



COLORADO
Department of Transportation

CDOT Guidance for PCEP Contracting (Post Construction Establishment Phase)

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Thanks to the many other CDOT staff who contributed their expertise to this effort.

2.0 PCEP Contracting

2.1 Overview

Between the project's final acceptance and environmental permit closures, often critical landscape work is required to achieve successful establishment, final stabilization, as well as meet permits, mitigation commitments, and future roadside maintenance and operations.

The period when CDOT is monitoring and providing routine site maintenance or performing corrective actions to achieve successful final stabilization criteria per the Colorado Discharge Permit System Stormwater Construction Stormwater Permit (CDPS-SCP), is the Post Construction Establishment Phase (PCEP).

2.2 Goals and Criteria

In 2019, the CDOT Landscape Warranty Task Force collaborated on two main goals of closing projects sooner and reducing costly vegetation re-work. The first goal is to close projects within 12 months of project partial acceptance, except for landscape establishment work, and create an alternative to landscape establishment on low and medium risk projects or those projects with slopes less than 33 percent, less than 20 acres, and do not have erodible soils. The second goal is project savings by using experienced landscape contractors to reduce the vegetation re-work on highway construction projects. The Task Force developed the following benefits:

- a means to fund the post establishment phase
- re-reimburse in-house maintenance
- support closing construction stormwater permits and other long-term environmental permits

This PCEP Contract method will allow CDOT projects to use specialized Contractors to address landscape establishment type work, maintenance activities, and is applicable to all CDOT projects meeting the below criteria:

- Projects (under one acre) that the landscape establishment will require more than 12 months past the final project completion date
- CDPS-SCP (Colorado Discharge Permit System-Stormwater Construction Permit)
- 404 Permit (US Army Corps)
- Section 7 and/or Section 10 Consultation requirements
- Other as approved by Project Manager, (e.g. known difficult to establish areas, like medians)

2.3 Funding and Contracting

In October 2019, \$900,000 of Maintenance Level of Service (MLOS) funds were rolled forward and approved by the Transportation Commission. These repurposed state funds were originally encumbered in project 23598.10.50.

The amount of \$900,000 was based on 10% of project landscape expenditures as a best guess at the time by the PCEP Task Force.

In August 2020 a cost center funding structure was created, and the above-mentioned project was de-funded. The cost center funding will allow the on-going addition of funds year after year to support this effort. The cost center structure will allow monitoring of expenditures by need to further understand the future funding requirements.

The cost center includes Operating (OPER) and Personal (PERS). An 80/20, OPER/PERS split was initially set.

- Operating funds will be used for contracting. (Use GL 4231100010)
- Personal funds will be used for CDOT timesheets. (Use GL 42311000XX)

CDOT Division of Maintenance and Operations manages the program funding. The regional funding cost centers are in the image below:

SMLND-010	Landscape Mtce
HQLND-010	HQ Landscape Mtce
R1LND-010	R1 Landscape Mtce
R2LND-010	R2 Landscape Mtce
R3LND-010	R3 Landscape Mtce
R4LND-010	R4 Landscape Mtce
R5LND-010	R5 Landscape Mtce

2.4 Contracts

In October 2022, CDOT received bids and has awarded a contract to one specialized Contractor. The contract is a master agreement with task order(s) to follow. The contract is for fixed unit price/rate schedule like the CDOT Force Account, Section 109.04. In addition, traffic control may be provided by a third party through a Task Order within the statewide traffic control master contract.

The contractor has a duration of one year with a renew term of the contract for additional terms of 1-year based on performance, not to exceed 5 years from its Effective Date.

2.5 Design and Construction Bulletins

A Design Bulletin, issued on July 24, 2020, titled *Two New Options for Post Construction Landscape Establishment*.

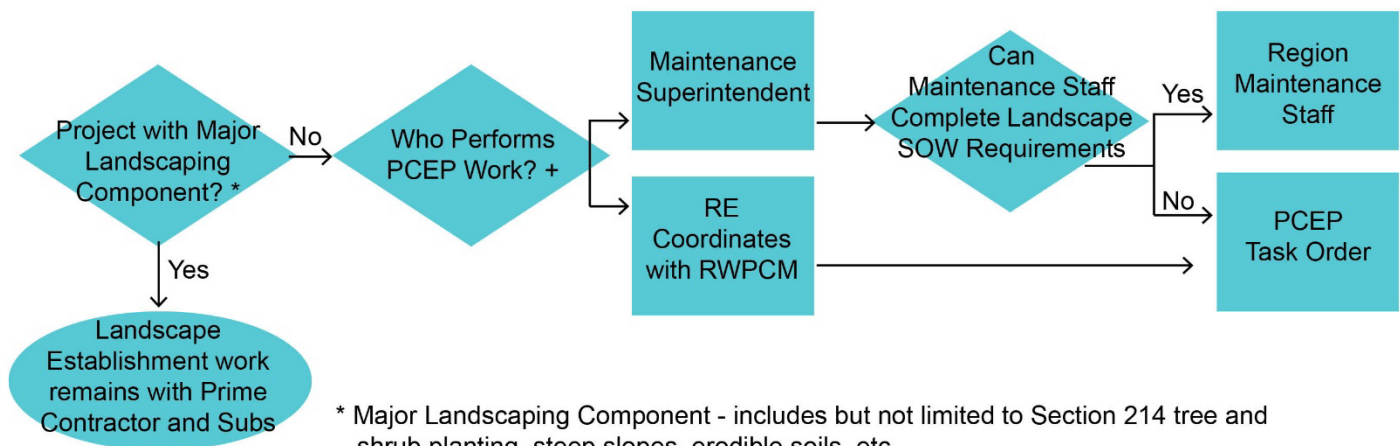
2.6 Training

Training or additional guidance is underdevelopment.

3.0 Projects Using a PCEP Contractor

3.1 Overview

This flow chart assists to decide if the project remains in Plant or Landscape Establishment or whether to use the PCEP Contractor or CDOT Maintenance to address PCEP issues after the Prime Contractor has received Final Acceptance.



* Major Landscaping Component - includes but not limited to Section 214 tree and shrub planting, steep slopes, erodible soils, etc.

+ Contact Maintenance superintendent if they have the time and ability to complete the project scope of work

3.2 Roles and Responsibilities

Section 2.2 is an overview of the Region roles and responsibilities. The process and methods are listed in Section 2.3.

CDOT Responsible Official, previously termed the "Permittee" for the CDPS- SCP stormwater permit.

- The Responsible Official is either the Resident Engineer or the Maintenance Superintendent in charge of the maintenance project. The permit is transferred to and remains with the RE if they oversee the PCEP Task Order. Alternatively, the permit is transferred to the Maintenance Superintendent if they agree to take responsibility for the PCEP Contractor or work.
- Responsible for all CDPS-SCP requirements including the required 30-day post construction inspections. CDPS-SCP inspections are performed by a CDOT certified Transportation Erosion Control Supervisor (TECS), which can be either CDOT staff or a consultant.

Maintenance Superintendent,

- Appointed designee oversees the permit, if transferred to Maintenance
- Oversees work orders by Maintenance Staff
- Submits reimbursement for project related work orders

Resident Engineer (RE), appointed designee or consultant, oversees the PCEP contracting process.

- a) Appointed designee oversees the permit, if transferred to RE
- b) Performs site assessments with the Biologists, Landscape Architect or Landscape Specialist, Hydraulic Engineer, and RWPCM
- c) Oversees the preparation of the scope of work (SOW)
- d) Oversees the development and routing of the PCEP Task Orders
- e) Oversees the construction management of the PCEP Contractor and the PCEP Traffic Control Contractor until final acceptance of all PCEP Task Orders
- f) Coordinates the termination of the CDPS-SCP with the RWPCM and the Landscape Architect or Landscape Specialist and the termination of the Section 404 permit along with the closing of the Section 7 and Section 10 Consultation with the CDOT Biologist.

CDOT Biologist coordinates Section 404 Permit and the Section 7 and Section 10 Consultation.

- a) RE coordinates with the CDOT Biologist when terminating the Section 404 Permit and closing the Section 7 and Section 10 Consultation.

Biologist, CDOT or consultant, monitors the site (typically 3-5 years) until successful final stabilization criteria is achieved for noxious weed management, plant establishment, seeding, general native habitat restoration and meets percent cover as specified in the contract/permit.

- a) Supports the RE with site assessments
- b) Supports the RE to prepare a site-specific SOW for each PCEP Task Order defining the work required to keep the project in compliance with the 404 Permit and Section 7 and Section 10 Consultation.

Hydraulic Engineer, CDOT or consultant, may be requested by the RE to conduct site assessments which may trigger further design or corrective action such as drainage repairs.

- a) Supports the RE when preparing a specific SOW for the PCEP Task Orders involving drainage issues.

Landscape Architect /Landscape Specialist, CDOT or consultant, monitors the site until successful final stabilization criteria is achieved as specified in the both the contract and CDPS-SCP for noxious weed management, seeding, planting and establishment.

- a) Supports the RE prepare a specific SOW for each PCEP Task Order defining the work required that will keep the project in compliance with the CDPS-SCP
- b) Approves schedule prepared by Contractor
- c) Supports the RE with site assessments

Region Water Pollution Control Manager (RWPCM), CDOT or consultant, performs the MS4 required stormwater audit (the post construction MAR which is currently every 90-days).

- a) Documents that the CDPS-SCP requirements are being met including the required 30-day post construction inspections.
- b) Notifies the RE of any MS4 non-compliance issues which are typically temporary Control Measure (previously termed BMP) maintenance.
- c) Supports the RE when preparing a specific SOW for each PCEP Task Order

defining the work required that will keep the project in compliance with the MS4 permit and the CDPS- SCP.

3.3 Methods/Procedures

1. First determine if the PCEP necessary?

Approximately two (2) months before the project Final Inspection with the Prime Contractor, the **RE** (or appointed designee/consultant) will determine if Contract is able to be closed within 12 months. If the project is unable to be closed within 12 months, and is a low to medium risk project, PCEP may be implemented for the project.

2. Next, determine who will manage the work?

a. **CDOT Maintenance?** Contact Region Maintenance Superintendent to determine if CDOT Maintenance time, equipment, or materials anticipated AND available? If yes, Maintenance has the following two options:

- Manage the PCEP Contractor and Task Order (follow steps of RE below), or
- Complete the work

Or

b. **CDOT RE?** The RE will do the following:

1. Contact the Master Contract Manager with statement of work and estimate of need.
2. Contact an available PCEP Contractors
3. Negotiate, develop, and route a PCEP Task Order # so that a PCEP Contractor is available prior to the project receiving Final Acceptance. (Note: This allows CDOT having a PCEP Contractor available to perform work in the necessary timeframe required to keep CDOT in compliance with the permits during the PCEP period.)
3. All issues/findings will be brought to the attention of the **RE**. The RE will direct the PCEP Contractor to perform the required work per PCEP Task Order #. If the required work requires a different SOW such as seeding and drainage improvements, then the **RE** will write a second Task Order # with a specific SOW for that required work.
4. Once the **RE** coordinating with the **Biologist, Landscape Architect, and RWPCM** recommends that a permit can be terminated, a field inspection will be performed with the **RE** and the person making the recommendation for a decision. If the decision is that a permit can be terminated, then the **RE** issues final acceptance for the project's PCEP Task Order.
5. This process repeats itself until all permits are terminated and the Section 7 and Section 10 Consultations are closed. If the project does not have permits or Section 7 and Section 10 Consultations, field inspections continue until the project can be closed.
6. The PCEP Task Orders are closed when a final invoice and an email are sent to liquidate any remaining funds back to the program pool.
7. A copy of the invoice and associated task order documentation are to be placed into the original project Projectwise or PMWebb folder.

Determining Conducts Post Construction Establishment Phase Activities

Risk	Disturbance	Who Conducts PCEP Activities	Process
Ultra Low to Medium	< 1 acre	Maintenance or PCEP Contractor	Initiate PCEP TO or coordinate with Maintenance. Superintendent ¹
High	< 1 acre	PCEP Contractor or maybe Maintenance	Initiate PCEP TO or coordinate with Maintenance. Superintendent ¹
Ultra Low	1-2 acres	Maintenance or PCEP Contractor	Initiate PCEP TO or coordinate with Maintenance. Superintendent ¹
Low	1-10 acres	PCEP Contractor or Maintenance if able to perform SOW	Initiate PCEP TO or coordinate with Maintenance. Superintendent ¹
Medium	10-20 acres	Prime Contractor performs seeding and mulching, then PCEP Contractor performs landscape establishment. Or just PCEP Contractor can perform seeding, mulching and landscape establishment work. This depends and site conditions and projects size decided on a project-by-project basis	Prime Contract, initiate PCEP Task Order for an additional 1 to 2 years after Final Acceptance ¹
High	> 20 acres	1 year plant and landscape establishment phase by Prime Contractor. If an additional 1 to 2 years are necessary use PCEP Contractor	Initiate PCEP Task Order if an additional vegetation establishment is needed for 1 to 2 years after Final Acceptance

Notes: ¹ CDOT RE prepares SOW, Cost Estimate, give Notice to Proceed, Documents in Forms 10s, and Process Invoices.

4.0 Task Orders

A Resident Engineer (or appointed designee/consultant) oversees the preparation of a PCEP Task Order (see Appendix B Task Orders).

1. Review Master Contract for applicability and start Task Order development
2. Include Task Order, specifications, plans, special provisions, and traffic control plans associated with project just completed including relevant sheets such as landscaping, drainage, traffic control etc.
 - a. Attached related plans and specs to shopping cart to include in task order contracting
 - b. Note: A formal plan set is not necessary, do not re-produce sheets for the PCEP efforts.
3. Prepare Task order price proposal that include the following items in the contract:
 - a. Breakdown of task line-item labor, equipment, and material descriptions
 - b. There is risk the Task Order will not be routed or approved if the form varies from master contract (see appendix for associated checklist).
4. Approved Shopping Cart for the Task Order award amount.
5. Individual Task Orders awarded in excess of \$150,000.00 will require a performance and payment bond to be executed as part of the awarded task order.
6. Notice to Proceed includes the date the Contractor is expected to begin work.

5.0 Construction Inspection and Documentation

When PCEP remains with Project Engineer or designee,

1. Construction submittals, documentation and inspections occur because there is a Contractor and a Contract.
2. Document the labor, equipment and material using the processes in Force Account work section in the Construction Manual.
3. Process invoice per region business office protocol.
4. When the Task Order is complete and invoices are paid, liquidate remaining funding back into the PCEP pool.

When Maintenance takes on work

1. Compile work order information
2. Log work for work to be reimbursed
3. Logs shall be completed by December 31 and January 1
4. DMO will initiate the transfer fund

Appendices

(Please download guidance document to view appendices)

- 6.0 Appendix A – Task Order Process**
- 7.0 Appendix B – List of Contractors**
- 8.0 Appendix C – Master Contract**
- 9.0 Appendix D- Example Task Order**