shall furnish experienced supervision and labor, and all materials, equipment, tools, transportation and supplies required to complete the work in accordance with the plans, specifications and terms of the contract.

(A) Covenant of Good Faith and Fair Dealing:

This contract imposes an obligation of good faith and fair dealing in its performance and enforcement.

The contractor and the Department, with a positive commitment to honesty and integrity, agree to the following mutual duties:

- (1) Each will function within the laws and statutes applicable to their duties and responsibilities.
- (2) Each will avoid hindering the other's performance.
- (3) Each will proceed to fulfill its obligations diligently.
- (4) Each will cooperate in the common endeavor of the contract.

(B) Partnering:

The Department encourages the foundation of a cohesive partnering with the contractor and its principal subcontractors and suppliers. This partnering is not a legal partnership as defined by Arizona law. Partnering will be structured to draw on the strengths of each organization to identify and achieve reciprocal goals. The objectives are effective and efficient contract performance and completion within budget, on schedule, and in accordance with the contract.

The establishment of a partnering charter on a project will not change the legal relationship of the parties to the contract nor relieve either party from any of the terms of the contract.

Any cost associated with effectuating partnering will be agreed to by the Department and the contractor and will be shared equally between them.

To implement this partnering initiative prior to starting of work in accordance with the requirements of Subsection 108.02 and prior to the preconstruction conference, the contractor's management personnel and the District Engineer will initiate a partnering development seminar/team building workshop. The Department and the contractor will make arrangements to determine attendees at the workshop, the

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agenda of the workshop, its duration, and its location. Persons required to be in attendance will be the Department's Construction Supervisor and key project personnel; the contractor's on-site project manager and key project supervision personnel of both the prime and principal subcontractors and suppliers. The project design engineers, FHWA and key local government personnel will also be invited to attend as necessary. The contractors and the Department will also be required to have Regional/District and Corporate/State level managers on the project team.

Follow-up workshops may be held periodically throughout the duration of the contract as agreed by the contractor and the Department.

104.02 Revisions to the Contract:

The Department reserves the right to revise the contract at any time. Such revisions shall neither invalidate the contract nor release the surety. The contractor agrees to complete the contract as revised. The contractor shall not proceed with work for which a revision to the contract is required without prior approval from the Engineer. Once approval is received, the contractor shall proceed with such direction immediately, whether the Engineer considers that the contract has been revised or not.

It is the contractor's obligation to notify the Engineer in writing that a revision to the contract is necessary and provide such notification in accordance with Subsection 104.03. Whenever the words notice, notification, request or notify are used in this subsection, such notice or request shall be provided in accordance with the requirements of Subsection 104.03.

The contract may only be revised by Supplemental Agreement. Supplemental Agreements will be issued for the following reasons only:

- (A) To accomplish extra work as defined in Subsection 101.02.
- (B) If a differing site condition is encountered as described below:
 - (1) During the progress of the work, if subsurface or latent physical conditions are encountered at the site differing materially from those indicated in the contract or if unknown physical conditions of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inherent in the work provided for in the contract, are encountered at the site, the party discovering such conditions shall promptly notify the other party in writing of the specific differing conditions before the site is disturbed and before the affected work is performed.
 - (2) Upon written notification, the Engineer will investigate the conditions, and if it is determined that the conditions

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Contract Size (Dollars)	Calendar Day Period
0 to 10,000,000	30
over 10,000,000 to 30,000,000	45
over 30,000,000	60

When the contract time is on a calendar day basis or on a working day basis, contract time will be charged commencing on the date 30, 45, or 60 calendar days, as determined by the contract size, after the date of the notice of award letter. Should this date fall on a Saturday, Sunday or holiday, the next working day shall be considered the starting date for the purpose of charging contract time.

108.03 Preconstruction Conference:

The contractor shall meet with the Engineer for a preconstruction conference prior to commencing work. The conference may be combined with the partnering conference, and all requirements of this subsection may be submitted at that time. Should both conferences be held at the same time, the partnering conference will be held first.

At the preconstruction conference the contractor shall submit a progress schedule showing the order in which the contractor proposes to carry out the work, the dates on which the contractor and its subcontractors will start the salient features of the work, including procurement of materials, equipment, etc.; the ordering of articles of special manufacture; the furnishing of drawings, plans and other data required under Subsection 105.03 for the review and approval of the Engineer; the inspection of structural steel fabrication; and the contemplated dates for the completion of the said salient features. The schedule may be in a bar chart format or a critical path method format. No schedule activity shall be shorter than one day or longer than 15 working days. The schedule must show interrelationships among the activities, and the controlling items of work throughout the project shall be identified. If requested by the Engineer, the contractor shall furnish information needed to justify activity time durations. Such information shall include estimated manpower, equipment, unit quantities, and production rates. The schedule shall illustrate the completion of the work not later than the contract completion date.

The contractor shall furnish authorized signature forms and a list of the contractor's proposed subcontractors and major material suppliers.

Progress schedules shall have considered the time requirement for ordering articles of special manufacture to meet specific requirements of the work and Subsection 604-3.04 when structural steel fabrication inspection is required.

If the contract requires trainees on the project, the contractor shall submit a schedule showing the number of trainees, the hours and the work items for which trainees will be used.

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If the contract has a DBE requirement, the contractor shall submit copies of completed and signed DBE subcontracts, purchase orders, or invoices to the Department.

The contractor shall submit a traffic control plan in accordance with Subsection 701-1. The contractor shall designate an employee who is competent and experienced in traffic control to implement and monitor the traffic control plan. The qualifications of the designated employee must be satisfactory to the Engineer.

The contractor shall submit a safety plan and designate an employee as Safety Supervisor, in accordance with Subsection 107.08.

Both plans must be satisfactory to the Engineer.

During the preconstruction conference, the Engineer will designate a Department employee or employees who will be responsible to see that the traffic control plans and any alterations thereto are implemented and monitored to the end that traffic is carried through the work in an effective manner. If approved by the Engineer, the contractor may designate one employee to be responsible for both the traffic control and safety plans. The contractor shall not designate its superintendent as the responsible person for either the traffic control plan or the safety plan, unless approved by the Engineer.

If the project requires that contractor or State personnel to work from falsework, within shoring, or in any other hazardous area the contractor shall submit as part of the contractor's safety plan specific measures it will use to ensure worker safety.

The contractor shall also submit a program for erosion control and pollution prevention, as set forth in Subsection 104.09, on all projects involving clearing and grubbing, earthwork, structural work, or other construction, when such work is likely to create erosion or pollution problems.

If the contractor fails to provide the required submissions, the Engineer may order the preconstruction conference suspended until such time as they are furnished. Work shall not begin until the preconstruction conference has been concluded and the safety plan has been approved, unless authorized by the Engineer. The contractor shall not be entitled to additional compensation or an extension of contract time resulting from any delays due to such a suspension.

When the specifications require specific quality control measures for certain materials by referencing Subsection 106.04(C), the contractor shall designate a qualified employee as Quality Control Manager. The Quality Control Manager shall be responsible for the implementing and monitoring of the quality control requirements described in Subsection 106.04(C).

108.04 Prosecution and Progress: