

Chapter 18 - Emergency Projects***1-1800 General***

The Commissioner has the authority to issue an emergency declaration in accordance with Section 13b-26(f) of the Connecticut General Statutes.

There are two distinct types of emergencies.

Case 1: A natural disaster, structural failure, rock slide, etc., any of which require the Department, either through its own resources or contractual services, to take action by mobilizing the necessary resources as quickly as physically practical.

And,

Case 2: An emergency condition which demands immediate attention to insure the safety of the traveling public, however, there is a need and time to complete survey and design before commencement of construction of the project. These projects are typically handled like routine projects; however the schedule for design, advertising, award and completion is greatly accelerated.

This Chapter explains the procedure established for Case 1 emergencies; Case 2 projects are handled like any other routine project during the construction phase.

1-1801 Case 1 Initiation Procedure (Office of Construction)

The recommendation for an Emergency Declaration is brought to the attention of the Chief Engineer and discussed with the appropriate Deputy Commissioner. After the Emergency Declaration is prepared and signed by the Commissioner, copies are made by the Office of the Chief Engineer and hand-carried or faxed to the following:

- Deputy Commissioner(s)
- Transportation Engineering Administrator
- Transportation Maintenance Administrator
- Transportation Construction Administrator
- Director of Environmental Planning
- Transportation Rights of Way Administrator
- Director of Financial Management/Special Projects
- District Engineer
- District Maintenance Manager
- Any others as appropriate

A contractor is selected and contacted by the Transportation Construction Administrator, usually after conferring with the Chief Engineer, the appropriate District Engineer, and the Construction Division Chief.

The Transportation Construction Administrator assigns the project to a construction Liaison Engineer, who will:

1. Set up a field review and concept meeting with the appropriate and knowledgeable individuals in the Office of Engineering (OOE), Office of Construction (OOC) and District. Immediately following the site review, a concept meeting will occur to thoroughly discuss the scope of work and arrive at a method to proceed. At this time, a plan of action for finalizing the documents detailing the scope of work must be established identifying responsibilities and deadlines. 1) All logistics and arrangements for progress copies of sketches and special provisions are to be sent directly to the District Engineer; and 2) the Transportation Construction Administrator is to be made aware of the arrangements and review procedures established.
2. Assist the Engineering Office (or Office of Fiscal/Special Projects when no Engineering Office is involved) in the preparation of a Recommended Project Memorandum which will require the following information:
 - Specific location of project
 - Scope of work
 - Estimate of Duration of Project
 - Estimate of construction cost
 - Contingency
 - Estimate of incidental cost
3. Obtain a project number and financial coding (if not already assigned) from the Office of Fiscal/Special Projects. If necessary the Construction Associate Fiscal Administrative Officer will provide assistance. The Construction Liaison Engineer will advise the Office of Fiscal/Special Projects of the nature of the work and estimated cost.
4. Notify the appropriate District Engineer by telephone and transmit a copy of the Emergency Declaration, project number, and financial coding.
5. Prepare the Emergency Work Letter of Agreement. See Figure 1-18.1.

The following are available from the Contract Section and must be attached to the Emergency Work Letter of Agreement (all originals and copies):

- Index of Special Provisions
- Required Contract Provisions
- Governor's executive orders and guidelines
- Supplemental Specifications (if applicable)
- Special provisions prepared specific to the project by the Office of Engineering or others. (Remember to add these to the Index of Special Provisions.)

6. Contact the contractor by telephone and set a date and time for award meeting. At this meeting the Emergency Work Letter of Agreement will be signed and the contractor will provide the required Certificate of Insurance on CON-32 Form. (The Transportation Construction Administrator will likely be able to provide the name of the contact person on the contractor's staff.) If an emergency arises after normal work hours, on weekends or a Holiday, and it is necessary to dispatch a contractor immediately to assure the safety of the public, the construction liaison engineer must initiate and attempt to process all necessary paperwork on the next work day. The contractor should also have the Certificate of Insurance completed and submitted on that day. In no case will lack of paperwork delay the contractor in effecting the repair.
7. Put together three (3) originals of the Emergency Work Letter of Agreement (with attachments) and obtain the required signatures. See Figure 1-18.1. After the Chief Engineer or Transportation Construction Administrator signs the originals, three (3) more copies will be made and distributed as follows:
 - One (1) original and one (1) copy to the contractor
 - One (1) original to Central Files
 - One (1) original to the Office of Construction
 - Two (2) copies to the District Office
8. Send copies of all information in the Office of Construction's Project folder to the District for inclusion in the District's Project file.
9. Notify the District that they must obtain the required Certificate of Insurance (CON-32) if the contractor has not already done so.
10. Provide assistance to the District, Contractor and/or Engineering Office until the project is completed.

Figure 1-18.1 Emergency Work Letter of Agreement

EMERGENCY WORK LETTER OF AGREEMENT
PROJECT NO. _____

DATE: _____

LOCATION OF
WORK TO BE DONE: _____

CONTRACTOR: _____

ADDRESS: _____

PHONE: _____

Pursuant to Section 13b-26f of the General Statutes of Connecticut, Revised and Supplements thereto, the Commissioner of Transportation has declared that an emergency condition exists on the above-named highway facility in the State and hereby engages the above-named Contractor to provide the necessary materials and services needed to provide

_____ as directed by the Engineer.

Upon direction to start by the Bureau of Engineering and Construction, to be confirmed in writing, the above-named Contractor shall proceed at once to supply the materials and/or perform the services specified herein.

The method of payment for the emergency work required shall be as defined under Article 1.09.04 of Standard Specifications Form 816 and Supplemental Specifications thereto. Administration or engineering costs, above and beyond normal overhead costs considered in the allowed 20% markup on wages, benefits, insurance and taxes on labor, may be considered payable if the scope of administrative or engineering services, including staff hours and rates, has been approved in advance and in writing by the Engineer. All work performed at the site will be under the direction of the Department of Transportation or its designated representative. The Commissioner may cancel the work at any time and the State shall pay the Contractor for all work performed and for all materials ordered by the State and delivered to the project site.

The Contractor warrants that he is fully covered by insurance as described in a "Certificate of Insurance" which he agrees to furnish prior to beginning work; said insurance shall be in accordance with and in the amount stated in the Form 816, Supplemental Specifications thereto and Special Provisions included with this Contract.

The parties hereto agree that, because of the existing emergency, the work described herein shall be started at once and carried forward with utmost dispatch under the terms of this agreement until such time as the work is cancelled or completed, all in accordance with the procedures set forth hereinabove or as noted in the "Contract Documents."

The attached appendix of "Required Contract Provisions" and Governor's Executive Orders and Guidelines are hereby made a part of this agreement.

Description of services required: _____

Figure 1-18.1 Emergency Work Letter of Agreement (cont'd)

This work shall include securing and all subcontractor(s) necessary to perform the required work and any other work as directed by the Engineer, all in accordance with the Form 816, Supplemental Specifications thereto and Special Provisions included with this Contract.

The Contractor further covenants and agrees that all of said work shall be done and performed in the best and most workmanlike manner, and that all and every of said furnished material and labor shall be in strict and entire conformity, in every respect, with said specifications and plans, and shall be subject to the inspection and approval of the Commissioner or his duly authorized representative, and in case any of said furnished material or labor shall be rejected by said Commissioner or his representative, as defective or unsuitable, then the said materials shall be removed and replaced with other approved materials and the said labor shall be done anew to the satisfaction and approval of the said Commissioner or his representative, at the cost and expense of the Contractor.

The Contractor further covenants and agrees that all and every of the said materials shall be furnished and delivered, and all and every of the said labor shall be done and performed, in every respect, to the satisfaction and approval of the Commissioner.

The Contractor agrees to commence work in conjunction with the notice to proceed and pursue the work until completed, unless terminated by the Department.

The Contractor further agrees to accept the payment method defined in this Contract as full compensation for furnishing all materials and labor which may be required in the prosecution and completion of the whole of the work.

This document, to be valid, must be signed by a representative of the Department of Transportation holding one of the following offices: Commissioner, Deputy Commissioner, Chief Engineer, or Construction Administrator.

Accepted as of this date _____

Contractor _____
Witness _____

by _____
Name Title Witness

STATE OF CONNECTICUT

Transportation Chief Engineer
Bureau of Engineering and Construction

by _____
Name Title Witness

Witness

1-1802 Case 1 Emergency Projects (District)

If the Commissioner issues an emergency declaration for a case 1 type construction project, the progress of the project must be closely monitored. The Emergency Project Status Report, shown in Figure 1-18.2, is completed by the District on a biweekly basis, beginning with the District's receipt of the Emergency Declaration and continuing through completion of the work

Figure 1-18.2 Emergency Project Status Report

Connecticut Department of Transportation Office of Construction Emergency Project Status Report	
Emergency Declaration Date: _____	
Project No.: _____	Date of Report: _____
Town: _____	Route No.: _____ Const. Start Date Est.: _____ Actual: _____
Project Description: _____ _____	
Orig. Est. Compl. Date: _____	Rev. Est. Compl. Date: _____
Contractor: _____	Phone: _____
Project Engineer: _____	Phone: _____
Chief Inspector: _____	Phone: _____
Orig. Cost Estimate \$: _____	Complete-to-Date \$: _____
<u>Work Performed Past Two Weeks</u>	
<u>Work Planned Next Two Weeks</u>	
<u>Problems/ Concerns/ Delays/ Additional Work</u>	
<u>Roadway Status</u>	Open _____
	Closed _____
	Alt. One Way _____
Rev. 4/20/93	

. The Status Report is completed using the following procedure:

- On receipt of the emergency declaration, the District assigns a Project Engineer to the project.
- The Project Engineer coordinates with Design on the status of the plans, design completion date, etc., and reports the information biweekly on the Status Report. Any problems with completion of the design are noted, along with the anticipated completion date.
- On issuance of the Emergency Work Letter to the contractor, the District coordinates all necessary meetings, utility notifications, maintenance of traffic schemes, etc.
- The District provides Inspectors for the project.
- The Project Engineer completes and submits the Status Report every two weeks. The value of work completed should be estimated for each two-week period. One copy is retained for the project files, and a copy is faxed to the OOC, Liaison Engineer and OOE Lead Engineer.

1-1803 Volume I – Inspector’s Daily Work Reports

Daily Work Reports are required when the prime contractor or subcontractors are working. These sheets shall be signed accordingly and contain detailed documentation to verify the payments made on the Cost-Plus sheets. See Figure 1-6.1 for a sample Cost Plus sheet.

A CON-136 Base and Bituminous Report is required when placing bituminous concrete or processed aggregate base. See Figure 2-6.26 for a sample CON-136.

NOTE: If it is determined that a portion of the existing project is an emergency and is designated as an “emergency project” it should be determined as soon as it is possible if a separate project number will be assigned for the emergency portion. If that is the case a separate Volume I, III and IV will be created and kept separate from the existing project.

(Refer to Volume I Chapter 3 “Project Documentation” for additional information on record-keeping)

1-1804 Volume III

Measurement and payment for work performed on an emergency project will be made in accordance with The Standard Specifications for Roads, Bridges and Incidental Construction, Form 816, Article 1.09.04. The method of measurement and basis of payment for elements of work will be conveyed to the Contract via Construction Orders. In the event there is a dispute as to the method of measurement and basis of payment the work will be ordered done on a cost plus basis. Further information is available in the Construction Manual Volume 1 Chapter 6 “Extra and Cost Plus Work”.

All work performed by subcontractors is to be considered specialized work and is subject to the requirements set forth in the Article 1.09.04. Invoices are not acceptable for cost plus documentation - unless it is for materials or rented equipment (and even then proof of payment is required). The only other time an (receipted or paid) invoice would be acceptable documentation for cost plus work is if the work fits the narrow definition of specialized work shown in the 816 and the CM.

If there is some other well defined element of a larger cost plus operation, the District may agree to a price for that element or activity. In general however it is not advisable to mix agreed price and cost plus work because of the potential for overlap.

Administration or engineering costs, above and beyond normal overhead costs considered in the allowed 20% markup on wages, benefits, insurance and taxes on labor may be considered payable if the scope of administrative or engineering services, including staff hours and rates, has been approved in advance and in writing by District Management. Copies of such written approval shall be maintained as part of the permanent project records.

The Volume III must have summary sheets showing the totals of all items of work. The summary sheets must provide a clear audit trail throughout so that anyone unfamiliar with the records will be able to follow them. A calculator tape shall be attached to the summary sheet showing a tally of the cost-plus sheets and the final quantity. Cost-plus sheets are made out daily and signed by the Inspector and Contractor. The original cost-plus sheets must be contained in the Volume III. A representative copy of payrolls (excluding certification statements) is required in back of the applicable cost-plus sheet(s). Material invoices to support any material paid on the cost-plus sheet are included behind the applicable cost-plus sheet. Material invoices must be receipted. Receipted bills shall be referenced to an actual invoice, which documents the amount of the cost-plus item.

Acceptable documentation for Receipted bills is:

- Copies of the cancelled checks for invoiced material/rented equipment.
- Invoices signed, "Paid in Full" by the Vendor.
- Invoices stamped, "Paid" and the Contractor's check number noted and a copy of a bank statement showing the check was paid.

Equipment Rate sheets shall be included behind the applicable cost-plus sheet or behind the last cost-plus sheet for the item. The total of all of the cost-plus sheets for each item must agree with the final Invoice invoice. A copy of each Invoice must be included in the project records. Refer to Standard Specification for Roads, Bridges and Incidental Construction Article 1.09.04 and manual Section 1-602 for additional instruction on Extra and Cost Plus Work.

Emergency projects must follow the minimum testing requirements as outlined in the Construction Manual and in the Schedule of Minimum Requirements for Sampling Materials for Test unless modified by the District.

When an estimated payment procedure is used to make payment for an item a record that this procedure has been approved by the Project Engineer must be placed in the Volume III. For further explanation refer to Section 1-912. A sample record is shown in Figure 1-3-8A.

Refer to Volume 1 Chapter 6 Section 1-602D for information on "Specialized Work".

1-1805 Volume IV

This Volume is set up to contain all miscellaneous construction data pertaining to the project. The index may be added to; however the following minimal sheets are required for emergency type projects paid by agreement.

Request for Test Index

Record of Prime and Subcontractors

Payroll logs showing payrolls received

Record of Labor Wage Check

Material Stored on Site

Record of Shop Drawings

Non-compliance and Compliance Notices