

XIII. Construction

Overview. Construction of a project is another step in construction management. The construction step generally covers the monitoring of the construction activities from the first day of construction through final acceptance. Tribes have authority over construction contractors working on their land. The FHWA does not employ anyone working on a highway construction project. Construction contracts are between the Tribe and the contractor. However, FHWA has a principal role in encouraging Indian employment in highway construction. The role of the Tribe is to ensure the construction activities are built according to the PS&E.

***NOTE:** A Tribe has several options in the implementing and overseeing construction activities. A Tribe can manage construction in house or subcontract the service out to a consultant, BIA, or FLH.*

Under the authority prescribed in 23 U.S.C. 204, FLH can perform any or all phases of IRR project development and construction, if requested by a Tribal government. If so requested, each of the FLH Divisions (Eastern, Central, and Western) may execute individual Project Agreements with Tribal governments to perform any or all project development activities if IRR funds are used (See Example 9.4 – Tribal Request for Services form).

Statutory/Regulatory Requirements

- All construction and construction monitoring is governed under 25 CFR 170.470 - 170.474.
- The Tribe must meet applicable labor standards in accordance with Mine Safety and Health Administration (MSHA) regulations found in 30 CFR 1 - 199, Mineral Resources, developed pursuant to the Federal Mine Safety and Health Act of 1977 (PL 91-173) as amended, and in accordance with the Occupational Safety and Health Administration (OSHA) regulations found in 29 CFR 1900, Labor - Construction Standards, developed pursuant to the Occupational Safety and Health Act of 1970 (PL 91-596) as amended.
- With respect to Indian Employment Preference/Tribal Preference/TERO, please see 25 CFR 170.910 - 25 CFR 170.917 for further information in these areas.

Guidelines / Procedures.

Documentation. The need for an accurate and detailed documentation and monitoring of construction project cannot be over emphasized. Documentation plays a major role in every construction project. Information must be collected and stored to serve as a reference or evidential material.

Documentation may take place differently depending on the option the Tribe chooses in implementing and overseeing the construction activities. For example, if the Tribe chooses have a consultant, BIA, or FHWA implement and oversee the construction activities, these agencies may have their own tested documentation processes already in place. Whereas if the Tribe chooses to implement and oversee the construction activities in house, the Tribe may need assistance what and how to in document all the activities taking place on a construction project. Below is a site where a Tribe can obtain forms used by WFL. These forms can be modify and simplify depending on the complexity of the construction project to aid in project documentation.

<http://www.wfl.fhwa.dot.gov/resources/construction/forms/#construction>

Documentation covers the collection of information from the pre-construction stage to through the construction stage. It must be intended to be used for looking up facts, definitions or other information relating to activities or work sections in a construction project.

Documentation should serve in resolving disputes and supporting contractual claims. This calls for a detailed and accurate collection and recording of construction information. The documents contained in a file will almost certainly make or break its case. When the construction documents are complete, they are subject to code and legal reviews. Documentation also establishes the validity of a contractual claim. Depending on the quality of documentation, good or bad claim is produced.

Documentation is necessary to record construction activities and results in order to provide adequate evidence of compliance with laws, regulations, codes, PS&E requirements, and supports funding used in constructing the project.

Below are some suggested basic rules for good documentation for the construction procedures.

Rules for Data Entry

- Signature and Initials logs, that list the printed name, title, and the written signature and initials used by each person who is authorized to make or authenticate entries, will be prepared and maintained in the construction field book, when used, or in the file cabinet for that construction activity. Copies of this log, along with original signatures and initials added, are acceptable.
- Entries must be legible, clear, and reproducible.
- Errors will be corrected by lining through the incorrect entry with a single line, making the correction, and initialing and dating the correction. The erroneous information must not be obliterated or erased.
- When entries for a given subject are made on two or more pages or separate records that are not consecutive, each page or record must be cross-referenced to the previous and the following entries.
- When a page has entries from more than one day, each entry shall be signed or initialed and dated.
- The balance of that section of the document shall be crossed out immediately below the last entry.
- Pages to documents shall not be left completely blank. If a page must be left blank, it must be ruled across, signed, and dated.

Completeness and Correction of Incorrect Information

- The person who monitored or recorded the activity must identify the construction site, provide the date the activity was monitored or observed, and sign (or initial if the initials are identified on a signature/initials log) each page of the document recording a construction activity.
- Record accurately and concisely all data as required by procedures for the activity being performed.
- Record all significant and relevant field activity on the construction field inspection log; account for each work day, noting any work suspension and restarts.
- Describe the activity with enough detail to enable someone of equivalent skill and experience to understand and be informed as to what occurred or was recorded.
- All documentation shall be kept intact; no page is to be partially removed.
- Documents requiring replacement because of illegible handwriting, incompleteness, or inaccuracies will be voided and a replacement prepared. A notation will be made on the

voided document indicating that a replacement document was completed along with the initials and date of the person making the void notation. The voided document will be filed immediately following the replacement document.

- When a document contains information on more than one activity or project, reproducible copies may be designated and controlled as records for the other activities.

Recording Construction Activities

- Use still or digital photographic images and narrated video camera recording to enhance all written documentation from preexisting site conditions to final inspections.
- The Construction Field Inspection Log or other line management approved form should provide a documented factual record of the work performed each day, as well as
 - All changes that might affect cost and schedule.
 - Major project status changes.
 - All directions or clarifications.
 - Personnel accidents or injuries, safety infractions, and corrections.
 - Safety meetings held on site.
 - Names of visitors to the site.
 - Conditions and actions in response to Subcontractor violations.
 - Potentially reportable occurrences in accordance with the occurrence reporting process.
 - Significant events, such as unexpected power outages, severe weather occurrences, or spills of hazardous materials (residual radioactive material, hazardous waste, hazardous substance).
 - Construction inspections and quality control tests performed. Include time of tests and inspections and results.
 - Implementation of the applicable emergency plan.
 - Security incidents.
 - Applicable equipment parameters, including out-of-tolerance readings.
 - Nonconformance reports.
 - Signatures that acknowledge notifications or changes in construction activities.
 - Positive actions that resulted in significant savings, quality improvements, lessons learned, etc.
 - Hours worked.
 - Equipment on-site and used.
 - Weather.
 - Other pertinent information as determined by the project manager.
- The Site Supervisor should:
 - Document events as completely as possible and communicate information as clearly as possible to maximize understanding by individuals reading the Construction Field Inspection Log.
 - Record information promptly to avoid inaccuracy or incompleteness that often results from delayed entries.
 - Enter unusual, abnormal, or unexpected conditions in the appropriate record, and resolve these conditions in accordance with project management's guidance.

The following are recommended procedures for a Tribe to follow when the Tribe chooses to implement and oversee the construction activities in house. These same procedures should also be used by a consultant, BIA, and FHWA when the Tribe subcontracts a project out to them.

1. Pre-Construction Conference/Walk Through/Photographs. Prior to beginning any construction project, the Tribe should hold a pre-construction conference with the contractor, FHWA Tribal Coordinator, and other key stakeholders. The purpose of the conference is to discuss, review, and reinforce the plans and specifications for the project, any unusual conditions, the contractor's plan and schedule of operation, type and adequacy of equipment, labor requirements, equal employment opportunity requirement, Tribal Employment Rights Ordinance (TERO), maintenance of traffic, requirements for traffic control, the contractor's responsibilities for accident prevention, material sources and testing requirements, subcontracting requirements, required submissions, and any other pertinent items which would result in a better job understanding.

It is recommended that the Tribe and the contractor walk through the project and take photographs prior to beginning construction. Additional photographs of the project should be taken during construction to document the progress of the project until completion and final inspection.

2. Submittal Review. Prior to beginning work on a construction project, the contractor should begin submitting documentation for materials that are intended for use on the project. A log of all of the contractor's submittals should be maintained through the duration of the project including:

- payrolls,
- material certifications,
- test reports, and
- other routine items.

3. Construction Project File Set-up. Key to any construction is to establish and maintain an organized filing system. Documentation is important for proper accountability purposes.

- a. **Tribal On-site Representative's (TOSR) Daily Diaries.** The TOSR should maintain project diaries documenting construction operations, progress, meetings, telephone conversations, and problems encountered. Daily entries, with signature should be made. If the TOSR is absent from the project, the daily entries should be made and signed by the person left in charge during their absence.
- b. **Inspector's Daily Reports.** The project inspector should prepare a daily report that fully documents the contractor's construction operations and pay quantities. The TOSR should review and sign the daily report. The TOSR should establish a process for reviewing, endorsing, and providing feedback as necessary, on contractor produced records.
- c. **Contractor's Daily Reports.** It is recommended that the Tribe require the contractor to maintain daily records of equipment, personnel, and construction operations.
- d. **Project Files.** The TOSR should establish a uniform filing system for use in construction field offices. Establishing and maintaining this system will ensure compliance with 25 CFR 472, which states that project records have to be maintained properly and be readily available when needed.

4. Inspection. An important part of construction monitoring is completing project-level inspections. An on-site review is required to evaluate project activities and the quality and progress of the work. The following are several types of inspections.

- a. **Work Site Safety, Worker Safety, and Work Zone Traffic Control.** The TOSR is responsible for ensuring that day-to-day project inspections are carried out during construction. The inspections should include a review of project safety.

As part of the daily inspections, the Tribe should complete a Work Zone Traffic Control inspection to assure compliance with the approved project standards. The WFL has an example of a Traffic Control Report (see link below) for these inspections and may be modified to meet project requirements.

<http://www.wfl.fhwa.dot.gov/resources/construction/forms/#construction>

A Safety Checklist (see **Example 13.1 – Safety Checklist**) is also included for reference to assist the TOSR. This checklist identifies critical elements of work zone traffic safety and OSHA conditions that should be checked during an inspection. The checklist should be completed by the Tribe at least once during each construction season for that particular project. The checklist was developed to minimize subjective reporting and to help determine if the contractor's safety plan and policy, plus the approved traffic control plan are being followed throughout the duration of the project. Upon request of the Tribe, an FLH representative may be available to take part in the safety review.

If the TOSR becomes aware of any unsafe condition resulting from the contractor's action or inaction or a possible violation of either OSHA standards or reasonable standards of construction safety practice, the contractor must be immediately notified in writing. The Tribe should be involved in this process and should be copied on any correspondence regarding safety issues.

Construction Standards. Quality Assurance/Quality Control (QA/QC) must be performed on all projects. The TOSR should oversee the activities of the construction contractors and monitor their work to ensure compliance with plans and specifications. The WFL has examples of forms to aid in monitoring and documenting contractors work (see link below).

<http://www.wfl.fhwa.dot.gov/resources/construction/forms/#construction>

- b. **Materials.** Construction administration and QC by the contractor and quality assurance by the Tribe should include continuous on-site inspections throughout construction, by competent, technically qualified, and experienced inspectors.

The TOSR should ensure that all materials being incorporated into the project conform to contract requirements. At a minimum, this work should include:

- (i) Confirming that contractor sampling/testing is performed in accordance with the sampling/testing frequencies stipulated in the contract and project specifications.
- (ii) Ensuring that the contractor's testing company maintains properly calibrated equipment and qualified personnel to perform the required work.

(iii) Maintaining all materials test results and documents for project records. It is recommended that records of all failing test results be supplemented with a follow-up passing test result. Any reporting discrepancies; i.e., errors, omissions, or conflicts, should be corrected and documented properly.

(iv) Receiving and maintaining materials certifications for all manufactured/non-tested materials incorporated into the project.

(v) Sampling and Testing – Ensuring that all test samples are taken in accordance with the approved project standards and contract requirements, and that they are sent to the testing company for verification testing and analysis. The tribe should have independent testing done in addition to what the contractor is performing to verify the contractor's results. The contractor's testing is for quality control and should be reviewed and overseen by the Tribe or their agent.

- c. The WFL has examples of forms to aid the Tribe in continuous on-site inspections and documentation throughout construction project (see link below).

<http://www.wfl.fhwa.dot.gov/resources/construction/forms/#construction>

- d. **Quantity Measurements.** Before any measurements are taken on a project, the TOSR should study the plans, specifications, and special contract requirements to determine what is to be measured and how the measurement will be completed.

- e. **Sediment and Erosion Control Inspections.** The TOSR should ensure that the contractor provides permanent and temporary erosion control measures in accordance with the approved erosion control plan, so as to minimize erosion and sedimentation during and after construction. It is recommended that inspections be carried out at least weekly and/or after significant rain events.

5. **Construction Schedule Review.** If specified in the contract, a contractor must submit a construction schedule to the TOSR. This construction schedule represents the sequence in which the contractor plans to perform the contract work. The TOSR should review the schedule and work with the contractor to verify that the construction schedule generally represents the activities that logically occur during the completion of the construction project. Updates to the construction schedule should be submitted according to requirements set out in the Tribal policy.

6. **Progress Payments.** The payment and invoice process, as well as the contractor's obligations, should be emphasized at the preconstruction conference. The contractor should understand the negative impacts that could result from failure to provide required materials and documentation, test reports, and/or certifications. The requirements for the processing of progress payments that are included in the contract should be reviewed in detail as well.

7. **Contract Modifications.** Only the Professional Engineer of record may change an IRR project's PS&E during construction. Substantial changes to a construction contract should only be completed in coordination with the Tribe and the facility owner. Records of the approved change orders, along with documentation of the work involved, such as photographs, diaries, daily reports, costs, and time must be maintained by the TOSR to assist in determining final costs and liability.

8. **Project Progress Meetings.** The TOSR should hold regularly scheduled meetings with the contractor's superintendent or representative to discuss the contractor's work progress, future plan, schedule of work, and any problems arising on the project. The frequency of the meetings should be determined by the complexity of the project.
9. **Weekly/Monthly Status Reports.** The TOSR should keep the Tribe and facility owner aware of the current state of the project by submitting a project status report to them on a regular basis.
10. **Construction Project Reviews.** In accordance with Section 1(F)(4) of Article III in the Program Agreement, FHWA Tribal Coordinator has the opportunity to visit project sites on a monthly basis or at critical project milestones. This visit may also be carried out by a mutually agreed upon delegated representative as well. FHWA Tribal Coordinator will give the Tribe reasonable advance written notice of inspection. For BIA lands, the BIA will be invited to attend. These visits are intended to allow FHWA Tribal Coordinator to carry out its oversight and stewardship responsibilities for the IRR Program or project(s) assumed by the Tribe.

A Construction Project Review will be completed during the visit and discussed/reviewed with the TOSR (see **Example 13.2 - Construction Inspection Report**). FHWA Tribal Coordinator will not provide direction or instruction to the Tribe's contractor or any subcontractor at any time. If a problem is discovered during an on-site monitoring visit, FHWA Tribal Coordinator will promptly notify the TOSR and, if asked, provide technical assistance.

For a BIA facility ownership, the FHWA Tribal Coordinator will invite a BIA representative to attend interim project reviews if not already invited.

11. Final Inspection, Project Acceptance, and Project Closeout and Report.

a. Final Inspection. A final inspection is conducted to determine whether the project has been completed in reasonable conformity with the PS&E.

It is recommended that a final inspection be completed within 30 days of the submittal completion of all contract activities.

It is recommended that the TOSR schedule the final inspection so that officials from the Tribe, facility owner (i.e., BIA), and FHWA are able to participate, as well as the contractor and maintenance personnel. For BIA owned land, the BIA will also attend the final inspection.

The Tribe should provide a construction report that accounts for the funds expended to date on the project, as well as the as-built plans to the facility owner and the FHWA Tribal Coordinator for final inspection. In addition, all project information must be made available during the final inspection. Examples of project information include:

- Daily diaries
- Weekly progress reports
- Monthly Narrative progress reports
- Subcontracts
- Subcontract expenditures
- Salaries
- Equipment expenditures
- As-built drawings

- Material Certifications/ testing reports
- Contract modifications
- Etc.

A final inspection review form (see **Example 13.2 - Construction Inspection Report**) will be completed by an FHWA Tribal Coordinator representative in company with the TOSR. If a BIA owned facility, the BIA representative will also participate in completing the Construction Inspection Report.

Once completed, the Construction Inspection Report will be forwarded to the Tribe for review and consideration.

b. Project Acceptance. Before the project can be closed out, certain documents and processes must be completed. The items must be included as completed in the close-out report. Items in support of the final project acceptance may include:

- Final Contract Modification (CM) – Actual final item quantities often vary from the original contract item quantities and as a result, a final CM may be required in order to close out the contract. The final CM will change the item quantities to match the actual amounts incorporated into the project. This work should be carried out by the TOSR.
- The Final Estimate – The final estimate should account for all final quantities, a time count, and any assessment of liquidated damages. The final amount of the contract should also be identified.
- Claims – It is recommended that the Tribe, the facility owner (BIA if owner of the facility), and the contractor address and resolve any pending claims, which pertain to the contract as part of the close-out process.
- The Tribe should receive and maintain all project records. The records should include certifications indicating that all of the materials used on the project were in conformance with project specifications. The U.S. Department of Transportation recommends that project records be maintained for at least 10 years.
- Verify completion and/or status of environmental commitments.

Once the final inspection is documented and any issues completed and documentation which supports all activities of the project is completed, a Letter of Acceptance (see **Example 13.3 – Final Letter of Acceptance**) is developed by the Tribe. (For a BIA owned facility, the BIA will write a Letter of Acceptance to the Tribe, with a cc to FHWA, once accepted by the BIA (see **Example 13.4 – Final Letter of Acceptance for BIA Owned Facility**). The Tribe will then send a Letter of Acceptance to the Contractor, if applicable). This letter is a formal acceptance document that captures the concurrence of all stakeholders of the project they accept and acknowledge that the project has been developed as requested or in accordance with the contract document. This releases the contractor of any further responsibilities of the project.

The Letter of Acceptance is provided to the contractor and a courtesy copy is also given to the facility owner and the FHWA Tribal Coordinator.

c. Project Close Out and Report. After final inspection, the completion of any required corrections, and project final acceptance by the Tribe and the facility owner, the Tribe must submit a final project closeout report to FHWA Tribal Coordinator and the facility owner (BIA if facility owner).

The project closeout report is the final accounting of all construction project expenditures and is the closing of the financial books for the construction project.

The closeout documents and report are typically generated by the TOSR.

The report should be completed within 120 calendar days (4-months) of the date of project acceptance.

The final close out report should consist of:

- A summary the construction project records to ensure compliance requirement have been met,
- Review the bid item quantities and expenditures to ensure reasonable conformance with the PS&E and contract modifications,
- Final as-built plans, and
- Photographs.
- Change orders
- FHWA Final Inspection
- Acceptance letter

All project information made available during final inspection per 25 CFR 472-474 can also be used to develop the IRR construction project closeout report.

Once the project is complete the Tribe must update the IRR inventory to reflect any changes and submit cost to construct detail sheets to the BIADOT.

Resources.

- <http://www.fhwa.dot.gov/construction/>
- FLF Construction Manual
<http://flh.fhwa.dot.gov/resources/manuals/cm/>


Example 13.1 – Safety Checklist

SAFETY CHECKLIST for Construction Projects	
Date of Review:	Conducted by:
General	
Is the project constructible using the construction Traffic Control Plan (TCP) as shown in the PS&E?	Y/N
Does the traffic control affect the design, such as material requirements from roadways used for public use during the construction?	Y/N
Are there traffic restrictions?	Y/N
Is there enough work area and staging areas for the Contractor to do the necessary construction operations?	Y/N
Does the construction traffic control allow for Contractor access?	Y/N
Is the speed based on the existing posted speed?	Y/N
Is the work site safe for both traffic and workers?	Y/N
Comments:	
Signing	
Are the signs being used per the new MUTCD?	Y/N
Do the sign messages convey the intended actions that are required to be taken?	Y/N
Do the signs have the proper legends, sizes, color combinations, and reflectivity?	Y/N
Do the signs have the proper legends, sizes, color combinations, and reflectivity?	Y/N
Is the location of the sign per the MUTCD?	Y/N
Are the signs properly spaced?	Y/N
Are the layout measurements tied to a physical feature so the Contractor can do the layout in the field?	Y/N
Is there proper sight distance to the sign?	Y/N
Is it physically possible to place the sign where indicated?	Y/N
Is there sufficient horizontal clearance?	Y/N
Any existing signing that needs to be replaced to be in accordance with the MUTCD?	Y/N
Any conflicting existing signing?	Y/N
Markings	
Have passing zones been verified?	Y/N
Matching existing?	Y/N
Handicap parking meets ADA requirements?	Y/N
Striping requirements per the new MUTCD?	Y/N
Meets Centerline warrants?	Y/N
Meets edge line warrants?	Y/N
Comments:	
Construction Signing	
Are the signs being used per the MUTCD?	Y/N
If the situation calls for a standard traffic control scheme, do the advance warning signs match those shown in the standard layouts in the MUTCD?	Y/N

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Do the sign messages convey the intended actions that are required to be taken?	Y/N
Do the signs have the proper legends, sizes, color combinations, and reflectivity? (The MUTCD provides that the minimum letter size for signs should not be less than five inches for low volume traffic.)	Y/N
Is the location of the sign per the MUTCD?	Y/N
Are the signs properly spaced?	Y/N
Are the layout measurements tied to a physical feature so the Contractor can do the layout in the field?	Y/N
Are there existing signs within the construction zone that may conflict with the Traffic Control Plan?	Y/N
Do any of the existing signs obscure the view of advance warning signs?	Y/N
If stage construction is used, is the signing from stage to stage consistent (sign types and locations)?	Y/N
If a numbered route, are the numbered routes used for the detour?	Y/N
If a detour is not provided could a detour work?	Y/N
Are all access points properly signed?	Y/N
Is it physically possible to place the sign where indicated?	Y/N
Is there sufficient horizontal clearance?	Y/N
Is there a need for any pedestrian or bicycle signing?	Y/N
Comments:	
Channelizing Devices	
Are the correct devices used for a particular operation? (Drums should be used instead of barricades, type II; Temporary concrete barriers should not be used as a channelizing device.)	Y/N
Are channelizing tapers located correctly?	Y/N
Are channelizing tapers the correct length?	Y/N
Are devices spaced correctly in the taper?	Y/N
Are devices spaced correctly in the work area?	Y/N
Do the devices meet MUTCD requirements for size, type, color, and reflectivity?	Y/N
Are the devices properly ballasted (weighted down)?	Y/N
Comments:	
Pavement Markings	
If short-term markings required, do they coincide with MUTCD 6D and Federal Lands Highway policy?	Y/N
Is marking consistent, especially during stage construction?	Y/N
Do existing pavement markings conflict with the proposed temporary markings?	Y/N
Comments:	
Lighting Devices	
Are warning lights used correctly? (Warning lights, type A should be used on drums or barricades to mark point hazards, or on the first two devices in a taper: Warning lights, type B, if used, should be used on signs and the batteries should be placed no higher than 12	Y/N

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inches off the ground: Warning lights, type C should be used on drums or barricades used in a series for delineation.)	
Are arrow panels placed on the shoulder adjacent to the beginning of the taper? (If there is limited shoulder, the arrow board should be placed in the closed lane towards the beginning of the taper.)	Y/N
Is there adequate sight distance for the arrow board?	Y/N
Is the arrow panel being used correctly? (Arrow panels should not be used in "passing arrow" mode on two-lane two-way roadways, shoulder closures, or lanes shifts: For the cases listed above the arrow board can be used in the "caution" mode.)	Y/N
Comments:	
Barriers	
Are untreated temporary barrier ends exposed to traffic?	Y/N
Is the area between the barrier and the travel lanes relatively flat (approximately 10:1)?	Y/N
Are temporary barriers required due to drop-off close to the travel lanes?	Y/N
Are existing barriers being removed such that the hazards they were protecting are now a hazard during the construction?	Y/N
Is temporary barrier properly accounted for? (For stage construction, use the greatest amount of barrier required for a particular stage as the barrier quantity, and remember to account for storing barrier during stages with less than the greatest amount for moving barrier.)	Y/N
Are construction areas properly shielded?	Y/N
Should temporary barrier be bolted to the pavement or bridge deck do to their deflection?	Y/N
Are barriers flared away from the roadway in accordance with AASHTO Roadside Design Guide?	Y/N
Comments:	
Flaggers	
If flaggers are being used are the proper warning signs displayed?	Y/N
Is the flagging station visible to oncoming traffic?	Y/N
When the flagger is not on station, is the flagger sign covered or removed?	Y/N
Comments:	
Miscellaneous	
Does the Project Engineer have names and phone numbers of persons to contact in case of emergencies?	Y/N
If there are special construction events (i.e., roadway closures) are there provisions for the Contractor to notify the Project Engineer in advance so the Engineer can notify authorities?	Y/N
Are roadway drop-offs excessive?	Y/N
Does the Contract identify time restrictions placed so that the Contractor can only perform work during certain times?	Y/N
Is there a possibility of pedestrians and cyclists in the project area?	Y/N
For projects with stage construction, when the traffic control is switched from one stage to the next, are there provisions in the Contract to accomplish that operation?	Y/N
Can the traffic control switching be accomplished under traffic?	Y/N

Example 13.2 – Construction Inspection Report

 <p>U.S. Department of Transportation Federal Highway Administration</p>		<p>CONSTRUCTION INSPECTION REPORT</p>		
TRIBE	REPORT NO.	DATE OF INSPECTION [M / D / YY]	DATE OF REPORT [M / D / YY]	PROJECT NO.
INSPECTION MADE BY [Name, Title]	QUALITY OF WORK ___ Unsatisfactory ___ Satisfactory	PROGRESS OF WORK ___ Unsatisfactory ___ Satisfactory	TIME ELAPSED: days used / total days = _____ %	WORK COMPLETED: amount earned / amount of contract = _____ %
IN COMPANY WITH TRIBAL ON-SITE REPRESENTATIVE (TOSR) [Name, Title]				
Site Review purpose: [select one] : ___ Preliminary ___ Inspection-In-Depth ___ mid- Project review ___ Final				
PROJECT NAME AND LOCATION: [fill in the blank]				
PROJECT DESCRIPTION / WORK TYPE: [fill in the blank]				
CONTRACTOR: [Name] [Address] [City / ZIP] [Phone] ()				
CONTRACT AMOUNT: \$ _____				
CONTRACT TIME SUMMARY: [Attach a copy of <i>Weekly Statement of Working Days and Progress Payment Voucher</i> after each construction inspection]				

SAFETY	
Item	Checked
Are general alignment, typical section, overall geometries, sight distance, etc., in close conformity with the plans?	__yes __ no
Are the following items adequately provided for?	
<ul style="list-style-type: none"> • Proper guardrail end treatment and length-of-need 	__yes __ no
<ul style="list-style-type: none"> • Safe slopes and ditch configurations 	__yes __ no
<ul style="list-style-type: none"> • Signs and pavement markings (permanent and temporary) in accordance with MUTCD 	__yes __ no
<ul style="list-style-type: none"> • Clear zone free of hazardous obstacles 	__yes __ no
ROADWAY- DRAINAGE-STRUCTURES	
Item	Checked
Rideability - If the project involves new pavement, resurfacing, bridge replacement, or a bridge overlay, it must be checked to see if it meets the applicable contract surface tolerance requirements. [If the surface tolerances do not meet the contract requirements, the project must not be accepted.]	
Drainage - The pavements, a random selection of under drains, ditches, conduits, catch basins, and other items must have positive drainage and be free of obstructions.	
Structures - Bridges must be checked for all items which constitute the completed structure, both above and below the deck.	
Erosion Control - Roadside items must be checked to see that all erosion control items have been placed or established.	
MATERIALS	
Item	Checked
Are materials testing reports on file? (Compaction, Concrete, bituminous density, etc.)	__yes __ no
Is material testing being performed? By whom: Location where testing is performed:	__yes __ no
Are test reports available or on file?	__yes __ no
Is assurance testing being performed? By whom:	__yes __ no

Is the project diary current and on hand? Who fills it out:	__yes __ no
PROJECT RECORDS	
Item	Checked
Are project records up to date?	__yes __ no
Select the overall quality of work/workmanship: __ outstanding __ acceptable __ poor __ unacceptable	
Who performs field inspections? [print name]	
Who are the subcontractors and what work (including percentage) are they performing?	
Are reports on file for Initials, Intermediates, and Finals?	
FIELD ISSUES	
Item	Checked
Is construction signing adequate?	__yes __ no
Are labor employment provisions posted?	__yes __ no
Are daily reports available on file?	__yes __ no
What is the job site general condition? [housekeeping]	
Who is performing construction supervision (Tribe Agency, consultant)?	
Who performs 2nd level inspection and how often?	
Observation about contractor's staff, equipment, workmanship:	
Observation about operations (concrete, asphalt, drainage, grading):	
Observations about quality of work, safety, traffic& erosion control, compliance w ith Plans etc.):	

OTHER PROJECT RECORDS	
Item	Checked
Is monthly narrative and work progress report submitted to the Tribe?	__yes __ no
Are there photos taken before, during and after construction?	__yes __ no
Are all material sources certified/approved?	__yes __ no
Are all material source records kept on file?	__yes __ no
Other Remarks:	
CONTRACT MODIFICATIONS (CM)	
How many?	
Were CMs made and approved by appropriate responsible party?	
List CM's by number and summarize the reason(s) for CM:	
RESOLVING ISSUES AND OFFERING TECHNICAL ASSISTANCE	
1.List any problems discovered: (identify problem)	
2.TOSR notified of problem: (date, time, w ho)	
3.Provide and offer technical assistance: (type)	

MISCELLANEOUS
Cleanup - The project is not acceptable if cleanup is not complete. All borrow and waste areas must be restored.
Other items:
Other items:
FINAL INSPECTION
Date: _____ / _____ / _____
Who attended:
Written report:
Final construction report: (final voucher, as built plans, etc.)

Example 13.3 - Final Letter of Acceptance

XY&Z Construction Company
[Insert address]
[Insert address]

[date]

RE: DPW Project No. [Insert project number]

Dear [name],

This letter is an acceptance to your work and acknowledges that all work on the project has been completed in accordance with the terms and conditions of the contract documents dated [Insert date]. This releases you on any further responsibilities. Further, the due to work performed is included as requested in your final request for payment.

Please contact me if you have any questions concerning this letter.

Sincerely,

[insert name]
Tribal Representative

cc: FHWA

Example 13.4 - Final Letter of Acceptance For BIA Owned Facility

[Insert Tribe]
[Insert Tribal address]
[Insert Tribal address]

[date]

RE: DPW Project No. [Insert project number]

Dear [name],

This letter is an acceptance of all work on the referenced project. This acceptance is based on our review of daily and weekly status reports; participation in interim project construction reviews and final inspection; our review of progress reports, subcontracts, as-built-drawings, contract modifications, material certifications/testing reports; completion of contract modifications, final estimates, and no pending claims; and verification of environmental commits.

In summary, we find that all work on the project has been completed with the terms and conditions of the contract documents dated [Insert date]. Further, this releases you on any further responsibilities.

As a reminder, forward us the final as-built plans when completed.

Please contact me if you have any questions concerning this letter.

Sincerely,

[insert name]
BIA Representative

cc: FHWA