MONTANA
Department of Transportation

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December 28, 2021

Lucia Olivera
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ATTN: Gene Kaufman, Operations Engineer

Subject: MDT JOC Guidance Document

Lucia,

The Federal Highway Administration (FHWA) established Interim Final Ruling (IFR) for permanent use of Indefinite Delivery, Indefinite Quantity (ID/IQ) on November 16, 2020. FHWA allowed a 12-month transition period for State Agencies to develop policies and procedures for ID/IQ procurement while still operating under Special Experimental Project No. 14 (SEP 14) during the transition period. The Montana Department of Transportation is no longer operating under SEP-14 which was approved for MDT use in 2013.

Pursuant to 23 CFR 635 Subpart F, the Montana Department of Transportation (MDT) is hereby submitting written policies and procedures for ID/IQ procurement for review and approval by FHWA. These policies and procedures are identified as the MDT Job Order Contracting (JOC) Guidance Document. These procedures were developed by the MDT Engineering Construction Contracting Bureau in coordination with FHWA. This Guidance Document is intended as a living document and as necessary, will be updated periodically.

Your approval is requested to adopt these procedures. If you approve, please sign below and return to me. Upon your approval, MDT will officially adopt the Guidance Document and make available on our website.

X: Signature on File

Darin Reynolds, PE
MDT Engineering Construction Contracting Bureau Chief
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Approved: X: Signature on File
_____
Federal Highway Administration

Date: _____

copies: Dustin Rouse, MDT Engineering Division Administrator (acting)
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JOB ORDER CONTRACTING GUIDANCE DOCUMENT

Montana Department of Transportation

Abstract

The purpose of the Job Order Contracting Document is to establish the Montana Department of Transportation (MDT) process to implement a project delivery method that provides an indefinite quantity of services for a fixed time.

December 28, 2021

Alternative Contracting Section
Engineering Construction Contracting Bureau

1. PURPOSE

To establish the Montana Department of Transportation (MDT) process for procuring and administering the design, construction, and Construction Engineering and Inspection (CEI) services for Job Order Contracting (JOC).

AUTHORITY

In accordance with 23 CFR, the Indefinite Delivery and Indefinite Quantity (ID/IQ) project delivery method allows an owner to procure an indefinite quantity of services for a fixed time. ID/IQ differs from design-bid-build and design-build in that the scope of the work is generalized and indefinite at the time of solicitation and contract award. This method is used when a contracting agency anticipates a recurring need but has not determined, above a specified minimum, the precise quantities of services that it will require during the contract period. Contractors bid unit prices for estimated quantities of standard work items, and work orders are used to define the location and quantities for specific work. Job order contracting (JOC) is a form of ID/IQ contracting that uses a unit price book in the solicitation and the bidder's adjustment factors or multipliers to establish contract prices.

On November 16, 2020, FHWA published the ID/IQ Contracts for Federal-aid Construction Interim Final Rule and request for comments. This action allows States to use the ID/IQ method of contracting, including JOC, on Federal-aid highway projects, under certain circumstances, on a permanent basis. The Interim Final Rule also establishes a 12-month transition period for ID/IQ projects delivered under the Special Experimental Project Number 14 (SEP-14) authority of 23 U.S.C. 502(b)(2) and FHWA Notice N 5060.2. Per the Interim Final Rule, the Notice will expire on November 16, 2021.

SCOPE

This procedure affects all MDT Divisions, Bureaus, Sections and Districts associated with the design and construction of transportation projects or transportation-related facility projects.

BACKGROUND

The Montana Department of Transportation (MDT) has a need to rapidly respond to a variety of project types that were limited in scope, repetitive in nature, and had a minimal design component. Job order contracting (JOC) provides a way for MDT to deliver commonly encountered construction projects quickly and easily. JOC can reduce avoidable levels of engineering, design, contract procurement time, and construction project procurement costs by awarding long-term contracts for a wide variety of repair and construction projects.

With the passage of MAP-21 in 2012 the Department saw an increase to the available Traffic and Safety Funds. To help meet the needs of the Traffic and Safety Bureau, a Job Order Contracting process was developed. In May of 2013 MDT submitted a SEP -14 application to use Job Order Contracting on Federal Aid Projects.

ACRONYMS & ABBREVIATIONS

AASHTO	American Association of State Highway and Transportation Officials
ACE	Alternative Contracting Engineer
ADA	Americans with Disabilities Act
CEI	Construction Engineering and Inspection
CQR	Construction Quality Reporting
CPM	Critical Path Method
DBE	Disadvantaged Business Enterprise
DEQ	Department of Environmental Quality
DPM	Design Project Manager
ECCB	Engineering Construction Contracting Bureau
ECS	Engineering Contract Specialist
EPM	Engineering Project Manager
EOR	Engineer of Record
EPA	Environmental Protection Agency
ESAL	Equivalent Single Axle Load
FHWA	Federal Highway Administration
IA	Independent Quality Assurance
ITS	Intelligent Transportation Systems
JOC	Job Order Contracting
MOT	Maintenance of Traffic
MOA	Memorandum of Agreement
MCA	Montana Code Annotated
MDEQ	Montana Department of Environmental Quality
MDT	Montana Department of Transportation
MEPA	Montana Environmental Policy Act
MS4	Municipal Separate Storm Sewer System
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NHS	National Highway System
NTP	Notice to Proceed
O&M	Operations and Maintenance
PE	Preliminary Engineering
PSA	Project Specific Agreement
QA	Quality Assurance
QC	Quality Control
R/W	Right of Way
STIP	Statewide Transportation Improvement Plan
TERO	Tentative Construction Program
TCP	Tribal Employment Rights Ordinance
UA	Utility Agreement

2. DEFINITIONS

Job Order – A Job Order is the written authority to perform work in the Job Order Contract. The initial Job Order Contract is considered Job Order No. 1. As new job orders extending beyond the original contract work are initiated by change order, the new work will be assigned a subsequent Job Order, i.e., Job Order No. 2 (Change Order No. 1), Job Order No. 3 (Change Order No. 2), etc. A Job Order should be looked at as its own project. Each job order will have a set of plans, quantities, schedule to complete the work, project certifications, etc. – See section 6 for more information.

ID/IQ – The Indefinite Delivery and Indefinite Quantity (ID/IQ) project delivery method allows an owner to procure an indefinite quantity of services for a fixed time. This method is used when a contracting agency anticipates a recurring need but has not determined, above a specified minimum, the precise quantities of services that it will require during the contract period. Contractors bid unit prices for estimated quantities of standard work items, and work orders are used to define the location and quantities for specific work. (https://www.fhwa.dot.gov/construction/cqit/idiq.cfm)

JOC - Job Order Contracting is a form of ID/IQ contracting that uses a unit price book in the solicitation and the bidder's adjustment factors or multipliers to establish contract prices. MDT currently uses the term JOC interchangeably with ID/IQ. MDT does not currently establish a unit price book in project bidding documents.

Change Order – A change order will be executed to add additional Job Orders into the contract, provide administrative changes, contract time extensions, and/or additional work.

3. ROLES

Construction Reviewer – The Construction Reviewer role does not change with JOC projects. The Construction Reviewer is responsible for review and approval of Change Orders.

Design Project Manager (DPM) – The Design Project Manager is responsible for developing the plans, quantities, special provisions, and gathering all project certifications and necessary permits for Job Order #1 Design Package. DPMs may change with subsequent Job Orders.

Engineering Project Manager (EPM) – The Engineering Project Manager is responsible for administering the contract in the field. The EPM's role for JOC contracts should be no different than a standard Design-Bid-Build EPM role. The EPM is responsible for writing the Change Orders for the project. EPMs may change with subsequent Job Orders but must be coordinated with the EPM that is assigned the JOC contract. A subsequent Job Order must be change ordered by the original EPM and administered by the new EPM that is assigned to the subsequent Job Order.

Engineering Contract Specialist (ECS) – The Engineering Contract Specialist works under the Contract Administration Section Supervisor (CASS). The Engineering Contract Specialist role is responsible for writing fiscal modifications and assisting the EPM in Change Order drafts and reviews. ECS is responsible for sending modification request to Fiscal Programming for subsequent Job Orders once all necessary

certifications have been received.

Alternative Contracting Engineer (ACE) – The Alternative Contracting Engineer is responsible for program development, updating guidance, tracking status of JOC contracts and extensions, and general facilitation of the JOC process.

Program Manager – The Program Manager is responsible for assigning a DPM to the JOC project, identifying new Job Orders, and managing the JOC funding. (Examples include Bridge Engineer, Traffic and Safety Engineer, etc.) Program Managers are responsible for coordinating with Districts to secure adequate funding in the TCP for current and future JOC activities.

Project Analysis Manager – The Project Analysis Manager is responsible for entering the JOC project in PPMS, obtaining Commission Approval and STIP approval, and sending the programming request to Fiscal Programming.

4. APPLICABLE CODE OF FEDERAL REGULATIONS (CFR) RULINGS FOR JOC

Section 635 Subpart F – Indefinite Delivery/Indefinite Quantity (ID/IQ) Contracting applies to JOC contracts. The following notes highlight important rules to section 635 Subpart F. For more information on the specific rulings, click on the codes hyperlinked below.

635.601 Purpose
635.602 Definitions
635.603 Applicability

- Applies to Federal-aid construction projects. Does not apply to engineering and design service contracts and Federal Lands Highway contracts.
- Does not set a cap on ID/IQ project cost.

635.604 ID/IQ Requirements

- Total contract durations may not exceed 5 years, including optional extensions. Optional extensions may not exceed the duration of the initial ID/IQ contract. Optional extensions require Division Administrator approval.
- Price escalation and adjustment is permitted. See section 6.4 Letting and Award for more information on price escalation.
- Liquidated Damage rates apply to the Job Order cost.
- Solicitations must:
    - Specify the contract period, number, and duration of optional extensions
    - Specify basis and procedure for adjusting prices for optional extensions. – Negotiated price adjustments for optional extensions are not eligible for Federal participation.
    - Specify estimated minimum and maximum quantities for services to be acquired under the contract.
    - State the procedures used to issue work orders.
    - Include unit price book or similar document in both the solicitation and contract.
    - Include price adjustments in the unit price book. Price escalation methods may be

included in multi-year contracts.

- DBE goal setting and attainment may be applied to entire ID/IQ contract, or each work order, or both at State's option.

635.605 Approvals and Authorizations

- ID/IQ solicitations and awards may occur prior to completing NEPA. Funds for final design and construction may not be obligated until NEPA is completed. Division Administrator approval is required for solicitations and awards prior to NEPA process completion.
- Amounts obligated for final design or construction may not exceed the amount estimated to be needed for work that has been covered in completed NEPA reviews.
- No authorization to proceed or formal project agreement for final design or construction for work until NEPA process is completed for said work.
- Formal project agreement for final design or construction may be amended as additional work locations identified and NEPA process completed for those locations.

635.606 Procedures

- FHWA approvals for JOC projects and procedures follow our standard MDT Design-Bid-Build project procedures. Approvals are needed for solicitations, work item descriptions and specifications, advisement, award, Job Orders, Change Orders, Contract extensions, etc. See CFR 635.606 hyperlink for full list of specific approvals.

5. TYPES OF CURRENT JOB ORDER CONTRACTING SERVICES

Migratory Bird Treaty Act (MBTA) – This work involves tree and shrub clearing, removal, and disposal to comply with the Migratory Bird Treaty Act (MBTA), including all associated preparation and traffic control as listed in each Job Order. The tree and shrub clearing, removal, and disposal may be located adjacent to NHS Interstate, NHS Non-Interstate, State Highways, Primary, Secondary, County, Urban, and City routes. Job orders may range from small projects of less than one-half acre in size to greater than 5+ acres. Tree/shrub clearing, removal, disposal requirements may involve State, Federal, Local Government/Agency, and private landowner coordination. Specific requirements will be listed with each job order.

Tree and brush clearing is work identified and removed from one or more existing project(s) that have already initiated and/or completed the NEPA process. MBTA JOCs are usually utilized when project's NTP date is anticipated to occur between April 15th and August 15th.

Bridge Preservation – This work involves a mix of Class A bridge deck repair, Class B bridge deck repair, and/or a bridge deck crack seal and thin lift polymer overlay system on various bridge decks on the Bridge Deck Treatments. Individual bridge decks may involve only one of the repair items or multiple items in any combination (Class A, Class B, deck seal, polymer overlay). The bridges may be located Federal Aid eligible routes in Montana as defined in the CFR.

Timber Piling Preservation (Statewide) – The work involves the repair of deteriorated timber piles on various bridges, including all associated preparation and traffic control as listed in each Job Order. Individual pile repairs involve jacketing the compromised section of pile with Fiber Reinforced Polymer (FRP) wrap and filling the annular space with a low viscosity epoxy resin. The work may also involve light hand excavation of the ground around the piles and removing and reinstalling existing lateral

bracing between piles. Individual piles may be in dry or in standing or running water. The bridges may be located Federal Aid eligible routes in Montana as defined in the CFR.

Highway Safety Improvement Program (HSIP) – This work includes the installation of signs, delineation, solar flashers, and traffic control as listed in each Job Order. These sites may be located Federal Aid eligible routes in Montana as defined in the CFR.

Fencing – This work includes installation of standard MDT right-of-way fencing, wildlife fencing, jump outs, fence panels, gates, and cattle guards. These sites may be located Federal Aid eligible routes in Montana as defined in the CFR.

Example Projects – Projects are advertised, bid, and awarded in a similar fashion as Design-Bid-Build projects. Example JOC contracts can be found on MDT's awarded bid packages website.

6. DEVELOPMENT OF A JOB ORDER CONTRACT

Overview of JOC Process

An initial project with a defined scope of work is nominated as a JOC project and considered to be Job Order #1. JOC should be utilized when there is a need for reoccurring work of the same work type. It is ideal to have at least two future work needs (Job Orders) identified when scoping Job Order #1. Once the project has been nominated and designed, the project will be let through MDT's standard letting and award process. Contractors will bid unit prices for work items included in the contract and the unit pricing will be utilized for subsequent Job Orders. Once awarded the project, the contractor is guaranteed construction of Job Order #1 which is the guaranteed minimum amount of work. Unit pricing for subsequent Job Orders will be utilized unless the bid package specifies unit price escalation procedures. The work associated with Job Order #1 and subsequent Job Orders will be constructed per MDT's standard construction procedures. MDT utilizes a specified contract duration with an optional contract extension. The project will be closed out per MDT's standard project close out procedures.

The following subsections detail the planning, preconstruction, and construction process for JOC contracts. A JOC flowchart can be found in Attachment A.

6.1 Project Nomination

The Program Manager, DPM, District Preconstruction Engineer, Alternative Contracting Engineer, and the Project Analysis Manager in the planning division meet to define goals, objectives, and schedule. Once work needs are identified the Alternative Contracting Engineer in conjunction with the appropriate Functional Managers and District staff will investigate the work to be accomplished, the availability of information and documents concerning the site, the existing conditions (e.g., as built drawings), the availability of information documents concerning the proposed work (drawings, sketches, etc.), and will review items to be discussed at the Project Review Meeting.

Once the project scope for Job Order #1 and potential subsequent Job Orders are identified. The Program Manager will be responsible for sending the information for project nomination to the Project Analysis Manger.

6.2 Planning/Programming

The Project Analysis Manager will be responsible for entering the JOC project in PPMS, obtaining Commission Approval and STIP approval, and sending the programming request to Fiscal Programming. Fiscal Programming is responsible for obtaining FHWA authorization for Preliminary Engineering (PE). The initial planning/programming process for JOC projects is the same process MDT utilizes for standard Design-Bid-Build projects.

6.3 Design Development

The JOC design process for the initial Job Order and subsequent Job Orders generally follows MDT's standard process for plan development. Plans, Special Provisions, Engineer's estimate, and Project Certifications are required for advertisement. The DPM is responsible for plan development and delivery. Plans packages for Job Order #1 and subsequent Job Orders should contain project Plans, site specific Specials, Quantities, and an Estimate.

Following this preliminary investigation and FHWA authorization for PE, the Program Manager will prepare a Preliminary Field Review (PFR) report as necessary for the project. Preliminary Field Review will be conducted to establish the basic design parameters and compile background information for the proposed work. The PFR will outline the scope of work for the project, including proposed project limits and potential future work types that may be needed at locations in future JOCs under this contract. It is important to identify future work that may include items that are not in this original JOC scope, these items will be included in the competitive bid to establish competitive unit pricing for future use.

The DPM is responsible for obtaining all project certifications. Project certifications include Railroad & Utility Certification, Environmental Certification, and Right-of-Way Certification. The Environmental Certification will be issued by the Environmental Engineering Section Supervisor once the NEPA process is complete and all necessary permits have been obtained. The Right-of-Way certification will be requested from the DPM to the Right-of-Way Bureau Chief once the Environmental Certification has been issued. For most Job Orders, the Right-of -Way certification will indicate that there is no Right-of-Way Involvement. In some cases, Temporary Construction Easements or other Right-Of-Way involvement may be necessary to complete the work.

The DPM is responsible for compiling a preliminary list of special provisions to be sent to ECCB with the design package. JOC specific special provisions have been developed and should be utilized. ECCB Contract Specialists will coordinate the need for additional special provisions prior to advertisement.

The DPM is responsible for developing a preliminary estimate. Standard Design-Bid-Build bid items should be utilized for Job Order Contracts. Specific JOCXXX bid items were created for past projects but should not be utilized for future JOCs. If new bid items need to be created for the JOC, contact the ECCB Bureau Chief to develop new bid items.

6.4 Letting and Award

MDT's standard Letting and Award process applies to JOC contracts. Project obligation is the responsibility of ECCB and occurs during the standard letting and award process. Obligation for JOC projects is equal to the Engineer's estimate for Job Order #1. Subsequent Job Orders are not included in the initial project obligation and require individual project modifications by Fiscal Programming prior to approval of subsequent Job Orders under the contract.

The Contractor will bid Unit Costs for a list of items in the bid documents. Award is based on the Low Bid. MDT calculates the low bid by multiplying the unit cost by the quantities associated with Job Order #1. If anticipated subsequent Job Orders would require bid items that are not required for completion of Job Order #1, those bid items and future bid items with associated preliminary quantities need to be identified and included in the bid files for Job Order #1 so the Contractors can bid the items and secure competitive unit pricing for subsequent Job Orders. Bid items that are added once the contract has been awarded must be similar to the contracts work type and generally leads to higher unit pricing because the price is negotiated and not competitively bid. Unit pricing that is negotiated after contract award is not eligible for Federal Funding.

Unit pricing is established in a unit price table that will be documented in the contract. Unit Price escalation is allowable for contracts extending 1-year in duration. Escalation unit price adjustment procedures must be identified in the project advertisement. All escalation adjustment methods must be reasonable, and justification must be documented. Escalation methods should account for US Department of Labor (USDOL) wage determination rate changes. Commodity price adjustments covered in MDT's Standard Specifications cannot be subject to adjustment and escalation. For example, if an escalation percentage is applied to bid items that would be subject to fuel and steel adjustments, a special provision must be written to rescind Steel and Fuel price adjustment specifications from the contract.

The Contractors will have a Guaranteed Minimum amount of work. MDT uses the quantities associated with Job Order #1 as a guaranteed minimum. It can be beneficial to identify future Job Orders with associated preliminary quantities to give Contractor's an idea that future Job Orders will likely be included in the Contract. These preliminary quantities that do not differ from bid items in Job Order #1, will not be included in the bid. Identifying future Job Orders can lead to lower unit pricing.

The DPM and ACE are responsible for coordinating with Contract Technicians in ECCB when the contract is being developed.

Note: For MBTA JOC Projects, it is important to target a letting date in January or February to allow time for issuance of Contractor NTP and time to perform the work prior to the April 15th MBTA deadline.

6.5 Contract Administration

An EPM will be assigned to the project in the planning stages of project development. A mandatory Preconstruction Conference and Partnering Meeting will be scheduled by the EPM with the Contractor after the NTP has been issued. The EPM will administer the JOC project like a standard Design-Bid-Build project. For subsequent Job Orders, unit pricing will apply to the scope of the Job Orders unless unit price escalation procedures have been identified in the bidding documents. Mobilization will be calculated per the JOC specific contract special provision and will not be negotiated. Liquidated damage rates will be calculated based off each Job Orders cost, and not the total contract cost.

6.6 Contract Extensions

An Alternative Contracting Engineer will track the status of JOC contracts via the monthly status review meeting for alternative contracting projects. When a JOC project is reaching the end of its original

contract time, the Alternative Contracting Engineer will notify the DPM, EPM, and Program Manager, who can decide to close the project out or exercise the optional contract extension if work is planned to be delivered through the JOC contract. JOC contracts can be extended if work is not currently planned.

JOC contracts must not exceed 5 years in duration, including contract extensions. MDT has typically set up 2-year initial contracts with an optional 1-year contract extension. The optional contact extension duration must not exceed the initial contract duration. Multiple contract extensions can be utilized. Examples of allowable contract durations include 1-year initial and four optional 1-year extensions, 3-year initial and 2-year contract extension, 2-year initial and 2-year optional contract extension. An example of a contract duration that would not be allowed is a 1-year initial contract with a 2-year optional contract extension.

A contract extension will require a contract time Change Order. The EPM should check in with the Contractor prior to writing the change order to make sure the contractor is interested in extending the contract. Once the Contractor, EPM, DPM, Alternative Contracting Engineer, and Program Manager agree to extending the contract, the EPM will write the Change Order to execute the contract time extension.

All executed contract extensions must include the most recent US Department of Labor (USDOL) contract wage determination rates. Procedures for updating wage rates can be found in section 6.8.

6.7 Initiating Job Orders

The following steps should be used as a guide when initiating subsequent Job Orders to be included in the JOC Contract. A Job Order should be thought of as change ordering an entire new project into an existing contract.

1. Design Project Manager (DPM) check in with Project Analysis Manager and Program Manager to ensure funding is available for the proposed Job Order.

2. DPM provides justification and information to the EPM and DCE for proposed work in the Job Order.

3. The DCE and EPM approves or rejects the proposed addition to the JOC. If the Job Order is not approved by the any of the project team members (Program Manager, DCE, EPM, Contractor), contact the Alternative Contracting Engineer for potential options. Some of the next steps could be to develop another JOC project for nomination, design, and letting or develop plans, specs, and estimate for a standalone Design-Bid-Build project. The Alternative Contracting Engineer will work with the Engineering Construction Contracting Bureau Chief, Program Manager, DPM, and District to determine the best delivery method for the work.

4. EPM contacts the Contractor regarding the upcoming Job Order with available project information and schedule requirements. The Contractor is not required to complete any subsequent Job Orders.

5. Contact the Program Manager to determine if a Preliminary Engineering (PE) modification is necessary to complete the engineering work related to the Job Order. If a PE modification is determined to be necessary, it could be completed under the following two scenarios:

- PE mod under the JOC UPN to cover MDT engineering costs. The DPM for the Job Order will be responsible for requesting the PE modification
- PE mod under a parent project's UPN to cover MDT or Consultant engineering costs. This scenario usually applies to MBTA projects where work is being removed from a parent project and delivered through a JOC. The DPM for the parent project will be responsible for requesting the PE modification.

Coordinate with the Project Analysis Manager to begin the PE modification process in the form of a Project Change Request. FHWA authorization of the PE mod needs to be received prior to beginning the next steps in Job Order development.

6. DPM sends Environmental Services Bureau Project Development Engineer written scoping information including proposed work types, locations, and quantities. If requested by Environmental Services, the DPM will schedule a meeting with Environmental District Project Engineer (DPE) and other Environmental areas impacted by the Job Order to determine Environmental efforts necessary to complete the Environmental Document, permitting, and environmental certification for the Job Order.

7. The DPM must secure Job Order Certifications from the following functional areas:

   - Railroad/Utilities Section for the Utility & Railroad Certification.
   - Environmental Services Bureau for the Environmental Certification.
   - Right-of-Way Bureau for the R/W Certification.

   The Certifications should be requested with a 14-day deadline. Include in the request the following information:

   In the certification request, include the UPN, Project ID, Project Description of the JOC, and a description of the scope of work that will be change ordered into the JOC. If the work is in the scope of an existing project and is being transferred from that project to the JOC, also include the UPN, Project ID, and Project Description of the parent project.

   DPM receives and sends Certifications to the EPM, CAS Section Supervisor, ECCB Bureau Chief, and the DCE.

8. The DPM, EPM, ACE, and ECCB Contract Specialist meet to review the special provisions, establish contract time, and other Job Order specific items required in the contract.

9. DPM conducts field work as needed or delegates field work to draft the Change Order for the new Job Order. The DPM will be responsible for coordinating work locations and preliminary quantities with the EPM.

10. The Design Project Manager contacts the Supervisor in the Construction Administration Services (CAS) Section to request a new funding category to be added to provide a funding source. This information will be entered into AASHTOWARE for payment and tracking.

11. DPM sends email to CAS requesting a Modification to be sent to Fiscal Programming.

12. CAS reviews the total contract amount including original contract and all change orders. CAS will verify the current insurance policies on file cover the total contract amount including all change orders.

13. CAS develops modification and sends it to Fiscal Programming. Fiscal Programming sends modification to FHWA for approval.

    The funding source for all subsequent Job Orders will be from the same funding source as Job Order #1. For Example, a project that is let after April 15th may have a need to utilize a JOC to clear trees prior to being let to comply with the MBTA special provision. The work that is removed from the parent project does not fund the MBTA Job Order.

6.8 Change Ordering a Job Order

The following steps should be used as a guide when change ordering subsequent Job Orders into a JOC. A Job Order should be thought of as change ordering an entire new project into an existing contract.

1. EPM conducts field work as needed to draft the Change Order for the new Job Order.
   - Note: Liquidated Damages (LD) applies to the Job Order cost. LD rates may need to be adjusted in AASHTOWare. Mobilization will be calculated per the project's special provision on mobilization calculation.

2. If a change order is being executed for an optional contract extension, EPM contacts Contractor Compliance Specialist in the Construction Engineering Services Bureau to request current USDOL labor rates. Current rates will be documented in the Change Order.

3. EPM sends draft change order out for review, and forwards a copy to the following:
   - DPM
   - Engineering Construction Contracting Bureau Chief
   - Construction Engineering Services Bureau Chief
   - CAS Section Supervisor

4. EPM confirms with CAS that Modification has been approved by FHWA. The change order cannot be sent out for approval until FHWA has approved the modification.

5. After the Change Order is executed, the new Job Order will be administered in accordance with the Contract.

6. EPM sets up a mandatory meeting with Contractor to coordinate construction of the new Job Order.

6.9 Project Closeout

JOC projects will be set up in AASHTOWare with an end date that is equal to the end of the original contract date. Near the contract end date, the ACE will notify the EPM, DPM, and Program Manager of

the upcoming contract expiration. If MDT is interested in extending the contract, the EPM will contact the Contractor to determine if they are interested in extending the contract per the contract time special provision. A change order to extend the contract end date should be processed if the contractor and MDT are both interested in extending the contract.

If the contractor is not actively working on a Job Order, JOC contracts will be closed out once the optional contract extension has expired. Job Orders where construction activities extend past the extension period will be closed out upon Job Order completion. JOC contracts will be closed out per normal MDT project closeout procedures.

7. Attachments

i. Job Order Contracting Process Flow Chart

Attachment A

Job Order Contracting Process Flow Chart

