Background

Successful emergency force account and emergency limited bid project delivery requires the cooperation of the Divisions of Maintenance (Maintenance), Procurement and Contracts, and Construction. Maintenance assesses damage, defines project scope, and estimates the cost to deliver emergency force account and emergency limited bid contracts.

During the assessment of damage and repair, Maintenance should receive adequate input from district construction in scoping and estimating the work. The California Transportation Commission closely monitors emergency contracts, especially those with over-expenditures. District construction input is intended to improve accuracy of the estimate and decrease the number and amounts of supplemental funds requests.

Existing Procedure

The district performs contractor selection for emergency force account after a director’s order is approved. The district chooses the contractor based on several factors, including their ability, proximity to the damage, and willingness to mobilize quickly. The Maintenance intranet site, “Emergency Contractor Registry,” and Caltrans’ “Business” internet site, “Contractor’s Interest Registry,” include prospective contractors for various types of emergency force account work. Emergency limited bid bidders are selected by invitation with the winning bidder determined on the basis of lowest proposed markups.

When an emergency force account or emergency limited bid contract is awarded, work begins immediately before contract execution under a confirmation of verbal agreement. The Division of Procurement and Contracts prepares and approves the contract shortly after confirmation of verbal
agreement is approved. District construction administers the confirmation of verbal agreement and the contract for emergency force account or emergency limited bid.

In Section 5-502, “Emergency Force Account Contracts,” of the Construction Manual, form ADM-0366, “Confirmation of Verbal Agreement Other than for Equipment Rental,” allows the contractor to begin work with verbal approval before contract execution. The form obligates the contractor to enter into a service contract with Caltrans.

Emergency force account and emergency limited bid contracts cannot exceed the approved director’s order amount according to Deputy Directive DD-26-R2. Section 5-203, “Obtaining Additional Funds,” of the Construction Manual requires signatures for recommending approval before Division of Budgets processes resolution G-11 additional funds requests. The Division of Budgets will send a notice to the resident engineer when additional funds are available.

New Procedure

District construction takes an active role in assisting Maintenance in scoping and estimating emergency force account and emergency limited bid contract projects. Guidelines titled EFA & ELB Desk Guide are available to aid construction staff in this new role on the Division of Construction, Office of Contract Administration’s intranet site:

http://projdel.dot.ca.gov/construction/contractmanagement/cmpage.htm

If district construction staff are not reachable and public safety demands an immediate response, Maintenance may act immediately without district construction’s input.

District construction takes the lead on contractor selection for emergency force account work. After contractor selection, execution of ADM-0366 allows the contractor to start work and obligates the selected contractor to enter into a construction contract with Caltrans. The title of form ADM-0366 has been revised to “Confirmation of Verbal Agreement for Rates and Conditions on Emergency Force Account Highway Projects.” This form no longer applies to service contracts.

During administration of an emergency force account or emergency limited bid contract, the resident engineer must ensure that the cost of work performed by the prime contractor and all subcontractors does not exceed available funding. The resident engineer authorizes only work within the general scope of the damage assessment form (USDOT/FHWA DAF) and forecasts expenditure of available funds to ensure work performed does not exceed funding of the director’s order and any approved supplemental director’s orders. A new form, MTC-0130, “Director’s Order Request—Funds Request,” must be approved in advance of any overrun of contract funds. This form has been developed to handle approval of supplemental director’s orders and additional funds requests simultaneously.

During the progress of emergency force account or emergency limited bid contract work, proper staffing levels must be maintained for effective contract administration. The resident engineer documents contractor production efficiency that district construction management considers before making future contractor selections. In addition, district construction should provide lists of potential bidders to district maintenance for future emergency limited bid contracts.
Payment for all emergency contracts estimated at greater than the minor B contract limit in construction cost go through the Contract Administration System (CAS). For project monitoring, CAS provides a record of contract progress. Minor B contracts must have an expenditure authorization ending in “5” in accordance with the Division of Accounting’s Accounting Manual. Do not put phase 5 contract expenditure authorizations into CAS. Receiving records are used to compensate emergency force account and emergency limited bid contract work for minor B contracts. The existing procedure for use of receiving records (form FA-1226A) remains the same.

Division of Construction, Office of Contract Administration’s webpage includes two new links to emergency contracting information, “Emergency Contracting (DPAC)”:

http://admin.dot.ca.gov/pc

and “Emergency Contracting (Maintenance)”

http://onramp.dot.ca.gov/hq/maint/orway/ha23/index.htm

The Division of Procurement and Contracts intranet site contains updated forms ADM-0366 and emergency contract processing guidelines. The Maintenance intranet website contains updated information about director’s orders, supplemental director’s orders, supplemental funds requests, damage assessment forms, and boilerplate state and federal emergency force account and emergency limited bid contracts.

If you have questions please contact Perry Mayer, Division of Construction, at (916) 653-2032.