

## **\*CHAPTER 9 – RESPONSIBILITIES OF PROJECT MANAGER**

### **9-1 GENERAL RESPONSIBILITIES**

As stated in Subsection 00150.01, the Project Manager (PM), acting for the Chief Engineer, is the Agency's authorized representative on each Project and has the responsibility and authority to properly administer the Project. The person the Agency names to fulfill the role of PM could be:

- A Consultant reporting to an ODOT PM.
- A Consultant reporting to an ODOT Local Agency Liaison (LAL).
- A Local Agency employee reporting to a LAL.
- An Agency employee, typically one who holds the title of PM on their position description. However, others may be assigned the role of PM. Examples are:
  - Interim PMs.
  - District Managers who are named to fulfill the role of the PM.

The PM is the Agency's designated representative for administering the Contract with the Construction Contractor, and for Project interactions with the public and others. The role of the PM may be assigned to an ODOT employee, a Local Agency employee, or a Consultant. The responsibilities of fulfilling the role of the PM will be the same; however, the delegated authorities will differ.

As discussed in [Chapter 3 - Delegation of Authority](#), an Agency employee assigned as PM may be provided a letter of authority. Without such letter of authority the PM may only recommend approval of Change Orders and Contract Time adjustments.

The PM's duties regarding construction Contracts include:

- Develop and supervise an efficient and effective organization, including the PM's staff and all other members of the Agency's Project team as needed, to help ensure that each Project is constructed in accordance with the Plans and Specifications.
- Assure that Contract administration is performed according to established ODOT Policies and Procedures, including those described in this manual.
- Assure that all Work and Materials used on the Project, and applicable Project documentation conform to Contract requirements and established ODOT Policies and practices. The PM must obtain the approval of the Contract Administration Engineer (CAE) for all price adjustments or for documentation that does not meet the Contract or accepted ODOT guidelines, including those described in this manual.

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- For Projects assigned to the PM, assure that all Contract requirements are fulfilled including, but not limited to, the following:
  - Projects will be managed within the current approved Construction Authorization, or approved Overrun. [Refer to [Chapter 5 - Construction Authorization](#)]
  - Contractor payments are made on time. [Refer to [Chapter 25 - Payments to Contractors/Retainage](#) and [Chapter 26 - Prompt Payment/Claims Against Contractor's Bond](#)]
  - Project records and other documentation are proper and current. [Refer to [Chapter 12 - Project Records](#)]
  - Contract Time will be managed in order to benefit the Project and to assure timely completion. [Refer to [Chapter 13 - Contract Time](#)]
  - Change Orders are processed in a timely manner. [Refer to [Chapter 15 - Change Orders/Force Account/Work by Public Forces](#)]
  - Disagreements, disputes and claims are promptly addressed and resolved at the lowest possible administrative level. [Refer to [Chapter 27 - Disagreements, Disputes, and Claims](#)]
  - Affirmative Action and other requirements are fulfilled on all affected Contracts. [Refer to [Chapter 18 – Workforce and Small Business Equity Programs](#)]

The PM has limited authority to change Contract Plans and Specifications. If changes are considered necessary, the PM must obtain proper approval, including involvement of the Construction Section, the Agency's Specification [Technical Resource List](#), and the Professional of Record (POR) and/or designer when appropriate.

The PM is responsible, among other things, to assure that:

- The Work is constructed in accordance with the Contract, Plans and Specifications;
- The Contract is administered in a proper and fair manner;
- The Contractor is paid for all Contract items that are satisfactorily completed in accordance with the Contract;
- The Work is adequately inspected; and
- The Work is properly documented.

In administering the Contract or interpreting its terms and requirements, the PM must assure that all actions comply with the practices described in this manual, and that the actions do not conflict with other accepted statewide practices. *For Design-Build Contracts, the Project-specific, Agency-accepted Quality Plan will define the processes*

*and practices the Design-Builder must follow. The PM will monitor the Design-Builder's adherence to the processes outlined in the Quality Plan to ensure Contract compliance.* The PM should seek guidance, and if appropriate, obtain concurrence of the Region/Bridge Delivery Unit (BDU) and the CAE.

The PM is responsible to ensure proper administration of the Contract and may delegate such authority they deem necessary for the performance of the Work. All of the Agency's representatives associated with the Project are responsible to work through the PM.

## **9-2 WORKING RELATIONSHIP WITH THE CONTRACTOR**

The PM is the Agency's single point of contact with the Contractor in all aspects of administering the Contract. The Contractor's Superintendent will be the single point of contact with the PM. [Refer to [Chapter 10 - Superintendence by Contractor](#)]

For each construction Project, the PM and Contractor should develop a functional organization chart that defines the lines of communication between members of the organizations. This facilitates communication between the appropriate individuals on the Project. *For Design-Build Projects, it is the responsibility of the Design-Builder to develop the Project-specific organization chart which will define the lines of communication as part of the overall Quality Plan.*

It is imperative that the Contractor and PM maintain effective communications. Communication may be both written and verbal, and it is important that the appropriate parties be involved in the communication. Send copies of communication to the Contractor's home office and/or the ODOT Region/BDU, Construction Section, etc. office as appropriate.

On critical Project issues, written communication occurs only between the PM and the Contractor's Superintendent. This assures that the importance of the issues is not misunderstood, misdirected, or diluted. Such issues include:

- Change Orders.
- Project schedule and needed updates.
- Contract Time.
- Disputed issues.
- Significant issues involving workmanship or Work quality, Material quality, etc.
- Changes to Subcontractor's work.
- Subcontractor performance.

Verbal agreements or directions must be confirmed in writing and entered into the Project diary or General Daily Progress Report.

The PM and other Project personnel should not direct the Contractor's operations except when directing Force Account Work. [Refer to [Chapter 12-G - Extra Work Performed on Force Account Basis](#) and [Chapter 15 - Change Orders/Force Account/Work by Public Forces](#)] The PM is responsible for requiring the Contractor to correct methods that are unsafe or detrimental, or to correct Work that does not fulfill Contract requirements. If the PM or other Project personnel attempt to direct the Contractor's operations, the Contractor may claim that the PM assumed risk and responsibility for the Work product.

### **9-3 INSPECTION**

The PM may assign one (1) or more individuals to perform inspection or other Work on the Project. In addition, the PM may utilize other persons or units for inspection, including the Structure Services Unit in the Construction Section. If inspection must be performed more than 50 airline miles outside Oregon, the PM must assess an adjustment for the additional costs of inspection, as specified in 00165.91. [Refer to [Chapter 22 - Sources of Materials](#)]

Although the duties and authorities of an Inspector are defined in 00150.02, the PM may assign other duties as well and delegate such authority as the PM sees fit.

As typically delegated by the PM, the Inspector is responsible for the following:

- Inspect the Work performed and Materials furnished to assure compliance with the requirements of the Contract;
- Orally reject defective Materials and confirm such rejection in writing;
- Orally suspend the Work (temporarily) for improper prosecution, pending the Engineer's decision;
- Verify the Contractor does not violate the restrictions of the Contract;
- Measure the completed Work (to assure proper payment);
- Document Project activities (labor, Equipment, weather, significant events, etc.); and
- Communicate (represent the PM in communications with the Contractor and others).

*The Agency's inspection responsibilities on Design-Build Projects are significantly different. Refer to the Design-Build Contract to determine the Agency's inspection responsibilities.*

The Inspector achieves this by:

- Reviewing survey stakes and markings to assure they are consistent with the lines and grades established by the Engineer.
- Observing the Work, including Materials and processes, as appropriate.

- Performing or reviewing testing and reviewing test results.
- Assuring that Material quality is acceptable and is properly documented.
- Rejecting defective Material as appropriate under the Quality Assurance Program and the Contract requirements.
- Documenting quantities of Work performed to allow payment to be made.
- Reporting to the PM on progress of the Work as compared to the Contractor's Project schedule.
- Recording information daily to document Project progress, significant events on the Project, and conversations with the Contractor or other individuals about the Project.
- Addressing and attempting to resolve issues and disagreements, or escalating those to a higher level for resolution.

[Refer to [Chapter 12 - Project Records](#) for additional information]

The Inspector is not authorized to:

- Accept Work or Materials.
- Alter or waive provisions of the Contract.
- Give instructions or advice inconsistent with the Contract documents.

It is imperative that the Inspector maintains effective communication with the Contractor's Superintendent. The Inspector is expected to act proactively and assure that the Contractor's Superintendent is familiar with the Contract requirements before the affected Work is started.

The Inspector may become aware of issues involving traffic, property owners, local governments, or Utilities that affect or are affected by the Contractor's Work. The Inspector is responsible to keep the PM informed of both the progress of the Work and any known or anticipated problems.

If the Inspector is unable to resolve issues with the Contractor, or if changes are required, the Inspector must obtain prior approval from the PM for any changes to the Work. In addition, the PM may need to obtain proper approval for such changes from the Region/BDU or the Construction Section. All changes to the Contract must be made in writing.

If another agency, Utility, or other organization will assume ownership of Work being constructed under the Contract, or if Contract Work is being done in close proximity to facilities owned by third parties, representatives of those organizations may inspect the Work affecting their interest or property. [See 00150.20(d)]. Representatives of those organizations should convey instructions or concerns only through the PM or the designated representative from the Project staff (usually the Inspector).

### **(a) Inspection Quality Assurance Program**

The purpose of the Agency's Inspection Quality Assurance Program is to provide training and resources for Construction Inspectors and to ensure consistent administration of Highway construction Contracts.

**All** Inspectors working on ODOT construction Projects are required to pass an examination in order to obtain Inspector Certification(s). There are multiple Inspector Certifications available, including:

- Certified Bridge Construction Inspector (CBCI),
- Certified Environmental/Erosion Control Inspector (CECI),
- Certified Drilled Shaft Inspector (CDSI),
- Certified General Inspector (CGI),
- Certified Hot Mixed Asphalt Concrete Inspector (HMAC), and
- Certified Traffic Signal Inspector (CTSI).

The intent of the program is that all Inspectors working on ODOT construction Projects will possess the General Inspector certification (CGI). If an Inspector with Hot Mixed Asphalt Concrete (HMAC) certification is working on a paving Project, he/she would not be required to obtain the certification for Bridge Inspection (CBCI) until such time that he/she is expected to inspect Bridge work.

Inspector Certifications will be valid for a three to five year period, after which the Inspector will need to pass a re-certification exam to extend certification for an additional three to five years.

More information on the Agency's Inspection Quality Assurance Program is available online at:

<http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/Cert/InspCert.shtml>.

## **9-4 ENSURING CONTRACTOR COMPLIANCE**

If the Contractor fails to perform its work according to the terms of the Contract, the PM may take actions as appropriate, such as:

- Suspension of Work.
- Withholding payment.
- Removal of Contractor personnel.
- Correction of deficiencies at Contractors expense.
- Initiation of termination (See 00180.10 or 00180.15).

Each of these actions will require the PM to include Notice to the Contractor's Surety.

Since the Contractor is also responsible for all actions or inactions of its Subcontractors, the PM will take action against the Contractor if a Subcontractor failed to perform according to the terms of the Contract.

The PM should be proactive in identifying and resolving problems before they occur. The PM also should communicate expectations about Contract requirements to minimize problems and misunderstandings. Some actions might include:

- Assure that the Contractor's Project schedule realistically depicts the Work and has not overlooked Work restrictions or seasonal events.
- Discuss upcoming Work and significant events with the Contractor to assure that the Contractor understands its responsibilities and resource needs.
- Discuss contractual requirements with the Contractor, including quality, coordination, sequence of Work, environmental and permit conditions or requirements, submittal procedures, and review processes, etc.
- Take action to assure Contract compliance. Ask questions if you don't know for sure!