



Construction Contract Admin Update

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Overview

- BPD Construction Standards and Oversight Team
- 2024 Construction Year Highlights
- Standard Spec Updates and ASP-6
- E-Ticketing
- Utility Relocation Claims
- Materials and Communication



BPD Construction Standards and Oversight Section

- Section Chief – **Brian Boothby**
- Construction Oversight Engineers
 - NCR – Chad Hayes
 - NWR – **vacant** (Chad Hayes – interim)
 - NER – Craig Pringle
 - SER – Julie Slota
 - SWR – Wayne Chase
 - SE-Freeways – Brian DuPont
- Standard Spec & CMM Engineer
 - Mark Zander



2024 Construction Year - Highlights

- Executed 318 new construction contracts, worth ~\$1.3 billion
- Processed 3,683 payment estimates, worth ~\$1.3 billion
- Processed 1,717 change orders, worth ~\$20.3 million

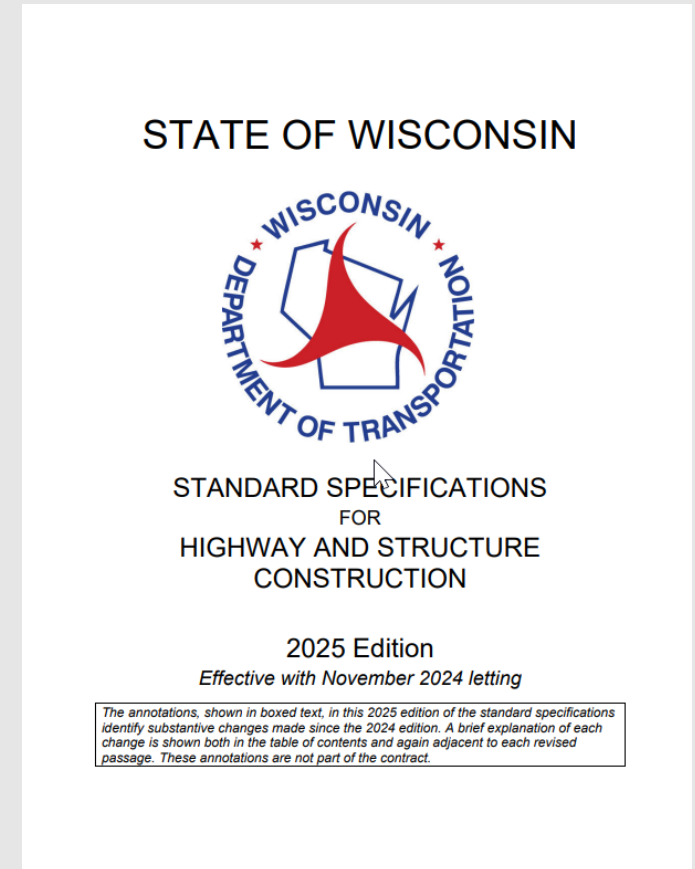
TOGETHER, WE'RE BUILDING A BETTER WISCONSIN.



2025 Standard Spec Changes

Key Part 1 Spec Updates:

- 102.6.2
 - Revise 102.6.2 to update process for DBE Commitment submittal.
- 108.9.4.1
 - Add 108.9.4.1 for winter suspension for completion date contracts.



2025 Standard Spec Changes

Key Spec Updates:

- 204.3.2.2
 - Add paragraph 14 for new bid item, “Removing Cable Barrier.”
- 614.3.1
 - Add 614.3.1(1) to require final grading and associated earthwork before installing hardware.

614.3 Construction

614.3.1 General

Add 614.3.1(1) to require final grading and associated earthwork before installing hardware.

- (1) Complete final grading of shoulder and associated earthwork before installing hardware.
- (2) Paint the ends of cut-off galvanized posts, rail, bolts, cut or drilled surfaces of galvanized components, and areas of damaged galvanization according to [ASTM A780](#). Clean and deburr the damaged and adjacent areas thoroughly before applying paint.
- (3) Apply 2 coats of wood preservative to cut surfaces of wood components. Use the same preservative originally used to treat that component or use copper naphthenate solution containing 2 percent or more copper metal conforming to AWP A P34.
- (4) Anchor barrier systems as the plans show or as manufacturer details show. For anchoring to concrete, clean holes and install according to the adhesive manufacturer's recommendations.



ASP-6 Update – Drones or Unmanned Aircraft Systems (UAS)

107.27.1 Licensing and Compliance

107 Legal Relations and Responsibility to the Public

Add subsection 107.27 effective with the November 2024 letting.

107.27 Drones or Unmanned Aircraft Systems (UAS)

107.27.1 Licensing and Compliance

- (1) Obtain and possess the necessary Federal Aviation Administration (FAA) licenses and certifications to operate drones commercially (<https://www.faa.gov/uas>).
- (2) Comply with all FAA regulations, airspace restrictions, and local laws. Operators of small drones that are less than 55 pounds for work or business must follow all requirements as listed in Title 14, Chapter 1, Subchapter F, Part 107 of the Code of Federal Regulations (14 CFR) and obtain a remote pilot certificate (https://www.faa.gov/uas/commercial_operators).
- (3) Comply with Wisconsin State Statute 942.10. Limit operations to the specific approved purpose and employ reasonable precautions to avoid capturing images of the public except those that are incidental to the project.
- (4) Provide copies of waivers required for specific project conditions to the engineer prior to any flight.



ASP-6 Update – Drones or Unmanned Aircraft Systems (UAS)

107.27.2 Flight Approval

107.27.2 Flight Approval, Safety, and Incident Reporting

- (1) Submit information in 107.27.2(2) to obtain written drone flight approval from the engineer at least 3 business days prior to operating a drone within the right-of-way. Do not operate a drone within the right-of-way unless approved by the engineer.
- (2) Drone flight application for review and approval must include:
 - UAS pilot information and qualifications, images of certification
 - UAS drone information and FAA tail numbers
 - Max/ Min allowable flight parameters (weather)
 - Specifics of flight mission: capture scope
 - Estimated flight duration
 - Pre-flight checklist
 - Site-specific parameters
 - Notification protocols - Federal/Local/Agency/Owner/Responsible in Charge
 - Confirmation and verification of approved operators and hardware
 - Flight plan map diagram (including launch and landing location)
 - FAA-Airspace flight map classification and confirmation with graphics
 - UAS incident management protocol
- (3) If contractor is requesting multiple types of the same flight, a simplified request can be submitted listing weekly flight plan.



ASP-6 Update – Drones or Unmanned Aircraft Systems (UAS)

107.27.2 Safety and Incident Reporting

(4) Safety measures must include but are not limited to:

- Regular training and updates on drone regulations are required and must be provided upon request.
- Drones must be operated in accordance with safety guidelines, including maintaining a safe distance from people, structures, vehicles, etc.
- Conduct a pre-flight safety assessment, considering weather conditions, airspace restrictions, and potential hazards.
- Emergency procedures (e.g., drone malfunction, loss of control) must be documented and followed.
- All incidents must be reported to the engineer.

(5) If the drone has an incident during flight, report the following to the engineer:

- Incident background and details.
- FAA (14 CFR 107.9) and NTSB (49 CFR 870) notification protocol.
- Contractor internal notification protocol.



ASP-6 Update – Drones or Unmanned Aircraft Systems (UAS)

107.27.3 Insurance Requirements

107.27.3 Insurance Requirements

(1) Maintain drone liability insurance with the following limits.

1. For drones weighing 10 pounds or less, a liability policy with a minimum limit of \$1,000,000.00 is required.
2. For drones weighing more than 10 pounds and less than or equal to 20 pounds, a liability policy with a minimum limit of \$2,000,000.00 is required.
3. For drones weighing more than 20 pounds, notify engineer and department will determine appropriate liability policy coverage levels based on size, use, location, and other risk factors.



E-Ticketing

- 2025 – Proposed Mandatory on Select Projects

- HMA > 30,000 tons
- Concrete > 20,000 square yards
- Concrete Structures > 1,300 cubic yards

- Project Exemption Form



e-TICKETING EXEMPTION PROCESS

Wisconsin Department of Transportation
3/2024



Project ID [REDACTED]	Proposal No. [REDACTED]	Letting Month [REDACTED]
Prime Contractor/Subcontractor [REDACTED]		County [REDACTED]
Person Submitting Document [REDACTED]		Telephone Number [REDACTED]
Address [REDACTED]		Email Address [REDACTED]

The following documentation requirements are necessary for exemption from the e-Ticketing process. It is critical to list all efforts, attach documentation, and follow the instructions to complete this submission.

Instructions: Provide a narrative description of all activities pursued to demonstrate attempts to utilize e-Ticketing, include any corresponding documentation, and additional explanation on separate pages. Include the following items, **organized in the order listed below**.

1. Documentation of Attempted Integration of existing e-Ticketing platform

- Purpose:** To confirm integration of e-Ticketing platform was attempted. Document integration attempts and document barriers preventing adoption of e-Ticketing.
- Action:** Provide detailed reason(s) why an e-Ticketing system could not be adopted.

2. Documentation of Plan for Submittal of Load Tickets in Lieu of e-Ticketing

- Purpose:** To ensure processes are in place to document payment for contract items that require measurement and payment by weight.
- Action:** Provided weight tickets in accordance with State of Wisconsin Standard Specifications for Highway and Structure Construction, section 109.1.4.2, Load Tickets.



Utility Relocation Claims – CMM Guidance

- 256.4.1 Utility Relocation Claim (URC)

256.4.1 Utility Relocation Claim (URC)

Add new subsection 256.4.1 to provide guidance for utility relocation claim.

Section 84.063 of the Wisconsin Statutes defines a utility relocation delay as:

- A change in operations of a contractor or the rescheduling of work by a contractor that is caused by the uncompleted relocation or adjustment of a utility facility located in the right-of-way, regardless of whether the relocation or adjustment of the utility facility is identified in the approved work plan.
- The definition of a utility relocation delay allows the contractor to pursue compensation under the following parts of the standard specification:
 - [Standard spec 104.2](#) - revisions to the contract.
 - [Standard spec 108.10.3](#) - excusable compensable delays.

TRANS 220.06 (7c) requires the department to compensate the contractor for any costs caused by or attributed to a utility relocation delay and may not impose liquidated damages to the contractor. The utility owner will be liable, subject to the right to appeal the decision, for compensation paid by the department to the contractor for a utility relocation delay that was caused by the utility owner's failure to complete a relocation in accordance with the approved work plan OR the utility owner's failure to identify all necessary relocations within their approved workplan. This also includes facilities that were not identified in an approved work plan by the utility owner.



Utility Relocation Claims – CMM Guidance

- Steps of a Utility Relocation Claim

- 1. Contractor identification of a utility relocation delay.

- Contractor shall notify the engineer as specified in standard spec 104.3 and submit evidence that a revision to the contract is necessary per standard spec 104.2.1.

- 2. Send notice of receipt of claim.

- Project Manager or region utility coordinator will send the utility facility owner notice of receipt of claim via electronic communication within 24-hours of receiving contractor notification AND via certified mail within 5 business days of receiving contractor notification.

- 3. Determine if a utility relocation delay occurred.

- Project engineer and region utility coordinator will investigate, gather information, and present that information to the project manager for a final determination.
- If project manager determines a utility relocation delay occurred, process continues.



Utility Relocation Claims – CMM Guidance

- Steps of a Utility Relocation Claim

- 4. Resolve the utility relocation delay.

- The project engineer, project manager, region utility coordinator, contractor, and utility facility owner will resolve the utility relocation delay.
- The department will make the final determination on how to resolve the utility conflict.

- 5. Revise the contract and execute the revisions.

- Follow the process for revisions to the contract in standard spec 104.2.1 to make necessary changes to the contract to address the utility relocation delay. Execute contract change order.

- 6. Send assessment notice.

- The project manager or region utility coordinate will send the utility relocation claim assessment notice and the invoice received from fiscal services to the contractor via electronic communication and certified mail.



Materials – Responsibility & Communication

- 106 Control of Materials

106 Control of Materials

106.1 General

106.1.1 Materials

- (1) Provide materials conforming to the contract. Use new products and materials for items permanently incorporated into the work unless the contract specifies or allows otherwise. Use materials the contract specifies unless the engineer authorizes substitutes under [108.8](#). Monitor construction operations to identify potential nonconforming materials and prevent their incorporation into the work.

- 106.5 Nonconforming Materials

- (2) For materials incorporated in the work and later found to be nonconforming, the engineer will do one of the following:
 1. Reject those materials subject to the provisions of [105.3.2.2](#) for unacceptable work.
 2. Approve those materials and adjust the contract price as provided in [105.3.2.1](#) for engineer-accepted nonconforming work.



Materials – Responsibility & Communication

- CMM 830.13

830.13 Contractor Non-Performance of QMP Sampling & Testing

It is the contractor's responsibility to perform the quality control work according to the specification. With the QMP specifications, the contractor's quality control (QC) test results and documentation serve as the primary means for determining if materials conform to the specifications, and for calculating pay adjustments.

It is the project engineering team's responsibility to monitor the contractor's quality control program (QC). As the work is being performed, the engineer should monitor the contractor's sampling, testing, and documentation. To monitor test results, the engineer should request that the QC technician post documentation (control charts and or test summary reports) in a location easily accessible to the engineer. Electronic transfer or faxing of information is an option. With fax transfers, the engineer should keep in mind the amount of time and paper that this requires. The engineer should routinely monitor the test documentation to ensure that the contractor is properly performing under the specification.

The primary objective of both the contractor and engineer is to work together to ensure compliance with QMP sampling and testing requirements.



104.3 Contractor Notification

- Contractual communication for contract revisions identified by the contractor.

104.3 Contractor Notification

104.3.1 General

- (1) Subsection 104.3 specifies the step-by-step communication process to be followed to expedite the resolution of potential contract revisions identified by the contractor. Both contractor actions and department responses are outlined. The contractor's non-compliance with the requirements of 104.3 may constitute a waiver of entitlement to a pay adjustment under [109.4](#) or a time extension under [108.10](#). The department and contractor can mutually agree to extend any time frame specified throughout 104.3.



Project Communication

- Proactive / early communication
- Use contractual processes
- Positive communication
- We're in this together



Thank you

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