

Approved:

Standard Procedure No. 510-003(SP)

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Responsible Office: Division of
Construction Management

//s// Walid E. Gemayel

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Construction Management

STANDARD PROCEDURE FOR FORMAL PARTNERING OF CONSTRUCTION PROJECTS

PURPOSE

The purpose of this standard procedure is to establish consistency in formal partnering on construction projects, resolve disputes quickly through the Dispute Resolution Process at the lowest organizational level, and to establish a system of measures of the achievements and value of formal partnering, dispute resolution, and claims management.

DEFINITIONS AND ABBREVIATIONS:

C&MS: Construction and Materials Specifications

Dispute Resolution Process: A formal process to resolve disputes on a project at the lowest possible organizational level.

Formal Partnering: Partnering established during a workshop dedicated to that purpose. If the project is large or complex an outside professional facilitator is employed.

PE/PS: Project Engineer or Project Supervisor who is assigned by the Department to be in responsible charge of the administration of the project.

Request for Information (RFI): A formal process whereby the Contractor requests information necessary to do the work or clarification of plan or specification requirements. The RFI must be a letter or e-mail in an agreed upon format to the project engineer or other person designated by the Department as a contact for technical or administrative information.

REFERENCE:

Policy 27-003(P)

ODOT Partnering Handbook

PROCEDURE STATEMENT

I. Planning For The Partnership

- A. After the award of the contract, the District shall review project plans and special provisions and conduct a preliminary study to identify and define major issues.
- B. Issues can be defined as:
 - 1. Project concerns for the Contractor and the Department that arise from interpretation of the plans or specifications and may result in delays and constructability problems.
 - 2. Any apparent discrepancy between the plans, construction manuals and specifications.
 - 3. Other ambiguities in the contract documents.
 - 4. Unclear plans that may conflict with the intent and scope of the work..
 - 5. Possible utility, right-of-way or railroad coordination problems.
 - 6. Shortage or lack of material specified in the plans.
 - 7. Concerns about meeting specified interim and completion dates.
- C. The District and Contractor shall establish a team made up of key project personnel to perform the following tasks :
 - 1. Review project plans and special provisions and share relevant information in order to customize the partnering workshop. The team shall determine how partnering will be applied to the project. They will decide the number and type of meetings necessary to accomplish the aims of the formal partnering session, follow up and close out sessions.
 - 2. Identify and invite stakeholders who should participate in the partnering workshop.*

3. Determine length, date and location of the workshop.*
4. Select a facilitator who will assist in coordinating the workshop agenda and in determining the objectives of the session.* If the project scored 21 or more using the guidelines given in appendix 1, the team must select an outside professional facilitator. If the project scores from 15 to 20, an outside professional facilitator is highly recommended but not required. The facilitator on a 15 to 20 project may be a Department or Contractor employee.

* Detailed information is shown in the ODOT Partnering Handbook.

- D. The partnering workshop shall be scheduled to take place prior to the start of work.

II. The Partnering Workshop

- A. At the partnering workshop the participants shall:
 1. Categorize and prioritize the issues and concerns developed at the planning stage.
 2. Discuss and resolve as many of those issues as possible.
 3. Agree on an action plan for new issues and/or issues that remain unresolved.
 4. Develop a partnering team charter with mission and goals. Examples are shown in the ODOT Partnering Handbook.
 5. Agree on a Request For Information (RFI) process that specifies how RFIs are submitted and the time frames for responses.
- B. The Dispute Resolution Process is an essential part of partnering. This establishes a means to handle issues and disputes in order to minimize delays and disruptions to the project and to protect the relationship of project personnel. This process starts at the original dispute level and proceeds up the ODOT and the Contractor organizational charts until the issue is resolved. The ODOT Dispute Resolution Process will be as provided in Proposal Note 025.

1. At the partnering workshop, the District and the Contractor will review Proposal Note 025. If the time frames given in Proposal Note 025 are not realistic for the project, the DCE and Contractor shall agree upon new time frames to resolve issues at each step.
2. Within ODOT the District Deputy Director must empower the district staff to quickly resolve issues in steps 1 or 2 of the Dispute Resolution Process.
3. Contractor Dispute Resolution teams may include subcontractor personnel.
4. Omitting steps and taking a dispute to a higher level of authority before doing lower level steps, is not allowed
5. Ignoring the issue or making no decision is not acceptable.
6. Individuals are not to make a decision with which they are uncomfortable. Instead, they should escalate upward within the agreed upon time frames.
7. Personnel involved in Dispute Resolution must prepare and present an appropriate status report given in Appendix 2.

III. Ongoing Partnership Support

- A. The PE/PS and Contractor project personnel shall follow the resolution process throughout the duration of the contract.
- B. The partnering workshop atmosphere shall be mirrored at the regularly scheduled progress meetings throughout the duration of the project. Follow up partnering meetings shall also be conducted as deemed necessary by the District and the Contractor.
- C. Issues must be reviewed and resolved by developing action plans and/or by using the Issue Escalation and Dispute Resolution steps.
- D. Finalize-As-You-Go: PE/PS and Contractor must agree on quantities as soon as materials are approved and the work is completed and accepted. PE/PS must finalize references and balance out the pay item on a regular basis throughout the duration of the project. PE/PS must not wait until the final change order to balance out all the project references.

IV. Postconstruction Meeting

A. Approximately 10 days after the final inspection, the District and prime Contractor shall set up a post construction meeting. The District may request the facilitator to attend. The meeting will be at a time and place as determined by the District. The District may also contact the design agency or consultant and the local government agency to request a representative attend this meeting.

B. The purpose of the meeting is to:

1. Document and evaluate the project's challenges and successes: The PE/PS shall write a 'Record Of Learning' report. This report shall include a summary of the issues and resolutions from all the Status Report forms and comments from the Contractor. The intent of this report is to provide a feed back loop from the construction staff to the production staff in order to improve the quality of future plans. This report shall be sent to the District Production Office and the Office of Construction Administration. The Office of Construction Administration will publish and distribute an annual summary of all the District Record Of Learning reports to help with constructability reviews on future projects. The Office of Construction Administration report will highlight common issues among Districts and will recommend resolutions and process improvements to be used uniformly throughout the state.
2. Conduct partnering evaluation survey to help get participants feed back and improve the partnering process. (Sample evaluations are in the ODOT Partnering Handbook, Partnering Evaluation Feedback and Partnering Communication Evaluation)
3. Discuss the performance of both parties including portions of the project sublet. This shall include the Contractor's C-95 evaluation form. Distribute the Construction Partnering Evaluation form in Appendix 3. Instruct the Contractor to submit the completed form to the Office of Construction Administration.

V. The District Construction Office shall report the following progress measures to the Office of Construction Administration, by December 1 of each year:

A. Number of projects formally partnered.

- B. Total number of issues resolved broken down into the following categories:
 - 1. Number of issues resolved at Administrative Level (Step 2) of proposal note 025.
 - 2. Number of issues resolved at Executive Level (Step 3) of proposal note 025.
- C. Number of claims per project. (Disputes that were not resolved by Step 3 but became claims and were resolved either by Alternative Dispute Resolution, the Director's Claim Board or the Ohio Court of Claims.)
- D. Percentage of projects completed by the original and revised completion date.

VI. Compensation of Costs

- A. The costs of formal partnering will be shared equally by the Contractor and Department.
- B. The Contractor will pay directly the following costs incurred by formal partnering.
 - 1. Partnering facilitator's fee and any travel and living expenses.
 - 2. Meeting room and other direct costs involved with such meetings.
- C. The Department will by change order reimburse the Contractor for one-half of these costs. These costs must be supported by paid invoices. The Contractor is not entitled to any mark-ups. The District will use reason code 26 Partnering Workshop, for these change orders. The wages paid to employees to organize and attend the Partnering Workshop are not reimbursable.

Guidelines for Determining Type and Length of Partnering Session

Instructions: Check your selected response of 1, 2 or 3 points. Then add up the total points in the score column to select the type and length of the partnering session.

| | | | Score |
|--|--|---------------------------------------|-------|
| 1. Project Size | Less than \$1/2 million Between \$1/2 mil and \$5 million Over \$5 million | = 1 point = 2 points = 3 points | |
| 2. Project Duration | Less than 6 months Between 6 and 12 months Over 12 months | = 1 point = 2 points = 3 points | |
| 3. Project Complexity | Simple Complex Highly Complex | = 1 point = 2 points = 3 points | |
| 4. Extent of utility and railroad construction | None Minimum Extensive | = 1 point = 2 points = 3 points | |
| 5. Number of times the PE/PS has worked with the prime contractor's superintendent (if never, skip question 6) | More than 3 times Between 1 and 3 times Never | = 1 point = 2 points = 3 points | |
| 6. Description of the relationship between the prime contractor's superintendent and the PE/PS | Excellent Average Bad | = 1 point = 2 points = 3 points | |
| 7. Number of partnering sessions the PE/PS has been involved in | More than 3 sessions Between 1 and 3 sessions None | = 1 point = 2 points = 3 points | |
| 8. Number of partnering sessions the prime contractor has been involved in with this district | More than 3 sessions Between 1 and 3 sessions None | = 1 point = 2 points = 3 points | |
| | | Total Points | |

Total Points Scoring:

| | |
|--------------------------|---|
| Less than 15 points | Informal partnering session conducted at the preconstruction meeting |
| Between 15 and 20 points | Half a day to a day long formal partnering session. An outside facilitator is highly recommended. |
| 21 points and over | One and a half days to two days formal partnering session conducted with an outside facilitator. |

Date: _____

Page: ____/____

STATUS REPORT FOR DISPUTE RESOLUTION

PROJECT LEVEL

County: _____ Route & Section: _____ Project No.: _____

ODOT District: _____ Prime Contractor: _____

The Issue is: Policy / Administrative / Technical / Specifications / Plan / Site Condition / Other :

This report shall :

- List individuals and organizations affected by this issue and its resolution, i.e. Designers, Materials, Maintenance, Local Government, Other Governmental Agencies, Utilities, Railroad, School Districts, the traveling public.
- Give a description of the issue
- Give a description of the resolutions attempted at this level
- If the issue was resolved then clearly describe the agreed on solution.
- If the issue was not resolved. Clearly describe solutions provided and reasons for disagreement. Escalate to Administrative Level Teams. (Indicate the day and time the issue was forwarded to the Administrative Level Teams.)
- This status report form shall be transmitted to the District Production Office. (Indicate the date when this form was transmitted)
- ODOT Project Engineer or Project Supervisor and Contractor Representative **must sign and date** this form.

STATUS REPORT FOR DISPUTE RESOLUTION

ADMINISTRATIVE LEVEL

County: _____ Route & Section: _____ Project No.:

ODOT District: _____ Prime Contractor: _____

This report shall :

- Give a brief summary of the Project Level Status Report.
- Give a description of the resolutions attempted at this level.
- If the issue was resolved then clearly describe the agreed on solution.
- If the issue was not resolved. Clearly describe solutions provided and reasons for disagreement. Escalate to Executive Level Teams. (Indicate the day and time the issue was forwarded to the Executive Level Teams.)
- This status report form shall be transmitted to the Project Engineer and the District Production Office. (Indicate the date when this form was transmitted)
- ODOT District Construction Engineer and Contractor Area Manager or Project Manager **must sign and date** this form.

STATUS REPORT FOR DISPUTE RESOLUTION

EXECUTIVE LEVEL

County: _____ Route & Section: _____ Project No.:

ODOT District: _____ Prime Contractor: _____

This report shall :

- Give a brief summary of the Administrative Level Team Status Report.
- Give a description of the resolutions attempted at this level.
- If the issue was resolved then clearly describe the agreed on solution.
- If the issue was not resolved. Clearly describe solutions provided and reasons for disagreement.
- This status report form shall be transmitted to the Project Engineer and the District Production Office. (Indicate the date when this form was transmitted)
- ODOT District Deputy Director and Contractor executive staff **must sign and date** this form.

Appendix 3

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**Ohio Department of Transportation
Construction Partnering Evaluation**

Company Name: _____

Representative Completing Evaluation: _____

Project Number: _____ County / Rt / Section: _____ Date: _____

Please rate the following questions from - 1 (poor) to 5 (excellent), Provide Comments if 3 or less

| Question | Rating | Comments |
|--|-----------|----------|
| Overall effectiveness of pre-construction meeting | 1 2 3 4 5 | |
| R/W and utilities caused no project delays | 1 2 3 4 5 | |
| Problems encountered in pre-con addressed prior to start of work (e.g. MOT conflicts, plan errors, change orders) | 1 2 3 4 5 | |
| Chain of Command clearly identified | 1 2 3 4 5 | |
| Questions/problems addressed at project level | 1 2 3 4 5 | |
| If questions/problems were unresolved at project level, the chain of command was followed, with a subsequent timely response. | 1 2 3 4 5 | |
| If questions/problems arose after normal work hours, which required immediate answers, department personnel were able to be contacted (assuming chain of command was followed) | 1 2 3 4 5 | |
| Completed bid items of work paid in a timely manner | 1 2 3 4 5 | |
| Effectiveness of arriving at an agreed unit price or lump sum prior to starting an extra work item | 1 2 3 4 5 | |
| Extra work change orders written within 30 days of Contractor submittal of all required documentation | 1 2 3 4 5 | |
| Time extensions processed within 30 days of Contractor request | 1 2 3 4 5 | |
| Received "tentative" final quantities by project engineer upon completion of the project | 1 2 3 4 5 | |
| Quality of plans | 1 2 3 4 5 | |
| Level of service of the project inspection team | 1 2 3 4 5 | |
| Level of service of the District Construction Office | 1 2 3 4 5 | |
| Overall experience on this project compared to others in District | 1 2 3 4 5 | |
| Overall experience on this project compared to other districts | 1 2 3 4 5 | |
| What was the best thing that happened on this project? | | |
| What was the worst thing that happened on this project? | | |

Other Comments:

Return form to: ODOT Construction, 1980 W. Broad St. Columbus Ohio 43223 or Fax to 614-644-7175