



2-18.1 Authority of the Engineer

The term "engineer" as defined in the standard specs refers to the Secretary of the Department of Transportation or the secretary's authorized representative limited by the particular duties assigned to the representative. Of greater interest to project staff are the duties and responsibilities assigned to the engineer. While the specific duties and responsibilities may vary somewhat depending on the type of contract and region organization, the following general statements outline the engineer's role.

The statements also apply to negotiated agreements (local force accounts) where a municipality (county or other local unit of government) is performing the construction work on their own system. The term "contract" as used in this subject also applies to the negotiated "agreement", and the term "contractor" also applies to the municipality.

In general, the engineer is in "responsible charge" of the contract, which includes the field administration of the contract, control of the work, enforcement of the terms of the contract, and determination of the amount of work performed and materials furnished. These become the responsibilities of the engineer assigned to the project. Within the limits of the department's policies and control procedures and the approved program and policies of the region, the engineer is responsible for and has the delegated authority for obtaining work that fulfills requirements of the contract. The term project engineer as used in [standard spec 105.7](#) is synonymous with the term engineer used in this manual.

The engineer may suspend the work wholly or in part for the contractor's failure to correct conditions unsafe for the project personnel or general public, for the contractor's failure to carry out provisions of the contract, or for the contractor's failure to carry out orders of the engineer.

The engineer is in charge of inspectors assigned to the project. Decisions regarding suspension of work, acceptance, or rejection of materials or work will be made by the engineer, or in some cases referred by the engineer to higher authority. Inspectors hired by third parties such as municipalities (counties or other local units of government) will also report to the engineer for decisions regarding work under the contract.

The engineer has the authority, under [standard spec 108.4](#), to request, in writing, that the contractor remove from the project any employee who is intemperate, disorderly, or not sufficiently skilled.

2-18.2 Project Relationships

2-18.2.1 Contractor Supervision

[Standard spec 105.5](#) requires the contractor to provide a competent superintendent or designated representative who has full authority to execute directions or instructions of the engineer without delay and to promptly supply all things needed to properly perform the work. The superintendent or designated representative of the contractor must be accessible to the engineer during all hours of each workday.

The engineer and inspectors must not act as foreperson, superintendent, or coordinator for the contractor. Instructions and suggestions concerning the work are to be given to the contractor, superintendent, or work supervision, but not to the workers. Any suggested changes are to be given solely for the benefit of the work and to be clearly differentiated from directions.

2-18.2.2 Cooperation Between Contractors

[Standard spec 105.5](#) requires that contractors working on overlapping or adjacent contracts coordinate their operations so as not to interfere with the operation and progress of the other. They are further required to perform their work in proper sequence in relation to that of other work so that all work may be accomplished in a timely and efficient manner.

[Standard spec 105.5](#) also provides that in case of a dispute arising between two or more contractors engaged on the same improvement as to the respective rights of each under the specifications, the engineer will determine the matters at issue and will define the respective rights general harmony and with satisfactory results.

2-18.2.3 Project Staff and Contractor Relations

The contractor's goal is to satisfactorily perform and complete, at a profit, the work under contract with WisDOT. A municipality performing work under a negotiated agreement will not be making a profit on the agreement work. The goal of the department is to make certain that acceptable work is completed in accordance with contract terms, including the plan, specifications, and estimate.

To accomplish these goals there must be cooperation and understanding between the two parties. The contractor should expect to do what the contract requires, and the state should expect to pay for contract work done. The contractor should not expect to be paid for work that is done, but not required by the contract nor ordered by the engineer. The state should not require the contractor to provide more than the contract requires, unless the contractor is adequately compensated.

The conduct of relations with the contractor should be fair, courteous, and based on sound, reasoned judgment in compliance with specifications and policy. WisDOT decisions should be firmly conveyed to the contractor with clearly defined justification.

Good relations with the contractor should be promoted by advising, whenever possible, of unacceptable work while the operation is in progress, rather than waiting until the work is completed and then requiring its removal or a pay reduction.

The engineer and staff do not manage the contractor's operations. They are to give all instructions about the work to the contractor or to the contractor's superintendent. Instructions are not to be given directly to the contractor's workers or the subcontractors except in emergency situations where safety is involved. Suggestions can be given if requested by the contractor. The prime or general contractor is responsible for coordinating the efforts of various subcontractors.

Project staff are not to make derogatory remarks about the organization, personnel, equipment, or methods of the contractor or subcontractors. Project staff are not to place themselves under obligation to the contractor by accepting gifts or services. Excessive fraternization with the contractor and contractor's personnel should be avoided.

Project staff should fulfill any reasonable request of the contractor that will allow accomplishment of work in accordance with the contract provisions and without delay, but are not to perform tasks that are the responsibility of the contractor or subcontractors.

2-18.2.4 Project Personnel Relations

The engineer is responsible for all administrative matters involving employees assigned to the project. To accomplish this duty, the engineer should have available all current department and region policies concerning expenses, time changes, overtime, ethics, accident reporting, and similar subjects, and become familiar with contents of the policies. The engineer also should have on hand current agreements between the state and unions and associations representing project personnel, and should become familiar with their provisions. The engineer should keep personnel informed of policy changes that may affect them.

All construction administration personnel assigned to the project are responsible to the engineer in the fulfillment of their duties. The engineer may delegate to assistants authority as deemed necessary for the proper performance of their work but cannot relinquish overall responsibility. The other construction administration personnel assigned to the project are subordinate to the engineer, are subject to the engineer's directions, and are expected to cooperate in the best interests of the project.

Before the start of an employee's work assignment, the engineer will brief the employee on duties, responsibilities, job relationship with other construction administration personnel, pertinent region and department policies, and status of project construction.

2-18.2.5 Federal Highway Administration and Other Federal and State Agency Relations

Federal-aid highway improvement projects are administered by the department on the basis of a State-Federal agreement, even though there may be no state funds in the projects, only local and federal monies.

The Federal Highway Administration (FHWA) has the responsibility to monitor projects constructed with federal aid highway funds for compliance with Federal aid requirements. Consequently, FHWA representatives may be in the region office and on the project site at various times to determine if the project is being administered by the department in compliance with plans, specifications, and estimates and in compliance with Federal laws and regulations and state adopted policies and procedures.

Department personnel are expected to be courteous and to cooperate fully with FHWA representatives, answering all questions about the construction operations and staff responsibilities, and provide full access to all records and reports.

It should be understood the FHWA will not interfere with, direct, or supervise the contractor's operations and personnel. Representatives of the FHWA are primarily on the project to review and assess the department's procedures and controls for ensuring that the work is being completed in reasonably close conformity with the plans and specifications, and to evaluate the overall quality of construction.

It should also be understood the FHWA representatives do not have the authority to issue instructions to employees of the department or to employees or private consulting firms retained by WisDOT. These

instructions are issued either by the engineer or supervisor.

During their review, FHWA representatives may also be reviewing and reporting on conditions that are pertinent to pending contract change orders. Other anticipated changes from the construction plan and contract should be brought to their attention by the engineer so the change orders may be expedited should it be necessary to submit them to the FHWA for approval.

Following completion of the project review, FHWA will send a copy of their written findings to the Bureau of Project Development and region office for information and for follow-up action when warranted.

Other Federal and State agency representatives may also be on the project at various times because of an interest in the construction. WisDOT personnel are to answer questions to the best of their ability and knowledge and to treat the visitors with courtesy. Personnel should be aware these persons do not have the authority to issue instructions and orders to the contractors, WisDOT employees, or employees of private consulting firms retained by WisDOT. These instructions are issued either by the engineer or supervisor.

The engineer or designated representative should accompany FHWA and other agency representatives during their visit to explain the work operations and work schedule, answer questions, and ensure the safety of the visitors from injury by construction machinery and activity.

Suggestions that may be offered by visitors should be accepted with the explanation that action cannot be taken until a decision based on facts is made by the engineer or the region office.

2-18.3 Project Communication

Please refer to [CMM 1-10.5.4](#) – Communication Management and [CMM 1-10.5.5](#) – Stakeholder Management for a discussion of communication from a project management perspective.

2-18.3.1 Project Progress Meetings

The engineer should hold regular progress meetings with project staff, the prime contractor superintendent, and subcontractors on WisDOT projects. The purpose of the progress meeting is to raise issues and bring them to resolution. The regular meetings provide a forum to:

- Review construction progress and future work activities,
- Identify potential delays as early as possible for mitigation planning,
- Raise issues and bring them to resolution,
- Make subsequent action assignments when appropriate.

Progress meetings will be conducted weekly on typical projects. However, there may be select noncomplex, low-cost projects where weekly meetings may not be necessary. The intent is that these meetings be kept as brief as possible to minimize demands on attendees and enable prompt distribution of notes.

2-18.3.1.1 Agenda

Normally the engineer is responsible for establishing the agenda and it should be distributed to attendees ahead of time as it forms the basic meeting outline. Figure 1 shows a comprehensive list of agenda items for the weekly progress meeting. The list is meant to provide a starting point for typical projects - some items may not need to be covered. However, it was developed to encourage discussion on items that routinely can become larger issues if left unaddressed.

2-18.3.1.2 Meeting Notes

[WS1050](#) Progress Meeting Notes provides the engineer with a template for meeting notes. It's important to develop concise notes to document the discussions held. Notes should be concise, summarize the discussion topics, and only contain the details required follow-up on action items. Generally the engineer or a designated recorder is responsible for the preparation of the meeting notes.

Recording of the meeting notes can take many formats. It is more important to capture items such as the meeting date & time, attendees, summary of issues discussed, actions to be taken, and action assignments made than to follow a prescribed meeting format. Some engineers prefer to simply add discussion summaries to the published agenda. Others have other styles they prefer. A brief description of the discussion is recorded and it is noted if this is a new, old, or closed issue.

2-18.3.1.3 Action Assignments

If subsequent action assignments are made they must be documented in the published notes and followed up on as part of old business at each meeting to verify closure of item. Action assignments are given a due date and the responsible party "Ball-In-Court" person is identified by their initials. An item may carry over for several meetings and then a letter designation is added to the pre-assigned numerical number as updates are made so progress of resolution of an item can be tracked. "Closed" items are then dropped from the published notes so

as to not add unnecessarily to the length of the notes. This note taking format has proven useful in building the next meeting agenda, tracking the progress on an issue, and identifying action assignments.

Figure 1 Progress Meeting Agenda Items

Progress Meeting Agenda Items	
1.	Review previous progress meeting notes
2.	Outstanding issues
3.	Work in progress
	A. Prime contractor
	a. Work completed last week
	b. Work scheduled for next week
	c. Work scheduled for the following week
	B. Subcontractor
	a. Work completed last week
	b. Work scheduled for next week
	c. Work scheduled for the following week
4.	Progress schedule
	A. Current schedule update
	B. Critical path/controlling items of work activities
	C. Current completion date
	D. Next schedule update
5.	Critical delays (work on critical path or controlling item)
	A. Delays since last meeting?
	B. Current delays: excusable, non-excusable
	C. Potential delays: excusable, non-excusable
6.	Non-critical delays (work NOT on critical path or a controlling item)
	A. Delays since last meeting?
	B. Current delays
	C. Potential delays
7.	Utilities
8.	Maintenance of traffic
	A. Upcoming closures
	B. Modifications to traffic control
	C. Other
9.	Materials
	A. QMP materials testing
	B. Non-QMP testing
	C. Deficient materials
	D. Plan/shop inspections
10.	Environmental
	A. Regulatory permits
	B. Erosion control
	C. Environmental commitments
	D. Other
11.	Submittals
	A. Under review
	B. To be submitted
12.	Request for information (RFI's)
	A. Outstanding RFI's
	B. Upcoming RFI's
13.	Contract modification status
14.	Dispute resolution
	A. Current disputes - stage of dispute resolution process
	B. Potential disputes
	C. Claims: current, potential
15.	Completed items & agreement on final quantities
16.	Progress estimate
17.	Safety
	A. Work site safety
	B. Work zone safety
	C. Emergency incidents
18.	Public relations
19.	EEO/prevaling wage
20.	DBE Commitment Status/Update
21.	Finals process
22.	New issues
23.	Next meeting: date, time, location

2-18.3.2 Request for Information (RFI)

2-18.3.2.1 Purpose

The purpose of a request for information (RFI) is to obtain clarification of the plans, specifications, special provisions, or other contract documents, with the intent of avoiding contract disputes and claims. RFIs provide a systematic collection of the analysis and resolution of questions that arise during the construction of the project. RFIs should not be construed to be a request for contract modification or to change any requirement of the contract documents.

The engineer and contractor work together to ensure that all RFIs are appropriate and to control the number of RFIs. Contract documents should be reviewed first and if a question can be answered through research and clarification, do so and follow up with a conversation record in the daily diary.

2-18.3.2.2 Submittal

The contractor typically initiates the development of an RFI, however, either the contractor or department can submit an RFI for clarification of an issue.

Although subcontractors may initiate issues that lead to an RFI, they should not submit RFIs directly to the department. Subcontractors should submit the RFI to the prime contractor, who will then forward the issue to the department.

The contractor notifies the engineer of an RFI using the RFI Form [DT2502](#). The contractor must clearly and concisely set forth the issue for which clarification or interpretation is sought and why a response is needed. Appropriate references to specifications, plans, or drawings facilitate a timely response.

2-18.3.2.3 Response

The engineer is responsible to monitor, track, and expedite the response to an RFI. Responses should be provided on a timely basis so as to not impact the construction schedule. The desired response time should be indicated on the RFI submittal form to indicate the urgency of the question.

It's understood that RFIs by nature are time-sensitive, and that the responding party should make significant effort to produce a response as soon as possible. If the responding party requires a longer time than requested by the requesting party, the responding party must communicate that fact in writing, and let the requesting party know how long it will take to produce a response.

If the requesting party is not satisfied with the answer provided, they can re-submit the request as a new RFI with the short description "resubmittal."

2-18.3.2.4 Administration

The engineer will sequentially number the RFI and log it in the RFI Log form [DT2501](#). The engineer processes the RFI and coordinates the response by consulting with others as needed (e.g. project manager, designer, technical services expert, oversight engineer, etc.).

The engineer forwards one copy to the RFI requester, and files one copy in the on-site file for reference. The engineer maintains the RFI Log for tracking the status of an RFI and for a catalog of all RFIs submitted on the project.

2-18.3.2.5 Resolution

The engineer and contractor's superintendent should discuss outstanding RFIs and potential RFI's as a standing agenda item at the project progress meetings. If there are disagreements regarding the response to an RFI, the project manager should immediately get involved to begin resolving the issue.