

**SDDOT CONSTRUCTION MANUAL
PROJECT MANAGEMENT SECTION
CHAPTER 2 – PROJECT MANAGEMENT**

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PRECONSTRUCTION MEETING

Within 10 business days after the date of the Notice to Proceed, provide the Contractor with the Authorization Form for Preconstruction Meeting and the Contractor's Submittal List. A preconstruction meeting must be scheduled by the Contractor in conjunction with the Area Office. Its purpose will be to encourage a general and open discussion between Department personnel, the Contractor, subcontractors, utility companies, railroads, and other invited parties. Further guidance on preconstruction meetings can be found in Chapter 12 of this manual.

ROLES AND AUTHORITIES

The *Delegation of Authority* Policy outlines many of the authorities granted to the Region and Area Engineers. This policy, however, does not indicate the specific roles and authorities of everyone involved in project management. The roles outlined below are not all-encompassing and may vary depending on experience. All employees should discuss their role and authority on a construction project with their supervisor. The supervisor will be able to provide more specific information for each employee's particular situation.

Region Engineer

The term "Region Engineer" as defined in the Specifications refers to the representative of the Director of Operations in charge of assigned operations within one of the four Regions of South Dakota.

Area Engineer

The term "Area Engineer" as defined in the Specifications refers to a representative of the Director of Operations acting under the supervision of the Region Engineer and in charge of assigned operations within a designated area.

The Area Engineer has immediate and responsible charge of engineering details and administration of the construction project. The Area Engineer has the authority to reject defective work. The Area Engineer also has the authority to suspend work for being improperly performed, for the Contractor's failure to correct conditions unsafe for the project personnel or travelling public, for the Contractor's failure to carry out provisions of the contract, or for the Contractor's failure to carry out orders from the Engineer. In some cases, some of these duties, such as the authority to reject defective work are delegated to the Project Engineer.

Project Engineer

The term "Engineer" as defined in the Specifications refers to the Engineer acting through the Director of Operations or through authorized representatives responsible for contract administration of the project work. Most commonly, this refers to the Project Engineer, although it can also mean Area Engineer or Region Engineer, depending on the situation.

While the specific duties and responsibilities of the Project Engineer may vary somewhat depending on the type of contract and the Area/Region in which the Project Engineer is located, the following general statements outline the Engineer's role.

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In general, the authority of the Project Engineer in relation to the contract extends to the field administration of the contract, enforcement of the terms of the contract, and determination of the amount of work performed and materials furnished. Within the limits of the Department's policies and control procedures and the limits assigned by the Engineering Supervisor, Area Engineer, and Region Engineer, the Project Engineer is responsible for and has the delegated authority for obtaining work that fulfills requirements of the contract.

The Engineering Supervisor is responsible for the assignment of a Project Inspector's overall work schedule. Once an Inspector has been assigned to a project by their supervisor, it is the Project Engineer's responsibility to ensure that the Inspector is fulfilling the required daily tasks on that project. Prior to the start of an Inspector's work assignment, the Project Engineer should brief the Inspector on his or her duties, responsibilities, job relationship with other DOT employees, job relationship with the Contractor, status of the project construction, and any other project-related items that may be of importance.

Section 5.11 of the Specifications requires the Contractor to notify the Engineer 24 hours in advance of any change in construction activities that will require inspection staff changes. These changes should be immediately brought to the attention of the Engineering Supervisor so that inspection staff can be reassigned to the project, if necessary.

Decisions regarding rejection of materials or work may be made by the Project Engineer or in some cases referred by the Project Engineer to a higher authority. To avoid complications in final settlement of a project and possible claim for extra compensation, differences arising between the Project Engineer and the Contractor over interpretation of the Specifications or other requirements of the contract are to be promptly referred to the Engineering Supervisor or Area Engineer for an understanding and agreement with the Contractor of the work requirements. It is recommended when there are differences that the conflict resolution process described in Chapter 10 of this manual be followed.

Project Inspector

The work and materials are inspected to obtain acceptable work in accordance with the requirements of the contract. It is the duty of the inspection team to determine that the work is performed in accordance with the specified requirements. The inspection team is represented by the Project Engineer and Project Inspectors.

To provide good inspection, an inspector must have a ready knowledge of the work required by the contract. Prior to construction, all members of the inspection team should thoroughly study the plans, specifications, and contract provisions to familiarize themselves with the requirements and be prepared to readily and correctly answer questions concerning the work that may arise during the construction operations. The inspectors should consult with the Project Engineer before the work is started to clarify provisions or requirements that are not thoroughly understood.

Project Inspectors are authorized and responsible for inspection of all work done and materials furnished. The inspection may extend to any part of the work, preparation, fabrication, or manufacture of the materials to be used. The Contractor's work should be closely observed, tested, measured, and documented. It is the inspector's responsibility to be in the right place at the right time.

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The Inspector has the authority to:

- Inspect all work to ensure contract compliance.
- Require the Contractor to uncover work so that it may be inspected.
- Reject work or materials until any issues can be referred to the Project Engineer.

The Inspector does not have the authority to:

- Alter or waive the provisions of the contract.
- Issue any instructions contrary to the contract.
- Act as foremen or superintendent for the Contractor.

Unacceptable work and proposed material rejections must be brought to the Contractor's attention as soon as possible. If not promptly corrected, the situation should be brought before the Project Engineer for resolution.

Most inspections require the inspector to be present during the operations so the inspector can observe the details of the work. Instructions to the Contractor about the work should be in the form of communicating the results rather than the method of performing it, except when specifications require a specific method be followed. Suggestions may be made when asked for by the Contractor. A daily record should be kept for future reference of all pertinent instructions and suggestions given to the Contractor including the date, name of party to whom given, whether written or oral, and all pertinent information. These records and information should be documented in the employee's daily diary.

Orders given for correction of errors found in the work are to be based on judgment that reflects fairness, impartiality, and a thorough knowledge of the work in question. Should the Contractor take exception to such orders, arguments should be avoided and the matter promptly referred to the Project Engineer for interpretation and settlement before the work progresses.

When checking equipment, the inspector must tell the Contractor of any correction or adjustment necessary but not specify any method of correction. The inspector will then recheck upon completion of the adjustment. When a particular type of equipment is required by specifications, an inspection of the equipment furnished will be made to determine compliance.

The importance of each inspector keeping a neat, up-to-date, and accurate diary and submitting reports and tests in a timely manner cannot be overemphasized. If there are disputes, the daily records are the legal documents with which the matter may be resolved.

SUBCONTRACTOR APPROVAL

In accordance with Section 8.1 of the Specifications, the Contractor is required to perform at least 30% of the work with the Contractor's own organization. In some special circumstances, this percentage may be lowered. Generally, this is not done unless there are only a small number of contractors who can bid the work and perform 30% of the work on their own. In this case, the percentage of work required to be performed by the Contractor's own organization is specified in a special provision for subletting.

The subcontracting requirement is in place to protect the industry and the Department from companies who would subcontract 100% of the work, while just adding prime contractor markup for themselves. These types of companies have shown up in other states and have taken work

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away from legitimate construction companies. In many cases, these companies consist of nothing more than a handful of people and a PO Box number as their only address.

To become an approved subcontractor, a DOT-202 form must be submitted by the Prime Contractor to the Operations Support Office prior to performing work on the project. Operations Support will calculate the percentage of work that is being requested to sublet, verify with the Department of Revenue that the subcontractor is in good standing with their taxes and required licenses, and verify that they have not been debarred from working on State or Federal projects.

Once the subcontractors have been approved to work, a letter is sent out indicating who has been approved. In addition, the subcontractors' names are added to the CM&P system. No subcontractor should be allowed to work on a project if their name is not shown in CM&P, unless written or verbal approval from the Operations Support Office has been obtained.

Specialty Items

Section 8.1 of the Specifications allows "Specialty Items" to be excluded from the subcontracting requirements. According to the 23 CFR 635.102, the definition of a specialty item is: "...work items identified in the contract which are not normally associated with highway construction and require highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract; in general...".

It is important to note that only work items that are identified as a specialty item in the contract can be considered specialty items.

Suppliers vs. Subcontractors

There are common misconceptions about who needs to submit DOT-202's. Suppliers are not considered subcontractors and thus do not need to submit a DOT-202. Section 8.1 of the Specifications states that the following will not be considered as subcontractor work:

- 1) the production of any material outside the project limits, including but not limited to, the production of sand, gravel, crushed stone, batched concrete aggregates, ready mix concrete, off-site fabricated structural steel, other off-site fabricated items, and any materials delivered by established and recognized commercial plants; or
- 2) delivery of these materials to the work site from an off-site location in vehicles owned or operated by such plants or by recognized independent or commercial hauling companies. Project limits are defined as being within ½ mile of the project proper.

Example 1: ABC Sand and Gravel is producing base course for an asphalt paving project in which Paving Bros. is the Prime Contractor. ABC's pit is located 15 miles from the project. ABC Sand and Gravel hired XYZ Trucking to haul the base course to the stockpile, which is directly adjacent to the roadway being constructed. XYZ Trucking also has a loader and operator at the stockpile site and is stockpiling the material.

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Question: Which firms, if any, need to have an approved DOT-202 form?

Answer: ABC Sand and Gravel is considered a supplier and does not need to have an approved DOT-202, since the material is being produced outside the project limits. XYZ Trucking would be considered a subcontractor, since they are doing more than simply delivering materials to the project. Since XYZ Trucking is stockpiling the material within the project limits, they will need to have an approved DOT-202.

Question: If ABC's pit was located within one-half mile of the project site, would they need to have an approved DOT-202?

Answer: Yes. A firm is only considered a supplier if the material is produced outside the $\frac{1}{2}$ mile radius of the project.

Example 2: Dust Construction is the Prime Contractor on a bridge project. Their crane breaks down just before the girders need to be set, so they rent a crane from Beatles Crane Service.

Question: Does Beatle's Crane Service need to have an approved DOT-202? Would they need to have an approved DOT-202 if Beatle's supplied a crane operator as well?

Answer: Beatle's does not need to have an approved DOT-202 if they simply supply equipment for use on the project. If they supply an operator with the crane, then they would need to have an approved DOT-202.

If an individual that owns a crane is hired (crane owner/operator) for this situation, that person is considered an employee, and is required to be reported on the company's payroll that hired him to operate the crane instead of being a subcontractor. This is a Davis-Bacon Labor Law requirement.

Example 3: Wayward Constructors is planning a bridge deck pour. The concrete is being supplied by Brickhouse Sand and Gravel. Brickhouse is also supplying a pump truck to place the concrete.

Question: Does Brickhouse Sand Gravel need to have an approved DOT-202?

Answer: No. In this case, Brickhouse is the concrete supplier and providing the pump truck, therefore Brickhouse is considered a supplier and not a subcontractor provided the time spent on the site of work is de minimis (less than 20%) and the material is not produced on the site of the project, within a $\frac{1}{2}$ mile radius. Had a different company provided the pump truck and operator, that company would be considered a subcontractor and would require approval.

CONTRACT SUPERVISION

The Project Engineer or Inspector should not act as a foreperson, superintendent, or coordinator for the Contractor. Instructions and suggestions concerning the work are to be given to the Contractor, superintendent, or work supervisor, but not to the workers. The only exception to this is during an emergency situation where the safety of the workers or other project staff is involved. Any suggested changes are to be given solely for the benefit of the work and are to be clearly differentiated from directions.

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Section 5.5 of the Specifications requires the Contractor to provide a competent project manager and a project superintendent who are capable of reading and understanding the plans and specifications and experienced in and capable of accomplishing the type of work being performed.

Section 8.5 of the Specifications requires the Contractor to employ workers who have sufficient skill and experience to perform the work assigned to them and operate the equipment required to perform the work and use equipment of appropriate size and sufficient mechanical condition to meet the requirements of the work and to produce a satisfactory quality of work.

COOPERATION BY CONTRACTOR

Section 5.5 of the Specifications details the Contractor's requirements for cooperation.

COOPERATION BY DEPARTMENT

The Project Engineer and Engineering Supervisor will be accessible to the Contractor as agreed upon during the preconstruction meeting. The following are guidelines, and the Contractor and Project Engineer may agree to either a shorter or longer accessibility requirement. If no alternate set of requirements are agreed upon, the guidelines listed will be the requirements. During construction of the project, the Contractor and Project Engineer may mutually agree to revise the agreement, if necessary, in writing or by email for specific needs during the project. The Department will submit changes in designated Department individuals, either temporarily or permanently, for field staff in writing or by email to the Contractor's designated Project Manager and Project Superintendent in advance of the change.

Field Technician: Will be on site during the construction of their assigned work activities and will be available to the Project Superintendent and associated Working Superintendent/Foreman while these work activities are performed. May be off site during work activities that do not require testing or inspecting. Will participate in progress meetings when invited by the Project Engineer.

Project Engineer: Will be available by phone with a response time of the same business day or on site within 1 business day for Category I & II projects and within 1/2 business day for Category III projects. When off site for more than 1 business day, the Project Engineer will notify the Project Superintendent and any Working Superintendent/Foremen and will remain available by phone with a response time of the same business day or on site within 1 business day.

Engineering Supervisor: Will be available to Project Manager and Project Superintendent through the Project Engineer by phone or other mutually available technology with a response time of 1 business day or on site within 2 business days.

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DEPARTMENT STAFF AND CONTRACTOR RELATIONS

The Contractor's goal is to satisfactorily perform and complete, at a profit, the work under contract with SD DOT. The goal of the Department is to make certain that acceptable work is completed in accordance with contract terms.

To accomplish these goals there must be cooperation and understanding between the two parties. The Contractor should expect to do what the contract requires, and the Department should expect to pay for contract work performed in an acceptable manner. The Contractor should not expect to be paid for work that was completed but was not required by the contract nor ordered by the Engineer. The Department should not require the Contractor to provide more than the contract requires, unless the Contractor is adequately compensated.

The conduct of relations with the Contractor should be fair, courteous, and based on sound, reasoned judgment in compliance with specifications and policy. Department decisions should be firmly conveyed to the Contractor with clearly defined justification.

Good relations with the Contractor should be promoted by advising, whenever possible, of unacceptable work while the operation is in progress rather than waiting until the work is completed and then requiring its removal or a reduction in payment.

Department staff are not to make derogatory remarks about the organization, personnel, equipment or methods of the Contractor or subcontractors.

Department staff are not to place themselves under obligation to the Contractor by accepting gifts or services. Excessive fraternization with the Contractor and Contractor's personnel should be avoided.

Department staff should fulfill any reasonable request of the Contractor that will allow accomplishment of work in accordance with the contract provisions and without delay, but they are not to perform tasks that are the responsibility of the Contractor or subcontractors.

FHWA AND OTHER FEDERAL AND STATE AGENCY RELATIONS

Federal-aid highway improvement projects are administered by the Department under a State-Federal agreement even though there may be no State funds used for the project, such as on local government projects.

The Federal Highway Administration (FHWA) has the responsibility to monitor projects constructed with Federal-aid highway funds for compliance with Federal-aid requirements. Consequently, FHWA representatives may be in the Area or Region Office and on the project site at various times to determine if the project is being administered by the Department in compliance with plans, specifications and estimates and in compliance with Federal laws and regulations and state adopted policies and procedures.

Department personnel are expected to be courteous and to cooperate fully with FHWA representatives, answering all questions about the construction operations, staff responsibilities and provide full access to all records and reports.

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It should be understood that FHWA will not interfere with, direct or supervise the Contractor's operations and personnel. Representatives of FHWA are primarily on the project to review and assess the Department's procedures and controls for assuring that the work is being completed in reasonably close conformity with the plans and specifications, and to evaluate the overall quality of construction.

During their review, FHWA representatives may also be reviewing and reporting on conditions that are pertinent to pending contract change orders. Other anticipated changes from the construction plan and contract should be brought to their attention by the Engineer so the change orders may be expedited should it be necessary to submit them to FHWA for approval. Following completion of the project review, FHWA will send a copy of their written findings to the Department for information and for follow-up action when warranted.

Other Federal and State agency representatives may also be on the project at various times because of an interest in the construction. SD DOT personnel should answer questions to the best of their ability and knowledge and treat the visitors with courtesy. Personnel should be aware these people do not have the authority to issue instructions and orders to either the Contractors, SD DOT employees or employees of private consulting firms retained by SD DOT. Such instructions are issued by the Engineer or supervisor.

The Engineer or designated representative should accompany FHWA and other agency representatives during their visit to explain the work operations and work schedule, answer questions, and assure the safety of the visitors from injury by construction machinery and activity. Suggestions that may be offered by visitors should be accepted with the explanation that action cannot be taken until a decision based on facts is made by the Engineer. Project personnel must document the names and organizations of all visitors in their project diary.

BI-WEEKLY PROGRESS REPORTS

Beginning on the date work starts, a bi-weekly progress report must be prepared and approved every two weeks. The work shown on the progress report may coincide with a progress pay estimate. When both a progress pay estimate and bi-weekly progress report are prepared, the two period ending dates must coincide.

It is important to ensure that the information on the progress report is accurate, as this is the Department's and the Contractor's method for tracking the work done on a project. It also is the method used to show the Contractor how much contract time is being assessed on the project. According to Section 8.6 of the Standard Specifications, if the Contractor disagrees with the day count shown on the progress report, he or she has one week to file a written protest. If the Contractor fails to file a protest, the progress report is deemed to be accepted as accurate.

The CM&P system will automatically generate a cover letter that is to be sent to the Contractor with the Bi-weekly Progress Reports whenever contract time is assessed. Ensure the liquidated damages and/or disincentives on the final pay estimate correlate with the applicable number of overrun days on the final bi-weekly progress report.

In the CM&P system, indicate if the Contractor was working and each of the subcontractors that were working. If a subcontractor is not listed in the CM&P system for a specific project, the Engineer should not allow them to work without approval from the Operations Support Office.

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In the “Work in Progress This Period” field, list all contractors working and the work they performed separately for each of the two weeks in the period. Include enough information that an overall picture of project status is presented.

PROGRESS PAY ESTIMATES

The Project Engineer will compute the quantities of material and work that the Contractor has performed, and prepare a progress pay estimate, in accordance with Section 9.7 of the Standard Specifications. Pay estimates may be prepared and approved every two weeks during construction. Its period ending date should match the corresponding bi-weekly progress report.

The Engineer is responsible for assuring that the quantities for the various items reported on the progress pay estimate are reasonable for the work accomplished. Substantiation of the quantities may be in the form of entries in CM&P, diaries, entries on the plans, ticket books, field notes, daily progress reports or any other appropriate supportive document pertaining to the project.

Work that is acceptable but not within conformity with the plans and specifications (work that must be submitted for price adjustment) can be included on progress pay estimates. The Project Engineer should make an approximation of the anticipated price adjustment and assess it on the pay estimate that includes the sub-standard work. The Region Engineer or the Region Engineer's representative may modify this price adjustment, as appropriate. Keep in mind that the first option is always for the Contractor to correct the deficiency, rather than going straight to the price adjustment process.

The Project Engineer should utilize the *Price Adjustment Guidelines* document located on the SD DOT website to aid in the price adjustment. If you cannot make a determination of what a reasonable price adjustment should be, contact your supervisor, the Region Materials Engineer or Region Operations Engineer for assistance.

More information regarding documenting contract item quantities and payments can be found in Chapter 7 of this manual.

WRITTEN ORDER FORMS

When the Engineer wishes to document orders given to the Contractor, a written order (DOT-205) should be issued.

In many instances the specifications require written permission or approval from the Engineer prior to the Contractor using certain methods, materials, or equipment. In these cases, authorization or consent should be given by letter, not by written order.

A written order is not intended to eliminate the Construction Change Order. CCO's will still be submitted as required.

Written orders should be issued when additional work is ordered and payment may or may not be made, or in cases where damaged work is ordered to be repaired. The cause of damage should be specified in the written order.

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The following are specific instances where written orders should be issued:

1. The Engineer orders the Contractor to remove or uncover portions of the finished work. (Section 5.11)
2. The Engineer orders the Contractor to repair public or private property. (Section 7.11)
3. The Engineer orders the Contractor to finish sections in progress before work is started on additional sections. (Section 8.5)
4. The Engineer wishes to document an order given to the Contractor.

SUSPENSION AND RESUMPTION OF WORK ORDERS

If unfavorable weather conditions or other conditions not the fault of the Contractor make suspension of the work advisable, the project may be suspended for a period of time until conditions improve. The following procedure gives direction on the conditions that must be met for different types of projects to be suspended and resumed. The Suspension of Work Letter (Form DOT-216) and Resume Work Letter (Form DOT-217) are used to suspend and resume work. Do not use a DOT-216 to shut down the Contractor for failure to comply with contract provisions.

The Area Engineer or designee will issue a DOT-216 only when all these conditions are met:

- The Contractor has completed some work on the project.
- The weather or other seasonal limitations have stopped all work for a considerable period of time.
- The Contractor should be relieved of responsibility for maintenance of traffic until such time as the work may be resumed.

The Area Engineer or designee will use the first paragraph of the DOT-217 letter together with the DOT-216 when notifying the Contractor that work may resume. The DOT-217 will need to be sent at least 10 calendar days in advance of the resume work date. Use the second paragraph of the DOT-217 together with the DOT-216 when reiterating that the Contractor has started the work and contract time count (if applicable) has resumed.

PROJECT ACCEPTANCE

Chapter 18 contains construction inspection guidelines for many different types of work. These lists have been generated for use by the project staff to aid in their construction inspection. Every project is different, so the lists may not cover every task required to inspect a project. These lists do contain the major items of work that can be expected on a typical construction project.

Following satisfactory completion of the field work, the Area Engineer will send the DOT-246A to the Contractor. The Project Engineer will request that the Certification Program Administrator and Region Materials Engineer update the DOT-14. The Certification Program Administrator and Region Materials Engineer will each update the DOT-14 and reply back to the Project Engineer.

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When all requirements of the contract have been met, the Area Engineer will submit the DOT 246B to the Region Engineer. By copy of this letter, the Certification Program Administrator will update and execute the Project Materials Summary (DOT-20) to the Area Engineer.

The Region Engineer will submit the DOT-246C to the Contractor upon final acceptance of the project. Acceptance may be made even if there are pending price adjustments, time extensions, or claims.

The Certification Program Administrator will send the Final Materials Certification Letter (DOT-21) to the Director of Operations after he or she has received the Region Materials certification letter, the DOT-246C, and the Final CCO. The Final Materials Certification Letter signifies acceptance of materials incorporated into the project and must be signed by the Certification Program Administrator and the Chief Materials & Testing Engineer. More information regarding the project acceptance process can be found in Chapter 3 of this manual.

For State-funded projects that were let through the Region Office, use these same procedures, except do not ask the Certification Program Administrator to update the DOT-14. The Certification Program Administrator is not involved in materials certification for informal projects and does not get a copy of the DOT-246B. The Region Materials Engineer, not the Certification Program Administrator, executes the letter of certification.