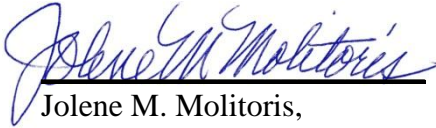


Approved

Policy No.: 27 - 021(P)  
Effective: December 29, 2010  
Responsible Office: Division of  
Construction Management



Jolene M. Molitoris,  
Director

## **EMERGENCY CONSTRUCTION PROJECT DEVELOPMENT AND ADMINISTRATION POLICY**

### **POLICY STATEMENT:**

It is the Policy of the Department to bid and administer construction contracts in accordance with State and Federal requirements. In accordance with State and Federal laws, the Director may declare that an emergency exists that requires work to be performed that cannot be suitably accomplished by the ODOT maintenance forces or through the normal contracting process. The Department will comply with the reference documents in the development and administration of emergency projects.

The Office of Estimating and Office of Contract Administration will cooperate to:

Ensure that this policy and associated procedure are followed to avoid the sale of construction projects that are not “emergencies” as defined under the law,

keep ODOT’s twelve districts apprised of the proper emergency project letting procedures,

ensure that emergency contracts are fairly distributed to the most competent and responsible bidders.

### **AUTHORITY:**

*Ohio Revised Code (ORC) Section 5517.02*

*Code of Federal Regulations Title 23-Section 668*

*23 U.S.C. 112(b) as amended*

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**REFERENCES:**

Standard Procedure 510-021(SP), Standard Procedure for the Development and Administration of Emergency Construction Projects

Construction and Material Specifications

Consultant Contract Administration Manual

Project Development Process Manual

Environmental Programmatic Categorical Exclusion Agreement between ODOT and FHWA at the following website:

[http://www.dot.state.oh.us/Divisions/Planning/Environment/NEPA\\_policy\\_issues/NEPA\\_Documentation/Pages/default.aspx](http://www.dot.state.oh.us/Divisions/Planning/Environment/NEPA_policy_issues/NEPA_Documentation/Pages/default.aspx)

Real Estate Manual, Sections 5301 Hardship Acquisitions, 5307 Right of Entry at the following website:

<http://www.dot.state.oh.us/Divisions/ProdMgt/RealEstate/Pages/Manuals.aspx>

Forms listed in the Appendix are published at the following website:

<http://www.dot.state.oh.us/construction/OCA/Policy/default.htm>

**SCOPE:**

This policy is for use by the District Offices, Central Office Construction Management, Chief Legal Counsel, and other offices that may be involved in the selection, development, or administration of ODOT emergency projects.

**TRAINING:**

The Division of Construction Management and Chief Legal Counsel will provide training and consultation on the administration of this procedure. Informational updates regarding Emergency Contracting requirements will also be provided by the Division of Construction Management at Statewide Construction Seminars and Meetings.

Reviews will be conducted by the Division of Construction Management and Chief Legal Counsel as necessary to ensure compliance with this policy.

**FISCAL IMPACT:**

This procedure may impact the capital construction program or associated maintenance fund in the likely event that non-programmed work is required under a Type A or B Emergency Project. These conditions are unpredictable and a fiscal analysis will be required at the time of occurrence to determine and prioritize changes to the funding program and identify any resultant system condition impacts. However, projects that are developed under a Type C Emergency Contract may have minimal or no fiscal impact providing the projects are programmed and simply advanced to an earlier sale date. Otherwise, a non-programmed Type C Emergency Project would have a similar fiscal impact as a Type A or B Emergency Project.