

CONSTRUCTION PROCEDURES HANDBOOK

SECTION VII	SUBSECTION A-1	DATE
CONSTRUCTION COMPLETION	PARTIAL ACCEPTANCE	01/16/2019

The Department will only grant Partial Acceptance for distinct portions or areas of the Work. Partial Acceptance will not be granted for portions of work that are within larger areas still under construction. Examples of situations for which Partial Acceptance may be granted are but not limited to:

- a) A Project that has multiple locations, such as an MRRC Project that calls for HMA paving on different highways, or a Project with multiple bridges (that does not call for work in between the bridges).
- b) A project that has separate work on either side of a divided highway (e.g. Northbound and Southbound), where one portion has been completed, and the following operations will not pose a risk to the completed work.

If the Partial Acceptance is granted, the Department may relieve the Contractor of the responsibility of maintaining that portion of the Work as specified in [108.09](#).

Partial Acceptance will not be granted for traffic signals. For Traffic Signal Acceptance See [CPH Section VI Sub Section H](#).

Contractor's Request

Upon receipt of the Contractor's written request for Partial Acceptance, the RE will review and inspect the area(s) to be considered. The Contractor's written request shall clearly define the limits of the area to be considered. In order for an area to be accepted under the provisions of Partial Acceptance, the following criteria should be met:

- a) All work within the area under consideration must be complete.
- b) The area must be opened for the safe, convenient use by the public.
- c) The area must not be required by the Contractor for the completion of the remaining areas of the project.

If the RE determines that the area(s) should not be considered for Partial Acceptance the RE will notify the Contractor of the decision.

If the RE, with the concurrence of the Field Manager (FM) and the Project Manager (PM) determines that the area is suitable for Partial Acceptance, the RE will set a date for a Partial Acceptance Inspection by closeout document **C8A** within [Form DC-155](#). The date of the Partial Acceptance Inspection shall be set to allow interested parties a minimum

of ten (10) working days from the receipt of the notification to review and inspect the area(s) under consideration.

The following interested parties will be notified:

- a) Project Manager
- b) Field Manager
- c) Regional Construction Engineer
- d) Regional Director of Operations (for each Region with jurisdiction)
- e) Assistant Division Director Regional Operations (for each Region with jurisdiction)
- f) Regional Electrical Engineer (for each Region with jurisdiction)
- g) Manager, Traffic Engineering
- h) Manager, Bridge Maintenance Engineering and Operations (for Bridge Painting contracts only)
- i) Manager, Bureau of Landscape Architecture and Environmental Solutions (for projects with landscape)
- j) FHWA Area Engineer (for all federally funded projects)
NOTE: The RE will contact the FHWA Area Engineer to confirm their attendance and determine if the FHWA Area Engineer wants to review the project with the RE.
- k) Supervisor of Sign Shop, Bureau of Maintenance Support (for projects with GO signs)
- l) Third Party Participating Agencies (e.g. NJTPK, NJHA, Port Authority)
- m) County or Municipal Engineer(s) with acceptance jurisdiction
- n) Traffic Operations Center (North and/or South)
- o) Regional Electrical Supervisor, Operations (for projects with electrical work)
- p) Manager, Bureau of Structural Design (for projects with structures, including overhead sign structures)
- q) Manager, Structural Evaluation and Bridge Management (for projects with moveable bridges)

Interested Parties will inspect the area under consideration for Partial Acceptance, and provide the RE with a corrective action list on or before the date of the Partial Acceptance Inspection. Copies are not to be sent to the Contractor.

NOTE: On PODI projects the FHWA shall be invited to the Partial Acceptance inspection; however, it does not relieve the NJDOT from correcting any deficiencies that may be noted by the FHWA in their final inspection of the entire project.

Evaluation of corrective action for design deficiencies

The RE will prepare a Memorandum of Record, compiling all identified deficiencies noted by the interested parties. The RE will review the entire list and identify the deficiencies that are design deficiencies. Construction deficiencies are defects caused by the Contractor, either by failing to conform to the Contract (e.g. not in the proper location, having poor workmanship) or by damage caused by the Contractor's operation. Design deficiencies are corrective action items that are not construction deficiencies, but rather a request for additional work. If the RE identifies a corrective action item as a design deficiency, the RE will contact the initiator of the identified corrective action item in question to seek mutual agreement as to the classification of a deficiency as a design deficiency or as a construction deficiency. The RE will prepare a memorandum to the PM listing all design deficiencies and any disputed deficiencies by closeout document **C8B** within [Form DC-155](#). The PM will review the memorandum from the RE and attempt to resolve disputed deficiencies with the initiating party. The PM will decide if any of the design deficiencies should be corrected under the Contract.

For projects initiated by Operations, the PM will review the list of deficiencies and for design deficiencies. The PM will decide if any requests for Extra work should be performed under the Contract. If the initiating unit disputes the decision not to address a request for additional work, the PM will discuss the request with the Executive Director of Operations. The PM will instruct the RE as to which design deficiencies, if any, are to be addressed under the Contract.

For Capital Program Management (CPM) projects, the PM will review the list of deficiencies and for design deficiencies. The PM will decide if any requests for additional work should be performed under the Contract. If the initiating unit disputes the decision not to address a request for Extra work, the PM will discuss the request with the Program Manager. The PM will instruct the RE as to which design deficiencies, if any, are to be addressed under the Contract.

The RE within thirty days from the date of the Contractor's notice of Partial Acceptance, will notify the Contractor that the area is not complete and inform them of the required corrective action by closeout document **C8C** within [Form DC-155](#). With the concurrence of the PM, a Change Order will be issued for any new work or any additional work necessary to address any design deficiencies, which are required to be addressed under the contract. The Contractor must initiate another request upon completion of the work for partial acceptance to be considered. If any additional or new work is required, the RE will notify all interested parties in writing by closeout document **C8D** within [Form DC-155](#). All interested parties will have the ability to review this additional or extra work in subsequent Acceptance Inspections.

Objections to Partial Acceptance

If any of the interested parties other than FHWA, objects to the Partial Acceptance under consideration, the Contractor's request for Partial Acceptance and the objection will be referred to the RCE prior to any decision. The FHWA may also relay to the RCE concerns they feel is detrimental to the overall project. The RCE will advise the RE whether the request is to be denied or to overrule the objection and to proceed with the Partial Acceptance. If the decision is to deny the Contractor's Partial Acceptance request, the RE will notify the Contractor in writing that the request has been denied. If the decision is to overrule the objection, the RE will proceed with "Approval of Partial Acceptance". In the memorandum of partial acceptance, the RE will note the objection and the RCE's decision to proceed with the Partial Acceptance. A copy of this memorandum will be sent to the party who initially objected the Partial Acceptance.

Approval of Partial Acceptance

If there is no corrective action required and there are no objections to Partial Acceptance, the RE shall prepare and sign a Memorandum of Partial Acceptance. Signatures recommending Partial Acceptance will be secured as required by closeout document **C8E** within [Form DC-155](#). The RE will forward the Memorandum with FM's signature to the RCE.

If the RCE concurs, the RCE will sign the Memorandum recommending Partial Acceptance and forward it to Director's office. The Director's office will prepare a Routing Slip Form AD-37 (See Attachment "A"), and circulate this Partial Acceptance Memo. After execution of the acceptance, Director's Office will distribute the original to the respective Regions. Regional Closeout Engineer will forward electronic copy to the RE. RE will notify the Contractor of the Partial Acceptance in writing by closeout document **C8F** within [Form DC-155](#).

If subsequent additional work is required for an area of the project, which has already received Partial Acceptance, the RE will notify all of the Interested Parties that Partial Acceptance for that area is rescinded by closeout document **C8D** within [Form DC-155](#)).

Attachment "A"

Form AD-37 2/00
 New Jersey Department of Transportation

REFERRAL FORM		Date: November 2, 2018
TO		FROM
SEE BELOW		Lisa M. Zacchino
		Director's Office
		Construction & Materials
		TELEPHONE 609-530-2386

For Your	<input type="checkbox"/> ACTION	<input checked="" type="checkbox"/> APPROVAL	<input type="checkbox"/> INFORMATION	<input type="checkbox"/> REVIEW
	<input type="checkbox"/> COMMENTS	<input checked="" type="checkbox"/> SIGNATURE	<input type="checkbox"/> FILE	

<input type="checkbox"/>	Per Your Request
<input type="checkbox"/>	Please Return Attached Material
<input type="checkbox"/>	Please Prepare a Reply to be signed by _____
<input type="checkbox"/>	The Attached Has My Approval
<input type="checkbox"/>	Please See Me

Remarks or Special Instructions:	
Please sign the attached Partial Acceptance Memo .	
*****Please Initial and Date this Routing Slip for tracking purposes*****	
	Date
Al Balluch, Acting Director, Construction Services and Materials	
Robert Verner, Project Manager	
Atul Shah, Acting Director, Division of Project Management	
Michael Davis, Director, Operation Support	
Lisa Zacchino, Director's Office, Construction & Materials	
Project: Route 36 from North of Stone Road to Route 35	
Resident Engineer: JP Singh	

CONSTRUCTION & MATERIALS