

## 1) Special Provision Processing:

It appears that clarification is need on the MDOT policy dealing with crossing off pay items in Unique Special Provisions and Frequently Used Special Provisions. We, in Design, are striving for better consistency and alignment and to work to meet the needs of Construction. While it may be easier for designers to just use an already approved special provision and to not have to cross off any pay items not being used in the project, it makes it more difficult for Construction and the Contractors to determine whether or not the pay item was intended to be used in the project or not. This often leads to contractor inquiries and the possibility of an extra item of work during construction. The following procedure is now being implemented when projects are being reviewed by Specifications and Estimates to help eliminate this confusion:

### Unique Special Provisions

Unique special provisions are by definition, only to include the work and pay items needed for the project they are included in. This means only pay items being used in the project should be included in the Measurement and Payment section. All unique special provisions should, by MDOT policy, be submitted for review and approval prior to their use. Specifications and Estimates will not hold up projects with unapproved unique special provisions as long as they are submitted for review and approval and only contain the pay items that are specifically included in the project. Any project with a special provision for Lane Rental will not be advertised unless that special provision has been approved. This is due to the amount of risk that the Contractor is bidding on and the enforcement potential that Construction will be imposing.

### Frequently Used Special Provisions (FUSPs)

Frequently Used Special Provisions are by definition special provisions used on multiple projects yearly and have standardized language approved by the Federal Highway Administration (FHWA). The intent of the FUSPs is that they are used frequently enough to be considered for incorporation into the next version of the Standard Specifications for Construction. The FUSPs are not intended to be changed or modified on a project by project basis. They are intended to be placed into projects depending on how the Use Statement reads and should not be modified in any way. In circumstances where there are multiple pay items in a FUSP, FHWA and Construction have agreed that it is best to cross out any pay items in the Measurement and Payment section that are not applicable. This will provide clarity to Construction and the Contractor that the crossed off pay item in the FUSP was not intended to be used in the project and therefore should not be considered as an extra item of work.

If you have any questions or concerns about this update, please contact Specifications and Estimates.

2) If you know of new people in your TSC or Region that are not receiving this update that should, please let me (Gary Mazurek) know so they can be added to my list.

Regards,

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