



## Memorandum

To: e-Distribution

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Date: October 4, 2021

Subject: Special Provision Process Improvement

### INTRODUCTION

The purpose of this memo is to:

1. Standardize the Special Provision Process by developing and updating project specific and standard special provisions using the updated special provisions template and formatting styles, prior to Engineering Construction Contracting Bureau (ECCB) submittal.
2. Require shared commenting software usage during PS&E review.

### BACKGROUND

#### Special Provisions Process:

Provide for Standard Special and Project Specific Special Provision development and modification to improve coordination between Design teams, ECCB, and the Specifications Unit.

The ECCB is responsible for assembling PS&E packages, project specific special provisions, and standard special provisions submitted by the Project Design Manager (PDM). Special provision formatting is currently inconsistent, requiring the ECCB to spend significant time reformatting special provisions before adding them to PS&E packages. A new special provision template with accompanying instructions has been developed to standardize project specific and standard special provision formatting to make PS&E package development more efficient.

#### PS&E Review Process:

PS&E reviews were implemented July 20, 2018, in accordance with the "Project Delivery Process – QA/QC Engineering" memo. Currently, review comments and responses are completed and distributed using methods preferred by the PM.

## **PROCESS**

### **Special Provision Process:**

Follow these steps when submitting special provisions to ECCB:

1. Use the most updated special provision with correct styles applied.
2. To update a special provision, copy or paste the updated version into the ECCB Specials Template found here:  
[https://www.mdt.mt.gov/other/webdata/external/contractplans/forms/SPECIALS\\_BLANK-TEMPLATE.DOTX](https://www.mdt.mt.gov/other/webdata/external/contractplans/forms/SPECIALS_BLANK-TEMPLATE.DOTX)
3. Check to see if correct formatting styles are applied by following instructions found here:  
[https://www.mdt.mt.gov/other/webdata/external/contractplans/forms/SPECIAL\\_PROVISION\\_FORMATING\\_INSTRUCTIONS.DOCX](https://www.mdt.mt.gov/other/webdata/external/contractplans/forms/SPECIAL_PROVISION_FORMATING_INSTRUCTIONS.DOCX)
4. Provide project specific special provisions only.
  - ECCB coordinates with the Specification Unit to maintain current/updated Standard Special Provisions.
5. To request standard special provisions be included within a contract, include the special provision title without any text. ECCB will insert the most recently updated standard special provision version. If special provision text is included, ECCB assumes the special provision has been modified from the “standard” version and will not insert the current version.
6. Save documents in DMS (PCMS) and provide links on the Transmittal Form.
7. When project specific special provisions are updated after PS&E or Preliminary review, re-submit updated special provisions separately, and name them “updated” to avoid confusion.
8. Do not send documents with track changes to ECCB.
9. Do not submit PDF documents.
10. Test special provision links to ensure they work.

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### **PS&E Review Process:**

Use shared commenting software for PS&E reviews beginning January 13, 2022, with the April 28, 2022 letting. Adobe Plan Review is available and should be used unless other comparable software such as Bluebeam, BIM 360, etc. becomes available. Shared commenting software is also advantageous for AGR, PIH, and FPR milestone reviews. The Project Delivery Process – QA/QC Engineering Memo and the 964/965 Transmittal Form will be updated to reflect this requirement. Adobe Plan Review instructions are (For Internal MDT Use Only).

Attached are FAQs regarding the Special Provision Process:

## Attachment

### FAQs:

**1. Is training available for creating special provisions?**

Answer: Special Provision training can be found at: <https://youtu.be/xZmPjRaTZSO>

**2. When does FHWA need to approve a Special Provision?**

Answer: FHWA approves all Standard Special Provisions. Project specific specials, written specifically for that individual project do not need FHWA approval, although some, when referring to deductions/penalties should have FHWA review.

**3. What is the difference between a Standard Special Provision and Project Special Provision?**

Answer: Special Provisions are either:

- Standard Specials are those that are relevant to every contract or every contract that has a specific kind of work such as a bridge or paving, and are managed by the Specifications Unit.
- Project Specific Special Provisions are written to address project specific conditions, situations, methods, or cost accounting.

**4. When does a Project Special Provision become a Standard Special Provision?**

Answer: After a project special has been used without revisions for two years, the Bureau managing that special is to contact the Specifications Unit to determine if it should become a Standard Special Provision.

**5. When does a Standard Special Provision become a Standard Specification?**

Answer: After two years usage, Standard Special provisions should become a Standard Specification.

**6. Who will make sure people are using correct special provision format?**

Answer: The Bureau Chief overseeing the special provision (or their designee) will verify correct format is used.

**7. Who will spot check special provisions to ensure correct format and specification language is used?**

Answer:

- Each bureau will update their respective specials using the new template.
- Each bureau will manage a single repository of updated special provisions.
- Specials are then used as needed from this bureau specific location to address project specific details.
- Consultants must be informed of and use updated specials.
- Questions regarding format or content may contact the Specifications unit for answers.