
CERP Guidance Memorandum

South Florida Water Management District – Jacksonville District, U.S. Army Corps Of Engineers

CGM NUMBER: 060.00
EFFECTIVE DATE: March 26, 2013

CATEGORY: Data Management

SUBJECT: Construction Change Control Request

DESCRIPTION:

This memorandum provides guidance to Jacksonville District, U.S. Army Corps of Engineers (USACE) and South Florida Water Management District (SFWMD) staff on the programmatic process for review and approval of in-scope changes to construction contracts for authorized CERP projects. The Construction Change Control Request (CCCR) process described herein is designed to provide consistency between CERP projects and to ensure that all management plans can be consolidated into a multi-project program-level view. All CERP CCCRs will conform to the basic format, content and structure provided in this guidance.

The agency that has responsibility for construction contract management (“Lead Agency”) will take the lead in implementing this CCCR process.

This CGM summarizes information contained in QMS – CESAJ-EN 02840 Construction Contract Modifications and is intended to serve as a reference for Project Managers (PMs) and Project Delivery Team (PDT) members involved in CCCRs.

GUIDANCE:

Changes during construction can result from a variety of sources, however, changes to construction contracts should be held to a minimum. Contract changes should be limited to those that are required to provide a complete and useable facility. Such changes may result from unforeseen factors discovered during design (e.g., design oversights/errors or mandatory criteria changes) or construction (e.g., changed site conditions, unavailability of materials or life safety issues).

When considering potential contract changes during construction, the first course of action is to determine if the “change” can be accomplished by separate, competitively bid contract(s) or if it can be accomplished by either the SFWMD’s or Corps-SAJ’s internal resources. If these options are not possible, then documentation will be prepared that demonstrates the need for the change and clearly defines the change.

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All in-scope construction changes are subject to the concurrence/approval of the appropriate contracting agent for the Lead Agency, i.e., the Contracting Officer for the USACE or the Procurement Bureau Chief for the SFWMD. The Contracting Officer's/Procurement Bureau Chief's approval will be documented in a separate document.

In accordance with the *Master Agreement* dated 13 August 2009, when the USACE is the Lead Agency, then "the Government shall consider in good faith the comments of the Non-Federal sponsor, but the... execution of contract modifications... shall be exclusively within the control of the Government." For those instances when the SFWMD is the Lead Agency, the Master Agreement states that execution of contract modifications are exclusively within the control of the SFWMD. However, regardless of the size, complexity, source or category of change, coordination within the PDT and between USACE and the SFWMD shall be a part of the change control process, and agreement between the SFWMD and USACE should be achieved prior to proceeding with the change. The extent of coordination and approval authority for changes will be based on the size and complexity of the change requested. However, the Contracting Officer/Procurement Bureau Chief has final approval authority for all contract changes and awards.

Any changes that are considered betterments will be funded entirely by the SFWMD in accordance with Article II.F of the CERP Master Agreement dated 13 August 2009. Article I.M of the Master Agreement defines a betterment as "a difference in the construction of an element of the *authorized CERP Project* that results from the application of standards that the Government determines exceed those that the Government would otherwise apply for the construction of that element. The term does not include features in addition to those identified for the *authorized CERP Project*."

Procedure:

The procedural steps outlined in this document will be followed for all contract modifications, regardless of origin and cost, for authorized CERP projects. While management approval of construction change requests is one of last steps in the process, SFWMD and USACE Project Managers are encouraged to coordinate with their agency staff and management, as determined appropriate based on the scope, cost and complexity of the change, at any step in the process. Potential changes that may have significant impacts on cost or schedule should be communicated to USACE and SFWMD management as early as possible to allow discussion of alternatives. In addition to informal communications, biweekly Design Coordination Team (DCT) and Engineering Coordination meetings should also be used for coordination and

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concurrence on proposed changes. The USACE and SFWMD Project Managers will maintain a spreadsheet of all CCCRs, and update the spreadsheets biweekly for discussion at the DCT and Engineering Coordination meetings. Figure 1 provides a diagrammatic flow path of the process.

The Resident Engineers for the USACE and SFWMD will coordinate with technical staff and contractors to identify potential construction change requirements that originate in the field. Immediately after identifying the need for a contract change, the proposed change will be assigned a CCCR number and added to the CCCR Tracking List. The Resident Engineer for the Lead Agency will communicate proposed changes to the Lead Agency Project Manager and Engineering Lead.

The Lead Agency's Engineering Lead will work with appropriate field and Engineering staff to prepare a draft scope of work, rough order of magnitude cost estimate and draft set of contract document changes to address the identified issue. The Engineering Lead will then distribute the draft documentation to appropriate field and technical staff from the SFWMD and USACE, and the A/E Engineer of Record if necessary, for a joint "technical review". The total time for the joint technical review shall be no longer than 10 working days.

After completing the joint technical review, the Lead Agency's Engineering Lead will revise the documents as necessary based on review comments, and then send the revised documentation to the Lead Agency Project Manager.

The USACE and SFWMD Project Managers will review the documentation and confirm that the proposed modification falls within the design intent of the project and that adequate budget exists to cover the cost of the proposed change. The Lead Project Manager will notify the Resident Engineer, or representative, that funding is available for the modification and will request that the Request for Proposal (RFP) be delivered to the contractor.

The Lead Agency Project Manager will prepare and sign the Construction Change Control Request (CCCR) form and send to the partner agency Project Manager. Each Project Manager will obtain appropriate approvals on the CCCR within 5 working days after receipt.

It is intended that the Project Managers will elevate and resolve any foreseen issues to management before signature. If there is disagreement between the two agencies, the affected change shall be addressed through procedures developed for dispute resolution.

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After approval of the CCCR, the Lead Agency Resident Engineer will obtain separate approval from the Contracting Officer/Procurement Bureau Chief, then issue the Request for Proposal (RFP) to the Contractor for the modification. The contract modification may then be negotiated and awarded.

Approval Levels

The construction change control process will be the same for all change requests except as follows:

- For Changes Costing Less than \$25K – After notifying the SFWMD Engineering and Construction Bureau Chief, the SFWMD Federal Policy Chief, the USACE Engineering Division Chief and the USACE Ecosystems Branch Chief, signature approval is at the discretion of the USACE and SFWMD Project Managers.
- For Changes Costing More than \$25K – Signatures from both USACE Deputy District Engineer and SFWMD Director of the Office of Everglade Policy and Coordination (see attached example for titles) will be required before the proposed modification can be negotiated and awarded. The total time to obtain signatures or responses from both SFWMD and USACE leaders is 10 working days (5 days for SFWMD and 5 days for USACE). The intent of the short response is to minimize cost and schedule impacts to the construction contract.

Post Approval Procedures - Upon approval of the CCCR, the Project Manager(s) will update the project schedule (if appropriate), the project cost estimate, and appropriate reports to reflect the approved change. An electronic copy of the CCCR will be uploaded into Documentum.

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Application:

Effective as of the date of this CERP Guidance Memorandum, the staffs of both agencies will implement this guidance in accordance with the information provided herein for CCCRs. CCCRs approved prior to the effective date of this CERP Guidance Memorandum will not require modification.

APPROVALS:



Tom Teets
Federal Policy Chief
Office of Everglades Policy and
Coordination
South Florida Water Management District

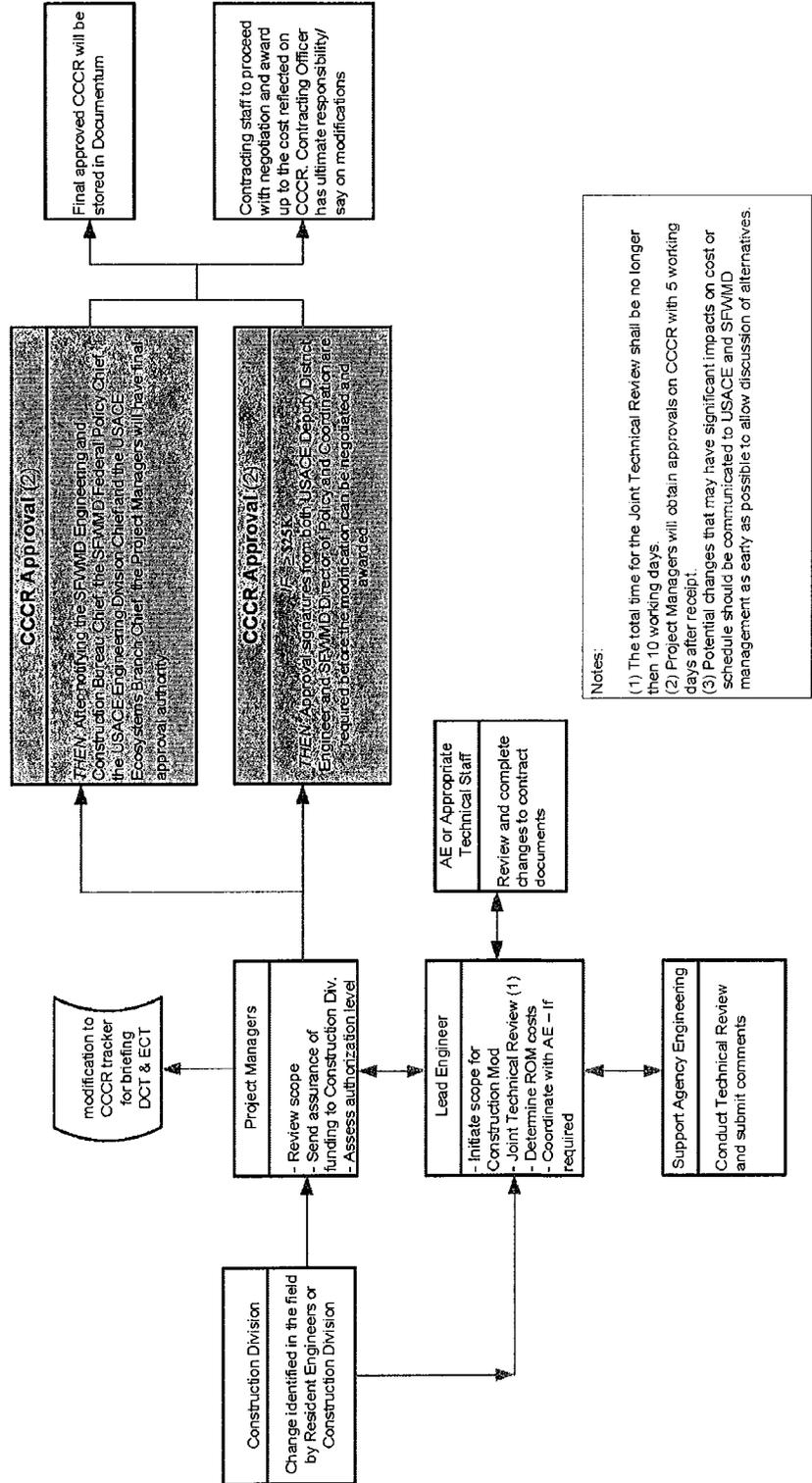
DATE: 4-1-13



Howie Gonzales
Chief
Ecosystems Branch
U.S. Army Corps of Engineers

DATE: 4-2-13

Flowchart for CERP Construction Change Control Process



CERP CONSTRUCTION CHANGE CONTROL REQUEST FORM

[PROJECT NAME]

| | |
|----------------------------|---------------------------|
| Contract No: _____ | Date: _____ |
| Requested by: _____ | Request No.: _____ |

Change Request

Description of Change to Project: _____

Justification for Change to Project: _____

Description of Impact to Project:

Budget Impact: Estimate - \$ _____

Schedule Impact: _____

Scope Impact: _____

Project Manager

USACE: _____ **Date:** _____

SFWMD: _____ **Date:** _____

Ecosystem and Program Management Branch (USACE) and Bureau Level (SFWMD)

| Program Assessment | Yes | No |
|---------------------------|--------------------------|--------------------------|
| Budget Impacts | <input type="checkbox"/> | <input type="checkbox"/> |
| Schedule Impacts | <input type="checkbox"/> | <input type="checkbox"/> |
| Ecosystem Impacts | <input type="checkbox"/> | <input type="checkbox"/> |
| Stakeholder Impacts | <input type="checkbox"/> | <input type="checkbox"/> |

Explain Non-Concurrence: (Explain reasons for denial if required and return form to PM)

USACE: _____ **Date:** _____
 Chief, Ecosystem Branch, Programs and Project Management Division

USACE: _____ **Date:** _____
 Chief, Program Management Branch, Programs and Project Management Division

SFWMD: _____ **Date:** _____
 Federal Policy Chief, Office of Everglades Policy and Coordination

SFWMD: _____ **Date:** _____
 Chief, Engineering and Construction Bureau

Programs and Project Management Division (USACE) and Department Level (SFWMD)

| Program Assessment | Yes | No |
|---------------------------|--------------------------|--------------------------|
| Budget Impacts | <input type="checkbox"/> | <input type="checkbox"/> |
| Schedule Impacts | <input type="checkbox"/> | <input type="checkbox"/> |
| Ecosystem Impacts | <input type="checkbox"/> | <input type="checkbox"/> |
| Stakeholder Impacts | <input type="checkbox"/> | <input type="checkbox"/> |

Explain Non-Concurrence: (Explain reasons for denial if required and return form to PM)

USACE: _____ **Date:** _____
 Deputy District Engineer, Programs and Project Management Division

SFWMD: _____ **Date:** _____
 Director, Office of Everglades Policy and Coordination

SFWMD: _____ **Date:** _____
 Director, Operations, Maintenance and Construction Division