

Special Provisions (SP) Instructions

General: Special Provisions are additions and revisions to the Standard Specs and Supplemental Specifications applicable to an individual project. Special Provisions will constitute Segment II of the Proposal.

The initial Standard Special Provisions (1-7) are the core of contract documents for construction. Special Provisions #1 references the specific project to the Standard Specifications for Airport Construction, 2003 Edition; the attached Supplemental Specifications; and the other attached Special Provisions.

Included in the referenced Standard Specs are the "General Requirements and Covenants", which contain the general conditions of the contract between the department and the contractor.

General Requirements and Covenants define the basic rights, responsibilities, and relationships of the entities involved in the execution of the contract. These conditions are an inherent part of the Department-Contractor Agreement and are considered to be the "general clauses" of the agreement. The language and provisions of these standard documents have been tested and interpreted by the courts and are well understood and familiar to those concerned. Any changes to the General Requirements and Covenants can be made by Special Provisions, however Bureau input should be obtained first.

To continue, the following Standard Special Provisions shall be included in every project:

- Standard Special Provision #2 - Scope of the Work;
- Standard Special Provision #3 - Prosecution and Progress;
- Standard Special Provision #4 - Notice of Other Contracts;
- Standard Special Provision #5 - Schedule of Operations;
- Standard Special Provision #6 – Pre-construction Conference;
- Standard Special Provision #7 - Payment to all Subcontractors;
- Standard Special Provision #8 - Apprentices (for all projects estimated to cost over \$50,000);
- Standard Special Provision #9 – Disadvantage Businesses Enterprise (DBE) (Federally Funded Projects).

Any changes to the contractor's insurance requirements from Section 70 of Standard Spec Book shall be made here.

Any changes, to the Standard Specs or Supplemental Specs will require a Special Provision and shall be consecutively numbered starting with Special Provision #10. A Special Provision will not be required for every bid item. Occasionally the Standard Spec will allow the specifier an option, for example various gradations are acceptable for P-401. A Special Provision for the gradation number 1, 2, 3, or 4 must be specified. The specifier should also download the Standard Specifications from the Internet and

do a word search for "Notes to the Specifier" to determine whether a Special Provision is required.

The Bureau of Aeronautics maintains a library of special provisions, which are commonly used in contracts. Thus they are called Standardized Special Provisions (STSP). The STSPs are available in the on the Internet within the proposal documents table.

The STSPs cover a wide range of subjects. Those who prepare special provisions should use STSPs as much as possible because they are already in the proper format and adequately address their subjects.

Non-standard bid items not identified in the Standard Specs or Supplemental Specs will require a Special Provision and a nonstandard bid item number. Assign an X prefix to the modified spec number. Contact BOA for further instructions.

The Bureau has adopted AASHTO's five-part specification format as follows:

- a. Description
- b. Materials
- c. Construction requirements
- d. Method of measurement
- e. Basis of payment

This format should generally be used for Special Provisions. It is very important to specify the method of measurement and the basis of payment since these two items control the contractor's assessment of actual costs in providing the item of work. When a bid item lumps multiple variable material quantities and multiple variable labor quantities, the contractor's risk increases proportionally with the number of variables. When contractor risk increases, so does the bid item cost. The more closely the basis of payment can be related to the actual cost incurred by the contractor, the more balanced the bid. Quantities of work that are easily defined and measurable will be more accurately recorded by both the engineer and the contractor personnel.

Procedure:

1. Fill-in the fields of the **special provisions** as appropriate.
2. Prepare necessary additions or revisions to the specifications. Note: (A Special Provision is not required for every bid item).
3. Number pages appropriately.
4. Include **special provisions** in the bound Proposal for all projects.