



2019 Division 100 Training

Presented by:

Emiliano Martinez – Project Manager



Division 100's Committee Members

- ▶ Core Committee Members

- ▶ ~~Ernie Archuleta, P.E. — Former NMDOT Division Director~~
- ▶ ~~Anthony Lujan — Former NMDOT Deputy Secretary~~
- ▶ ~~Geraldine Gonzales, Esq. — Former NMDOT Office of General Council~~
- ▶ Emiliano Martinez, P.E. – NMDOT Project Manager
- ▶ ~~Juan Rael, P.E. — Former NMDOT Construction Liaison Engineer~~
- ▶ Max Valerio, P.E. – FHWA Area Engineer

- ▶ Ad-Hoc Committee Members

- ▶ Armando Armendariz, P.E. – NMDOT Division Director
- ▶ Sally Reeves, P.E. – State Construction Engineer
- ▶ Various current and former Project Managers, ADE's, CLE's and Various other staff from specialty Bureaus.



General information



- ▶ In this presentation we will be switching between various documents, if you are unsure of where I'm at, feel free to ask at any time,
- ▶ This presentation is an open discussion, we will follow the D100s from start to finish, however at any point, if you have questions, please ask,
- ▶ If you need an example of how the specification should be applied, please ask,
- ▶ The redline version includes proposed revision that were eventually removed, but remained in the redline,
- ▶ The majority of this presentation will focus on the revision, however we may discuss sections of the specification that were not updated, if you wish to discuss a specific section, please ask once we arrive at that section.



How to read the Division 100s

- ▶ The division 100s and the rest of the specifications, use active voice, imperative mood, and the words shall & may to direct the Work,
- ▶ Words that have the first letter capitalized, often have a definition associated with the word, these definitions can be found in 101.4,
- ▶ The Standard Specifications are divided into various parts in this order: **divisions, sections and subsections.**




The Sections

Division 100 – General Provisions

Division Contents

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SECTION 101: ABBREVIATIONS, SYMBOLS, TERMS, AND DEFINITIONS

- ▶ Minimal changes for 101.1 through 101.3
- ▶ 101.4 Terms and Definitions had changes including deletions, additions and restructuring.


101.4 TERMS AND DEFINITIONS



SECTION 102: BIDDING REQUIREMENTS AND CONDITIONS

- ▶ 102 Changed various provisions to address changes resulting from electronic bidding,
- ▶ Changed mandatory v. discretionary rejection of bids by creating 2 lists in 102.5 and 102.10,
- ▶ Subsurface investigation update to match industry standard language regarding the use of subsurface investigation records,
- ▶ Requests for Contract Interpretation changed from 48 hours to 72 hours before bid opening, and
- ▶ Preparation of bid updated to reflect electronic bidding and to add language regarding work included in Bid Items.

SECTION 102: BIDDING REQUIREMENTS AND CONDITIONS



SECTION 103: AWARD AND EXECUTION OF CONTRACT

- ▶ 103.1 Consideration of Bids was restructured and rewritten to provide additional clarity to the section.
- ▶ Items were removed due to electronic bidding.
- ▶ Notice of Preliminary Award of Contract (NPAC) and Contractor Executed Contract was added/modified to reflect the actual NMDOT procedures and letters.
- ▶ Pre-Award bidding disputes was deleted and bidding disputes must now occur within fifteen days after the Notice of Preliminary Award of a Contract. Disputes submitted prior to NPAC may be deferred or not considered at the discretion of the NMDOT.
- ▶ Return of bid Guaranty was deleted due to electronic bidding process.

SECTION 103: AWARD AND EXECUTION OF CONTRACT



SECTION 104: SCOPE OF WORK


- ▶ Contractors will now need to review and sign a Change order within 3 days of the NMDOT submitting it. Otherwise NMDOT will process the Change Order unilaterally.
- ▶ 104.2.1 Significant Changes in the Character of the Work was expanded to provide more information of when these type of Extra Work Change orders are allowed.
- ▶ For any Change Order request from the Contractor there must be supporting documentation for the NMDOT to consider the request.
- ▶ Major item thresholds clarified.
- ▶ VECP 104.8, we took out submittal requirements and added them to the VECP form, costs incurred to develop the VECP will not reduce the contractor nor department share of savings

SECTION 104: SCOPE OF WORK



SECTION 105: CONTROL OF WORK

- ▶ 105.1.2 Contractor Convenience was added to the specification,
- ▶ Further elaboration on Working Drawings and Submittals,
- ▶ 30 Day time frame for any Working Drawings or Submittals,
- ▶ Cooperation with Utilities and Between Contractors had language removed due to NTCs and project specific NTCs being used on all projects,
- ▶ Project Manager authority was updated. Now includes more information regarding suspensions,
- ▶ Actions by inspector cannot waive the department's right to pursue its legal remedies 105.9,
- ▶ 105.18.2 Final Acceptance was added.



SECTION 105: CONTROL OF WORK

Continued

- ▶ Notice of Potential Claim Changed to Notice of Intent to Claim,
- ▶ Closed the loop on 105.19 Notice of Intent to Claim if the contractor and department agree then a change order will be processed,
- ▶ New Notice of Intent to Claim form,
- ▶ Clarified claim process by adding steps at the beginning to the individual sections,
- ▶ New Claim Form,
- ▶ New Certification of Claim form, and
- ▶ Added requirement to seek PWM in a specific timeframe and to convene the mediation (105.20.4).

[SECTION 105: CONTROL OF WORK](#)



SECTION 106: CONTROL OF MATERIALS

- ▶ 106.1 was rewritten to condense and remove redundancy,
- ▶ 106.4 Certificates of Compliance was updated, New form must be submitted and include all back up documentation,
- ▶ Documentation required for the COC submission will be on the A-1088,
- ▶ Renaming and updating some of the sections.

[SECTION 106: CONTROL OF MATERIALS](#)



SECTION 107: LEGAL RELATIONS, ENVIRONMENTAL REQUIREMENTS, AND RESPONSIBILITY TO THE PUBLIC

- ▶ 107.10 Railroads has been reduced and requirements have been moved to the NTC for Railroads,
- ▶ 107.11, 107.12, and 107.15 were updated by the Environmental sections,
- ▶ Clean Water Act added to the Specification,
- ▶ 107.20 changed to include that contractor is only entitled to time not money for acts of god, unless there is physical damage to the work then it may be entitled to money.

SECTION 107



SECTION 108: PROSECUTION AND PROGRESS

- ▶ Subcontract and request to subcontract on NMDOT's approved form must be submitted at a minimum 2 days prior to subcontract work starting,
- ▶ Prompt Payment to a Contractor's Subcontractors and Suppliers shall occur no later than 30 days after the receives a Progress Payment,
- ▶ Requirements changed for who is required to attend the Pre-con and when they are to occur.
- ▶ Default of Contractor for not submitting documents for Pre-con removed, CAR and Non-conformance sections govern,
- ▶ CPM Schedule 108.3.1.1 added to include a more exhaustive list of what is required in the schedule
- ▶ 108.3.3.4 added a new requirement for Superintendent to sign narrative and provide a Certification statement,
- ▶ 108.4 no longer has a list of possible consequences for not bring the progress back into compliance,



SECTION 108: PROSECUTION AND PROGRESS

- ▶ 108.6 Extension of contract time clarifies when a partial suspension may be granted at the request of the Contractor,
- ▶ Parts 108.7 were moved to 108.8 and 108.7 was deleted,
- ▶ 108.8 liquidated damage took out language that LDs account for the impact to the public,
- ▶ 108.9 Notice of Apparent Default clarified the procedure with steps to default,
- ▶ 108.10 termination procedure was updated to match termination policy and require invoices for payment

SECTION 108: PROSECUTION AND PROGRESS



SECTION 109 MEASUREMENT AND PAYMENT

- ▶ Changes to Approved Equipment Rental Rates (Blue Book, FHWA Rate, etc.),
- ▶ Percentages changed for Force Account payments,
- ▶ 109.8.2 Non-conformance broke it out into two sections automatic non-conformances, and potential non-conformances where a corrective action would be issued,
- ▶ 109.10 was updated,
- ▶ Added a provision to rescind substantial completion,
- ▶ 109.10.8 added a provision that if the contractor disagrees with the final payment that they must submit a notice of intent to claim form, updated language to match site manager and other procedures for final payment voucher,
- ▶ 109.11.2 Delay provisions updated.

[SECTION 109 MEASUREMENT AND PAYMENT](#)



Questions??

- ▶ My contact information:
- ▶ Emiliano Martinez > Emiliano.Martinez@state.nm.us > 505-220-1148
- ▶ For questions regarding the Specification contact your CLE
- ▶ The Division 100s training will be posted online for NMDOT personnel to view at your convenience.