

Contract Provisions

Just the Basics

What are Contract Provisions?

Why Do You Care?

What is a Contract Provision?

Legally binds someone to do something.

Why Care?

Tool for ensuring follow-through
on resource protection measures.

Contract Provisions

Just the Basics

Contract Provisions

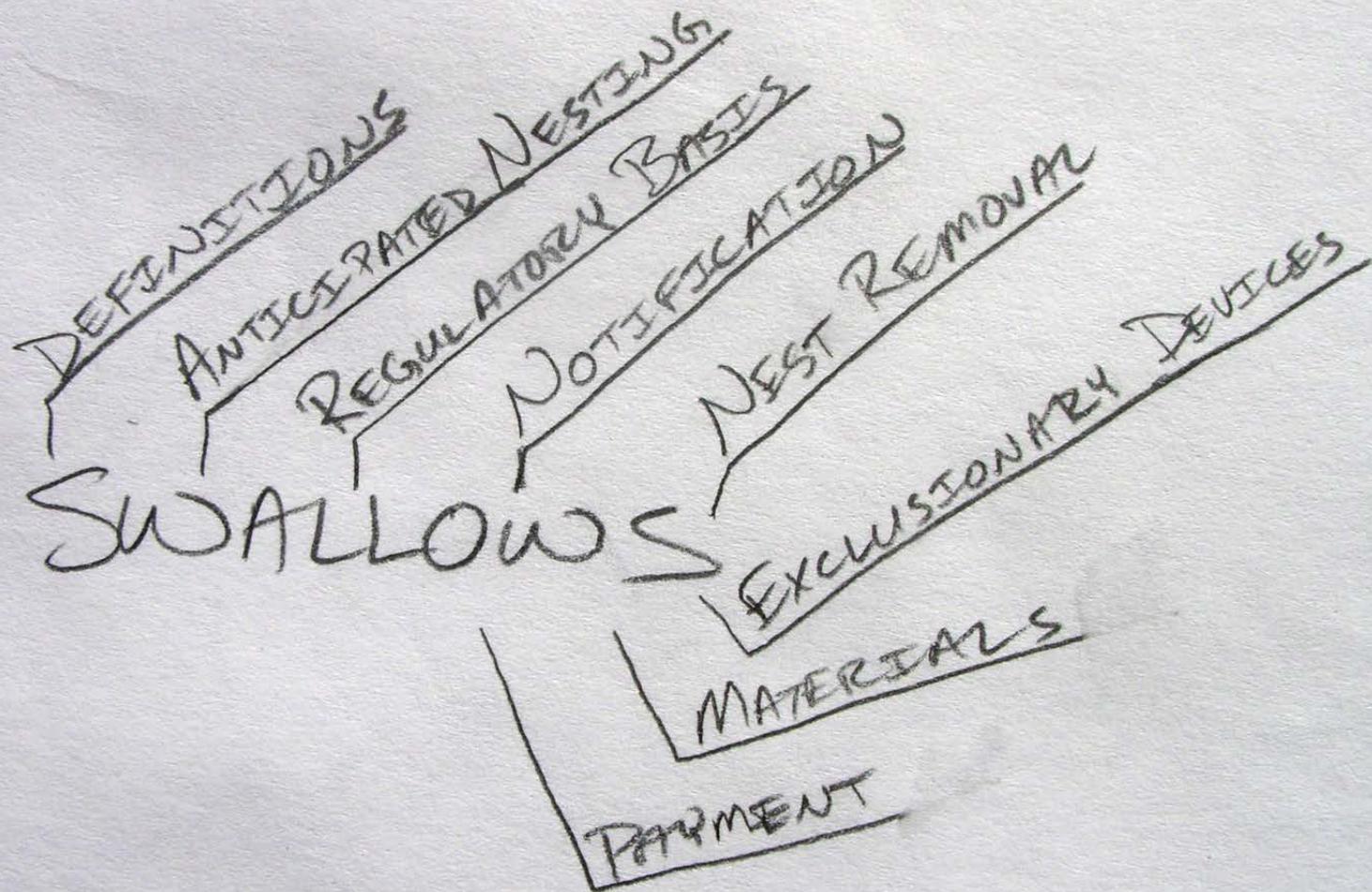
- Non-Standard Special Provisions (NSSP) to Standard Special Provisions (SSP) Conversion
- Lessons Learned

SSP Conversion

- Organized NSSPs (60 of them)
 - Identified component ideas
 - Mapped relationships
 - Made logical groups

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DESERT TORTOISES

SPECIES ENCOUNTER
Work stoppage
Control activities
Prohibition of
Activities & transportation
Presence of birds or representative

DEFINITIONS
"Construction Activity"
"Take"

WORK AREA RESTRICTIONS

ANTICIPATED HABITAT
LOCATION

NOTIFICATION
Prior to construction
Prior to resumption of construction
Prior to initial work activities (to request "take")
Prior to use of new crew members

REGULATORY BASIS
FESA
CESA

NOXIOUS WEEDS
Removal from equipment
Inspection of equipment

ORDER OF WORK
Pre-constr. survey & clearing & Grubbing

PAYMENT
Time Extension
No additional compensation

ESA
Accession
Prohibition of New Access Points
Spraying of Herbicides & Control Weeds

ORDER OF WORK
PROHIBITION OF PETS
PROHIBITION OF FIREARMS

LITTER CONTROL PROGRAM
Container specifications
Container placement
Timing of service
Monitoring debris-disposal
Timing of commencement
Disposition of construction refuse

FENCE (DESERT TORTOISE)
Timing of installation
Monitor
Location
Materials
View requirements
Design specifications
Hole backfill
Inspection, Maintenance, Repair

FENCE
Timing of installation
Monitor

ENVIRONMENTAL TRAINING PROGRAM
Responsible party
Attendees
Subjects
Affidavit (prior to completion)
Length
Timing

PRE-CONSTRUCTION SURVEY
Timing
Surveyor qualifications
Work stoppage
Notification
Compliance Approval (valid?)

TRAINING
(2000)

(DT)

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- Species Protection
- Natural Resource Protection Plan
- Contractor-Supplied Biologist
- Biological Resource Information Program
- Exclusion of Animals from Structures
- Salmonid Protection
- Temporary Wetland Protection
- Biological Monitoring Area

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Lessons Learned

- Identify Goals
- Organize
- Complete Information
- Write to the Contractor

Identify Goals

- What's the purpose?
- Limit the scope
- Don't repeat "Desert Tortoise"

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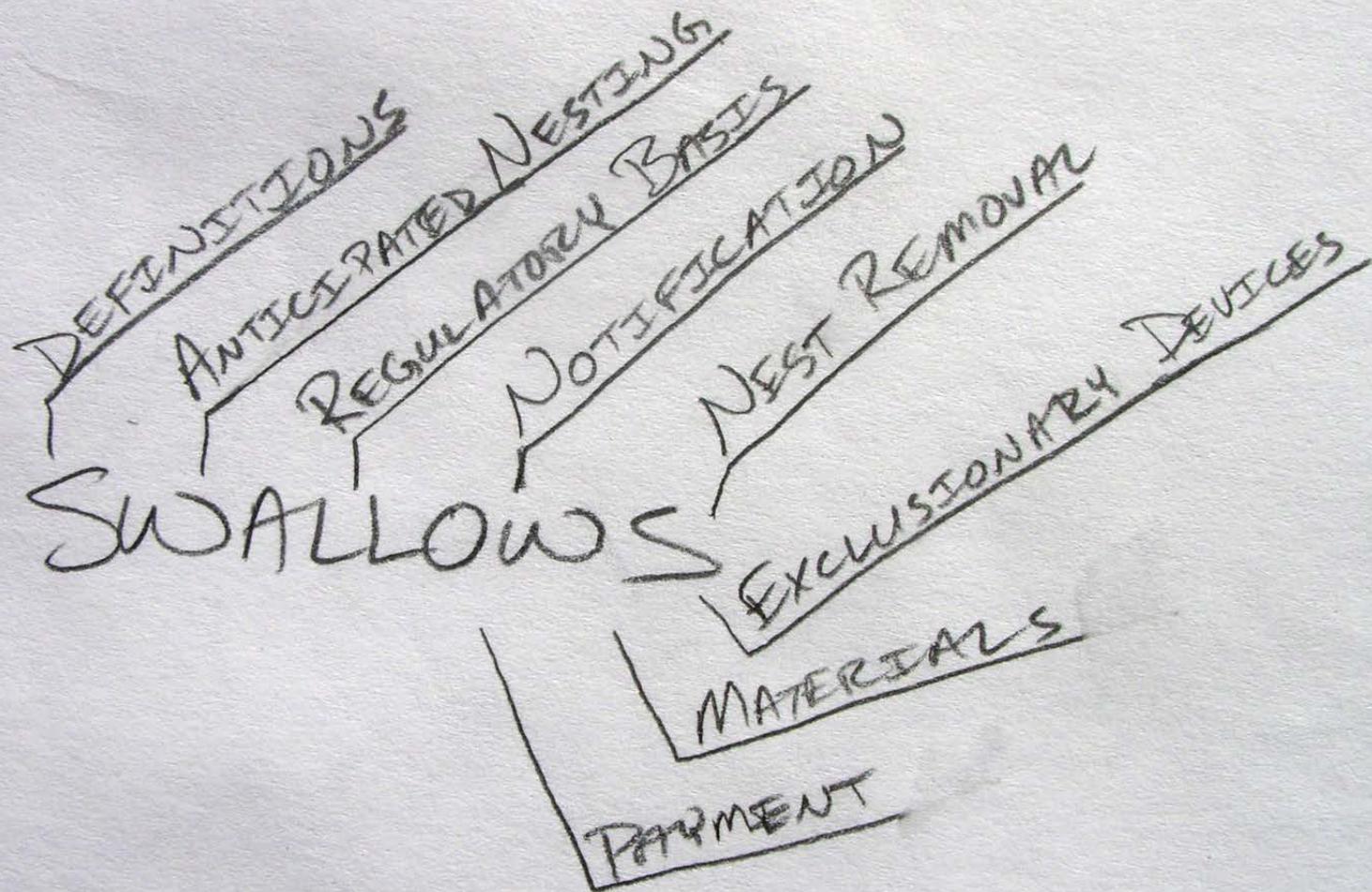
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Organize

- “Mind Map”
- Outline



Complete Information

- Identify information gaps
- Biddable, Buildable, Enforceable
 - What must the Contractor do?
 - When must the Contractor do it?
 - If building something, with what materials?
 - Must the Contractor maintain it?
 - How will you pay the Contractor?

Write to the Contractor

- Imperative mood
- Language a Contractor understands
- Direct, concise

Conclusions

- Know your goals
- Organize your ideas
- Ensure complete information
- Write clearly

Thank You!

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