

SECTION 3 - TECHNICAL SPECIAL PROVISIONS

Technical Special Provisions (TSPs) are specifications of a technical nature for items of work not covered by Department implemented Standard Specifications, Supplemental Specifications, or Special Provisions and are prepared, signed and sealed by an engineer registered in the State of Florida. TSPs are made part of the Contract as an appendix to the Specifications Package.

3-1 General Rules for All Technical Special Provisions

It is the responsibility of both the Engineer of Record for the TSP and for the Designer to ensure that all work specified in the TSP is properly addressed in the plans and that the TSP creates no conflict with the plans and specifications or other Contract document.

Include technical information in TSPs, not in plan notes. Avoid plan notes whenever possible.

The proper system of measurement for the project should be used. All abbreviations, symbols, conversions and format rules will be in accordance with ASTM E 621. Any conversions, if needed, will be the responsibility of the Engineer submitting the TSP.

The following general rules apply to all TSPs.

1. Do not write TSPs to modify implemented specifications of any kind. Stated another way, a TSP must not be used as a “trump card” to overwrite any existing, implemented specification.
2. Each TSP must include a signed and sealed cover sheet prepared in a format determined by the Department (see Exhibit 4-2).
3. Each TSP must be submitted to the Department in an electronic format, prepared with word processing software designated by the District Specifications Engineer.
4. Number all pages consecutively, with the signed and sealed cover sheet as page 1. NEVER add or delete a page number without renumbering. Do not use page numbering such as “10 A”. Pages should be set up to have a one inch footer margin with no text in the footer. This area is for consecutively numbering of the entire specifications package.
5. Section, Article and Subarticle numbers must be preceded by a “T”.

6. All TSPs must be formatted to print on an 8.5" by 11" page. No company logos or headings are allowed on the cover sheet.
7. Use the FDOT nomenclature and numbering system as defined in the Standard Specifications Book.
8. When possible, use active voice-imperative mood writing style.
9. Use the following format for writing numbers: For integer items, say "two trees" (for numbers from one to ten), or 21 trees (for numbers greater than 10). Do NOT duplicate numbers, i.e., do NOT say "one (1) bridge".
10. If possible use unit abbreviations like yd² to mean square yards, or ft³ to mean cubic feet.
11. A table of contents is mandatory for TSPs over 10 pages in length.
12. For an original TSP, only page one (the cover sheet) must be signed and sealed, if applicable. If more than one person signs and seals a given document, no gaps or overlaps of page numbers are acceptable. Revisions to one or a few pages may be accomplished by signing and sealing each revised page with a new date.
13. Statements like, "if conflict exists, the more stringent requirement prevails" are not acceptable.
14. Refer to FDOT Specifications by stating "FDOT Specifications". All references to the Specifications Book should read "FDOT Standard Specifications".
15. Never use the term "Special Provisions" unless referring to FDOT Special Provisions. If referring to another portion of the TSP, say "this Technical Special Provision".
16. Avoid special requirements for the material or construction of concrete. FDOT cement, aggregate, reinforcing steel and concrete specifications reflect the latest technology, and should be adequate for all building, utility and other concrete construction.
17. Never include proprietary information in a TSP unless system compatibility is an issue and a signed Public Interest Finding (per FHWA requirements) is on file in the District Specifications Office. Do not specify a product or manufacturer name as this may give preferential treatment to the listed items. Do not use the term "or equal". Use performance criteria.
18. No sketches, pictures or drawings are allowed in a TSP.

19. Technical Special Provisions should not reference the Qualified Products List or the Approved Products List.

20. Do not use references like Geotechnical Engineer or designated representative. Use the term "Engineer".

21. Ensure the proper handling of guarantees and warranties.

- (a) Do not specify a contractor's warranty after final acceptance. Contractor warranties are acceptable for any period up to final acceptance.
- (b) TSPs should require that all available manufacturers' warranties be transferred to FDOT, before final acceptance of the job.

22. It is not acceptable to require bidders to submit documents or data with the bid. If necessary, submissions can be acceptable for a preconstruction conference, or at other times after the award. Also, do not enclose forms or proposals in TSPs that may require or imply that they be returned with the bid.

23. Submittals should be limited to the following and require the written approval of the State Specifications Engineer:

- (a) A Schedule of Values (if required, as on the construction of a building) may not be required earlier than 10 days after the award of the Contract.
- (b) No other submittals (samples, literature, product specifications, etc.) may be required sooner than 30 days after the award.

24. The TSP should be as brief as possible to adequately cover the needed subject.

25. Method of Measurement/Basis of Payment:

- (a) Use pay items that are current as per the FDOT Specifications and Estimates Office.
- (b) Ensure that all work and materials are included, but without duplication.
- (c) Include the necessary descriptions for all work and materials.
- (d) Place Measurement and Payment provisions at the end of the TSP.

- (e) Description and Method of Measurement should match the Basis of Estimates Manual.

26. When referenced, be sure the TSP clearly refers to the correct documents for the letting month and year planned, including:

- (a) "Standard Specifications for Road and Bridge Construction."
- (b) Design Standards.

27. Avoid conflicts with FDOT definitions in the Standard Specifications Book and amendments. If additional definitions are needed, add at the beginning of the TSP, but always indicate that these definitions apply only to the TSP, not to any other contract documents.

28. Use great caution when using old specifications (or portions thereof) as a reference in preparing a new TSP.

29. Work and materials specified must be consistent with the plans, and with FDOT specifications.

30. Do not include cost estimates.

31. Never use the word "supplemental" or "supplement" when referring to specifications, except when referring to Supplemental Specifications.

32. Submit TSPs for review to the District Specifications Office at the final engineering phase. When a TSP has been submitted to the appropriate District Specifications Office for review and major changes become necessary, provide the changes in redline strikethrough format when resubmitted, to avoid complete proofreading of the entire TSP.

33. For traffic signals which must be compatible with a county-wide computerized traffic control system, use either of the following methods to notify the Contractor:

- (a) Add a note(s) on the plans to say "Must be compatible with (Broward, etc.) County Traffic Control System."
- (b) Add a TSP with the details required instead of using plan note(s).

3-2 Technical Special Provisions for Joint Project Agreements

Often these TSPs are the utilities or municipalities "stand alone" specifications, which they use when they contract out the work to their contractor. These specifications, since they were never intended to be a part of a Department Contract, often generate conflicts within the contract documents and may cause confusion and claims during construction.

- 3-2.1 All of the provisions of Section 3.1 also apply to TSPs for JPAs.
- 3-2.2 A TSP and utility plans must agree totally with the corresponding JPA.
- 3-2.3 A JPA is a contract between the utility owner and FDOT. A Contract is between FDOT and the Contractor. While it includes the same utility work as the JPA (as well as other work) the two contracts are totally separate from each other. The Contractor is not a party to the JPA. TSPs should not refer to or mention the JPA. The utility plans and TSPs must describe all of the utility work the Contractor will do, so FDOT can fulfill its contract with the utility owner.
- 3-2.4 A TSP should not include standard contract language the utility company normally uses to contract for utility work, only technical verbiage should be used. (Reference the first of the general rules, Section 3-1, applicable to all TSPs). JPA contracts state that... "All of the work on the JOINT PROJECT is to be done according to the plans and specifications of the DEPARTMENT..." The only content appropriate for TSPs is technical information for utility work not included in FDOT specifications, i.e., water or sewer work, electrical distribution system work, telephone work, etc. (The "key word" in Technical Special Provisions is "Technical.") The inclusion of general terms and conditions causes confusion, and can introduce major conflicts with FDOT specifications.
- 3-2.5 The word "abandoned" should never be used in a TSP, drawing, or any other Contract document. Instead, they may be referred as "out-of-service" utilities. Should removal later become necessary, the utility owner is then responsible for removal.
- 3-2.6 The Engineer has full authority. Utility representatives may only act to provide technical assistance to the Engineer.
- 3-2.7 A TSP cannot contain a list of required or suggested utility subcontractors, but can list reasonable objective qualifications that are required for utility subcontractors and their employees.

3-3 District Office Responsibilities

When any TSP is required, it is the responsibility of the District Specifications Engineer to review the TSP for compliance with departmental standard format and for potential conflicts between the TSP and the plans and specifications. Note all necessary changes and return them to be revised.

It is the responsibility of the District General Counsel Office to make a Legal Review of each TSP and complete the Legal Review Form.

3-4 Central Office Responsibilities

The State Specifications and Estimates Office does not review TSPs, but will maintain a reference database of previously used TSPs that have been submitted by the Districts Specification Offices and accepted for inclusion in the database, or have been otherwise deemed to have future reference value. The State Specifications and Estimates Office will also provide coordination of District requests for technical assistance from Central Office staff, when questions arise during the District review of TSPs.

SECTION 4 - LIST OF EXHIBITS

Exhibit 4-1 - Legal Review Form

This is for legal review and the information shown is the minimum required.

Exhibit 4-2 – Sample cover sheet for Technical Special Provisions

This format will be page one of the Technical Special Provisions.

Exhibit 4-3 – Minimum Quality Control Requirements.

EXHIBIT 4-1 - Legal Review Form

PROJECT NUMBER: 6 digits – 1 digit – 2 digits – 2 digits xxxxxx-x-xx-xx

Proposed Letting Date:

Review of: Technical Special Provision Special Provision Specifications Package

Review by: _____ **Date:** (today's date default)

Date Received in Legal Office: _____ **Date Returned:** _____

Keys to Categories:

- (1) CRITICAL LEGAL CONCERNS: Change must be made prior to letting to comply with Florida Law.
- (2) QUESTIONABLE CONCERN: Engineer of Record will address. If change is necessary to achieve desired engineering Standard, change prior to letting.

Comment Number	Key	COMMENTS
1.	(1)	
Disposition:		
Date:		
2.	(1)	
Disposition:		
Date:		
3.	(1)	
Disposition:		
Date:		

Signed: _____
District General Counsel's Office

EXHIBIT 4-2
Sample Cover Sheet for TSPs

TECHNICAL SPECIAL PROVISION

FOR

<<Indicate Work to be Performed>>

Financial Project ID _____

(Signature block for electronic signature)

The official record of this Technical Special Provision is the electronic file signed and sealed under Rule 61G 15-23.003, F.A.C.

Prepared by: <<Name of Person>>

Date: <<Date Signed & Sealed>>

Pages 1 of xx

EXHIBIT 4-3 Minimum Quality Control Requirements

Was the proper Workbook used?

Was the Specifications Worksheet used to note apparent discrepancies and other questions?

Are all communications regarding discrepancies listed on the worksheet?

How many individuals were involved in preparing the specifications package and was the workbook initialed by each person?

Final Reviewer examined workbook with Initial Reviewer to discuss all differences?

Have all issues on the worksheet been addressed and resolved?

Were there any Special Provisions added to the Spec. Package that needed prior approval from Central Office? Is approval for authorization for use included in backup material?

Were all "insert" areas properly filled in? There shall be no "blank" information in the Specification Package.

SPEC PACKAGE FRONT PAGE

Is the FPID Number correct?

If the package covers multiple projects, have all FPID numbers been entered on the cover sheet? Does the footer have the lead FPID number with ', etc.' after it?

FPID(S): 999999-1-52-01, etc

If a federal project, is "Federal Funds" printed on the cover sheet?

Is the District information correct? Is the county correct? If project encompasses more than one county, is it listed?

Is the EOR's name printed in the front page footer.

Is the total number of pages listed in the front page footer? (1-xxx)

<p><u>First Page Footer -Section 1-</u></p> <p><i>I hereby certify that this specifications package has been properly prepared by me, or under my responsible charge, in accordance with procedures adopted by the Florida Department of Transportation.</i></p> <p>The official record of this package is the electronic file signed and sealed under Rule 61G 15-23.003, F.A.C.</p> <p>Name: _____</p> <p>Page(s): _____</p> <p>Additional Files:</p> <p style="text-align: center;">- 1 - FPID(S): 999999-1-52-01, etc</p>
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TABLE OF CONTENTS

Have all pages in Table of Contents been checked against the marked up workbook?
Do all pages in the TOC correspond to the final document? (Update TOC)

Have Tech Specs (if applicable) been accounted for in the Table of Contents? Is the last page number listed in the TOC?

MISCELLANEOUS.

If there are federal funds, were the proper wage rates inserted?

Did the EOR sign and seal the Electronic Specifications Package?

TECHNICAL SPECIAL PROVISIONS

Are there any Technical Special Provisions (TSPs)?

Were TSPs submitted during proper phase reviews to allow time for District Specs and Legal reviews prior to sending to State Specs Engineer?

Did District Legal Review?

Were all concerns answered?

Were all pay items covered in Tech Spec?

Do the TSPs comply with the general rules governing the use of a TSP?

Is the TSP signed and sealed by someone other than the Engineer of Record?

Are there TSPs for Joint Project Agreements (JPA's)?

Is there documentation that the District Specifications Engineer reviewed the TSP for a JPA and followed the guidelines?

SUPPLEMENTAL SPECIFICATIONS

Are there Supplemental Specifications Packages?

Is the Supplemental in proper order – (SP's, Dev, SS, & Appendix) by Section/Article order?

Was the Supplemental Specification Package reviewed for completeness and accuracy and is it documented? (Were correct page numbers referenced, and specification names correct?)

Did the EOR sign and seal the Supplemental Specifications Package after the review for the proper specifications and appendices?