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## **Design-Build Comment Resolution Process**

### General

This document establishes transmittal processes and interaction between the Department and the Design-Build Team (DBT) during submittal reviews in addition to the requirements found within the Scope of Services and other Contract Documents. The process can be modified upon mutual agreement between the DBT and the Department with the intention of meeting the requirements of the Contract or specific submission needs. This process may be revised by mutual agreement of both parties. Specific identified procedures may be amended, revised, eliminated, or add to address project specific needs or mutual party understanding.

This project shall utilize electronic transmittals for all design submissions unless otherwise specified in the Scope of Services. Plan and design submissions shall be in PDF format, Microsoft Excel, Microsoft Word, or other document types as mutually agreed and appropriate to and for the submission. Submissions should generally conform to the Scope of Service and other specification included in the Contract Documents, as appropriate, with variations as mutually agreed.

The Department shall establish a file transfer website (typically, an ODOT Project SharePoint, ProjectWise site, or other appropriate file transfer and storage site), with controlled and controllable access, for uploading design submissions and subsequent transmittal of design review comments.

Project specific process details shall be discussed at the Pre-Design Meeting. These details include the responsible contacts (Department and DBT), file server location/IP address, known required persons needing access, and login requirements.

This process is in addition to and to be used in conjunction with the requirements of the Scope of Services.

### Procedure

The Department shall grant access to an identified DBT representative who will have authority and responsibility to create Buildable Unit Submission (BUS) folders and other folders within the transfer website. Each folder shall be logically named. Within each BUS folder, additional folders representing each stage of review (i.e. Interim/Final/Construction) will be created. If mutually agreeable, the DBT may perform this role if management by the DBT facilitates submissions.

With each Buildable Unit with each Design Submission, the DBT shall include a transmittal sheet describing the BUS, the BUS stage (Interim/Final/Construction), the contractual review response date (from the Department as well as any other third party reviewer, if applicable), critical assumptions made for the BUS impacting subsequent BUS submissions, and any information which could facilitate review.

The DBT shall develop and utilize a Comment Resolution Spreadsheet (CRS) for each Buildable Unit with each Design Submission (Interim, Final, Construction) for use in logging and tracking review comments. The DBT shall provide a blank CRS to the Department and other third-party reviewers at Interim Design Submission. The Department and applicable reviewing agencies shall review for Contract requirements. The Department will utilize the CRS document to centralize all Department employee Buildable Unit Design Submission comments.

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Department review comments will primarily focus on compliancy with the Contract Documents. The Department will refrain from making excessive preferential and formatting comments. Reviewer preferential comments shall be marked "Preference" within the CRS. While formatting comments do not need responded to, the Department reserves it's right to reject a submission which, in its judgement, is not reasonably following required ODOT CADD standards.

An updated copy of the CRS shall be provided to all reviewers at the Final Submission. With the Final Submission on the transmittal page, the DBT shall identify major design revisions and design approaches made between Interim and Final Submission being outside the course of typical design progression and were not made to address Interim Review comments. The updated copy shall include all comments received at Interim submittal along with the DBT's written disposition of all Non-Compliant comments made during formal Interim design submittals. The Department and other appropriate third-party reviewing agencies will review the DBT's formal disposition to Interim Submittal review comments as well as revised plans to respond to previous comments. The Department will include any additional comments based on the Final Design Submittal review within the CRS.

The DBT shall clearly identify if an ODOT Interim review comment responded with an "Accept" by the DBT is not being corrected within a Final submission. If an "Accept" comment is not being addressed, the DBT shall clearly describe the intended resolution for the RFC submission. The Department may require additional information before the Construction Plan submission, or may request a Comment Resolution meeting (or phone call if appropriate) to understand the DBT's design direction. The DBT should memorialize, if possible, the time of the Comment Resolution Meeting within the CRS submitted with the Construction Plans.

Unless stated otherwise, Interim or Final review comments do not revise the Contract. They do not constitute a request for changes beyond the current contracted Scope of Services. In the event the DBT believes that any review comment, or direction issued by the Department or other third-party review, require a change to a Contract, the DBT shall first contact the Department for clarification and shall, within 10 days of receipt of the comments or direction, provide written notice to the District Project Manager and Project Engineer concerning the reasons why the DBT believes the scope has been changed.

The DBT is not required to comment nor respond to ODOT identified Preference comments.

For comments considered substantial to the Department or the DBT, the DBT shall schedule a Comment Resolution Meeting with the Department to discuss.

The Department shall notify the DBT, either within the CRS or other notice, if the Department requires a Comment Resolution Meeting.

The DBT shall notify the Department within seven days of any "Non-Compliant" comments they intend to "Dismiss" or "Resolve". The DBT shall schedule a Comment Resolution Meeting prior to the next stage submittal.

For less substantial comments and as agreed by the Department and the DBT, a comment resolution conference call may be sufficient.

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The Department must concur with the “Non-Compliant” comment dismissal and this concurrence shall be documented on the CRS.

The DBT shall resolve all outstanding issues and comments from the Final Submittal (or other outstanding comments) and prepare a full set of Design Documents stamped "Checked and Ready for Released for Construction" (RFC). The Department’s expectation is that no revisions shall be made except for those required to address Final review comments. In the event that other revisions are required unrelated to review comments, the DBT shall notify the Department and coordinate revisions for concurrence.

The Department shall review to ensure all comments from final reviews have been resolved or “Closed” to the satisfaction of the Department. There is no formal review period for Construction submission. The DBT has the responsibility for ensuring the RFC meets all contract requirements, and the Department has the responsibility to perform a timely review of the RFC to ensure final review comments have been incorporated. If upon Department review it is determined that it is questionable as to whether comments received from the Department or other agencies have been resolved or addressed appropriately, the DBT shall stop construction of the portion of the Buildable Unit in question, consult with the commenter to resolve such comments. Resolution of the comment shall be documented within the CRS.

The DBT continues to be liable for design accuracy regardless of ODOT review.

General Third-Party Requirements:

A “Third-Party”, in regard to the Design-Build Comment Resolution process, is any overseeing agency with oversight and design approval authority of relevant portions of the design as identified in the Contract.

Other third-party reviewers may not utilize the CRS.

It is the DBT’s responsibility to reasonably add all third-party markups and comments received; the DBT shall consolidate third-party comments into the CRS corresponding to each Buildable Unit and save on the ODOT Project SharePoint site. Any plan markups shall also be scanned by the DBT and included on SharePoint within the appropriate BUS folder.

All third-party review comments must be addressed. All third-party review comments shall be, initially, considered as a “Non-compliant” comment type, as identified below.

With ODOT’s concurrence, the DBT may subsequently identify comments as potentially a “Preference” or “Recommendation”. ODOT must concur with all Dismiss comments.

CRS General Process requirements:

Minimum requirements of the CRS along with information on content is included below. The DBT may modify format or include additional information with Department concurrence. An example CRS is attached.

Reviewer	
Comment ID No	Consecutive listing

Document	Submittals may include multiple components including plans, reports, calculations, etc. This column will list which item the comment is on.
Page	Page reference/location comment refers to
Comment type	<p>Either “Non-compliant”, “Preference”, or “Recommendation”.</p> <p>Non-compliant – elements that do not meet requirements of the Contract.</p> <p>Preference – elements which depict the owner’s preferred design method or result but are not required by the Contract.</p> <p>Recommendation – a general noted item intended to make the designer aware of potential troublesome design methods.</p>
Contract Section	If Comment Type is Non-compliant to the Contract, the reviewer shall include the Contract Document of the requirement that is non-compliant (for example, Scope Section 8.2, L&D Volume 1, BDM, etc)
Reviewer Note	A Reviewer Note is optional but is recommended to ensure the designer understands the intent to the comment made. Reviewer shall note if a Comment Resolution Meeting or discussion is desired.
Reviewer Agency	Representing Agency
Reviewer Name	Name of reviewer
<b>DBT Response</b>	
Resolution Code (Approve, Dismiss, or Resolve)	<p>Accept – DBT agrees with the comment and addressed the comments</p> <p>Dismiss – DBT disagrees with the comment based on comment no longer applying because the design has changed, reviewer error, or other reasons.</p> <p>Resolve – DBT needs additional clarification and/or coordination to address the comment accordingly. Comment may also reflect a change to the Contract Documents which will require additional discussion and direction by the Department due to the financial/schedule impacts.</p>
DBT Comment/Disposition	The DBT shall provide a more detailed response to the comment as necessary. Response shall note if a Comment Resolution Meeting or discussion is desired.
<b>Reviewer Response</b>	
Status	<p>Open – the submittal did not address the original comment made.</p> <p>Closed – the submittal or disposition addresses the original comment.</p> <p>The DBT shall schedule a comment resolution meeting with the Department to discuss any comments from previous submittals that remain “Open” according to the reviewer. The DBT and the Department will also discuss whether review comments are in conformance with the Contract Document requirements or preferential comments. For less substantial comments and as agreed by the Department and the DBT, a comment resolution conference call may be sufficient.</p>
Reviewer Name	Name of reviewer

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Date Closed	Date that the reviewer responded to the comment.
Comments	Provide a more detailed response clarifying why comment remains "Open" or other information

### **Document Management**

The DBT shall create and maintain a BUS Log sheet to facilitate submission tracking. The BUS Log shall identify the name of the Buildable Unit, brief description of the BUS, Interim Design submission date, Interim Submission review comments transmittal date, Final Submission date, Final Submission comments transmittal date, Released for Construction date, and a BUS Comments field. The BUS Comments field shall note any necessary resubmissions, dates of Comment Resolution meetings with noted submission stages, Over-the-Shoulder meeting dates resulting in design adjustments, or any other needed summarized data to help understand the BU submission process. The BUS Log Sheet may be modified as necessary to facilitate review. The BUS Log shall be maintained in the master project folder, or in a location mutual agreeable and accessible to the DBT and ODOT.

Each Buildable Unit shall have an "Interim", "Final", and "RFC" folder on the Department's Project SharePoint Site. All Design Documents (plans, calculations, reports, etc) submitted at each phase (Final, Interim, RFC) shall be uploaded by the DBT to the Project SharePoint Site. An updated CRS at each submittal shall be included in each folder with the latest including all comments "closed". Meeting minutes from comment resolution meetings or over-the-shoulder reviews shall be prepared by the DBT and also saved to SharePoint.

### **Optional Pre-submission Meeting**

The DBT may request a Pre-submission Meeting to be held prior to, or concurrent with, the submission of a buildable unit. The intention of the Pre-submission meeting is an opportunity for the DBT to explain design intent to facilitate owner review. Formal assembly and submittal of drawings or other documents will not be required, but the DBT is encouraged to provide informal submittals to facilitate reviews.

### **Optional Over-the-Shoulder Reviews**

The DBT or the Department may request "Over-The-Shoulder" (OTS) review of designs at any time in the design process. The OTS is an informal review of a partial design during development. This may include in-progress drawings, calculations, sketches, design concepts, proposed specifications, or any other document used or created during the design. They are to facilitate communication and the design process. These can be in the form of a phone call, meeting, correspondence, or any other means of information sharing between the DBT and the Department.

An Over-the-Shoulder review may be necessary to discuss direction on potential design changes. An OTS may be requested during any period in the design development. Appropriate third-party agencies, as well as the DBT and Department, may also participate in these meetings. The DBT or the Department may include the decision or direction given in an OTS within the applicable CRS submission.

The OTS reviews shall not replace the formal Interim and Final Review. Likewise, the Department may also request an OTS review during any stage of design to facilitate review or design development.