Structure Construction Contract Change Order Policy

Structure Construction Concurrence
For contract change orders involving “structure work”, we use the terminology that the Districts “approve” contract change orders, and Structure Construction “concurs” on change orders.

The Chief, Office of Structure Construction has delegated the authority and responsibility for Structure Construction concurrence of contract change orders involving structure work to the Senior Bridge Engineer level. This concurrence will be indicated by the Bridge Construction Engineer’s signature in the margin of the final change order. At the Bridge Construction Engineer’s discretion, this authority may be delegated to the Structure Representative.

Preparation of Routine Change Orders
A routine change order is one that is written and approved prior to the start of the change order work. Change orders are usually initiated by field personnel; however, changes may also be requested by the Contractor, outside public agencies, Structures Design, other units of the Department, etc.

When a Contract Change Order is deemed necessary, and after gathering basic information as to costs and time adjustments, the Structure Representative will discuss the proposed change with the Resident Engineer and the Bridge Construction Engineer.

Prior to preparing a Contract Change Order involving bridges, the Structure Representative is encouraged to consult with Designers, Geologists, Specification Writers, etc., as appropriate to obtain their comments and concurrence for the proposed change.

Prior to making any changes involving building projects, the Structure Representative must contact the appropriate section of Structures Design, Architectural and Transit Branch, to inform them of the proposed change, and to obtain their concurrence for the change. (Refer to Bridge Construction Memo 132-4.0 for additional information.)

The Structure Representative should make every attempt to discuss the proposed work with the local representative of the Federal Highway Administration, if applicable.

All elements of the change, including method of compensation and effect on time, should be discussed with the Contractor to develop agreement or determine elements requiring further negotiations or those that could lead to claims.

The Structure Representative prepares the proposed change order and letter of transmittal, and gives them to the Resident Engineer, along with necessary back-up data. The contract change
order may be prepared in either “rough draft” or in the final form ready for the Resident Engineer’s signature. In either case, this will be referred to as a “draft”. This “draft” includes the letter of transmittal, the contract change order, copies of any pertinent correspondence, and back-up data to verify the change order cost or credit.

A copy of the “draft” C.C.O. form and transmittal letter is sent to the Bridge Construction Engineer and to the Sacramento Office of Structure Construction at the same time it is given to the Resident Engineer. Back-up data need not be included, but should be made available to Sacramento upon request.

If significant changes are made to the change order at a later date by the Resident Engineer, or anyone else, a corrected copy should be given the same distribution as above, with an explanation of the change.

By the time the contract change order is in the District Office for approval, or sent to Headquarters Construction for review and approval, both the Bridge Construction Engineer and the Sacramento Office of Structure Construction should have their copies of the “draft” and be familiar with the proposed change. This is necessary to permit them to answer any questions from the District Office, Headquarters Construction, or the Federal Highway Administration.

**Preparation of Emergency Type Change Orders**

Occasionally the work to be authorized by a change order will have to be started before the contract change order can be approved as previously described. This occurs when the Structure Representative finds himself in a position of having no choice but to start some change order work without an approved change order.

When this situation occurs, the Structure Representative should immediately contact the Resident Engineer and the Bridge Construction Engineer and explain the circumstances. The Bridge Construction Engineer will then give the Structure Representative verbal concurrence if he agrees with the necessity and details of the proposed change. If the Bridge Construction Engineer is not available, the Structure Representative should call the Sacramento Office of Structure Construction for prior concurrence.

If the proposed change involves a bridge, the Structure Representative is encouraged to consult with Designers, Geologists, Specification Writers, etc. as appropriate to obtain their comments and concurrence for the proposed change.

If the proposed change involves building projects, the Structure Representative must contact the appropriate section of Structures Design, Architectural and Transit Branch to inform them of the proposed change, and to obtain their concurrence for the change. (Refer to Bridge Construction Memo 132-4.0 for additional information.)

The Resident Engineer must obtain prior approval from the District Office before permitting the Contractor to begin work.

After the above noted steps have been taken, the procedure is the same as for a routine change order.
Preparation of Letter of Transmittal
The Structure Representative is to prepare a letter of transmittal for any change order which he prepared. The letter of transmittal should be given to the Resident Engineer with the “draft” of the contract change order. Copies of the letter of transmittal are to be furnished to the Sacramento Office of Structure Construction and to the Bridge Construction Engineer. These should be submitted as a portion of the change order “draft”.

The letter of transmittal should contain the following information:

1. A complete description of the change and the reason for the change.

2. The names of persons contacted concerning the proposed change, the method of contacting these persons, and a statement as to whether or not the persons contacted concurred with the proposed change.

3. A recommendation as to how the change is to be paid for and sufficient cost back-up data should be submitted to substantiate the cost and method of paying for the change. Any change which results in a savings to the Contractor must provide a corresponding credit to the State. The amount of the credit should be fully substantiated. If a change requested by the Contractor does not include a credit to the State, this fact must be explained.

4. State whether or not the Office of Structure Construction prior concurrence has been given, and if so, by whom and what date.

5. Note if a DS-OS C93 is on the file with the Structure Representative at the time of submitting the “draft”. Give the date of the DS-OS C93 and the name of the person signing it.

6. State recommended time adjustment, if any, and substantiate any days allowed. If time is to be deferred make an estimate of the number of days and document that the contractor has been apprised of said estimate.

The importance of a comprehensive letter of transmittal and cost back-up data cannot be overemphasized. Incomplete and/or poorly written letters make further correspondence necessary and delay approval.

Concurrence for Change Orders Involving Structure Work (Form DS-OS C93)
Except for those types of contract change orders listed below, Bridge Construction Engineers are required to prepare a Form DS-OS C93 for each proposed contract change order involving structure work.

Types of CCO’S for which a Form DS-OS C93 Need Not be Prepared.

1. CCO’s made necessary by reason for the Office of Structure Construction giving the Structure Representative written instructions to make the change.
2. CCO’s prepared to reimburse the Contactor for work stipulated in the Contract Special Provisions.

3. Supplemental CCO’s which establish an adjustment in contract time where the time adjustment was deferred on a previously authorized CCO.

4. CCO’s which authorize an increase in extra work funds necessary to complete a previously authorized CCO.

5. CCO’s prepared to cover adjustment to contract unit prices for overruns or underruns.

6. CCO’s to effect payment after settlement of claims.

Preparation of the DS-OS C93 will indicate that the Bridge Construction Engineer has been made aware of the proposed change, and that he concurs with the necessity and the provisions of the change. The Bridge Construction Engineer will register his concurrence with a proposed change by filling out and sending to Sacramento a Form DS-OS C93 as soon as he has received adequate information from the Structure Representative. This will then authorize the Structure Representative to proceed with the preparation of the “draft” of the contract change order.

The original of the DS-OS C93 goes to the Structure Representative for the project files, the Bridge Construction Engineer keeps a copy, and a copy is to be sent immediately to the Office of Structure Construction.

When the Bridge Construction Engineer is also acting as District Construction Engineer on a project, he may register Structure Construction “prior concurrence” by using the District’s prior approval form in lieu of the DS-OS C93.