Incorporating Environmental Commitments Into Contracts

590.01 WSDOT's Contracts Must Reflect the Environmental Commitments

WSDOT Project Delivery Memo #09-01 requires that contract-relevant environmental commitments be communicated to the contractor. If they aren’t incorporated into the contract, the contractor is not obligated to implement the commitments WSDOT makes. Constructing the project is conditioned upon environmental commitments from, for example, National Environmental Policy Act documents, Washington State Environmental Policy Act documents, Endangered Species Act documents, interagency agreements, permits, and other environmental approvals.

In addition, WSDOT is required to communicate all project commitments to the contractor as stated in the 2004 Compliance Implementing Agreement with Ecology. Furthermore, the WSDOT Environmental Policy Statement E 1018 directs WSDOT employees to communicate compliance requirements to contractors.

590.02 Procedures for Incorporating Commitments Into Contracts

The following procedures found on the web explain how to:

• Verify the Commitment Tracking System reflects the project Commitment File.
• Assign responsibility to commitments which belong to the contractor.
• Document which commitments are covered by existing contract language.
• Prepare for and convene an Environmental Commitments Meeting.
• Prepare project special provisions.

590.03 Glossary

These definitions provided context for incorporating commitments into contracts. Some terms may have other meanings in a different context.

Commitment – An obligation that WSDOT makes within an environmental document or agreement for the project; or an expectation imposed upon WSDOT by another agency through a permit or approval for the project. Commitments can be either the agency’s or contractor’s responsibility to implement.

Commitment Tracking System – The Commitment Tracking System is a WSDOT database that allows you to store commitments in a secure computer network server, plus manage the responsibility (WSDOT or contractor) and implementation method (guidance document or contract) for the commitment. It also allows you to store compliance records, document the status, and report details about commitments from their inception through project delivery and on to maintenance.
**Environmental Commitments Meeting** – A project-level meeting between the Design, Construction, Plans, and Environmental Offices used to incorporate commitments into contracts.

**Project Delivery Memo** – Project Delivery Memos are design and construction documents used to implement an immediate change in any stage of a project, from design through advertisement and construction.
### Assign Responsibility

**Change Document(s)**

### Documents and Commitment Responsibility:

**Show Responsibility:**  ○ All ○ Assigned ○ Unassigned

<table>
<thead>
<tr>
<th>Disciplines</th>
<th>Phases</th>
<th>Description</th>
<th>Activities</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Disciplines</td>
<td>Construction, Maintenance</td>
<td>WSDOT shall assure that all environmental commitments have been achieved prior to the completion of the project, and that WSDOT’s Maintenance and Operations staff have received a copy of and understand all long-term compliance expectations, including mitigation site monitoring and maintenance, for this project site.</td>
<td>Prepare, Other</td>
<td>Unassigned</td>
</tr>
<tr>
<td>All Disciplines</td>
<td>Construction</td>
<td>WSDOT shall development and implementation of a commitment tracking system to identify all project commitments made during planning, NEPA/SEPA, design, and permitting. All project commitments shall be clearly communicated to the contractor, construction project office staff, and sponsor.</td>
<td>Prepare, Implement</td>
<td>Unassigned</td>
</tr>
</tbody>
</table>
Assign Responsibility Detail

Return To Assign Responsibility List

Commitment Description: WSDOT shall assure that all environmental commitments have been achieved prior to the completion of the project, and that WSDOT's Maintenance and Operations staff have received a copy of and understand all long-term compliance expectations, including mitigation site monitoring and maintenance, for the project site.

* - Indicates Required Information

WSDOT Information

Offices:

Users:

Activity: [Choose If Applicable] Edit Commitment Activities

Guidance Document:

Pick an office or a user to assign the activity to. To assign multiple offices/people to an activity you must create multiple records.

Office: [Choose If Applicable]

OR

User:

Username:
First Name:
Last Name:

Search

Add Responsibility

Contract Information

Special

Plan Sheet

WSDOT Information

Offices:

Users:

Activity: [Choose If Applicable] Edit Commitment Activities

Guidance Document:

Pick an office or a user to assign the activity to. To assign multiple offices/people to an activity you must create multiple records.

Office: [Choose If Applicable]

OR

User:

Username:
First Name:
Last Name:

Search

Add Responsibility

Contract Information

Special

Plan Sheet
### Commitment Tracking System

**Exhibit 590-3 “Contract Document by Project” Report**

#### Project Title: I-265/Mill Plain SB Off Ramp - Add Turn Lane

<table>
<thead>
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<tbody>
<tr>
<td>1-4 54F Fence</td>
<td>Contractor</td>
<td>Closed</td>
<td>Closed</td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>8-01.04 (4) Temporary Pipe</td>
<td>Contractor</td>
<td>Open</td>
<td>Open</td>
<td>Other</td>
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<td></td>
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</tr>
<tr>
<td>2-09.03 (A) Preservation of Channel</td>
<td>Contractor</td>
<td>Open</td>
<td>Open</td>
<td>Other</td>
<td></td>
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</table>

*Activities authorized by the NWP include, but are not limited to: the removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and dams; the installation of sediment control; the creation, enhancement, or creation of riprap and pool stream structure.*

**Before any activity, the NWP must notify the District Engineer and include the documentation of the prior condition.**