

**COMMONWEALTH of VIRGINIA**

DEPARTMENT OF TRANSPORTATION

1401 EAST BROAD STREET  
RICHMOND, VA 23219-1039CHARLES D. NOTTINGHAM  
COMMISSIONERC. F. GEE  
STATE CONSTRUCTION ENGINEER

December 29, 1999

Preparation of Provisions  
for Contracts Advertised by  
VDOT

## MEMORANDUM

TO - DIVISION ADMINISTRATORS  
DISTRICT ADMINISTRATORS

To expedite the Department's review and preparation of Special Provisions and Special Provision Copied Notes for use in Bid Proposals/Contracts, we request these procedures be followed:

1. Write Special Provisions only when there is a definite need not covered by the Department's *Road and Bridge Specifications*, Special Provisions or Special Provision Copied Notes. The tendency to recreate or to add unnecessary verbiage should be avoided.
2. Division I of the *Road and Bridge Specifications* has been reviewed by the Attorney General's Office and is applicable to all contracts with few modifications being necessary. Extreme care must be exercised in amending this Division in order to avoid creating situations which might weaken the Department's legal position. If it is necessary to amend Division I, there must be written justification for each change. Changes to the Division 1 must be submitted along with a brief explanation as to the reason for the change to the Specifications Engineer for review and approval prior to insertion into the proposal. (Const. Division, Specifications Engineer, 1401 E. Broad St., Richmond, VA 23219, (804) 786-2356.

We ask that you specifically remember these points when developing a Special Provision Copied Note or Special Provision:

- **Do not say it twice** - If it is in the *Road and Bridge Specifications Book* or on the Plans there's no need to repeat it in a Special Provision or Special Provision Copied Note. Stating something twice will not make it happen; enforcement of the specification will.

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- **Do not mix apples with oranges** [*i.e. include odd items of work with standard pay items*] - Some Designers have a theory that if you include some items of work in other pay items or use a note stating that an item of work is to be included with a pay item [*i.e. "Grading of shoulders is to be included in with the payment for guardrail"*] that the Department will not have to pay the Contractor for the work. That is a false belief, Construction Division will not be able to use the computer price bank due to the changed pay item of mixing items of work. If a work order of quantity revision occurs the Project Inspector will have to do more work to keep the quantities straight.
- **There are always exceptions to the rule** - just have it documented.
- **If in doubt** - call this office, we will assist you. (804) 786-2356.
- **Review** If you want this office to review your provision prior to first submission, please submit between 2 and 6 months in advance in electronic format as shown herein.

Instructions for developing project specific Special Provisions and Special Provision Copied Notes.

Use the following format:

Software ..... MS Word 7.0  
 Font ..... Arial 10  
 Margins ..... One Inch (left, right, top & bottom)  
 Tabs ..... 0.3  
 Justification ..... Full  
 Headers & Footers..... 0.5 margin- left blank (a computer program will place page numbers in the footer)  
 Title..... All provisions need a title and in bold capital letters and bookmarked

**EXAMPLES FOR DEVELOPING  
SPECIAL PROVISION COPIED NOTES AND SPECIAL PROVISIONS:**

**Note on all contracts beginning with the February 2000 Advertisement:**

All Special Provision Copied Notes have been revised to add "(SPCN)" after the date. This designation shall be used for all Special Provision Copied Notes including the corresponding index in all contracts beginning with the February 2000 Advertisement. This designation shall also include any project specific Special Provision Copied Notes included in the contract.

**Special Provision Copied Note**

SAMPLE No. 1, the bookmark is shown as hidden text in { }

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**CONTRACT RENEWAL OR EXTENSION** - The Department may extend the Contract in order for the Contractor to complete scheduled work or work underway. In addition the Department reserves the right to extend the Contract for intervals of one year (not to exceed two intervals) providing the Department and Contractor are in agreement and the following conditions are met. The Contractor's bonding agency is in agreement to the Contract Renewal; no increases in contract unit prices and no new bid items are added.

1-19-96 (SPCN)

**SAMPLE No. 2**, the bookmark is shown as hidden text in { }

**SECTION 413.02 PROCEDURES** of the Specifications is amended to include the following:

Heating, welding, drilling, straightening, other construction operations or demolition of a Type B structure coated with a hazardous material which may pose hazards for employees shall have environmental and worker protection in accordance with the OSHA requirements and regulations. Also, a detailed site-specific worker health and protection plan and detailed environmental plan shall be submitted in accordance with the requirements of Section 411.07 of the Specifications.

6-6-96 (SPCN)

(Note: The title is **BOLD CAPITAL LETTERS** and the date and "(SPCN)" are located at the end of the Copied Note, also have a return before and after the copied note for spacing in the Bid Proposal.)

The title of the Copied Note is to be bookmarked for Department use (Highlight the title and keystroke Alt - shift -o. A window will appear and the highlighted title will be in the entry blank. Insert the cursor into the entry blank at the end of the title and add five spaces, then enter the date (MO-DA-YR.) and the "(SPCN)", select the mark button and the copied note will be bookmarked and ready for insertion into the contract.

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**SPECIAL PROVISION**

**SAMPLE No. 1**, the bookmark is shown as hidden text in { }

VIRGINIA DEPARTMENT OF TRANSPORTATION  
SPECIAL PROVISION FOR  
**WILDFLOWER PLANTING**

May 20, 1994

**I. DESCRIPTION**

This work shall consist of developing flower beds and planting wildflowers of the varieties specified at the locations designated on the plans.

**II. MATERIALS**

Seed shall conform to the requirements of Section 244 of the Specifications...

**SAMPLE No. 2**, the bookmark is shown as hidden text in { }

VIRGINIA DEPARTMENT OF TRANSPORTATION  
SPECIAL PROVISION FOR  
**UTILITY ADJUSTMENTS**  
(VA. POWER, BELL ATLANTIC)

February 2, 1997

SECTION 105.07 of the Specifications is amended to include the following:

During the life of this project, the utility facilities owned and operated by the utility companies shown above will be adjusted as necessary, either prior to project construction or in conjunction with project construction when necessary.

The Contractor shall not consider...

(Note: The heading is centered and titles are all **BOLD CAPITAL LETTERS** and the date is two returns below the title and right justified)

The title of the Special Provision is to be bookmarked for Department use (Highlight the title and keystroke Alt - shift -o. A window will appear and the highlighted title will be in the

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entry blank. Insert the cursor into the entry blank at the end of the title and add five spaces then enter the date (MO-DA-YR.), select the mark button and the copied note will be bookmarked and ready for insertion into the contract.

Page numbers will be established by a computer program and an index developed from each provision or copied note that has been "Book Marked".

*There are times when a Designer or Resident Engineer will request that an existing Special Provision or Copied Note in the supplemental provisions be revised for a specific project. The special provisions and copied notes in the program have been approved by the FHWA and are to remain unchanged. But, when needed, you may alter to alter one of these provisions, by the following procedure:*

First copy the Special Provision or Copied Note to another file and do the following:

~~Sample - Copied Note~~, the bookmark is shown as hidden text in { }

~~{(0295) 107a.}~~      **NATIONWIDE FEDERAL PERMIT** - The Contractor is advised that a Nationwide Federal Permit is applicable to this project.  
~~8-1-91—Reissued 11-1-94(SPCN)~~

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You are to delete the number [(0295) 107a.] which are the copied note's first use date for the Advertisement Schedule and file designation. The date [8-1-91 Reissued 11-1-94 (SPCN)] is to be changed to the date of your revision and if possible alter the title to avoid confusion. The copied note's Bookmark is to be removed and redone for the new title. The Copied Note is to be added at the end of the FHWA approved Copied Notes along with all other project specific Copied Notes in the Bid Proposal.

The revised project specific Copied Note will be as follows:  
(the bookmark is shown in hidden text in { })

**NATIONWIDE FEDERAL PERMIT** - The Contractor is advised that a Nationwide Federal Permit is applicable to this project and on the adjoining project.  
3-24-97 (SPCN)

Sample - Special Provision, the bookmark is shown as hidden text in { }

VIRGINIA DEPARTMENT OF TRANSPORTATION  
SPECIAL PROVISION FOR  
**501A - PREFABRICATED GEOCOMPOSITE PAVEMENT UNDERDRAIN UD-5**

~~NOVEMBER 22, 1995<sub>c</sub>~~

**I. DESCRIPTION...**

You are to delete the number [ 501A ] and change the date [ November 22, 1995<sub>c</sub> ] to the date of your revision because this is the Special Provision's file designation indicating FHWA approval. Also modify the title if possible to avoid confusion. The Bookmark is to be removed and redone after the title has been revised. The Special Provision is to be added at the end of the program's FHWA approved Special Provision's along with all other project specific Special Provision's.

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The revised project specific Special Provision will be as follows:  
(The bookmark is shown in hidden text in [ ] )

VIRGINIA DEPARTMENT OF TRANSPORTATION  
SPECIAL PROVISION FOR  
PREFABRICATED GEOCOMPOSITE PAVEMENT UNDERDRAIN

March 24, 1997

I. DESCRIPTION...

We request that all Provisions be submitted to this office prior to inclusion into a bid proposal and that they be submitted electronically.

Please direct questions concerning these requirements to Norma Gilbert or a member of her staff at (804) 786-2356.

Sincerely,



Norma Gilbert  
State Specifications Engineer

cc: District Construction Engineers  
District Maintenance Engineers  
District SAAP Coordinators  
Specifications Committee  
Attorney General's Office