



Infrastructure Delivery and Operations

CONSTRUCTION BULLETIN 21-01

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Roadway Features Damaged by Crashes During Construction (Supersedes Construction Bulletin 17-01)

Purpose

Provide guidance on the handling of the cost of repairing roadway features damaged by third party accidents during construction projects.

Background

There has been an inconsistent application of the specifications with respect to who is responsible for the cost of maintenance of the roadway and the filing and pursuit of insurance claims during a construction project. This Bulletin does not replace or overrule the existing specifications but does supplement how Standard Specifications shall be interpreted.



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Process

- Existing Standard Specifications remain in effect.
- The contractor remains responsible to perform repairs promptly on the construction site due to any accident or damage, and may use any means at its disposal to repair the damage caused by the third party. If ADOT accepts responsibility for the cost of repair, the project team will promptly make the decision whether the repairs will be made by contractor and paid for by ADOT or repaired by ADOT forces.
- ADOT District Engineers and the State Construction Engineer have the discretion to determine if damage on a construction site was within the control of the contractor. If traffic has been placed into its final configuration in the location of the damage, the project is functioning as designed in the area of the damage, and damage was not the result of the contractor's operations, ADOT should generally take responsibility for the cost of repair.
- When contractor forces are utilized for repairs and ADOT accepts responsibility for the cost of repair, payment should be made via a NFA (non-Federal Aid) change order.
 - The claim for that damage should be submitted to ADOT Risk Management for handling, it should not be submitted to the contractor
 - Letter of Agreements should not be used
 - Damage to Attenuators is dealt with under separate provisions
 - Existing pay items should be used whenever possible and appropriate
 - When available, the Damage Report (DR) number should be included in the change order description
 - A copy of the fully executed change order should be submitted to Risk Management by the field office, as soon as possible.
- Liability claims remain the responsibility of the contractor.
- The contractor remains responsible for costs related to repairing any damage caused by its operations, at no additional cost to the Department.
- ADOT remains responsible for costs related to repairing any damage caused by its operations, at no cost to the contractor.