Chapter 590  Incorporating Environmental Commitments Into Contracts

590.01  WSDOT’s Contracts Must Reflect the Environmental Commitments

WSDOT Plans Preparation Manual Division 4 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, the WSDOT Environmental Policy Statement E 1018 directs WSDOT employees to communicate compliance requirements to contractors.

WSDOT has prepared a set of crosswalk documents for programmatic environmental commitments to show who is responsible and how they will be implemented. For contract relevant ones, that means the Standard Specification, General Special Provision, or Standard Plan is identified. This allows project teams to focus on contract relevant commitments that are not covered by an existing specification; leading to the development of Special Provisions. Currently, crosswalk documents exist for:

- NPDES Construction Stormwater General Permit.
- General Hydraulic Project Approval for Bridge and Ferry Terminal Maintenance.
- NPDES Waste Discharge Permit for Bridge Preparatory Washing Pre-Painting.
- Compliance Implementing Agreement for Water Quality Standards.
- Hydraulic Project Approval – Template Commitments for Stream Simulation Culvert or Bridge Project.

590.02  Procedures for Incorporating Commitments Into Contracts

The following procedures found on the WSDOT Environmental commitments & compliance webpage web explain how to:

- Assign responsibility to commitments which belong to the contractor (PRO590-a).
- Document which commitments are covered by existing contract language (PRO590-b).
- Prepare for and convene an Environmental Commitments Meeting (PRO590-c).
- Prepare project special provisions (PRO590-d).
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.