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CONTRACT INSPECTOR SERVICES

GENERAL

This section describes the duties that may be assigned to Construction Inspectors (CIs), their authority, their interactions with the construction contractor and the duties and responsibilities of the WFLHD Project Manager (PM) with respect to the CI.

In the event that a Construction Manager (CM) is assigned to the project, the CM will have specific construction contract authority in accordance with the Contract, and be responsible for ensuring delivery of the day-to-day construction management services for the duration of the assignment.

Construction Inspectors and Construction Managers are employees of the Construction Management Firm (CM Firm), assigned by project-specific task orders.

TECHNICAL GUIDANCE

A Government Project Manager, who will be the field contact for WFLHD, will be assigned to each construction project. The PM will be stationed near the work site and will provide technical guidance to the CI regarding duties to be performed or deliverables.

COMMUNICATION SKILLS

All CIs must clearly and appropriately communicate with all parties including Government employees, Construction Contractor employees, employees of the land managing agency (for example, the National Park Service), the traveling public, and so on. Both written and verbal skills are required.

CI DUTIES

The Construction Management & Inspection (CMCI) contract outlines the duties of the CI. Normally, this includes inspection duties to confirm and document that the Construction Contractor is complying with the terms of its contract with the Government. The CI may be asked to perform the following duties at the construction project:

- A.** Reporting to and interacting with the PM regarding the status of the work, problems, disputes, etc.
 - 1. Performing overall inspection of highway and bridge related construction activities. This includes documentation of all Construction Contractor activities as they relate to work performed under the construction contract.
 - 2. Planning and coordinating inspections with the Construction Contractor to minimize impacts on construction operations, and confirming that critical inspections occur as required. Recommending the correction or replacement of noncomplying work.
 - 3. Verifying that workmanship, materials and equipment installed by the Construction Contractor meet or exceed the requirements of the contract drawings or specifications. Recommending that the Construction Contractor proceed with work that is in apparent compliance with the construction contract.

4. Recommending to the PM suspension of work which is not being performed in compliance with the construction contract or which is causing damage and/or liability to the Government.
 5. Notifying the PM of safety deficiencies and if such deficiency is life threatening, recommending suspension of work until the deficiency is corrected.
 6. Monitoring overall work methods for substantial compliance with permits, environmental requirements, and erosion control plan.
 7. Monitoring the Construction Contractor's operations for compliance with the approved traffic control plans and determining substantial conformity with safe practices as required by the MUTCD for construction zone work operations.
 8. Inspecting the work for substantial compliance with the construction contract requirements and industry standards for bridge and highway related work.
 9. Checking and verifying Construction Contractor survey work using equipment and methods capable of meeting the tolerances required in the contract.
 10. Identifying and recommending necessary changes, Plan errors, or required field adjustments to the Plans or Construction Contract.
- B. Monitoring and interacting with the Construction Contractor's representative on the day-to-day activities of the construction work. These interactions may include:
1. Performing quality assurance activities related to testing, inspection and construction surveying to assure and document compliance with the construction contract requirements.
 2. Providing stakeout, survey or other technical information, not included in the construction contract, but required to perform the work included in the construction contract, or required to fit the field conditions.
 3. Answering technical questions of the construction contractor clarifying, but not changing, the construction contract requirements.
 4. Measuring or verifying the quantities of work performed, for the Government's receiving report.
 5. Making qualitative or quantitative judgments that are required by the construction contract at the site of work; e.g., determining if specific sections of guardrail can be salvaged.
- C. Providing current detailed documentation of the Construction Contract using system(s) provided by the Government or alternate system(s) approved by the Government. This documentation shall include the following components:
1. Inspector's Daily Diary in accordance with the WFLHD Construction Manual.
 2. Daily narratives of all Construction Contractor activities including number of hours worked by Construction Contractor employees and equipment. A Construction Contractor's daily record of operations may be used as the basis for these narratives, verified on a sampling basis approved by the PM.

3. Results of measurements; check measurements, computations, and other activities supporting payment for all items in the contract (see Construction Paynote Examples).
4. A monthly progress report and estimate of quantities to verify the Construction Contractor's request for progress payments.
5. Test results, measurements, and other documentation verifying the adequacy of the Construction Contractor's quality control system(s) and compliance with the terms of the contract.
6. Labeled photographs of the different construction operations providing a pictorial record of the project's construction stages (see "Project Photos").
7. Survey notes and records of other measurements that are the Government's responsibility and are necessary to check, adjust, or locate the various features of the project as they are constructed.

The originals of the above-listed documents should be provided to the Government and become Government Property.

- D. Providing office engineering technician support services including, but not limited to, the following:
 1. Assisting in the review of the Construction Contractor's shop drawings, schedules, and other submissions.
 2. Initiating routine contract correspondence.
 3. Preparing drafts of and providing support documentation for construction contract modifications.
 4. Reviewing as-built drawings provided by the Construction Contractor to verify that as-built conditions have been marked on the plans.
 5. Reviewing and checking progress estimates.
 6. Performing other office services in the absence of the PM.
- E. Inspecting and monitoring the adequacy of Construction Contractor materials inspection and testing systems.
- F. Providing detailed written documentation if disputes with the Construction Contractor arise or if events indicate the possibility of a contract modification. This documentation shall include specific recommendations for the resolution of the problem.
- G. On some Construction projects, the Government, Construction Contractor, and Construction Subcontractors may enter into a Partnering Agreement. Construction Inspectors assigned to these projects will be expected to participate in accordance with the terms of the agreement (see "What is Partnering?").

LIMITATION OF AUTHORITY

A CI has no contractual authority with the Construction Contractor. The CI must report the facts and circumstances to the Project Manager in a timely manner. The PM will then provide the direction to the Construction Contractor, or authorize the CI to interact with the Construction Contractor.

CIs **do not** have authority to:

- Provide direction to the Construction Contractor.
- Take any actions which could be construed as committing the Government.
- Order the Construction Contractor to perform work (including work specified in the construction contract) which requires separate authorization from the Government; e.g., new subexcavation, or installing erosion control devices.
- Communicate to the Construction Contractor their subjective judgments and interpretations concerning construction contract requirements. Such judgments and interpretations shall be referred to the PM before being conveyed to the Construction Contractor.
- Communicate to the Construction Contractor their subjective judgments and interpretations concerning Construction Contractor compliance/noncompliance with specifications. Such judgments and interpretations shall be referred to the PM before being conveyed to the Construction Contractor.
- Alter or waive the provisions of the construction contract.
- Issue instructions contrary to the plans and specifications.
- Act as foreman for the Construction Contractor.

CI DIARIES

Project diaries are kept to document work progress, site conditions, labor and equipment usage, and the Construction Contractor's ability (or inability) to perform its work, and can provide valuable information necessary to accurately reconstruct the events of the project in preparation of a claim.

In maintaining these reports, project personnel must be consistent in recording the events and activities on the job, particularly those relating to claims or potential claims. The failure to record an event carries with it the implication that the event did not occur or was insignificant and also threatens the credibility of the entire log.

Inspectors may use FHWA Form 1413, *Inspector's Daily Record of Construction Operations*, or another format as agreed by the PM. Each project will have its own format.

Information to Include in Your Diary

- A. Date and Weather conditions (morning and afternoon).
- B. Names of visitors to the project and purpose of visit.
- C. Comment on the progress of operations as compared to the Construction Contractor's approved schedule.
- D. Explanations of why work was not started or completed as planned by the Construction Contractor; i.e., *"could not begin drilling shafts because drill rig broke down."*
- E. Information concerning accidents occurring on the project or incidental to the construction work.
- F. Comments on construction safety hazards and corrective measures.
- G. The substance of important conversations with the Construction Contractor's superintendent, employees, subcontractors, suppliers concerning conduct, progress, changes, interpretation of specifications, or other details. Reference to such conferences should be made in the Construction Contractor's Daily Record where they included the job superintendent.
- H. Discussion of erosion control and other environmental concerns as appropriate.
- I. Comments on traffic control and signing.
- J. Any information not covered in other notebooks that might have a bearing in case of future disagreement, such as difficulties encountered in construction and their causes, delays caused by equipment breakdowns, comments relative to improper use of equipment reflecting inefficient operations by the Construction Contractor, etc.

Don't Forget

- A. Make sure there's a date on each page, including the year.
- B. Show whether your entry times are a.m. or p.m., especially if the Construction Contractor works both day and night shifts.
- C. Remember to sign at the end of each day's entry. A full signature is required, not initials. Also, you must initial at any corrections or changes to your entries.
- D. Strive for legibility with your handwriting. Prevent smearing the ink, etc. Do not use pencil; use blue or black ink. Never use red ink.

Things TO DO When Recording a Diary Entry

1. Identify problem and possible cause.

At the crusher at 3:00 a.m. Talked with foreman Russ. Production is a lot slower due to the material pushed down by D8N dozer. There are very little fines. The jaw isn't big enough to handle straight rock and still get production.

Mike claimed he had only 20, 000 yd³ of waste in the pit. In my opinion there is twice that much in it. XYZ Construction Company is scrambling for disposal volume because of failure to decrease the slash volume by burning.

2. Identify what happened and the ramifications.

Crushing operation is going well. The loader operator let the feeder run out at 11:00 p.m. while he was stockpiling. This will cause some inconsistency in product. The crusher is crushing 20408A material.

3. Note how operation is not consistent with the Contractor's approved changes.

From 12:20 p.m. to 1:20 a.m. I observed WA500 feeding Pugmill. I noticed no change in pattern for getting rock from stockpile. The loader operator is taking rock from the east end of the stockpile. I have yet to see him get a bucket of rock from the edge of the stockpile like XYZ Construction Company said in the letter they wrote.

4. Identify what is occurring and why it is not correct. Also reference pictures.

The two 10-cy trucks began haul of Select Topping to 563+00 back. This area again has not been approved for placement. Picture #19 = sta. 558 ahead.

5. Record why a scheduled operation isn't going to occur.

No gravel haul tonight because no areas are ready for Select Topping or base rock.

6. Record problems with operation, source of the material, and impacts to the operation.

At the crusher site there are clay balls coming off of the product belt. The sta. 800 material is wet and the fines seem to have plugged the scalping screen.

7. Identify how operation is contributing to non-spec material

At 4:15 p.m. the Sylvan crusher was producing 30101 base and the material was dropping on the cone-shaped stockpile of out of spec. aggregate. - see previous page photos.

8. Record improper testing techniques and inadequate testing.

To 5:50 p.m. at Lab Trailer - observed Todd do P.I. test. He did it wrong. He took about a 20 gram sample, rolled part of it, and put the whole thing in a tin. Before this, he worked the material quite a bit with his hands, looked like he was trying to work moisture out that way.

9. Record testing problems.

- a) *Lloyd says large square No. 4 screen is out of specification;*
- b) *Mechanical shaker motor appears to be going out; also the base is not sufficiently anchored to work properly;*
- c) *Outside dryer still not working (I was told it was but it's not); and*
- d) *Air conditioner does not work adequately to maintain proper temperature to run S.E. tests. All these things need attention, but testers refuse to tell XYZ Construction Company about them so they can be fixed. He says when the tests start failing XYZ Construction Company will be interested in finding out why.*

10. Record tester's abilities and techniques.

Tom the tester took some density tests. Inspector said Tom the tester did not know what he was doing. He wasn't using the right proctor; and he was testing 2 inches down into subgrade. I talked with Mr. Mitre and found out he had very little, if any, experience with a nuclear gauge. He also said he never pounded a proctor. From talking with him, it sounds like his specialty is in roof inspection. Also while talking with Tom the tester, I asked him how they split their half of the sample and he said they used the mechanical splitter. Just before this he said that they thought the mechanical splitter was out of spec. due to loose dividers.

Tom the tester also tried to take some density tests in the ± 870 area. He didn't know the maximum or optimum moisture content. He took ± 10 minutes trying to figure out how to change the depth.

11. Identify what was checked, what stations, and how much it was in/out of spec.

Checked subgrade at centerline and shoulders, stations 510+49 & 511+99. It's just 0¹⁰¹ to 0²⁵¹ out of spec.

12. Note contractor's performance and attitude.

At 4:30, the culvert crew backfilled the lower sections of the culvert at 769+41. I reminded Claude that the part in the roadway was hastily covered with a 2-3 foot lift, temporarily, and will have to be dug and compacted sometime - tonight or later. (Thinking that already being here makes it easy right now) Claude responded with, "no way I ain't tearing that out, now or ever. We got a test on it and it passed." And he walked away.

13. Record contractor employee's opinion of operation (especially if the employee has a good reputation).

Talked with the crusher foreman. He told me that in 20 years of crushing for XYZ Construction Company, this was the worst run job he had ever been on. He said there was no organization or coordination between the different operations. He has been trying for three days to get the crusher at Smith Pass setup with no help, no mechanics, and no transportation. Said his crusher operator was quitting tomorrow, and that he was "only half a day behind him."

14. Record disagreements between contractor superintendent and contractor employees.

Crusher Foreman also mentioned how he wanted the crusher set up on the south side and the pugmill set up on the north side. But Contractor Superintendent disagreed. Crusher Foreman said under his way he would have had a lot more stockpile room and would be on the side where the plant mix rock would come from. Under the current set-up he is having to build two stockpiles for 20804 rock and will probably have to truck the rock for plant mix.

15. Record conversations with subcontractor regarding their thoughts on the project.

Earlier today (about 1:00 p.m.) Subcontractor Superintendent stopped to say that signs are not getting put up for his flaggers and that that is out of his control. He'll be glad to be done with this job and the total lack of communication.

16. Record what the contractor encountered and whether you agree or disagree.

Contractor Superintendent stated that ice is being encountered at ± 7 feet depth in areas; reviewed area 3, Contractor Superintendent is correct...ice layer is ± 7 feet below the surface.

Things NOT TO DO When Recording a Diary Entry

1. Do not record information that should be on the Contractor's daily reports.

Select placement Sta. 608 – 580 ± 7 Belly Dumps, 5 End Dumps, 1 Rock Truck, SDJ50, 2 16G Blades.

2. Do not use the inspector's diary to record what you did each day. It should be used to record the contractor's operation, not yours.

I cleaned the battery terminals on two vans with dead batteries, jump started them, and let them run for 25 minutes to charge. When I turned the key off, they still wouldn't start. Bud, Carol, Jeff and I assembled the survey equipment and began learning the data collection system.

3. Do not write a statement unless you can give details and conclusions.

For example, in regard to the following statement, what were the problems and what was proposed to correct them? "Project Manager called with concerns about contractor's superintendent." Details and conclusions: what screen was out of spec? Test results (gradation) are not good - test results are not computed correctly. We must have good test results.

4. Do not record statements unless the reason for the statement is clear.

Observed two Belly Dump Trucks at scale, ready to haul 20408 Rock tonight.

Acceptable Diary Formats

All diary entries should be written in ink. Diaries may be kept in either bound books or books featuring paper that will provide a duplicate copy if desired. The PM may find a voice recorder helpful, either for recording notes to be used at the end of the day in making diary entries, or for recording events which can later be transcribed into the diary and signed by the PM. It may be helpful to file certain tapes regarding claims and disputes in addition to the transcription. If this occurs, there should be a notation in the diary or in the transcription.

The use of a computer or word processor to generate the diary is permissible, provided that a hardcopy is generated, signed and filed at the end of each daily entry. In the event of a dispute and litigation, it is important to clearly establish who made the entry, and when it was made.

Diaries should be considered an official Government document and must be turned in with other project records at the conclusion of a project. This is also applicable to any retained voice recordings.

PROJECT PHOTOS

Photographs are an important part of the project records. They serve to document the record with respect to slides, cave-ins, floods, and other unusual occurrences; actual conditions when a Construction Contractor alleges *Differing Site Conditions*; unusual construction features or practices; accidents involving death, personal injury or property damage; encroachments within the right-of-way; and other such occurrences and conditions. They are useful in illustrating reports on experimental features and unusual construction practices, final construction reports, and other reports. They are invaluable as evidence in case a controversy develops during the construction contract which results in litigation. They are especially useful when a construction contract encompasses a long period of time, as much as 2 or 3 years. As memories fade and project personnel are transferred to other projects, photographs provide direct evidence of the conditions that existed at the time the dispute arose. The old adage "a picture is worth a thousand words," applies here.

In order to best serve the intended purpose, a photographic history of all construction projects should be made. Photos should be taken of the construction site before construction begins, during each stage of construction as it progresses, and of the completed project. For example, during a project on which major excavation is to be accomplished, photos should be taken on a regular basis (perhaps as often as once a week) to document progress made by the construction contractor. Such photos should be taken from the same location and the camera should be aimed at the same reference point in order that a person looking at the sequence of pictures can actually see the progress, or lack of progress, which was made by the construction contractor during a certain period of time.

If a project is of sufficient length, several reference points should be chosen by the PM from which photos can be taken during the course of a project. Special consideration should be given to those areas along the project length where experience has shown that difficulties may be encountered. For example, if there are unusual rock formations that might be encountered as excavation progresses, that site should be chosen and photos should be taken on a regular basis.

In addition to photos taken from specified reference points on a regular basis, photos also should be taken immediately after unusual occurrences and before unusual conditions are disturbed. The PM and all inspectors should have their own, or have easy access to a camera at all times during construction. The use of these resources should be emphasized by the PM.

Clarity and good composition are very important, and proper identification is necessary. In some cases, it would be appropriate to have an individual stand by the unusual condition in order that the relative size of the condition may be determined. The photo should be labeled with the name of the photographer, the date taken, and the location. No photo log is required, as long as the photos are properly identified.

RELATIONS WITH THE CONSTRUCTION CONTRACTOR

Conduct of CI Employees in the Administration of the Work

All CI personnel engaged in any phase of a construction project must remember they are at all times representatives of the Government and, as such, shall conduct themselves in a courteous and business-like manner. It is important to maintain a fair and impartial attitude without undue display of emotions, and not engage in arguments with members of the Construction Contractor's organization. If disagreements cannot be settled in a reasonable time with mutual satisfaction, the matter should be referred to the PM.

Daily dealings with the Construction Contractor should typically be with the project superintendent, unless circumstances make it necessary to communicate with lower level personnel. Such communication should be confirmed with the superintendent as soon as possible.

Discussions concerning the Construction Contractor's organization, equipment, construction methods, and/or efficiency will be handled by WFLHD's PM. Also, orders which alter the construction contract or specifications, or create additional liability to the Government must come from WFLHD's PM.

The CI may be subject to removal under the contract if deemed incompetent, careless, insubordinate, unsuitable or otherwise objectionable. The CI may not accept any direct or indirect compensation from any person for the purpose of improperly obtaining or rewarding favorable treatment in connection with the performance of the CI's construction inspection duties and responsibilities. Integrity is an essential factor in the performance of a CI's duties.

CI PERFORMANCE/CONDUCT

Should a problem develop with the CI's performance or conduct, the designated representative (COTR as defined in the CMCI Contract) at WFLHD shall have the authority to require the replacement of any CI personnel not exhibiting adequate capability or reasonable safety and responsibility in their job performance. The following is a list of examples of unsuitable performance; the list is not all-inclusive.

1. The CI does not report to the site at the scheduled work hours.
2. The CI is late by 2-hours or more, two times in any four-week period.
3. The CI causes a safety hazard on the construction project.
4. The CI's deliverables consistently contain errors or are incomplete.
5. The CI does not demonstrate knowledge or experience of the duties assigned and/or for the level at which they were certified and hired.
6. The CI is giving improper direction to the Construction Contractor without WFLHD PM's knowledge or consent.
7. The CI demonstrates personal problems which affect his/her work, such as apparent substance abuse.
8. The CI fails to recognize and report problems in a timely manner.
9. The CI fails to maintain a professional relationship with both WFLHD employees and the

Construction Contractor employees. This means the avoidance of fraternization or personal animosity which might give the appearance of lack of objectivity in carrying out assigned duties.

10. The Construction Inspector does not exhibit adequate capability in performing the work.

11. Improper use of Government property, including items such as the telephone, computer, facsimile, and copier.

All actions relating to deficient CI performance or conduct will be made through the CM Firm. WFLHD has no obligation to provide career counseling to CIs, or to deal directly with the CIs to resolve performance problems.

CI TIME AND ATTENDANCE

Each CI is responsible for keeping track of their time and attendance (T&A) on the project. The CM Firm will provide a time card which must be kept current by the CI. At the end of each work week, the CI should sign the time card, which then should be given to the PM who will sign it with their concurrence that services were received.

The CM Firm is obligated to resolve all payroll and leave problems. WFLHD is not obligated to honor agreements between the CM Firm and its employees which are inconsistent with the terms of the CMCI Contract.

CI RELEASES AND TRANSFERS

The CMCI Contract provides for a reduction in the number of CIs for the convenience of the Government and such reduction shall be made within five (5) days following written notification from the Government to the CM Firm when a CI is no longer needed. All changes in assigned personnel will be made by the appointed WFLHD COTR. Some reasons for release include: end of the project, a winter shutdown or other work slows down, or unacceptable performance by the CI. The Government may request the CM Firm immediately remove any CI not exhibiting adequate capability or reasonable safety and responsibility in their job performance.

PERSONAL EQUIPMENT

The CM Firm shall furnish for the exclusive use of each inspector all equipment such as hard hats, orange safety vests, steel-toed shoes, goggles, dust masks, personal calculators, camera, and so on, plus any additional equipment as required by applicable Federal and State law. Inspectors not possessing such equipment will not be allowed to work.

VEHICLE REQUIREMENTS

The CI vehicle requirement will be designated as two-wheel drive or four-wheel drive (4x4) in the specific task order.

The vehicle shall be a 1/2 ton pickup or a utility type vehicle capable of providing access to portions of the project where the Construction Inspector is required to perform the work. The vehicle shall be equipped with a strobe light which is a minimum of 5 inches high and 5 inches in diameter. When radios are required, they will be designated in the task order for the assignment.

Furnishing of the vehicle shall also include all fuel, maintenance and insurance required for the vehicle. Inspectors will not be allowed to work if they do not have a vehicle meeting these requirements.

When the vehicle is required to be 4x4, it must be appropriate for off-road use.

GOVERNMENT-FURNISHED FACILITIES

The field office, as well as office telephone, office supplies, and survey equipment, will be provided and maintained by the Government. The telephone is for official Government business only. The CM Firm will be responsible for any costs incurred by its employees for using the telephone for anything other than official Government business.

WHAT IS PARTNERING?

The Partnering concept is not a new way of doing business; some have always conducted themselves in this manner. It is going back to the way people used to do business when a person's word was their bond and people accepted responsibility. Partnering is not a contract, but recognition that every contract includes an implied covenant of good faith.

While the construction contract establishes the legal relationships, the Partnering process attempts to establish working relationships among the parties (stakeholders) through a mutually developed, formal strategy of commitment and communication. It attempts to create an environment where trust and teamwork prevent disputes, foster a cooperative bond to everyone's benefit, and facilitate the completion of a successful project.

For the most effective results, stakeholders should conduct a Partnering workshop, ideally at the early stages of the construction contract. The sole agenda of the workshop is to establish and begin implementing the Partnering process. This forum produces the opportunity to initiate the key elements of Partnering.

The Key Elements of Partnering

- 1. Commitment** - Commitment to Partnering must come from top management. The jointly-developed Partnership charter is not a contract, but a symbol of commitment.
- 2. Equity** – All stakeholders' interests are considered in creating mutual goals and there is commitment to satisfying each stakeholder's requirements for a successful project by utilizing win-win thinking.
- 3. Trust** - Teamwork is not possible where there is cynicism about the motives of others. Through the development of personal relationships and communication about each stakeholder's risks and goals, there is better understanding. With understanding comes trust and with trust comes the possibility for a synergistic relationship.
- 4. Development of Mutual Goals/Objectives.** At a Partnership Workshop, the stakeholders identify all respective goals for the project in which their interests overlap. These jointly developed and mutually agreed-to goals may include achieving value engineering savings, meeting the financial goals of each party, limiting cost growth, limiting review periods for contract submittals, early completion, no lost time because of injuries, minimizing paperwork generated for the purpose of case building or posturing, no litigation, or other goals specific to the nature of the project.

5. **Implementation** - Stakeholders together develop strategies for implementing their mutual goals and the mechanisms for solving problems.
6. **Continuous Evaluation** - In order to ensure implementation, the stakeholders agree to a plan for periodic joint evaluation based on the mutually agreed-to goals to ensure the plan is proceeding as intended and that all stakeholders are carrying their share of the load.
7. **Timely Responsiveness** - Timely communication and decision-making not only saves money, but also can keep a problem from growing into a dispute. In the Partnering Workshop, the stakeholders develop mechanisms for encouraging rapid issue resolution, including the escalation of unresolved issues to the next level of management.

Excerpt from US. Army Corps of Engineers pamphlet, "A Partnering, a Concept for Success:"

IN A NUTSHELL

Partnering is ...

1. A communication tool
2. A method for defining the various authority levels and time constraints for resolving issues
3. The Construction Contractor's and FHWA's commitment to listen to one another

Partnering does not...

1. Allow the inspectors, PMs, or FHWA COEs to change any element of the contract without a Contract Modification.
2. Mean that FHWA will automatically share the liability whenever the construction contractor identifies a problem out in the field.
3. Negate or diminish the force and effect of the FAR Clauses.
4. Provide the construction contractor with any alternative remedies to the contract if the FAR Clauses do not provide a contractual remedy, then entitlement is unallowable.