

Administrative Ruling for Processing Utility Conflict/Delay Change Orders – 8/15/2007

Introduction

The Department's Office of Construction Administration has been tasked with the responsibility of overseeing the Change Order process. Although the Division of Construction Management has taken steps to revise the Department's Change Order Policy, guidance regarding the issuance of Change Orders for Utility Conflicts/Delays will follow this administrative ruling. The primary areas of cooperation are between the District Construction and Project Offices, the District Utility Coordinator, and the Office of Chief Legal Counsel.

"Abandoned to the ground" utilities are usually not located in the plan but may cause delay or extra work. Abandoned to the ground utilities are NOT the responsibility of the utility to relocate and should be handled separately. Abandoned drainage structures are also not the responsibility of a utility and should not be classified as utility work. Public or private utilities not shown, mis-marked or relocated incorrectly should be classified as utility work.

Process

The project staff will identify and document the specific problem, the utility(ies) involved and notify the District Construction Office and the District Utility Coordinator.

The District Deputy Director or designee will request the Office of Chief Legal Counsel to issue an Obstruction Removal Notice. This gives the utility advance notice of the impending legal action and consequences of inaction. Thorough documentation will be maintained at the project of all specific project details, dates and communications. When possible, include language in the utility agreement to address costs associated with delays.

The District will define the role of the Utility Coordinator and the District process in terms of issuing Obstruction Removal Notice including process durations and documentation requirements.

If the Office of Chief Legal Counsel agrees and serves the Obstruction Removal Notice to the utility, and the utility still refuses to relocate as per the prior agreement, the project will coordinate with the District Utility Coordinator to monitor delay costs associated with conflict.

If the project has incurred costs associated with the unforeseen utility conflict, these costs will need to be recouped from the responsible utility. Use the following process to account for the utility conflict in CMS:

1. Initiate an Extra Work Change Order in CMS.
2. Use Reason Code 14 "UTIL RELOCAT DELAY"
3. Add a new reference item using Item Code "990E25100" - "UTILITY CONFLICT/DELAYS"
4. Enter the agreed cost of the Delay/Relocation
5. In the "Explanation of Necessity" and in the "Supplemental Item Description", include the name of the utility (only one utility per new reference item).
6. Set up a separate Participation Code to capture this cost. Make it 100% State and within the appropriate comment field, incorporate the name of the utility once again.

At the end of the project, the Office of Project Accounting (Rod Rickabaugh) will use this information to invoice the utility for the cost of the delay.

If the project has incurred costs associated with the abandoned to the ground utilities, these costs will need to be recorded separately. Use the following process to account for the abandoned utility conflict in CMS:

1. Initiate an Extra Work Change Order in CMS.
2. Abandoned utilities requiring extra work should be coded as Change Order reason code 4,
3. The item should be identified as new reference item using Item Code "990E25200" - "ABANDONED UTILITY CONFLICT/DELAYS"
4. Enter the agreed cost of the Delay/Relocation
5. In the "Explanation of Necessity" and in the "Supplemental Item Description", include the name of the utility if known.