



FDM 19-15-1 Introduction

May 15, 2024

The Special Provisions of a contract include special directions or project specific requirements that are not otherwise satisfactorily specified or stated in the Standard Specifications for Highway and Structure Constructions (referred to as the standard specifications hereinafter in this chapter) or plan. Properly written and **referenced** special provisions used **helps** ensure a well-constructed project **with minimal** disputes. Special provisions do not duplicate information already provided in the plan; instead, they complement the plan by defining the types of materials to be used, providing procedures to be followed during construction, and specifying the workmanship expected. They are written using a common format consisting of a series of numbered articles. The format for special provisions is provided below.

In addition to general articles about the specific project and articles for non-standard bid items, the special provisions contain many articles that are common and applicable to projects across the state. The Bureau of Project Development (BPD) maintains these articles, called the Standardized Special Provisions (STSPs). More information about the STSPs is found in [FDM 19-15-85](#). For direction on how to format and write articles for non-standard bid items, refer to [FDM 19-15-80](#).

Create the special provisions using Microsoft Word. Conversions from other word processing software packages are not acceptable. The documents needed to compile the special provisions are kept at the following location:

<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/tools/stsp.aspx>

This site contains:

- The Highway Work Proposal (DT1502.docx);
- The STSP Log, a listing of the revisions made in the most recent STSP update;
- STSP log archives, a list of past STSP logs;
- Index.xlsx, an Excel spreadsheet listing all STSPs and information on when to use them, from which a designer can choose the appropriate STSPs for a project, filter the listing so that only the appropriate STSPs remain, and then use the list to compile the special provisions;
- The STSP Template (stsp-template.dotm), which contains all of the STSP building blocks;
- The STSP articles PDF, which is a read only document that contains all of the current STSPs;
- The Plan Letter template (planltr.docx);
- The Special Provisions Insert form;
- **Insert Guidelines;**
- The training manual *Creating Special Provisions*;
- **A document for Addressing frequent Special Provision Comments;**
- Word document shortcuts.

Whenever possible, write the special provision articles in the active voice-imperative mood style, writing direct commands to the contractor (refer to section 101.1 of the standard specifications). Where it is necessary to use passive language to make the responsible party clear, use the word “may” to indicate the contractor’s option, the word “shall” to indicate the contractor’s responsibility, and “will” to indicate the department’s responsibility.

Examples of article headings as well as some sample articles are contained within this FDM chapter. It should be noted that the nature of a particular project determines the applicability of a given article, and these articles may not be appropriate for all projects. A valuable aid in formulating these articles may be obtained by reviewing a set of special provisions from a recent project of a similar nature.

Some articles for specialized project-specific bid items may be obtained from the various DTSD bureaus such as BPD, BHM, BOS, BTO, BTS and OBOEC.

Assemble and number the special provisions sequentially beginning with the general special provisions, such as the articles General, Scope of Work, Prosecution and Progress, Traffic, etc. These provisions do not relate to any particular bid item. Next, insert STSPs, modifications to the STSPs, **or modifications to the standard specifications**, arranged in numerical order in accordance to the standard specifications. Place articles for non-standard bid items (SPV.XXXX.XX) in ascending order of bid item numbers at the end of the special provisions. Refer to the following Table of Contents.

Table of Contents

Article	Description	Page
1.*	General	
2.*	Scope of Work	
3.	Pre-Bid Meeting	
4.*	Prosecution and Progress	
5.	Lane Rental Fee Assessment	
6.	Traffic	
7.	Holiday Work Restrictions	
8.	Utilities	
9.	Other Contracts Work by Others	
10.	Relations with Railroads	
11.	Hauling Restrictions	
12.	Information to Bidders (STSPs 107-056 and 107-054 listed first) Environmental Protection and Erosion Control Notice to Contractor items Archaeological Sites Navigable Waterways Other	
13.	Coordination with Businesses and Residents	
14.	Public Convenience and Safety	
15.	Modifications to Standard Specifications; and Standard Special Provisions (STSP) (###.####.S.01-###.####.S.02,03,04,...) arranged in numerical order in accordance with the Standard Specifications	
16.	Non-Standard Bid Items; (SPV.####.01 – SPV.####.02, .03, .04, .05....), arranged in numerical order	
<p>*NOTE: These three articles are in the general template, and in EVERY set of special provisions.</p> <p>NOTE: Articles 3 and 5 through 16 may or may not be included.</p>		

All special provisions for contracts to be let by the department will be developed using this format.

Special Provision Document Formatting

Formatting for the Special Provisions has been preset in the general Special Provisions Template, stsp-template.dotm. The date heading above the article *General* indicates the last revision date of the template. An STSP number and revision date is also shown at the end of each STSP indicating the last time that particular STSP was revised.

The preset formatting includes:

- Top and bottom margins 0.5", left and right margins 1".
- Tab set every ½ inch.
- Arial font, 10 point.
- Four styles (Heading 1, Normal, STSP, and List Paragraph).
- Left justification for article headings.
- Single line spacing, with 6 pt before and after paragraph spacing.

See [Creating Special Provisions](#) for other formatting guidance.

Process for Creating Special Provisions

1. Refer to the manual *Creating Special Provisions* for detailed instructions on how to prepare special provisions. (Obtain the manual and all documents needed for completing the special provisions at: <https://wisconsin.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/tools/stsp.aspx>)
2. Open the *STSP Index Spreadsheet*, *Index.xlsx*, and save it under an appropriate file name. Select the STSPs required and enter necessary information in the Information to Enter column for fields. Filter the spreadsheet so that only the checked STSPs are visible. Use this as a reference while creating the special provisions.
3. Open the special provisions template, *stsp-template.dotm*, and Save As to an appropriate file name. A Save As to a file type other than a Macro-Enabled Word Document will cause the template macros to be removed.
4. Complete the articles *General* and *Scope of Work*.
5. Complete the article *Prosecution and Progress* using one of the three tabs (Working Day, Calendar Day, and Completion Date) found in the special provisions general template.
6. Refer to the *STSP Index Spreadsheet* printed in step 2 and add STSPs as needed (type in the STSP number, and press F3).
7. Complete all fields within the STSPs; also, locate all dropdown boxes, and make appropriate selections. (To locate fields, press F9.). Finished articles should not have shading.
8. Add articles for SPV items (see [FDM 19-15-80](#)). When writing articles, do not substitute good grammar or clarity of thought for brevity. Also, the specifications must mean the same thing to a person unfamiliar with the work as it does to a person highly skilled in the work described by the specification.
9. Check styles and headings, spell-check the document, and update the footer and the Table of Contents.
10. Save under an appropriate file name and submit to the BPD on or before the appropriate PS&E submittal date (see [FDM 19-1-1](#)) using the e-Submittal process (see [FDM 19-10-1](#)).

See [FDM 19-40-1](#) for more guidance on the preparation and submittal of special provisions.

FDM 19-15-2 Alternative Contracting

May 17, 2021

2.1 Introduction

Alternative contracting methods are discussed in [FDM 11-2](#). They generally are methods for improving the efficiency of delivering transportation improvement projects under the FHWA's Special Experimental Project 14 Program. The SEP-14 program has provided the State DOTs with a vehicle for evaluating various types of non-traditional contracting on Federal-aid highway contracts. The objective of SEP-14 is to evaluate project specific alternative contracting practices that have the potential to reduce the life cycle cost of projects, while maintaining product quality. Four experimental techniques originally identified for evaluation have been declared operational:

- cost-plus-time bidding ([FDM 11-2-1.9](#))
- lane rental ([FDM 11-2-1.5](#))
- design/build contracting ([FDM 11-2-1.3](#))
- warranty clauses. ([FDM 11-2-1.10](#))

There are other alternative contracting methods that are either in general or limited use by the department. The methods already being used by the department are:

- Interim liquidated damages ([FDM 11-2-1.7](#))
- Incentives/Disincentives ([FDM 11-2-1.8](#))
- Flexible notice-to-proceed dates ([FDM 11-2-1.4](#))

A new alternative contracting method available for use is "enhanced" liquidated damages ([FDM 11-2-1.6](#)). A new method that has been used on a very limited basis is "low bid" design/build ([FDM 11-2-1.3](#)).

2.2 Cost Plus Time Bidding

The cost plus time bidding method involves time, with an associated cost, in the low bid determination. The method includes several ways to consider time. The basic type is A + B bidding, where the contractor bids both

items (A) and contract time (B). Another type is A + Lane Rental, where the time component is the number and duration of lane closures. A third type of cost plus time bidding is Accelerate Bridge Construction, where the maximum time specified in the contract is so restrictive that pre-fabricated bridge elements and systems, state-of-the-art equipment, material technologies, and innovative contracting methods would be needed.

Sample special provisions for cost-plus-time bidding are included in [Attachment 2.1](#), [2.2](#), [2.3](#), and [2.4](#).

2.3 Lane Rental

Under the lane rental concept, a rental fee assessment is sometimes included in the contract. The lane rental fee assessment is based on a portion of the estimated cost of delay or inconvenience to the road user during the rental period. The fee is assessed for the time that the contractor occupies or obstructs part of the roadway and is deducted from the progress payments.

Sample special provisions for lane rentals are included in [Attachment 2.5](#) and [2.6](#).

2.4 Design/Build Contracting

With design-build contracting, the contracting agency identifies the end result parameters and establishes the design criteria. The prospective bidders then develop design proposals that optimize their construction abilities. Since Wisconsin legislation does not allow for the use of Design/Build (D/B) contracts at this time, no sample special provisions are included.

2.5 Interim Liquidated Damages

Interim liquidated damages are used to motivate the contractor to complete a portion of the construction early in order to discontinue the use of a detour and reopen a section of highway to through traffic. Special provisions for interim liquidated damages are presently available as STSPs.

- Interim Liquidated Damages - Working Day
- Interim Liquidated Damages - Calendar Days
- Interim Liquidated Damages - Fixed Date
- Interim Liquidated Damages - Restrict Weather Delays - Calendar Days
- Interim Liquidated Damages - Restrict Weather Delays - Fixed Date
- Interim Liquidated Damages - Multiple Projects

2.6 Enhanced Liquidated Damages

On some projects, it may be appropriate to amend the definition of final liquidated damages (from [standard spec 108.11](#)) to recover not only the cost of engineering and supervision but also a portion of the calculated road user costs (see [FDM 11-50-32](#)). The department has chosen to call the amended definition “enhanced” liquidated damages.

A sample special provision for enhanced liquidated damages bidding is included in [Attachment 2.7](#).

2.7 Incentives/Disincentives

An incentive/disincentive provision is part of a contract that compensates the contractor a certain amount of money for completing critical work on or ahead of schedule and assesses a deduction for work not completed on time. This provision is intended for critical projects where traffic inconvenience and delay are to be kept to a minimum and access is to be restored as soon as possible. A special provision for the use of interim incentives/disincentives is presently available as an STSP.

- Incentive/Disincentive for Interim Completion of Work, Item 108.3100.S

The incentive/disincentive special provision currently being used is labeled “Incentive/Disincentive for Interim Completion of Work”. The special provision has been used for final completion of the project as well for completion of interim stages. To resolve this inconsistency, when the project needs to be substantially complete before the road user impacts are gone, the designer is encouraged to use a new special provision called Incentive/Disincentive for Final Completion of Work.

A sample special provision for incentive/disincentive for final completion of work is included in [Attachment 2.8](#).

2.8 Flexible Notice-to-Proceed

One type of alternative contracting is the use of Flexible Notice-to-Proceed specifications. It is useful when there are not any constraints on when the project needs to begin or end and there is more than enough time available in the construction season than is needed for the project. However, once started, the project would be required to be completed in a certain amount of time. In those cases, it is possible to allow the contractor to pick the start date, within certain parameters such as the soonest and the latest it can start.

Sample special provisions for flexible notice-to-proceed bidding are included in [Attachment 2.9](#).

2.9 "Low Bid" Design/Build

The department has used a "low bid" design/build concept one time on a bridge project (to rehabilitate the Wisconsin Avenue Lift Bridge and reconstruct the Juneau Avenue Bascule Bridge in the City of Milwaukee). Federal law provides that federally funded design-build projects may be procured using "any process permitted by applicable State and local law." The department is normally awards construction contracts through a competitive bidding process but is not subject to any requirement to use a particular method to procure engineering services contracts. It is therefore possible to bundle design and construction services into a single contract awarded to the "lowest competent and responsible bidder."

Since "low bid" design/build contracts are expected to be used rarely, contact the Bureau of Project Development - Project Services Section for assistance with project specifications.

LIST OF ATTACHMENTS

Attachment 2.1	Cost Plus Time (A + B) Bidding
Attachment 2.2	Cost Plus Time (A + B1 + B2 + B3) Bidding
Attachment 2.3	Cost Plus Time (A + Lane Rental) Bidding
Attachment 2.4	Cost Plus Time (Accelerated Bridge Construction) Bidding
Attachment 2.5	Lane Rental Fee Assessment (Example for simple night work)
Attachment 2.6	Lane Rental Fee Assessment (Example for multiple closure situations)
Attachment 2.7	Enhanced Liquidated Damages
Attachment 2.8	Incentives/Disincentives for Interim Completion of Work
Attachment 2.9	Flexible Notice-to-Proceed

FDM 19-15-3 Guarantees, Warranties, Establishment Periods, and Proving Periods

August 17, 2020

The department may require the contractor in the special provisions to obtain and assign to the department, manufacturer's guarantees or warranties that are given as a customary trade practice for material or products purchased for use on the contract. Generally, a warranty, establishment period, or proving period is a contractual provision guaranteeing that a particular good or service provided by a contractor will meet the owner's expectations for a particular period of time.

The intent of the guarantee, warranty, establishment period, or proving period requirements as specified in 23 CFR 635.413 of the Federal Aid Policy Guide is described below.

Equipment must perform as intended by the manufacturer for the period guaranteed by the manufacturer when installed in accordance with the recommendations of the manufacturer. Failure to perform as indicated above requires that the manufacturer replace in kind or repair, at his option, the equipment in question. User labor costs resulting from replacement of the equipment are not a burden to be borne by either the manufacturer or the contractor. User labor costs due to normal maintenance or emergency, or costs not normally provided as trade practice must not be borne by either the manufacturer or the contractor.

Installations involving electrical or mechanical components often require a period of operation before an acceptable level of service can be established.

The contractor must provide a level of workmanship that will assure the state of an operational system meeting an acceptable level of service. The stated operational period will allow for adjustment, repair or replacement of equipment or materials not covered by manufacturers' guarantees and the correction of malfunctions attributable to installation deficiencies.

When considering using a warranty, establishment period, or proving period in a project, consider the following:

- It is separate and apart from the performance and payment bond.
- Any warranty, establishment period, or proving period that will expire within the one year period of the performance bond is duplicative and likely unnecessary.
- It may become an additional expense for the contractor and passed along to the owner.
- Standard spec 107.14 states that the contractor is responsible for the work until the work complies with the contract.
- According to standard spec 107.16, the contractor already assumes liability for latent defects, fraud,

and gross mistakes.

- Adding a warranty, establishment period, or proving period to a project will complicate and delay the finals process.
- A warranty, establishment period, or proving period might be useful when the acceptability of a contractual item may not be known within one year following completion of the prime contract, such as in cases of trees and shrubs.

FDM 19-15-5 General

October 22, 2012

The first article in the special provisions, the General article, identifies the project(s) and the specifications that will govern the performance of the work required. A sample suitable for all contracts including federal-aid bid, force account agreements, razing and removing contracts, as well as non-federal-aid bid contracts is shown below. For let contracts, the project description in this article should match the project's description in FIIPS. This General article is included in the special provisions template, stsp-template.dotm.

5.1 Sample Special Provision

General.

Perform the work under this construction contract for Project 1030-10-73, I-43 North-South Freeway from the Mitchell Interchange to National Avenue, and Project 1228-11-60, I-43 North-South Freeway from North Avenue to Lexington Boulevard; both projects located in Milwaukee County, Wisconsin, as the plans show and execute the work as specified in the State of Wisconsin, Department of Transportation, Standard Specifications for Highway and Structure Construction, 2010 Edition, as published by the department, and these special provisions.

If all or a portion of the plans and special provisions are developed in the SI metric system and the schedule of prices is developed in the US standard measure system, the department will pay for the work as bid in the US standard system.

100-005 (20090901)

FDM 19-15-10 Scope of Work

October 22, 2012

Scope of Work is typically the second article in the Special Provisions and is used to identify the major item(s) of the contract. Examples of major items that may be appropriate for a particular contract are grading, subbase, base, type of surfacing, structures, painting, pavement marking, signing, lighting, and landscaping. The Scope of Work article is included in the special provisions template, stsp-template.dotm.

10.1 Sample Special Provision

Scope of Work.

The work under this contract shall consist of grading, base, concrete pavement, signing, pavement marking, and all incidental items necessary to complete the work as shown on the plans and included in the proposal and contract.

104-005 (20090901)

FDM 19-15-11 Consideration of Proposals

February 25, 2011

Use the Consideration of Proposals article in the special provisions when it is necessary to inform contractors that the department is taking bids for the construction of a project(s) under alternate proposals. The article also identifies the criteria upon which the department will base award of the contract.

11.1 Sample Special Provisions

Two special bidding situations frequently require the use of this provision. The first situation occurs when two proposals are being offered to reflect alternate materials of construction; for example, concrete pavement is specified for shoulders in one proposal, while asphaltic pavement for shoulders is specified in the alternate proposal. Insert the following provision into each proposal under this condition (use STSP 103-005).

Consideration of Proposals.

Replace subsection 103.2(1) of the standard specifications with the following:

The department is taking separate bids for the construction of this project under an alternate proposal, identified as Project 1000-00-70.

The award of contract, if awarded, will be to the lowest responsible bidder among all bidders for either proposal, whose proposal complies with all requirements necessary to render it formal as determined in accordance to the provisions of subsection 103.1 of the standard specifications.

The second bidding situation occurs when the department is using three alternate proposals to solicit bids; the first bid for Project A, the second for Project B, and a third bid for Projects A and B combined. Insert the following provision into each proposal in this situation (use STSP 103-010).

Consideration of Proposals.

Replace subsection 103.2(1) of the standard specifications with the following:

The department is taking separate bids for the construction of Project 1020-00-70 and Project 1020-00-71 and a single bid for the combination of these projects under Projects 51020-00-70 and 51020-00-71.

The award of contract, if awarded, will be to the lowest responsible bidder or bidders whose proposal or proposals complies or comply with all the requirements necessary to render it formal as determined in accordance to the provisions of subsection 103.1 of the standard specifications.

If the second case is used requiring three alternate proposals for Project A, Project B and Projects A and B combined, also insert the special provision titled Proposal Guaranty (STSP 102-005) in the special provisions (refer to [FDM 19-15-12](#)).

FDM 19-15-12 Proposal Guaranty

February 25, 2011

The Proposal Guaranty is the security that the bidder furnishes with the bid to guarantee that the bidder will enter into the contract if the bid is accepted. The proposal guaranty amount is specified on the front cover of the proposal, also known as the Highway Work Proposal, Form DT1502.

Use the Proposal Guaranty article in the special provisions in combination with the article Consideration of Bids as described under the second bidding situation of [FDM 19-15-11](#). The contractor can bid on the individual proposals and the combined proposal by submitting a single proposal guaranty. Use STSP 102-005

12.1 Sample Special Provision

Proposal Guaranty.

A single proposal guaranty of \$40,000.00 submitted with a bid proposal for Project 1020-00-70, Project 1020-00-71 or Projects 51020-00-70 and 51020-00-71 combined will be construed as applicable to all proposals submitted by the bidder for the work under this project, and no additional guaranty will be required for the other proposals submitted.

FDM 19-15-14 Coordination and Prosecution and Progress

August 17, 2020

Closely coordinate the content of the Prosecution and Progress and Traffic articles with specific project needs. For example:

1. Prosecution and Progress article: Complete this special provision using the guidance in [FDM 19-15-15](#).

The use of Interim Liquidated Damages and Interim Liquidated Damages - Multiple Project Contracts is described under [FDM 11-2-1.7](#) and [FDM 19-15-2.5](#). When interim liquidated damages are included in a contract, specify their use in the Prosecution and Progress article.

Consider the use of bid item Incentive/Disincentive for Interim Completion of work, Item 108.3100.S in some contracts as described under [FDM 19-15-2.7](#).

2. Traffic – Complete this special provision using the guidance in [FDM 19-15-20](#).
3. Contract Time for Completion – Compute and establish the contract time using Form DT1923 and the guidance provided in [FDM 19-10-30](#).

14.1 Factors to Consider

Consider the following factors when preparing the Prosecution and Progress article, the Traffic article and the Contract Time for Completion Chart.

14.1.1 Letting Date

The time of the year that the contract is let may determine if all contract work can be completed in that calendar year, or if it will have to be suspended to the next construction season. It may also determine if work can begin in the calendar year it is let, or if all work will be deferred to the next construction season.

14.1.2 Type of Work

The type of work including grading, base, structure, concrete pavement, asphaltic pavement, and landscaping have controls specified in the standard specifications. Some examples are:

- Grading: Embankments shall not be constructed using frozen material or under freezing conditions.
- Structures: All forms, reinforcement, base and subgrade must be free of ice, snow and frost; if the atmospheric temperature is below 40 degrees F, the contractor shall take extra precautions. Furthermore, the contractor shall not pour concrete for bridge decks and superstructure elements if it is predicted that temperatures will fall below 32 degrees F within 24 hours; the contractor shall protect the underside of the deck with housing and heat if the national weather service forecasts temperatures to fall below 20 degrees F. Specified equivalent curing times are affected by cold temperatures.
- Concrete Pavement: Concrete pavement shall not be constructed on frozen subgrades or during freezing conditions. Specified equivalent curing times are affected by cold temperatures.
- Asphaltic Pavement: Permission from the department is needed for placing asphaltic mixtures between October 15 and May 1. The contractor shall not place asphaltic mixtures over frozen subgrade or base, or where the roadbed is temporarily unstable due to frost heaving.
- Landscaping: There are specified dates when certain plants are to be planted.

These are only a few of the examples contained in the standard specifications. The designer should review the items in the contract and check for specific controls or dates in the standard specifications when writing the Prosecution and Progress and Traffic articles and when completing the Contract Time for Completion Chart.

14.1.3 Local Concerns

Consider the effect that disrupting traffic has on businesses, schools, annual celebrations, tourism, and special events, and if:

1. Traffic should be maintained through the construction site.
2. Interim liquidated damages or incentive/disincentive provisions are needed in the contract.
3. Contract time should be shortened using an accelerated construction schedule.
4. Construction should be scheduled during a time frame that does not conflict with local activities.

14.1.4 Accurate Contract Time Analysis

Carefully analyze the contract time and ensure that it is neither too short nor too long. Allowing the contractor excessive time to finish a contract may result in periods of construction inactivity. The public is very critical about such periods while they are being inconvenienced. Conversely, if too little contract time is provided, the contractors may need to increase bid prices if they need to hire more employees or have their crews work overtime to complete the work to request contract change orders or contract time extensions.

When including the bid item Incentive/Disincentive for Interim Completion of Work, Item 108.3100.S in a contract, accurate contract time analysis is critical due to large sums of money being paid for early completion or assessed for late completion and the determination of critical interim completion dates.

14.1.5 Construction Staging

Staging construction at specified times may avoid conflict with rush hour traffic volumes, holiday traffic, or local events. An example of construction staging is when portions of a project that will not affect traffic are constructed initially and the final portions or connections are completed during periods of low traffic volumes.

Another example of specified construction staging is the case of dual roadway reconstruction, where work is restricted to one roadway while counter-directional traffic is carried on the other roadway. When applying weekend and holiday work restrictions to such contracts, do not restrict the contractor from performing construction operations at sites that do not interfere with traffic. Do not, however, allow construction vehicles to travel on the lanes open to traffic.

When construction staging is used, the department should specify only the restrictions the scheduling of construction operations is the contractor's responsibility.

14.1.6 Other Contracts

Coordinate a project's construction activities with adjoining contracts on the same section of highway and with other contracts in the area. Contact other regions to find out what projects they will have under construction in the area and determining how these other projects will affect the prosecution and progress, traffic or contract time of the contract in question.

14.1.7 Temporary Bypasses and Structures

During the construction of local bridges or other short projects traffic may be maintained through the project using a temporary bypass and/or temporary structure. When this occurs, it is important to include time for the construction and removal of the temporary bypass and/or structure in the contract time analysis.

14.1.8 Environmental Restrictions

Environmental restrictions may affect the time frame during which construction activities may be prosecuted; for example, there may be restricted periods of time due to fish spawning, or nesting of migratory birds. These restrictions affect how the contractor prosecutes the work and should be included in the Prosecution and Progress article.

FDM 19-15-15 Prosecution and Progress

May 15, 2024

The Prosecution and Progress article may be the most important article in the special provisions; it expands on the requirements of section 108 of the standard specifications and may include the following project information or requirements:

1. Begin work order. Use the following statement on all contracts: Begin work within ten calendar days after the engineer issues a written notice to proceed.
2. Interim liquidated damages. Assessment of interim liquidated damages must be consistent with the type of contract. For example, in a working day contract, interim liquidated damages can only be assessed by the working day. Interim liquidated damages can be assessed by fixed dates or calendar days in completion date or calendar day contracts. **Interim completion dates are the last date that work is allowed.**
3. Schedule of operations that:
 - Conforms to traffic requirements,
 - Conforms to environmental requirements such as migratory bird nesting or in-stream work restrictions due to fish spawning,
 - Meets critical completion requirements, and
 - Maintains access(es), where required.
4. Time frame during construction year during which the contractor proposes to construct the project.
5. Suspension and resumption of construction operations.

Do not attempt to specify scheduling of the contractor's operations; it is the contractors' responsibility to schedule their own work, and there are usually several ways to arrive at a desired end point. Also, specific results can be specified, such as when a highway is open and closed to through traffic, which business accesses must be maintained at all times, and the traffic staging to ensure that traffic flow is safe through a construction area, but do not specify how the contractor should attain these results. It is the contractor's responsibility to choose when and how to perform construction operations to meet these requirements. For staged construction, instead of describing the stages in the Prosecution and Progress article, use detailed plan sheets showing staged construction limits and how to safely handle traffic. These plan sheets should not represent the designer's idea of the most efficient way to construct the project; again, this is the responsibility of the contractor.

The special provisions template, stsp-template.dotm, contains three special tabs which are located at the top of the screen – one for each of the three commonly used contracts: Working Day, Calendar Day, and Completion Date. Choose the appropriate tab for the project, and use the buttons found within the selected tab to provide the framework of the Prosecution and Progress article for the project.

The diagrams in [Attachment 15.1](#) illustrate the possible provisions that may be included in each of the three contract types. Additional guidance about using a particular Prosecution and Progress provision can be found in that provision's technical notes in the STSP Index Spreadsheet, Index.xlsx, located at:

<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/tools/stsp.aspx>

15.1 Other Considerations

15.1.1 Contract Time Frame

Use the contract time frame provision on contracts that have a short duration such as 3 months or less. Examples of shorter duration contracts include constructing small structures or resurfacing. This provision allows contractors flexibility in scheduling work throughout the construction season and enables them to bid on more contracts knowing that they will be able to construct them at various times during the construction season. This should provide a larger number of bidders and more bidder competition for the contracts in later lettings.

Use time frame provisions only with working day or calendar day contracts. To use this STSP, select the TIMEFRAME button, which is found under all three contract-type tabs in the general template used to write special provisions, stsp-template.dotm, located at:

<https://wisconsin.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/tools/stsp.aspx>

15.1.1.1 Sample Special Provision

Provide the time frame for construction of the project within the 2021 construction season to the engineer in writing within a month after executing the contract but at least 14 calendar days before the preconstruction conference. Assure that the time frame is consistent with the contract completion time. Upon approval, the engineer will issue the notice to proceed within ten calendar days before the beginning of the approved time frame.

To revise the time frame, submit a written request to the engineer at least two weeks before the beginning of the intended time frame. The engineer will approve or deny that request based on the conditions cited in the request and its effect on the department's scheduled resources.

15.1.2 Suspension of Operations

After analyzing the contract time for working day and calendar day contracts, if it appears necessary to suspend operations, use the Fall Suspension button located under the appropriate contract type tab.

Completion date contracts should not use work suspension language because the department cannot dictate to the contractor when to stop or start work during the winter months. If shutdown is required due to specific circumstances, contact the Special Provisions Engineer for guidance on appropriate language.

15.1.2.1 Sample Special Provision (Working Day or Calendar Day contracts)

The schedule of operations as required under subsection 108.9.2 of the standard specifications shall provide for placing HMA pavement, and all pavement markings from Station 100+00 to Station 786+45.

When, in the fall of 2020, after completion of the grading and preparation of the subgrade, and weather conditions or seasonal restrictions preclude the satisfactory performance of further work under this contract, the engineer will, in writing, suspend operations until the spring of 2021. Construction operations shall be resumed in the spring of 2021 within ten days after the date on which a written order to do so has been issued by the engineer.

15.1.2.2 Sample Special Provision (Completion Date contracts)

Winter shutdown will commence with the completion of Stage 2 in the Fall of 2022. Do not resume work until April 1, 2023 unless approved by the engineer. Provide a start date in writing at least 14 days prior to the planned commencement of work in 2023. Upon approval the engineer will issue the notice to proceed within 10 days of the approved start date.

LIST OF ATTACHMENTS

[Attachment 15.1](#) Choosing the Appropriate Prosecution & Progress STSP

FDM 19-15-20 Traffic

August 17, 2020

The Traffic article in the special provisions details project specific treatment of public traffic and access rights. In this article, describe the status of public usage of the main line (open, closed, or restricted use) and of all connecting streets or intersecting roads affect traffic during the life of the contract.

Use the phrases Road Closed To Traffic, Road Closed To Through Traffic, and Road Open To All Traffic, as used in subsection 104.6 of the standard specifications, when writing this provision. Do not duplicate the requirements of [standard pec 104.6.1](#).

Coordinate the development of the traffic article with the following project specific requirements.

1. Incentive/Disincentive bid item to complete construction in a shorter time span ([FDM 19-15-2.7](#))
2. Interim liquidated damages to complete a strategic segment early ([FDM 19-15-2.2](#)).
3. Bidding work zone traffic control items ([FDM 11-50 Attachment 20.1](#)).
4. Extraordinary law enforcement in the construction zones ([FDM 11-50 Attachment 40.1](#)).
5. Holiday and weekend restrictions ([FDM 19-15-40](#)).
6. Detours ([FDM 11-50-15](#)), temporary roads and use of alternate routes.
7. Lanes and roadway restrictions ([FDM 11-50-15](#)).
8. Timing of construction to avoid conflict.

NOTE: When preparing the special provisions, place timing requirements of traffic that affect how a contractor will schedule the work and interim liquidated damages in the Prosecution and Progress article.

Also take into consideration requests made by OPA, adjoining regions that may have contiguous projects, and regional section needs (project development, highway operations, and traffic). Include locations where the contractor must maintain access at all times, such as to hospitals, fire stations, shopping centers, and multi-family housing.

Also note all roadways, which are open to traffic, that the contractor shall not use during construction operations.

Sufficiently detail this article so that along with plan details and other articles in the special provisions it adequately implements the traffic control requirements as established in the design study report and refined during final design activities.

20.1 Sample Special Provision

Traffic.

Maintain through traffic at all times on USH 10 and on CTH E south of USH 10. Close CTH E north of USH 10 and detour CTH E as shown in the plans. Prior to closing CTH E north of USH 10 implement the detour route as shown on the plans. Maintain local access on CTH E north of USH 10 at all times from the north or as directed by the engineer.

Maintain emergency access to the project area at all times.

Maintain two 12-foot travel lanes on USH 10 using the details provided in the plan or as directed by the engineer. USH 10 may be reduced to one lane using flagging operations during working hours as allowed by the engineer.

Do not park or store equipment, vehicles, or construction materials within 30 feet of the edge of the USH 10 traffic lanes during non-working hours.

Keep all private entrances and field entrances accessible at all times, unless written permission is obtained from the property owner 48 hours in advance of closing the access.

FDM 19-15-23 Holiday and Weekend Work Restrictions

November 15, 2021

In the interest of traffic safety, the department typically restricts or suspends work during holidays and weekends on rural highways, particularly on those that attract relatively heavy tourist or weekend traffic. Include an article(s) in the special provisions, when appropriate, to describe all applicable Holiday, Special Events, and/or Weekend Work Restrictions. Include work restrictions in a contract after considering the day of the week on which a holiday occurs, and the volume and character of traffic expected on the highway. Also consider the scheduling of the work and the extent to which it may impede the flow of traffic.

Review the directional distribution of traffic when considering work restrictions on divided highways. It may be possible to restrict the work on one roadway and perform work on the other roadway. Coordinate closely with the Traffic Section, when it is necessary to reduce the number of lanes available to traffic during construction operations.

When assessing the need and extent of work restrictions, consider:

1. Coordination with the OPA.
2. Coordination between regions.
3. Coordination between regional sections (Design, Traffic, Construction, and Maintenance).

- 4. Alternate routes available.
- 5. Timing of construction to avoid conflict.

Restrictions are not needed on contracts where the work is on relocation or where the highway under construction is closed to through traffic, except when hauling of materials to the work site involves travel across or along a highway meeting the requirements for work restrictions.

23.1 Independence Day

When Independence Day occurs on Friday, Saturday, Sunday or Monday, include the following restrictions on all highways carrying heavy tourist or weekend traffic.

Day of the Week on which July 4 th Occurs	Restricted Periods
Friday	Noon Thursday to 6:00 AM Monday
Saturday	Noon Friday to 6:00 AM Monday
Sunday	Noon Friday to 6:00 AM Tuesday
Monday	Noon Friday to 6:00 AM Tuesday

When Independence Day occurs on Tuesday, Wednesday or Thursday include work restrictions on all major highways such as the interstate system. These restrictions may be for the entire week or for each weekend bordering the holiday. Choose a restriction for a particular project based on the region’s analysis of the traffic counts for that project. A full week work restriction shall begin at noon Friday of the first weekend and continue to 6:00 AM Monday of the second weekend. The weekend work restriction shall be from noon Friday to 6:00 AM Monday for each weekend.

23.2 Memorial and Labor Days

Include holiday work restrictions for Memorial and Labor Day weekends from noon Friday to 6:00 AM Tuesday on all highways carrying heavy tourist or weekend traffic.

23.3 Deer Hunting Season

Include work restrictions on selected highways for the opening weekend of deer hunting season from noon Friday to 6:00 AM Monday. Work restrictions may be required on selected highways for the closing weekend of deer season from noon Saturday to 6:00 AM Monday.

23.4 Non-Holiday Weekends

Include work restrictions on major highways, such as the interstate system, from noon Friday to 6:00 AM Monday during heavy traffic periods.

23.5 Other Monday Holidays

No special work restrictions are required on other Monday holidays such as Martin Luther King Jr. Day, Presidents Day, Columbus Day and Veterans Day.

23.6 Thanksgiving

Use work restrictions when traffic conditions warrant their use.

23.7 Christmas and New Years

Work restrictions may be used under special circumstances. Normally there are few construction operations in progress during this time of year.

23.8 Easter

Use work restrictions when traffic conditions warrant their use.

23.9 Special Events

There may be additional restrictions necessary to accommodate local events that could impact traffic. Examples are sporting events, community festivals, music festivals, or ride events.

23.10 Sample Special Provision

Holiday and Special Event Work Restrictions.

Do not perform work on, nor haul materials of any kind along or across any portion of the highway carrying USH 151 traffic, and entirely clear the traveled way and shoulders of such portions of the highway of equipment, barricades, signs, lights and any other material that might impede the free flow of traffic during the following holiday periods:

- From noon Friday, May 27, 2022 to 6:00 AM Tuesday May 31, 2022, for Memorial Day;
- From noon Friday, July 1, 2022 to 6:00 AM Tuesday, July 5, 2022, for Independence Day;
- From noon Friday, September 2, 2022 to 6:00 AM Tuesday, September 6, 2022, for Labor Day.

stp-107-005 (20210113)

FDM 19-15-25 Utilities

May 17, 2021

The Utilities article in the special provisions provides contractors with information about utility facilities within the project area and potential utility conflicts that may be helpful when they are preparing their bids, and planning and scheduling construction operations. The article should alert contractors to any utility coordination that may be required during construction and any delays that may be caused by a utility during the project's prosecution.

Utilities articles are reviewed by the Utility Coordination Unit as part of their project review and approval of the Utility Status Report. If the review takes place after the PS&E submittal, updates based on their review should be eSubmitted as a special provision insert.

The Utilities article also identifies the status of the project with respect to Transportation Administrative Rule TRANS 220. Include in the first paragraph of this special provision one of the following statements as applicable to the specific PS&E package.

STSP 107-065:

This (These) contract(s) does (do) come under the provisions of Administrative Rule TRANS 220.

– OR –

STSP 107-066:

This (These) contract(s) does (do) not come under the provisions of Administrative Rule TRANS 220.

Starting with the second paragraph, separately address each utility company that has facilities within the project's limits and describe which utility facilities require alteration or relocation. Include the following information for each utility present:

- Name of utility company (in bold).
- Type of facility owned by the utility; for example, 2-inch gas line, overhead power line, or buried telephone cable.
- Location of conflict (station and number of feet left or right).
- Corrective action that the utility will take; for example, lower the line, or relocate the line 10 feet right.
- Anticipated timing of utility operations; for example, prior to the start of construction, before June 15, 2011, or during construction.

Include all utility work scheduled for completion either before or during construction in this article, as well as utility work that is dependent upon the contractor's operations. If there are utility facilities in the project area, but no adjustments are required, provide a brief statement stating this and list the utility companies that have facilities within the project's limits. If there are no known utility facilities within the project area, provide a brief sentence stating this.

Do not specify that the highway contractor performs work without adequately compensating the highway contractor for performing such work. For example, if specifying that a highway contractor performs a utility line opening or adjusts water valves as part of the contract work, ensure that the appropriate bid items are added to the estimate and plan. Also, when referring to bid items within the Utilities article, ensure that the bid items are included in the proposal's schedule of items.

For more information on writing a Utilities article for the special provisions, and for additional sample articles, refer to Chapter 14 of the *WisDOT Guide to Utility Coordination*.

25.1 Sample Special Provisions

Utilities.

This contract does come under the provisions of Administrative Rule TRANS 220.

Wisconsin Gas Company (gas) will lower their 6-inch main from approximately Station 10+39 to Station 10+98 and a 2-inch main that crosses Freistadt Road at Station 20+42. Wisconsin Gas Company will complete this work prior to the start of construction operations under this contract.

AT&T (phone) will be relocating and lowering a portion of their underground telephone conduit and lowering a telephone pedestal in the slope easement at Station 40+49 left. AT&T will complete this work prior to the start of construction operations under this contract.

Sanitary District No. 4 (sanitary) has manholes that must be adjusted to match the new pavement. Sanitary District No. 4 will adjust them concurrently with construction operations under this contract.

- OR, if no adjustments will be needed to existing utility facilities:

Utilities

This contract does not come under the provisions of Administrative Rule TRANS 220.

The following utility companies have facilities within the project area; however, no adjustments are anticipated:

Madison Gas & Electric Company

GTE North, Inc.

TCI Cablevision

- OR, if not utilities are located within the project area:

Utilities.

This contract does not come under the provisions of Administrative Rule TRANS 220.

There are no known utility facilities within the project area.

FDM 19-15-26 Other Contracts and Work by Others

August 17, 2020

The Other Contracts special provision informs the contractor of other WisDOT or governmental contracts that may affect project operations.

Sample Special Provisions

Other Contracts.

The department plans to contract for the asphaltic concrete pavement on the adjacent project to the south, which has work that will be in progress concurrently with work under this contract.

Other Contracts.

The department plans to contract for the grading, base, and concrete pavement on this section of highway, which has work that will be in progress concurrently with the work under this contract.

Other Contracts.

Marinette County will be reconstructing CTH T from USH 41 to STH 64 during construction operations under this project. Reconstruction of CTH T will include storm sewer and curb and gutter installation and pavement replacement. The county's project will begin when the detour along USH 41 and CTH T is removed and when construction along CTH T during Stage 2 occurs.

FDM 19-15-35 Railroad Special Provisions

October 3, 2016

Insert the articles Railroad Insurance and Coordination (STSP 107-026) and Railroad Requirements and Coordination (STSP 107-034) into the special provisions when it is necessary for the contractor to furnish Railroad Protective Liability Insurance (RRPL) as part of the contract. Refer to [FDM 17-50-5](#) for railroad insurance requirements.

These two special provision articles provide the following information:

- The requirement for RRPL,

- Work that will be performed by the railroad,
- Train operations,
- The railroad representative to be contacted for information, and
- When using STSP 107-034, who will pay the cost of flagging services.

Refer to the flow chart in [Attachment 35.1](#) as a guide from which to select which railroad special provision(s) to use. The technical notes in each railroad STSP provide additional guidance.

In general, use STSP 107-026 for minor work on railroad right of way when flagging is incidental, and the contractor will not be reimbursed. Minor work may include the following activities:

- Approach paving at grade crossings
- Boring conduits under track
- Limited maintenance on overpass structures such as:
 - Full depth deck repairs;
 - Expansion joint replacement at spans over track; and
 - Bearing replacement at spans over track.

Use STSP 107-026 where the project work on railroad right-of-way is relatively minor and the total amount of flagging is not expected to exceed around 10–15 days. Regional railroad coordinators should confer with staff from the BTLRRH if there is a question about whether an activity should be considered major or minor.

In general, use STSP 107-034 for major work on railroad right-of-way when flagging is not considered incidental. Major work may include the following activities:

- Demolition of a structure over tracks;
- Overpass or underpass construction;
- Overpass deck replacement or widening; and
- Extensive or significant longitudinal grading on railroad right-of-way.

Use STSP 107-034 when the work is considered more than minor, and the total amount of flagging is expected to exceed 10 –15 days.

If a track clearance fence is to be provided, STSP 616-050, Fence Track Clearance, must be used along with STSP 107-034. Use the appropriate sections of STSP 107-065, Utilities when there are fiber optic lines located on railroad right of way.

35.1 Railroad Contact Information

The addresses and contact personnel for the five major railroad companies operating in Wisconsin are provided in the STSP template.

LIST OF ATTACHMENTS

[Attachment 35.1](#) Railroad Special Provisions Selection

FDM 19-15-45 Hauling Restrictions

August 17, 2020

The Hauling Restrictions special provision is developed to fit the circumstances of the particular contract and may include the following:

1. Methods for safely hauling across live traffic lanes.
2. Locations where crossings are permitted or are not allowed.
3. Time limitations for hauling across traffic lanes.

45.1 Sample Special Provision

Hauling Restrictions.

The contractor shall at all times conduct his operations in a manner that will cause a minimum of inconvenience to the free flow of vehicles on roadways carrying USH 151 traffic. The contractor will be allowed access to these roads at locations approved by the engineer.

When hauling across any public roads, the contractor shall provide the necessary flagging and signing to control the construction equipment movements. The flagging operations shall not impede traffic flow on the public roads.

No earth moving equipment shall travel on the existing roadway (northbound lanes) after the concrete has been removed which would cause rutting or damage to the exposed base course.

FDM 19-15-55 Environmental Protection

May 15, 2024

Review sections 107.18, 107.19, and 107.20 in the standard specifications before writing environmental protection articles for a specific project. Do not duplicate environmental protection requirements that are already mandated by the standard specifications **or other state/federal regulations**. Project-specific environmental protection articles in the special provisions may include:

1. STSP 107-054, add to all projects that require a U.S. Army Corps of Engineers permit or have wetland impacts.
2. STSP 107-056 and/or STSP107-057, add to all projects that have more than one acre of ground disturbance, requiring a Wisconsin Pollutant Discharge Elimination System (WPDES) or National Pollution Discharge Elimination System (NPDES) Construction Storm Water Discharge Permit.
3. Description and/or special requirements needed to protect endangered or threatened species found within the project's limits.
4. Descriptions of sensitive areas on or near the project and any considerations for those areas.

55.1 Bridge Construction in Streams During Fish Spawning

Many bridge contracts contain time constraints provisions which prohibit construction operations from occurring in streams, between certain dates, or before or after a particular date. These dates are intended to cover fish spawning periods and are determined during the environmental process, which may occur years before construction. The actual fish spawning period may vary from year to year, and any modification to the contract time constraint would require a "No Cost" contract change order.

Use the following special provision to limit when a contractor can work in a stream due to fish spawning.

Fish Spawning

There shall be no instream disturbance of (name of river) as a result of construction activity under or for this contract [from (date) to (date) both dates inclusive], or [prior to (date) or after (date)] in order to avoid adverse impacts upon the spawning of (fish species).

Any change to this limitation will require submitting a written request by the contractor to the engineer, subsequent review and concurrence by the Department of Natural Resources in the request, and final approval by the engineer. The approval will include all conditions to the request as mutually agreed upon by WisDOT and DNR.

This provision should supplement the Prosecution and Progress article, since it affects when the contractor can perform contract work. To use this STSP, select the FISH button, which is found under all three contract-type tabs in the general template used to write special provisions, stsp-template.dotm, located at:

<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/tools/stsp.aspx>

55.2 Migratory Bird Nests on Structures

If migratory birds are present and the bridge must be netted to preclude bird nesting, use the latest version of the following special provision:

Migratory Birds

Swallow or other migratory bird nests have been observed on or under the existing structure(s). All active nests (when eggs or young are present) of migratory birds are protected under the federal Migratory Bird Treaty Act. The nesting season for swallows and other birds is from **Select from drop-down** to August 31.

Either prevent active nests from becoming established or prevent birds from nesting by installing and/or maintaining a suitable deterrent device on the remaining structure prior to nesting activity under the bid item **Select from drop-down**. As a last resort, apply for a depredation permit from the US Fish and Wildlife Service for work that may disturb or destroy active nests. The need for a permit may be avoided by removing the existing bridge structure prior to nest occupation by birds or clearing nests from all structures before the nests become active in early spring.

This provision should be included as part of the Prosecution and Progress article, since it affects when the

contractor can perform contract work. To use this STSP, select the BIRDS button, which is found under all three contract-type tabs in the general template used to write special provisions, stsp-template.dotm, located at: <https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/tools/stsp.aspx>.

Additionally, use STSP 999-200 and the associated bid items to have the contractor install and/or maintain the bird deterrent system.

55.3 Other Environmental Protection STSPs

55.3.1 Asbestos Containing Materials on Bridges

During the design of a project that contains a structure being demolished or rehabilitated, the department requires that a licensed asbestos inspector inspects all bridges being demolished or rehabilitated for asbestos containing materials (ACM). The results of the asbestos inspection for the structure are included in the Hazardous Materials section of the environmental document and in the special provisions. There are three STSPs, which can be used to inform the contractor whether asbestos is present and whether he will be responsible for its removal. The three STSPs are:

STSP Number	STSP Title and General Directions for Use
107-120	Notice to Contractor, Asbestos Containing Materials on Structure. Use if ACM are found on the structure but will not be disturbed during construction.
107-125	Notice to Contractor, Notification of Demolition and/or Renovation. No Asbestos Found. Use only for structures to be demolished that have been inspected and have no asbestos or no regulated levels of asbestos are present.
203-005	Abatement of Asbestos Containing Material (Structure), Item 203.0211.S. Use STSP 203-005 and bid item 203.0211.S if ACM are found, and the contractor must remove all ACM during construction.

For more information about inspecting bridges for asbestos, see [FDM 21-5](#) Asbestos on Bridges.

55.3.2 Contaminated Soils

The department evaluates all transportation improvement projects under its jurisdiction to determine if they warrant a hazardous materials investigation. If hazardous materials are present and the department cannot avoid disturbing these materials, the department remediates the contamination.

Several STSPs are available that pertain to contaminated soils and how the contractor shall encounter these soils within the project's limits. Before using any of these articles, consult with the department's environmental coordinator or consultant. These STSPs include:

STSP Number	STSP Title and General Directions for Use
107-100	Notice to Contractor – Contamination Beyond Construction Limits. Use this STSP if petroleum contamination is located beyond the construction limits and it is not anticipated that the contractor shall encounter the contamination.
107-105	Notice to Contractor – Contamination Removed Before Construction. Use this STSP if there is contamination within construction limits, but others will remove it before construction.
107-110	Notice to Contractor – Contamination Removed During Construction. Use this STSP if petroleum contamination is located within the construction limits, but others will remove it during construction.
107-115	Health and Safety Requirements for Workers Remediating Petroleum Contamination.
107-030	Notice to Contractor – Creosote Lumber. Use this STSP if work involves removal of creosote lumber.

STSP Number	STSP Title and General Directions for Use
205-003	Excavation, Hauling, and Disposal of Petroleum Contaminated Soil, Item 205.0501.S. Use this STSP and STSP 107-115 if petroleum contaminated soil is present, and the highway contractor will be responsible for excavating, loading, hauling, and disposing of the contaminated soils.
205-005	Excavation, Hauling, and Disposal of Creosote Contaminated Soil and Management of Contaminated Groundwater, Item 205.0505.S. Use this STSP if creosote contaminated soil and groundwater is present, and the highway contractor will be responsible for excavating, loading, hauling, and disposing of the contaminated soils and groundwater.
205-006	Excavation, Hauling, and Disposal of Creosote Contaminated Soil, Item 205.0506.S. Use this STSP if creosote contaminated soil and groundwater is present, and the highway contractor will be responsible for excavating, loading, hauling, and disposing of the contaminated soils.

55.3.3 Bridge Painting - Labeling and Disposal of Waste

Several STSPs and bid items are available to minimize adverse impacts from repainting structures. The department requires contractors to contain paint chips or to prevent paint chips from falling into the water.

STSP Number	STSP Title and General Directions for Use
107-115	Health and Safety Requirements for Workers Remediating Petroleum Contamination.
517-037	Containment and Collection of Waste Materials (Structure), Item 517.4001.S.
517-055	Labeling and Disposal of Waste Material. This STSP is typically used with STSP 517-050, STSP 517-060 and STSP 517-065.
517-060	Portable Decontamination Facility, Item 517.6001.S. This STSP is typically used with STSP STSP 517-050, STSP 517-055 and STSP 517-065.
517-065	Negative Pressure Containment and Collection of Waste Materials (Structure), Item 517.4501.S. If using STSP 517-065, always include STSP 517-055 and STSP 517-060.

55.3.4 Other Environmental STSPs

Other environmental STSPs include:

STSP Number	STSP Title and General Directions for Use
107-055	Environmental Protection – Aquatic Exotic Species Control.
107-060	Construction Over or Adjacent to Navigable Waters.
107-070	Erosion Control Structures. Required on all contracts with waterway structures.

FDM 19-15-60 Erosion Control

October 3, 2016

The Erosion Control special provision should include any special erosion control requirements that must be relayed to the contractor. Examples of such requirements are:

1. Any limitations to the amount of erodible surface area which may be exposed at any one time.
2. Any special scheduling or staging requirements needed to minimize erosion.
3. Any over-winter and/or spring flooding protection measures needed. This is especially important on projects where work will be suspended. Maintenance of these control measures should be considered during this time period.
4. A brief description of the interim and permanent erosion control stabilization practices to be used on the project.
5. A brief description of the structural practices to be used to divert flow away from exposed soils, store flows, or limit runoff and the discharge of pollutants. Unless otherwise specifically approved in writing by the DNR, structural measures are to be installed on upland sites.

6. Any special requirements needed due to the erosion susceptibility of certain slopes and/or soil types.
7. Any other special erosion control requirements specific to the project.

60.1 Sample Special Provisions

Erosion Control.

Add the following to standard spec 107.20:

Pursue operations in a timely and diligent manner, continuing all construction operations methodically from the initial topsoil stripping operation through the subsequent grading and re-topsoiling to minimize the period of exposure to possible erosion.

Re-topsoil raded areas, as designated by the engineer, immediately after grading is completed within those areas. Seed, fertilize, and mulch all topsoiled areas within ten (calendar) (working) days after placement of topsoil.

Erosion Control.

Add the following to standard spec 107.20:

From Station _____, RT/LT, to Station _____, RT/LT limit the duration that erodible land is exposed to the elements by grubbing, excavation, borrow or fill operations, to (15) (working) (calendar) days prior to the final trimming, finishing, and seeding operations.

Implement best management practices for both temporary and permanent erosion control measures. These measures are outlined in the contract plans.

Construct intercepting embankments and intercepting ditches, as shown on the plans, to direct runoff away from exposed soils.

Construct sediment basins, ditch checks, riprap, silt fence erosion mat, as shown on the plans, to store runoff flows, limit runoff and limit the discharge of pollutants.

Erosion Control.

Add the following to standard spec 107.20:

Immediately after grading is completed, perform work on the finishing items pertaining to erosion control at the locations designated by the engineer.

FDM 19-15-75 Specification Modifications

March 16, 2018

Consider using a specification modification for modifying an existing standard bid item. Many special provision bid items (SPVs), including those in region SPV libraries, can use a specification modification instead of an SPV article. Use a specification modification if the item requirements are narrowed from the standard item or the requirements are not significantly different from the standard item. The estimated change in cost should be compared to the range of historic prices to determine if the specification modification is significant. Take into consideration how the contractor's means and methods will vary based upon the specification modification. Take into consideration how bid prices for standard items can vary based upon the project's characteristics, including handwork, small quantities, large quantities divided into many locations or stages, utility coordination, or a constrained work environment when comparing the estimate unit cost versus a bid received on a different project.

Include articles as necessary in the special provisions to modify the standard specifications to meet a project's needs. For example, modifications to the standard specifications may be necessary to specify that the contractor uses different equipment or materials, alternate construction materials, or different application rates. An article may be necessary to change who the responsible party is for a particular action, or to change how the item will be measured in the field and/or paid. Modifications should be reviewed for the possible need to add a non-standard SPV item to the contract. Refer to [FDM 19-15-80](#) for guidelines on writing special provision articles for project-specific bid items.

75.1 Sample Special Provisions

The first two samples provided are STSPs that need to be completed on a project specific basis. In STSP 208-005, the designer must specify the material requirements of select borrow needed on the project. In the second example, the designer must specify the amount of daily damages that the department will assess the contractor if the care specialist does not perform the required care needed to ensure that plantings become well established.

Select Borrow.

Conform to the requirements of standard spec 208 and as hereinafter provided.

Material

Furnish and use material that consists of granular material meeting the following requirements: (enter the project-specific material requirements).

208-005 (20031103)

Landscape Planting Surveillance and Care Cycles.

If the care specialist fails to perform any of the required care cycles as specified in standard spec 632.3.19.1, the department will assess daily damages in the amount of \$ (the dollar amount for damages in that particular project) to cover the cost of performing the work with other forces. The department will assess these damages for each day the requirements of the care cycle remain incomplete, except when the engineer extends the required time period.

632-005 (20070510)

The next two examples are modifications that have resulted from regional experience and/or other facilities development procedures.

Base Aggregate Dense.

Replace the fracture requirement as specified in standard spec 301.2.3 for virgin aggregate, crushed stone or crushed gravel with the following:

At least 80 percent, by count, of the number of particles of aggregate retained on the No. 4 and larger sieves, for dense aggregate base, shall have at least one fractured face.

Concrete Driveway.

Add the following to standard spec 416.3.4:

Contraction joints, if necessary, are required to be sawed. Saw contraction joints at least one-third the depth of the concrete driveway and approximately 1/8-inch wide. Perform the sawing as soon as possible after the concrete sets sufficiently to prevent raveling during sawing and before shrinkage cracking occurs.

FDM 19-15-80 Special Provision Bid Items SPV

May 15, 2024

A non-standard bid item is identified by an item number that begins with "SPV" (for example, Item SPV.0060.01), is not contained or listed in the standard specifications' Schedule of Bid Items:

<https://wisconsindot.gov/rdwy/stdnspec/ss-99-10.pdf>

and is not a dot S (.S) item covered by one of the STSPs. See [FDM 19-15-85](#) for information about the department's STSPs. Examples of nonstandard bid items include items for sanitary sewer work, special lighting needs, special seed mixes and landscaping plants, or special architectural treatments to structures. Include articles in the special provisions document for ALL bid items in a contract that begin with the prefix "SPV."

The department would like to restrict the use of project specific special provisions with SPV bid items to only those cases where there are no closely related existing state-wide specifications. A specification modification (see [FDM 19-15-75](#)) or a STSP modification (see [FDM 19-15-85.1](#)) may be used instead.

Issues with Project Specific Special Provisions:

1. Special provision items may not have been approved by tech committees.

2. Contractors must interpret the SPVs, increasing risk and cost.
3. Bid history is difficult to obtain, if there is any.
4. Similar SPV item names may be completely different from project to project.
5. Non-standard items may be in short supply and are more expensive.
6. If the result for a task is the same for an SPV and a standard bid item, then use the standard bid item.
 - The bid item is consistent for all projects.
 - Bid history is much easier to find.
 - Experience with common items reduces costs and risk.
 - Standard bid items are more available.
7. If you must use an SPV, try to utilize SPV libraries maintained by each region or the Bureau of Structures first.

The Bureau of Structures:

<https://wisconsin.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/strct/special-provisions.aspx>

maintains many articles, which are not STSPs, on their web page for nonstandard structure items.

The regions maintain articles, which are not STSPs, for special items that are unique to their particular area.

Articles for other nonstandard bid items must be written and typed specifically for that particular bid item and project. When writing special provisions for a specific project and using the general special provisions template, stsp-template.dotm, insert an article for a nonstandard bid item using this method:

1. Place the cursor at the appropriate location within the special provisions for that SPV item.
2. Type in 000-000, and press F3. A building block template will be added at that location; use it to write the SPV article for the project-specific item.

80.1 Assigning Numbers to SPV Items

Assign numbers for SPV bid items following this format:

- The first three digits are “SPV” followed by a period.
- After the first period, there are 4 numbers followed by a second period. These numbers correspond to how the special bid item is going to be measured. For example, if a special bid item is measured in linear feet, its bid item number would begin with “SPV.0090”, and if a special bid item is measured by the unit, its bid item would begin with “SPV.0060.” Refer to [Table 80.1](#) for a list of special provision bid item numbers, descriptions, and their corresponding units of measure.

Table 80.1 Special Provisions (SPV) Bid Item Numbers, Units and Descriptions

Item Number	Unit	Description
SPV.0005	ACRE	Acre
SPV.0010	AD	Arrow Day
SPV.0015	BBL	Barrel
SPV.0020	BD	Board Day
SPV.0025	CF	Cubic Foot
SPV.0030	CWT	Hundredweight
SPV.0035	CY	Cubic Yard
SPV.0040	CYMI	Cubic Yard Mile
SPV.0045	DAY	Day
SPV.0050	DD	Drum Day
SPV.0055	DOL	Dollar
SPV.0060	EACH	Each

SPV.0065	FA	Fuel Cost Adjustments
SPV.0070	GAL	Gallon
SPV.0075	HRS	Hours
SPV.0080	ID	Inch Diameter
SPV.0085	LB	Pound
SPV.0090	LF	Linear Foot
SPV.0095	LM	Linear Mile
SPV.0100	LOT	Lot
SPV.0110	MBM	1000 Foot Board Measure
SPV.0120	MGAL	1000 Gallon Unit
SPV.0125	MI	Mile
SPV.0130	MKFT	Board Foot
SPV.0135	MON	Month
SPV.0140	NONE	None
SPV.0145	OZ	Ounce
SPV.0150	PD	Person Day
SPV.0152	PH	Person Hour
SPV.0153	PR	Pair
SPV.0155	SACK	Sack
SPV.0160	SD	Sign Day
SPV.0165	SF	Square Foot
SPV.0170	STA	Station
SPV.0175	STYD	Station Yard
SPV.0180	SY	Square Yard
SPV.0185	TD	Ton Day
SPV.0187	TF	Track Foot
SPV.0190	TM	Ton Mile
SPV.0195	TON	Ton
SPV.0200	VF	Vertical Feet
SPV.0205	WD	Working Day
SPV.0210	WEEK	Week
SPV.0215	YDMI	Yard Mile

- The number following the second period, which is also the beginning of the item's supplemental description entered in AASHTOWare, provides the special bid item with a unique bid item number. All supplemental descriptions begin with a number, such as 01., 02., 03., and 04., which aids in organizing the special provisions. The number should be two digits (01., 02., 03., etc.) unless there are more than 100 special bid items being measured in the same manner (in this case, the supplemental description should begin with three digits such as 001., 002., and 003.). If, for example, the contract will have three special bid items measured by the linear foot, then most likely the items will be assigned the numbers SPV.0090.01, SPV.0090.02, and SPV.0090.03. Item numbers do not have to be in numerical

order, if additions or deletions are made. (Note: The word “SPECIAL” is automatically added to the end of the title for all SPV items in AASHTOWare.)

80.2 Writing Special Provision Articles for Non-Standard Bid Items

Because most special provisions written for non-standard bid items are project-specific, they are written from scratch, and not used again on other projects.

80.2.1 Special Provision Bid Item Description and Title

Ensure that the item titles in the special provision articles match exactly the item titles as they are shown in the plan’s EOQ sheets, the plan’s Miscellaneous Quantities sheets, the Engineer’s Estimate and the proposal’s Schedule of Items. Generally, the word “Special” is NOT needed in the bid item’s title of an SPV item; the fact that it is an SPV item makes it a special item in the contract. Use the word “Special” in the title only when, by adding that word in the item title, the bid item title of the SPV item is made distinguishable from the title of a standard bid item. **Do not duplicate standard bid item names.**

Keep the title of the item short with no punctuation. The established naming format for SPV item titles is: Actual Bid Item Name (for example, pole, manhole, culvert pipe), Materials Type, if necessary (for example, paint, epoxy, corrugated steel, aluminum), and Variable (for example, type, class, structure number, XX-inch, or XX-foot). Some examples of SPV item titles are: Parapet Concrete Type TX, Manhole 8-Foot, Concrete Curb & Gutter 24-Inch Type D, Junction Box 12x12x6-Inch, and Masonry Anchor Type S 1-Inch. Code the SPV item title into the supplemental description field of the SPV.#####.## item in AASHTOWare. Look at the standard bid item titles for more examples of this naming format.

80.2.2 Special Provision Text

Whenever possible, write in the active voice-imperative mood style using commands to direct the contractor’s work. When using active voice, do not use the words “the contractor shall”; instead, specify actions needed by the contractor to complete the work (for example, clean the pavement surface, assemble the sections, or replace the fuse). Often the sentence will begin with a verb. Do not use active voice if it may be confusing as to who is actually responsible for completing the work.

For all actions that will be undertaken by a party other than the contractor, use phrases such as “The department will...” or “The engineer will...” or “AT&T will relocate...” to clearly establish the responsible party under the contract for all actions. Use “the engineer” if it will be the responsibility of project personnel at the project site, and use “the department” if it will be the responsibility of a department employee in a region or bureau, or quality assurance person, or someone at an independent lab. See [standard spec 101.1](#) for general information on writing active voice text.

Avoid indefinite phrases such as “to the satisfaction of the engineer” or “meeting approval of the engineer.” Not only are these sentences ambiguous, they make a proposal un-biddable, because a bidder does not know to what standard the work will be held. Be careful about writing phrases such as “submit (item) for approval” or “(item) will be approved by the engineer,” since the logic of the words does not allow the engineer’s disapproval. For example, instead of writing “All lane closures shall be approved by the engineer,” write, “Ensure that all lane closures have been approved by the engineer before using,” or “Obtain approval from the engineer before closing the lane.”

Avoid writing phrases and sentences that can be interpreted to have more than one meaning. For example, consider the sentence “Furnish nuts and bolts of stainless steel.” This specification can be interpreted two ways, only the bolts must be made of stainless steel OR both the nuts and the bolts must be made of stainless steel.

Avoid repetition. Do not repeat verbiage that is stated elsewhere in the special provisions, the standard specifications, or in references. Do not repeat what is already shown on the plan details or standard detail drawings. Often it is more effective to show dimensions, tolerances, and layout in plan details, and then to direct the contractor to the plans by writing in the special provision article “...as the plans show” or “in accordance to the plan details.”

Be careful when using *lists of materials or requirements*, and, if using a list, ensure that it is complete. A contractor may assume that his obligation is to perform ONLY the work that is specifically enumerated on the list and may not perform work that the designer had assumed was also part of the work but did not specifically add to the list.

When *cross-referencing* another article in the special provisions, a standard detail drawing, or another bid item, refer to them by their title, not their number. When standard detail drawings are updated, they are given a new number, bid numbers are sometimes changed, and the numbering of articles within special provisions often change during the PS&E review process.

Capitalize bid item names; little else in the special provisions is capitalized. Do not capitalize standard

specifications, section, engineer, contractor, special provisions, plans, contractor, work, or department.

Avoid explanations; specifications provide requirements and directions; they do not explain. Consider this sentence: “Use a sheepsfoot roller to compact the clay subbase.” By adding the words “to compact the clay subbase”, a contractor may decide that he does not need to use a sheepsfoot roller if he performs a soil analysis and determines that the soil technically does not classify as a clay, or he may decide to use a different piece of equipment that in his opinion compacts clay better than a sheepsfoot roller. Both interpretations are fair, and most likely would result in the contractor using a piece of equipment other than what the designer had intended. The designer should have stated instead “Use a sheepsfoot roller.”

80.2.3 Writing an SPV Article using a Five-Part Format

Use only these first-level section titles when writing articles for SPV items:

- A Description
- B Materials
- C Construction
- D Measurement
- E Payment

Do not include additional first-level subsections such as Equipment. Instead, include those requirements under section B Materials, or section C Construction, or both. When choosing whether to place specifications in the Materials or Construction section, place actions that are completed at a plant or other off-grade location under B Materials and place actions completed with on-grade equipment under C Construction.

If there are no requirements under one or more of these five first-level sections, retain the 5-part format by providing a space holder. For example, if the special bid item is Salvaging Cabinet, and there is no need to write specifications under B Materials, replace B Materials with B (Vacant) as follows:

- A Description
- B (Vacant)
- C Construction
- D Measurement
- E Payment

Make use of subsections, if subsections will help clarify the special item’s requirements. For example, suppose the contractor needs to furnish a control unit that has several components. Some general specifications may pertain to all of the controller’s components, while more specific requirements pertain to each component. In this case, section B Materials may be subdivided into the following subsections:

- B Materials
 - B.1 General
 - B.2 Component A
 - B.3 Component B
 - B.4 Component C

If there are two different types of controls in a complex control unit, and each type has the same general requirements, section B Materials may be subdivided as:

- B Materials
 - B.1 General Requirements for Type 1 Control
 - B.1.1 First Component of Type 1 Control
 - B.1.2 Second Component of Type 1 Control
 - B.2 General Requirements for Type 2 Control
 - B.2.1 First Component of Type 2 Control
 - B.2.2 Second Component of Type 2 Control

The following outline is an example of how section C may be subdivided for specifying how various components of a complex control system is installed. Subsection C.1 may include general requirements that govern how to install the entire system. Subsequent subsections may include installation and testing requirements for each of the components.

- C Construction
 - C.1 General
 - C.2 Component A
 - C.2.1 Installing Component A
 - C.2.2 Testing Component A
 - C.3 Component B
 - C.3.1 Installing Component B
 - C.3.2 Testing Component B

Use bulleted lists instead of complicated compound sentences to clarify series. For example, if a contractor needs to provide several items, state "...provide the following:" or "...provide all of the following:" If the contractor can choose providing one of several items, use an "or" series and write "...provide one of the following:" Remember that it is important to ensure that each listing used is complete.

80.2.3.1 A Description

In this introductory section, give only a brief description of the work. Typically, this is a sentence or two that lets the reader know if they are reading the right special provision. Do not include usage guidance or bid items. Do not include requirements for materials, construction, or a breakdown of what is paid for under each item.

80.2.3.2 B Materials

Provide information on materials to be used in the work item. Detail the properties of each material required, and the methods used for testing and sampling the materials' properties. Do not reference specific update years in ASTM, AASHTO, or other references; [Standard Spec 101.2\(2\)](#) states: "Unless specified by year or date, cited publications refer to the most recent issue, including interim publications, in effect on the bid closing date."

Do not specify proprietary items, unless a Proprietary Product Justification has been approved by the region. All approvals of proprietary products should be resolved prior to the PS&E submittal. Refer to [FDM 19-1-5](#). If proprietary products need to be specified in the article, and no Proprietary Product Justification has been submitted for the proprietary products, provide the contractor with the choice of using a minimum of three different proprietary items (from three different companies) that are equal to each other functionally. Also, do not write specifications that can only be met by one proprietary product.

80.2.3.3 C Construction

Describe the sequence of construction operations and the end product. Detail the requirements necessary to complete the work but be generic in method to allow and encourage the use of improved equipment and the application of new and advanced construction methods.

Do not repeat what is already provided in the standard detail drawings or other plan details. Dimensions, tolerances, and layout are often most effectively communicated using drawings. Information can be specified to indicate, "...as the plans show."

Clauses which require warranties or guarantees are not allowed except in unusual circumstances. Ref. 23CFR 645.413. See [FDM 19-15-3](#).

80.2.3.4 D Measurement

Use the following boilerplate statements in section D Measurement:

For all units of measure except Each and LF: The department will measure (Bid Item Name with Capital Letters on First Letter of Each Word) by the (unit of measure) acceptably completed. For example,

The department will measure Architectural Surface Treatment by the square yard, acceptably completed.

-OR-

The department will measure Concrete Sidewalk 6-Inch Red in area by the square foot, acceptably completed.

Each: The department will measure (Bid Item Name with Capital Letter on First Letter of Each Word) as each individual (bid item) acceptably completed. For example:

The department will measure Stone Ditch Check Temporary as each individual ditch check, acceptably completed.

Linear Foot (LF): The department will measure (Bid Item Name with Capital Letters on First Letter of Each Word) in length by the linear foot acceptably completed. For example,

The department will measure Curb and Gutter 36-Inch Type J in length by the linear foot, acceptably completed.

Do not provide metric equivalents for bid item units.

80.2.3.5 E Payment

Begin section E Payment with the following phrase: “The department will pay for the measured quantity at the contract unit price under the following bid item:” Add a table without borders that has three columns and the following three headings: ITEM NUMBER, DESCRIPTION, and UNIT. Begin the second paragraph of E Payment with the words “Payment is full compensation for.” After these words, list the key elements of work that were required under sections B Materials and C Construction. Do not add requirements that were not previously mentioned in the article. For example,

The department will pay for the measured quantity at the contract unit price under the following bid item:

ITEM NUMBER	DESCRIPTION	UNIT
SPV.0060.01	Stone Ditch Check Temporary	Each

Payment is full compensation for furnishing and placing the stone; maintaining the ditch check; removing the ditch check when it is no longer necessary; and for properly disposing of all materials.

If there is work associated with the bid item that will be paid for under other bid items, add a paragraph to describe this information. Begin the paragraph with “The department will pay separately for (list items or work) under that (those) respective bid item(s).”

Do not add the language “and for furnishing all labor, tools, equipment, and incidentals necessary to complete the work.” This is adequately covered in the Standard Specifications for Highway and Structure Construction.

Do not provide metric equivalents for bid item units.

80.2.4 Writing Articles for SPV Items That Do Not Require a 5-Part Format

It is not necessary to use the 5-part format for a special item, if that special bid item will be furnished, constructed, measured and paid for in the same manner as a corresponding standard bid item. For example, if a city requires a special curb section to match their existing curb and the new dimensions are provided in a construction detail, an appropriate article may look like:

Concrete Curb and Gutter 30-Inch Type X, Item SPV.0090.04.

Construct the concrete curb and gutter in accordance to section 601 of the standard specifications and in accordance to the plan details.

80.3 Using Numbers in Technical Documents

In general, spell out the numbers zero through ten and use figures for larger numbers. There are many exceptions, including:

- Always spell out a number that is at the beginning of a sentence regardless of what the number is. For example, 40 is typically written in numerals but at the beginning of a sentence it would be written as a word, i.e., Forty pounds of ...
- Always use numerals when a unit of measurement follows. Example 3-feet, 240 pounds, 16 inches.
- Use numerals for all numbers when there are two or more numbers for related quantities in the same sentence, such as, 5 of 34 engineers recommend...
- Always spell out approximate values, such as about four years, or approximately two times larger.
- Do not spell out and use figures for numbers. For example, do not write “five (5) engineers” or “five (5) inches”; instead, write “five engineers” and “5 inches.”

80.4 Using Units in Technical Documents

All numerical values that have dimensions must have their units specified. General guidelines are:

- If there are two numbers with the same unit in the same phrase, put the unit after the second number; for example, “between 4 and 5 inches.”
- All units that are named after a person have a lower-case first letter when written out, but an upper-case first letter when abbreviated. Hence, the proper abbreviation for volt is V, and the proper abbreviation for kilovolt is kV. The proper abbreviation for megahertz is MHz; M denotes mega, m can denote either meter or the prefix milli.
- The proper abbreviation for second is s, not sec.
- There should be one blank space between a number and a unit. If necessary, use a hard space (Ctrl+Shift+Spacebar) to keep the number and its unit on the same line of text.

- If the number is used as an adjective or descriptor, add a hyphen between the number and the unit. For example, 6-inch pipe; 13-foot pole.
- Temperature has the unit of degree. Place one blank space between the degree symbol and the degree type, e.g. 68° F or 20° C (or write out the word degrees; for example, 68 degrees F).

LIST OF ATTACHMENTS

[Attachment 80.1](#) Nonstandard Bid Item Sample

FDM 19-15-85 Standardized Special Provisions Bid Items (STSP) ###.####.S

May 17, 2021

The BPD maintains a library of special provision articles, called the STSPs, that are commonly used in many contracts.

The STSPs cover a wide range of subjects including many addressed previously in this section of Chapter 19. Where appropriate, use STSPs when preparing special provisions for department contracts. Often, the STSPs are written by department experts or committees that have studied that bid item or contractual concern. Also, contractors are familiar with the bid items and contents of the STSPs.

There are two types of STSPs. One type is a bid item with a unique bid item number ###.####.S format and a bid item description. The other type of STSP does not have a unique bid item associated with it or is bid as a standard bid item. These contain information that modify, supplement, delete, or add to the language contained in the standard specifications.

Some STSPs require the preparer to provide additional project-specific information, such as project ID, structure number, or product thickness that needs to be filled out in the supplemental description of the item, and in the article's title. This information is identified in lower case letters with parentheses, (information). Some project-specific information may also be needed in the body of the article.

The numbers assigned to the STSPs are coordinated with the numbering system used in the Standard Specifications for Highway and Structure Construction. The first three digits refer to the section in the standard specifications where similar information or bid items are located. The last three digits are numbers used to identify each STSP. For example, STSP 415-010 is the special provision article for Concrete Pavement Fast Track (Inch), Item 415.1150.S. The first three digits, 415, indicates that Section 415 Concrete Pavement in the standard specifications will control this work, and the last three digits, 010, makes this STSP number unique.

85.1 Modifying an Existing STSP

If necessary, an existing, numbered STSP can be revised. However, if revisions are made to an STSP, remove the date and STSP number at the end of the STSP, and note what revisions were made to that STSP in the plan letter. If the PS&E preparer fails to note the revisions in the plan letter, the Proposals Management Section may inadvertently replace that article with the most current version of that STSP. If revisions are made, and the date is not removed, contractors may not realize that the STSP has been changed and may not prepare their bids accordingly.

If additions are needed to an existing STSP, place the additions after the date. In these cases, do not remove the date at the end of the STSP, but still note the revisions in the plan letter.

Consider modifying an existing STSP instead of a SPV article. Use a STSP modification as long as the item requirements are narrowed from the "S" item or the requirements are not significantly different from the ".S" item. The estimated change in cost should be compared to the range of historic prices to determine if the specification modification is significant. Take into consideration how the contractor's means and methods will vary based upon the specification modification. Take into consideration how bid prices for standard items can vary based upon the project's characteristics, including handwork, small quantities, large quantities divided into many locations or stages, utility coordination, or a constrained work environment when comparing the estimate unit cost versus a bid received on a different project.

If a SPV item is necessary, refer to [FDM 19-15-80](#) for guidelines on writing special provision articles for SPV bid items.

85.2 STSP Folder Updates

The BPD typically updates the STSPs in January and July of each year. The revision date is placed at the top of the STSP template, stsp-template.dotm, and at the end of each affected article. Always use the most recent version of the STSPs when creating special provisions. All STSPs are maintained in the STSP template; therefore, the current STSP template contains all of the updated STSPs.

When the STSPs are updated, the BPD writes a log that lists all STSPs added, revised, or deleted. Engineering

staff is notified by email when changes are made. After the BPD releases an STSP update, delete the STSP template (stsp-template.dotm) that was stored in the folder containing your PS&E documents and replace it with the updated STSP template. For information on using the STSP template, refer to the manual *Creating Special Provisions* at:

<https://wisconsin.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/tools/stsp.aspx>

If the region feels permanent revisions should be made to an STSP or if the region has a potential new STSP, they should contact the Special Provisions Editor at (608) 266-3811.

85.3 The Special Provisions Website

The documents needed to compile Special Provisions are kept at the following location:

<https://wisconsin.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/tools/stsp.aspx>

This site contains:

- Form DT1502, the Highway Work Proposal cover sheet;
- The most recent STSP Log;
- An Excel spreadsheet (Index.xlsx), a listing of all STSPs, from which a designer can choose the appropriate STSPs for a project, filter the listing so that only the appropriate STSPs remain, and then use the list to compile the special provisions.
- The STSP template (stsp-template.dotm), which contains all of the STSPs as building blocks;
- A read only pdf file of all the STSP articles;
- The Plan Letter Template;
- The Special Provisions Insert form;
- The special provisions *Insert Guidelines*;
- The training manual *Creating Special Provisions*;
- Guidelines to correct common mistakes when preparing special provisions; and
- Shortcuts to help create special provisions within the template.

FDM 19-15-90 Additional Special Provisions

May 16, 2023

Contract special provisions specify requirements that are not in the standard specifications and plans. The department applies additional contract conditions by adding ASPs to contracts. When assembling the proposal, the Proposal Management Section inserts the ASPs into the contract documents.

The current versions of ASPs are located at:

<https://wisconsin.gov/Pages/doing-bus/contractors/hcci/contract-info.aspx>

The current ASPs are:

ASP-1	TrANS On the Job Training Apprenticeships (at \$5/hour)
ASP-1.1	TrANS On the Job Voluntary Incentive Program (at \$5/hour and \$10/hour) (currently not used)
ASP-3	Disadvantaged Business Enterprise Development
ASP-4	Payment to Subcontractors
ASP-5	Fuel Cost Adjustment
ASP-6	Modifications to the Standard Specifications
ASP-7	Reporting 1 st Tier and DBE Payments During Construction
ASP-8	Requirements for Contractors and Subcontractors (currently obsolete)
ASP-9	Electronic Certified Payroll Submittal via the Civil Rights Compliance System

90.1 Coordination with the Region Labor Compliance Coordinator

The person responsible for submitting the PS&E documents in or for a region should confer with the regional Labor Compliance Coordinator to determine if ASP 1 should be inserted into the contract and should provide that information in the plan letter. If the region Labor Compliance Coordinator determines that ASP 1 be included, then list the recommended number of trainees and the number of hours for both TrANS graduates and TrANS apprentices in the plan letter.

90.2 ASP Descriptions

ASP-1: TrANS On-the-Job Training Apprenticeships

The TrANS On-the-Job Apprenticeships ASP is utilized on those federally funded projects that support a significant amount of apprenticeship work and laborer work; in effect, jobs which have the potential for providing at least 150 training hours or more per individual trainee. The region's Labor Compliance Coordinator makes this determination; and provides the design engineer with the following information:

On-the-Job Training:

ASP 1: _____ TrANS Graduate(s), _____ hours @ \$5.00 per hour, Item ASP.1T0G

ASP 1: _____ TrANS Apprentice(s), _____ hours @ \$5.00 per hour, Item ASP.1T0A

It is the design engineer's responsibility to ensure that this information is included in the plan letter, and that the appropriate bid items, ASP.1T0A and ASP.1T0G, have been added to the project's estimate.

ASP-1.1: TrANS On-the-Job Voluntary Incentive Program

(Note: This is currently a pilot program. This ASP is not listed in the Plan Letter)

The TrANS On-the-Job VIPT procedures provide for recognizing contractors who voluntarily elect to employ more OJT employees that qualify for the City of Milwaukee Residents Preference Program (RPP) to improve the workforce development and employment opportunities for their residents.

On-the-Job Training:

ASP 1.1: _____ TrANS Pre-Apprentice, _____ hours @ \$5.00 per hour, Item ASP.1.1PA

ASP 1.1: _____ TrANS Pre-Apprentice with Advancement. _____ hours @ \$10.00 per hour, Item ASP.1.1PAA

It is the design engineer's responsibility to ensure that this information has been added to the project's estimate.

ASP-3: Disadvantaged Business Enterprise Development

This ASP is incorporated into contracts that exhibit significant potential for supporting such activity and are federally funded. The Bureau of Project Development establishes the percentage of DBE participation. Regions may recommend an appropriate level, but they are not required to do so. If the region makes a recommendation, note the recommendation in the plan letter.

ASP-4: Payment to All Subcontractors

This ASP is required in all state and federally funded contracts.

ASP-5: Fuel Cost Adjustment

This special provision is included in all contracts that have 30,000 cubic yards or more of earthwork bid items. If the unit of measure for the item is tons, the quantity shall be converted to CY using 2 TONS/CY. The earthwork bid items are as follows:

Bid Item Number	Name of Bid Item
205.0100	Excavation Common (CY)
205.0200	Excavation Rock (CY)
205.0400	Excavation Marsh (CY)
208.0100	Borrow (CY)
208.1100	Select Borrow (CY)
209.1100	Backfill Granular Grade 1 (CY)
209.1500	Backfill Granular Grade 1 (TON)
209.2100	Backfill Granular Grade 2 (CY)
209.2500	Backfill Granular Grade 2 (TON)
350.0102	Subbase (CY)
350.0104	Subbase (Ton)
350.0115	Subbase 6-Inch (SY)
350.0120	Subbase 7-Inch (SY)
350.0125	Subbase 8-Inch (SY)
350.0130	Subbase 9-Inch (SY)
350.0135	Subbase 10-Inch (SY)
350.0140	Subbase 11-Inch (SY)
350.0145	Subbase 12-Inch (SY)
*SPV.0035.XX	SPV earthwork bid item (CY)
*SPV.0180.XX	SPV earthwork bid item (CY)
*SPV.0195.XX	SPV earthwork bid item (CY)

* SPV earthwork bid item that modifies any above noted standard earthwork bid item with a special provision that requires work substantially conforming to any above noted standard earthwork bid item.

ASP-6: Modifications to the Standard Specifications

This ASP is required in all state and federally funded contracts.

ASP-7: Reporting 1st Tier and DBE Payments During Construction

This ASP is required in all state and federally funded contracts.

ASP-8: EEO/AA Requirements for Contractors and Subcontractors

Previous ASP-8s have expired as those projects have been completed. ASP-8 should not be added to projects unless the region’s Labor Compliance Coordinator authorizes its use.

ASP-9: Electronic Certified Payroll Submittal via the Civil Rights Compliance System.

ASP-9 is required in all state and federally funded contracts.

90.3 Buy American Provision

The Buy American Provision applies to all materials specified in special provisions. The Buy American Provision is inserted by the Proposal Management Section into all contracts. A current version can be found under the resources heading at <https://wisconsindot.gov/Pages/doing-bus/contractors/hcci/cntrct-info.aspx>. Refer to [CMM 2-85.5](#) for additional information.