



Construction Policy Bulletin

CPB 06-4 Beginning of Work

References: *Standard Specifications* Section 8-1.03 "Beginning of Work"
Standard Special Provisions Section 4, "Beginning of Work, Time of Completion and Liquidated Damages"
Construction Manual Section 3-802, "Beginning of Work"

Effective Date: December 1, 2006

Approved:

A handwritten signature in black ink, appearing to read 'Robert Pieplow', written over a horizontal line.

ROBERT PIEPLOW
Chief
Division of Construction

Approval Date: October 11, 2006

Background

Contract specifications currently require the start of work to be within 15 days of contract approval. This timeline does not allow adequate time to submit and approve contractually required documents necessary for scheduling and planning construction activities before the start of work, such as the progress schedule baseline, water pollution control program, and materials to be used. The contractor has been allowed to submit these documents after the start of work, while construction job site activities are progressing. Most of the work to develop, prepare, submit, and approve these submittals has been included in the contract time specified or bid.

Some submittals require approval before various construction job site activities in the beginning stages of a project may proceed. Construction job site activities in the beginning stages of a project are often postponed while waiting for approval of such submittals. Construction area signs are normally installed within 15 days of contract approval, which is sometimes much earlier than construction job site activities are allowed to begin.

Traffic operations and public relations have suffered due to the lack of construction job site activities immediately after construction area signs are posted. Contractor scheduling and planning of construction activities have suffered due to untimely schedules. Improvements in contractor scheduling and planning of project activities, and compression of contract time are anticipated by requiring certain submittals considered necessary for the beginning stages of job site activities to be approved prior to the start of work.

Existing Procedure

Section 3-802, "Beginning of Work," of the *Construction Manual* provides guidelines for the start of work. Section 8-1.03 "Beginning of Work," of the *Standard Specifications* and Section 4, "Beginning of Work, Time of Completion and Liquidated Damages," of the standard special provisions have typically

required the start of work 15 days after notification of approval of the contract by the attorney general or his representative. All contractually required documents are currently allowed to be submitted and approved after the start of work.

New Procedure

A new standard special provision “Beginning of Work, Time of Completion and Liquidated Damages” requires contract time to begin 70 days after contract approval. The special provision will be included in contracts valued over \$5 million or which specify 100 or more working days. The special provision will be implemented in projects with a plans, specifications, and estimate submittal date to Division of Engineering Services – Office Engineer on or after December 1, 2006.

The standard special provision allows adequate time for contractors to prepare and the resident engineers to approve the following five standard (preconstruction) submittals before job site activities begin:

1. Baseline progress schedule,
2. Water pollution control program or storm water pollution prevention plan,
3. Dispute review board nominee and disclosure statement,
4. Materials to be used, and
5. Lane closure contingency plan.

When project duration is accurately estimated during the design phase, resident engineers should expect contract working days to be compressed by the number of days preconstruction submittals would otherwise be on the critical path, if submitted after the start of job site activities. Contract working days will be further compressed by the longer lead time to procure or prefabricate materials before working days begin, when it is the controlling operation. Expect the contractor to use this time to order, customize, and prefabricate materials such as: light standards, controller cabinets, sign panels, and overhead sign structures.

Early compliance with submittal requirements will allow the contractor to start job site activities earlier than 70 days after contract approval without being charged working days until 70 days after contract approval. Potential for building additional float into the progress schedule will provide the contractor with incentives to expedite compliance with preconstruction submittal requirements and to start job site activities before the start of contract time.

Resident engineers must quickly review and approve satisfactory contractor submittals or return insufficient submittals within contractually required time frames. Expect better quality submittals from contractors trying to avoid rework. Expect pressure from contractors since early resident engineer approval facilitates an early contractor start and contractor-controlled float time.

Contractors will plan to operate more efficiently after the work begins since they will have more time to adequately plan, coordinate, and receive advance approval for the work. Resident engineers should be more sensitive to Department-caused delays and diligent in their tracking, reporting, and adjustment of contract time.

Job site activities (except measuring controlling field dimensions) must not be permitted to start when contract time starts if the submittals are not submitted or approved, as required. In the event there are particular preconstruction submittals that are not approved due to grammar, spelling, or other minor errors, the contractor is to be allowed to start construction activities at the job site when contract time begins even though the submittals are not approved.

Resident engineers should use this preconstruction start period to request and execute construction staking, review the contract documents, check quantities, resolve identified conflicts between the specifications, plans, and field conditions, review environmental commitments, and confirm utilities have been identified or relocated.

Check timelines of additional submittals to assure they do not conflict with the delayed start timeline. If a conflict exists, the 70 days of delayed start must be adjusted as necessary by a no-cost contract change order. The typical 70-day duration does not conflict with the individual contractual timelines of the five standard submittals listed in the standard special provision. The 70-day duration allows for completing long lead time activities such as establishing the dispute review board and provides for two iterations of rejecting, if necessary, the Progress Schedule (Critical Path Method) baseline.

District construction provides advice and concurrence to project engineers during constructability reviews, or at other times, when there is a need to implement any of the four possible exceptions allowed by the standard special provisions instructions as follows:

- Omit the standard special provision,
- Include the standard special provision although project selection criteria are not met,
- Add (or delete) preconstruction submittals to the standard five on the standard special provision, or
- Adjust the 70-day start duration due to timelines required by additional preconstruction submittals.

Concurrences or recommendations to delete preconstruction submittals on the standard special provisions should be given cautiously. Preconstruction submittals should only be added for the purpose of eliminating or reducing the potential for delays due to submittals that are required for work planned during the beginning stage of construction activities at the job site.

Examples of additional submittals that may be required before the start of job site activities when work related to those plans is necessary at the beginning stage of the project are: excavation or shoring plans, falsework submittal, working drawings, construction staking requests, welding plan, quality control plans, shop plans, concrete mix designs, pile placing plans, pile driving plans, stream diversion plans, blasting plans, or disposal site releases. When only the first in a series of submittals needs to be listed as a preconstruction submittal, the special provision must describe the limits of work that must be encompassed by the preconstruction submittal. Working drawings for prefabricated members with long prefabrication lead times should be added as a preconstruction submittal whenever vendor receipt of an order for a prefabrication member is a preconstruction submittal.

During the design phase, justification for adding preconstruction submittals or adjustment of the 70 day start in the standard special provision must be included in the resident engineer's pending file by the

designer. When work related to a submittal does not need to be performed during the beginning stage of the project or if the sequences of activities will not cause a delay to the related work when the submittal is provided during job site activities, the submittal should not be listed on the standard special provision as a preconstruction submittal.

Project circumstances and critical submittals should be considered when implementing any of the four exceptions permitted by the standard special provisions instructions. Common circumstances to consider are:

- Availability of Caltrans resources for contract administration,
- Work restrictions due to permits, weather, or traffic operations,
- Cooperative agreements,
- Railroad agreements,
- Right of way, utility, local business, or permitting agency concerns,
- Whether the delayed start will require an additional construction season, and
- Effects on the project schedule or other project circumstances.

Submittal requirements for documents listed in the standard special provision will not be exempted unless there is an approved contract change order by the Division of Construction.

Responsibility

The resident engineer:

- Verifies that concurrence by the district construction division chief has been provided when any of the four possible exceptions in project selection criteria, are implemented as permitted by the standard special provisions. Verification is provided upon receipt of the resident engineer pending file.
- Consults with the construction engineer about issues involving contractor noncompliance with the requirements of the special provision.
- Begins recording working days on the *weekly statement of working days* in accordance with the contract. When the contractor is not compliant with the beginning of work requirements or when the contractor is allowed to begin work early, the resident engineer obtains approval from the construction engineer before the first working day is charged

The district division chief of construction:

- Provides advice and concurrence to district design during the development of the plans, specifications, and estimate regarding implementation of any of the four exceptions as permitted by the standard special provisions instructions, including adding or deleting preconstruction submittals.
- May delegate responsibility to provide constructability review and advice to district design regarding the proper application of preconstruction submittals to the area construction manager.

If you have any questions please contact Perry Mayer, Office of Contract Administration, Division of Construction, at (916) 653-2032.