

NTTA Guiding Principles For Construction Manager Acceptance Decision Delegation

Authority of Engineer as specifically identified in the current edition of the TxDOT Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges, Item 5.1.

- 1) Engineering decisions will be delegated no lower than the "Project Engineer" in charge of a project or section, said "Project Engineer" must be a Registered Professional Engineer in the State of Texas.
- 2) Inspectors are limited to authority described in Item 5.7 in the current edition of the TxDOT Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges.
- 3) Where indicated in the current edition of the TxDOT Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges that the Engineer has approval of drawings, methods, etc. related to the design of elements of work involving safety of the public or workers, the Engineer will be the Design Engineer responsible for the element.
- 4) Exercising engineering judgment to accept material failing specifications requirements will be completed by an employee, or consultant to NTTA. Determinations as to whether a material failing to meet specification requirements and not within applicable tolerances should be accepted, or not accepted, shall be based on sound engineering principles, experience, and/or related results of applicable material tests.
- 5) All rationale for accepting material failing specifications shall be documented by the Engineer.

Engineering judgment to accept material or work failing specification requirements:

- 1) Engineering judgment to accept material or work failing specifications shall never be applied solely to promote "partnering" or to help out the contractor. The project quality will be regarded as the highest order of concern. Schedule is a secondary consideration with respect to quality delivery of the Project.
- 2) Engineering judgment to accept materials or work failing specification requirements will be applied only in cases where natural resources may be lost that will otherwise meet the intent of the design, (i.e. strength tests versus slump requirements), rejection of material endangers quality or loss of larger / more significant item (i.e. by rejecting load of concrete, structure element subject to a cold joint, reflective cracking, etc.) or some other issue that unduly threatens the overall quality/schedule of the project.
- 3) Failed results of material tests may be accepted only for individual tests. Patterns of failure will not be accepted.

- 4) The individual making the engineering judgment shall apply sound engineering practices to ensure quality of accepted material by making additional tests, through engineering analysis, etc. and will document his / her acceptance and justification.
- 5) Engineering judgment in acceptance of material or work not meeting specification requirements will be applied only to situations that are technically sound, in consideration of localized conditions. Engineering judgment will not be utilized to waive specification for conditions that have project wide implications. The acceptance of material or work not meeting specifications in one instance at a location will not become a corridor wide or project wide decision. Each situation will be judged on the merits of its unique characteristics.
- 6) It is understood by all parties that NTTA, TxDOT and FHWA commonly have oversight agreements in place that require specific documentation relating to nonconforming material that is allowed to remain in place. Any instance of the application of these Guiding Principles will be accompanied by appropriate documentation.
- 7) NTTA may, at any time, remove engineering judgment authority from the Construction Manager in specific circumstances.