

Executive Order for Private Construction Agreements

Expectations and Responsibilities

City of Lincoln, Public Works and Utilities Department

Appropriate Divisions: Engineering Services (ES), Street Maintenance for Streets and Stormwater, Lincoln Water System (LWS), Wastewater, and/or Street Operations for Traffic Signals

1. Developer Expectations and Responsibilities:

- a. Have understanding of and coordinate with companion development and City Capital Improvement Program (CIP) projects
- b. Incorporate appropriate community infrastructure into development planning
 - i. 16" and 12" feeder water mains
 - ii. Trunk Sewer Lines
 - iii. Arterial Street Improvements
 - iv. Storm Water Requirements
 - v. Access Points / Traffic Control Devices
 - vi. Communication to any signals installed as a part of the project.
- c. Be diligent with that the defined processes, procedures, coordination, design standards, plans, and specifications are followed.
- d. Require Contractor and Consulting Engineer to be separate and distinct entities.
- e. Whenever issues arise, whether from beginning of plan development to the very end of the two-year retainer release period, be the champion to see that the issue is addressed properly. Including such things as:
 - i. Non-acceptable work is found that is not conforming to plans and specifications.
 - ii. Issues affecting public infrastructure caused by private utility companies (including Lincoln Electric System, Aquilia, Windstream, etc)
 - iii. Erosion and Sediment Control / Drainage of Surface Water on Neighboring Properties
 - iv. Issues affecting public infrastructure caused by private entities such as homebuilders, plumbers, material deliveries, and others.

2. Consulting Engineer, Design Phase Expectations and Responsibilities:

- a. Provide at a minimum the same level of plan review that Engineering Services had been providing. To do any less would be a detriment to the City of Lincoln's infrastructure and eventual maintenance activities.
- b. Advise and help Developer meet with any expectations and responsibilities listed above.
- c. Maintain full compliance with all appropriate standards including but not limited to City of Lincoln, AASHTO Green Book, Nebraska Board of Classifications, Ten States Standards, Lincoln Standard Plans, City of Lincoln Standard Specifications for Municipal Construction, Industry Standards, etc.
- d. Submit Project Package checklist certifying compliance with all appropriate design standards, Lincoln Standard Plans, City of Lincoln Standard Specifications for Municipal Construction.

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- e. Act as liaison with the City, developer, construction engineer, and contractor on all design phase issues. The City does not wish to address issues through multiple sources increasing the chances of miscommunication.
 - f. Review plans regarding operational functioning. Including such things as:
 - i. Water Issues of valve placement, flushing and disinfection methods, and hydrant placement.
 - ii.
 - g. Coordination of easements for public utilities on private property.
 - h. Be diligent that the plans and specifications are followed during construction.
 - i. Submit plans to appropriate city division for review; incorporate their transmitted comments into the plans. Prior to final project package submittal
 - j. Coordination of project efforts with:
 - i. Other area projects both by developers and city
 - ii. Appropriate local, state, and federal agencies
 - iii. Appropriate Adjacent Private Entities, Property Owners, etc
 - iv. Appropriate City Divisions of Construction Start:
 - 1. Lincoln Water System stockroom so can ensure valves and hydrant availability.
 - 2. Notification of bid advertisement in a timely manner so Street Operations can ensure signal equipment and signal pole availability (*can take up to 16 weeks to arrive*).
- 3. Consulting Engineer, Construction Phase Expectations and Responsibilities:**
- a. Consulting Engineer will be the Developer's representative during the construction period. The duties and responsibilities and the limitations of authority of Consulting Engineer as Owner's representative during construction are set forth in the Contract Documents between the Developer and Consulting Engineer and will not be changed without written consent of Owner and Engineer
 - b. Maintain Proper and Appropriate Certifications Including such as
 - i. City of Lincoln's site supervisor certification
 - ii. IMSA for traffic signal inspection
 - iii. IMSA or ATSSA for Traffic Control
 - iv. ACI for Material Testing
 - c. Submit Letter of Project Compliance sealed by a Professional Engineer
 - d. Submit daily electronic observation notes in City's Electronic Format (Aurigo)
 - e. Be diligent with that the plans and specifications are followed.
 - f. Contact appropriate city division when field conflicts or the unusual arises.
 - g. Act as liaison with the City, developer, design engineer, and contractor on all construction phase issues. The City does not wish to address issues through multiple sources increasing the chances of miscommunication.
 - h. Maintain set of record drawings on job site and submit to the City (As-Builts)
 - i. Submit request for final inspection by appropriate city division. (pdf Form)
 - j. Follow-up with the City, Developer, and Contractor on punch list items or deficiencies.
 - k. Conduct final walk through with all appropriate city divisions.

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- l. See that wastewater division is notified after 30 days for TV inspection
- m. See that appropriate city division is notified for manhole inspections
- n. Contact appropriate city division for notification before the 2 yr retainer is released, so that any performance issues or concerns, if any can be addressed.
- o. *Visits to Site* -- Consulting Engineer will make visits to the Site at intervals appropriate to the various stages of construction, as Consulting Engineer deems necessary in order to observe as an experienced and qualified design professional the progress that has been made and the quality of the various aspects of Contractor's executed Work. Based on information obtained during such visits and observations, Consulting Engineer will determine, in general, if the Work is proceeding in accordance with the Contract Documents. Consulting Engineer will not be required to make exhaustive or continuous inspections on the Site to check the quality or quantity of the Work. The Consulting Engineer's efforts will be directed toward providing a greater degree of confidence that the completed Work will conform generally to the Contract Documents. On the basis of such visits and observations, Consulting Engineer will keep informed of the progress of the Work and will endeavor to guard against defective Work
- p. Consulting Engineer will not supervise, direct, control, or have authority over or be responsible for Contractor's means, methods, techniques, sequences, or procedures of construction, or the safety precautions and programs incident thereto, or for any failure of Contractor to comply with Laws and Regulations applicable to the performance of the Work.
- q. Consulting Engineer will have authority to reject Work which Consulting Engineer believes to be defective, or that Consulting Engineer believes will not produce a completed Project that conforms to the Contract Documents or that will prejudice the integrity of the design concept of the completed Project as a functioning whole as indicated by the Contract Documents
- r. Consulting Engineer will also have authority to require special inspection or testing of the Work as provided in Section 5e of the City of Lincoln Standard Specifications for Municipal Construction.
- s. Schedule and conduct progress meetings as appropriate
- t.

4. Contractor Expectations and Responsibilities:

- a. Maintain Proper and Appropriate Certifications Including such as
 - i. City of Lincoln's site supervisor certification
 - ii. IMSA for traffic signals
 - iii. IMSA or ATSSA for Traffic Control
- b. Be diligent with that the plans and specifications are followed.
- c. Contact Consulting Engineer regarding issues, modifications, etc for follow-up with appropriate city division representatives.
- d. Complete punch list items and resolve deficiencies in timely manner and report status to the Consulting Engineer.
- e. Respond in a timely manner to latent defects when discovered.
- f. Purchase and/or use City supplied materials. Such as

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- i. Lincoln Water System -- valves and hydrants.
 - ii. Street Operations – traffic signal poles
- g. Be diligent with that the plans and specifications are followed.
- h. Pay directly to wastewater for Sanitary TV inspections and re-inspections.
- i. Pay directly to Lincoln Water System for Chlorination services
- j. Supervision and Superintendence
 - i. Contractor shall supervise, inspect, and direct the Work competently and efficiently, devoting such attention thereto and applying such skills and expertise as may be necessary to perform the Work in accordance with the Contract Documents. Contractor shall be solely responsible for the means, methods, techniques, sequences, and procedures of construction. Contractor shall not be responsible for the negligence of Owner or Engineer in the design or specification of a specific means, method, technique, sequence, or procedure of construction that is shown or indicated in and expressly required by the Contract Documents.
 - ii. At all times during the progress of the Work, Contractor shall assign a City of Lincoln site certified competent resident superintendent who shall not be replaced without written notice to Owner and Engineer except under extraordinary circumstances. The superintendent will be Contractor's representative at the Site and shall have authority to act on behalf of Contractor. All communications given to or received from the superintendent shall be binding on Contractor.

5. City Expectations and Responsibilities:

- a. Be diligent with the developer, consultants and contractors that the plans and specs be followed.
- b. Set up a Quality Assurance / Quality Control Oversight committee
 - i. Spot-check on the developers, consulting engineers and contractors to verify they are performing as required.
 - ii. Perform an audit and detailed review on every 10th Executive Order project package.
- c. Require Contractor and Consulting Engineer to be separate and distinct entities.
- d. Name an Engineering Services (ES) Project Coordinator who will work through Consulting Engineer on design/construction issues.
- e. Review annually and adjust the fixed coordination fee (currently \$2100)
- f. Assign Reference Numbers
 - i. Time Charge / Project Number – Assigned by Public Works and Utilities Business office when Executive Order Documentation in process
 - ii. Executive Order Number – Assigned by City Clerk after Executive Order is signed by Mayor
 - iii. Drawing Number – Assigned by Public Works and Utilities Engineering Services Records Section by plans submitted for review

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