

Memorandum

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To: DEPUTY DISTRICT DIRECTORS, Construction
DEPUTY DIVISION CHIEFS, Structure Construction
CONSTRUCTION MANAGERS
SENIOR CONSTRUCTION ENGINEERS
RESIDENT ENGINEERS

Date: March 4, 2014

File: Division of Construction
CPD 14-1

From: MARK LEJA, Chief
Division of Construction



Subject: Water Conservation

Governor Brown issued a State of Emergency declaration on January 17, 2014 because of the current drought in California. The declaration calls on all Californians to reduce water use by 20 percent and requires all state agencies to implement water use reduction plans. Contractors may be required to reduce water usage or to find a new source of water if it becomes unavailable because of the drought. This directive provides guidance for conserving water on construction projects and explains what to do in the event of rationing or unavailability of water.

Contractors may use dust palliative to reduce the amount of water required to control dust. The requirements for dust palliative are described in Section 18, "Dust Palliative," of the *Standard Specifications*. Before allowing the use of dust palliatives, ensure that the Regional Water Quality Control Board allows the type of dust palliative chosen by the contractor from those listed in Section 18.

Contractors may choose to change from a domestic water source to a non-potable water source during a project to conserve domestic water. Non-potable water must be either recycled water or non-potable water developed from other sources. Requirements for using non-potable and recycled water are described in Section 17, "Watering," of the *Standard Specifications*.

Caltrans will encourage and support water conservation by contractors who choose to use dust palliative instead of water for dust control or to switch from a domestic water source to a non-potable water source during a project. Caltrans' support of water conservation includes splitting with the contractor the cost difference of using these alternatives. Determine the cost difference of using dust palliative or non-potable water and what portion of the cost difference Caltrans will participate in based on available contingency funds. Additional costs to consider are development costs for non-potable water and additional water hauling costs. Implement the water conservation measures by using a contractor-requested change order.

There should be no contract time extension for implementing the contractor-requested change order. A sample change order memorandum, sample change order, and a Federal Highway Administration (FHWA) blanket prior approval for changing water source or using dust palliative are attached to this directive.

This directive serves as delegation of authority from the Division of Construction and approval from the FHWA for this change order, except when any of the following apply to the change order:

- The language is altered.
- The total absolute value exceeds \$200,000.

Refer to Section 5-311A, “Division of Construction Approval,” of the *Construction Manual* for more information on the Division of Construction’s approval of change orders and Section 5-308, “Federal Highway Administration Change Order Requirements,” for additional FHWA requirements for high-profile projects.

If water is rationed or becomes unavailable during construction, Section 17, “Watering,” of the *Standard Specifications* states that it should be considered a material shortage. Material shortage is defined under Section 1-1.07 “Definitions” of the *Standard Specifications*. Require that the contractor provide documentation, from the agency providing water to the contractor, of water rationing or unavailability to determine if a material shortage exists before granting nonworking days. Refer to Section 3-806B, “Material Shortage,” of the *Construction Manual* for more information on material shortages.

For additional information or assistance, please contact Chuck Suszko, Division of Construction, at chuck.suszko@dot.ca.gov or (916) 798-6029.

- Attachments:
1. Sample Contract Change Order Memorandum—Dust Palliative
 2. Sample Contract Change Order—Dust Palliative
 3. Sample Contract Change Order Memorandum—Water Source
 4. Sample Contract Change Order—Water Source
 5. FHWA Form CA-358(c), “Record of Blanket Prior Approval for Major Contract Change Order”