



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
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Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

November 7th, 2024

Dear Local Project Administration Partner,

The Department meets regularly with our contracting partners through the Maine Asphalt Paving Association (MAPA) and Associated General Contractors (AGC) to discuss the contracting and construction process. This feedback is important to the Department to ensure that we are delivering on the Mission of MaineDOT.

Over the past year, several different contractors on multiple occasions have expressed frustration related to timeliness of project closeout and frequency of progress payments.

Standard Specification Section 107.9 – Project Closeout establishes a timeline of events from Physical Work Completion through Final Payment to the Contractor. Standard Specifications Section 108.2 – Progress Payments establishes a minimum frequency of Progress Payments. The Department has investigated the concerns and agree in many cases we have not met the specified timeframes on our end.

Consistent with standard specification requirements, MaineDOT's Construction manual (Section 902-1) sets the expectation of timely submission of Final Documents within 60 days of physical completion of the project. The Department's Construction Manual (Section 108-2) also sets an expectation for progress payments every 2 weeks. Even more frequent payments are necessary during paving operations to ensure proper calculation of the asphalt escalator.

Regarding consultant assignments, further expectations for maintaining complete records at all times including transfer to MaineDOT are found in the standard Construction Support Services agreement applicable to all consultant inspector and resident assignments.

It is important that the Department and our Local Partners to fulfill our contract obligations. Failure to do so erodes the overall integrity of the contract. These particular issues result in additional cost to contractors that cannot be recovered except by assuming the cost of this risk in future bids. Furthermore, consistently late submission of final documents and progress payments suggests that complete and proper documentation is not being done contemporaneously with the work.

Going forward, the Department intends to hold all construction staff, including internal, consultant personnel, and Local Project Administration Partners accountable to these expectations. Specifically for LPAs this could result in withholding invoice payments or impact potential future Projects with the Department.

On a parallel track we will be increasing staffing in our Contracts Section as well as enhancing necessary training for the documentation process, closeout process, and use of AASHTOWare Project (AWP) to ensure we are addressing all areas where we can make improvement.

Thank you in advance for your attention to this matter.

A handwritten signature in blue ink, appearing to read 'TP', is positioned above the typed name.

Todd Pelletier, PE
Director
Bureau of Project Development