

NON-STANDARD DOCUMENTATION

1.0 Introduction

Non-standard documentation consists of non-standard tender items (NSTIs), non-standard special provisions (NSSPs), modified standard special provisions (SSPs), and modified standard drawings (OPSDs, MTODs, and SSDs). Non-standard documentation is created for use in trials of new methods and materials, or to address unique project-specific or regional requirements. The creation of new non-standard documentation is initiated by Provincial Functional Offices (PFOs) and/or by members of a Design Team working on the design of highway capital projects.

1.1 Types of NSSPs

There are three types of NSSPs:

a) Provincial / Head Office

Provincial Office NSSPs are developed and issued by PFOs to address a wide variety of issues and are applicable for use in all projects throughout the province based on their associated warrants for use. They are stored in the Head Office NSP folder in CPS and Designers can obtain further information about their use from the Provincial NSSP Index housed within the same folder in CPS.

b) Regional

Regional NSSPs are developed and issued by the regions, in consultation with PFOs, to address unique regional requirements. They are stored in the corresponding regional NSP folder in CPS. Designers can obtain further information about their use from the Regional NSSP Indexes housed within the same folders in CPS.

c) Local

Local NSSPs are initiated by Design Teams working on the design of highway capital projects, in consultation with the Regional Functional Areas (RFAs) and Provincial Functional Offices (PFOs) to address project-specific requirements. They are intended for one time use and are not stored in the NSP folder in CPS. They are inserted directly into the specific Work Project files in CPS.

2.0 NSSP Clean-Up Initiative

Prior to 2008 there were few guidelines in place to limit or control the creation of non-standard documentation. As a result, the number of NSTIs, NSSPs, and modified SSPs began to grow unchecked, and without sufficient input and oversight by the appropriate PFOs. The practice of creating regionally modified SSPs to suit regional preferences without sufficient input and oversight from PFOs increases the potential for conflicts with other documentation, and results in unnecessary duplication of effort by designers and the needless creation of documentation containing similar and/or contradictory content.

In order to address concerns about the proliferation of non-standard documentation and resulting lack of province wide consistency, Highway Standards Branch (HSB) issued Highway Design Bulletin (HDB) 2008-003 in order to establish procedures to manage the development and use of non-standard documentation. HDB 2008-003 was an important step in moving away from the practice of developing independent regional solutions and towards the practice of working collaboratively with PFO staff to generate province wide solutions.

Since 2008 the Engineering Specifications and Standards Management Section (ESSMS) has taken an increasingly active role in managing and coordinating the development of non-standard documentation in order to promote standardized approaches and consistency in contract documentation across the province.

In 2014 ESSMS in conjunction with representatives from the Contract Documentation Committee (CDC), formerly the Design Implementation Committee (DIC), began work on an initiative to review and clean-up the large number of regional NSSPs, many of which were created prior to 2008. As of July 2017 the number of regional NSSPs has been reduced by approximately 50%, from over 300 down to approximately 150. This number will continue to be reduced under this initiative.

As part of the initiative to reduce the number of regional NSSPs and promote consistency throughout the province, ESSMS has been working with the regional Contract Review Officers (CROs) and PFOs to create Provincial Office NSSPs for use with corresponding NSTIs. The development of Provincial Office NSSPs results in improved oversight by the PFOs, higher quality content, significant time savings, and a reduction in the duplication of effort associated with the needless "re-creation" of content.

In order to further assist Designers and PFOs in managing the use of NSSPs, in 2016 ESSMS developed a Provincial Office NSSP Index for tracking the use of Provincial Office NSSPs. The Index is updated concurrently whenever any changes are made to the NSSPs. Designers should develop the habit of checking on a weekly basis in order to verify whether any changes have occurred that may affect their contracts.

To further assist designers, in 2016 ESSMS developed a NSTI/NSSP Cross Reference List which allows designers to quickly verify whether there is a corresponding Provincial Office NSSP available for use with a particular tender item. The list is housed in the Head Office NSP folder in CPS and is updated concurrently whenever a new Provincial Office NSSP is developed for use with an associated tender item.

2.1 NSTI Clean-Up Initiative

In March 2017, ESSMS performed a large scale clean-up of NSTIs and significantly reduced the number of active items by approximately 50%, from over 1000 to approximately 500. A new system for managing the creation and expiry of NSTIs was subsequently implemented. The new system, outlined in section 3.1 below, is self-sustaining and automatically purges the system of unused items on a continuous basis. It also prevents the inappropriate use of old items that may no longer be relevant or suitable for use.

At a glance it can now be determined how many NSTIs are in use, how recently a particular NSTI has been used, and which NSTIs have been in use for the longest period of time. This makes it easier for ESSMS and the PFOs to identify items that should be assessed for standardization.

3.0 Policy for Management of Non-Standard Documentation

Former HDB 2008-003 established procedures for the development and use of new non-standard tender items (NSTIs), non-standard special provisions (NSSPs), and modified standard special provisions (SSPs) in contract documents as part of detail design work.

As part of detail design work Designers have the ability to introduce non-standard documentation to suit project-specific requirements. This latitude is required to accommodate unusual circumstances and specific technical needs for individual projects however appropriate controls and safeguards also need to be established to reduce the risk of developing and using inappropriate non-standard documentation.

The new policy and procedures outlined further in this document establishes these controls and safeguards, and enhances the content of the original bulletin. MTO Project Managers shall be responsible for compliance with this policy on their assigned Work Projects and shall ensure that non-standard documentation is minimized to the extent permitted by standard documentation.

Pre-existing NSTIs and regional NSSPs that were already active in Contract Preparation System (CPS) prior to the issue of HDB 2008-003 were “grandfathered”

in and may be used where appropriate, without the express endorsement of the associated PFO, however Designers should note that departures from the use of standard documentation are to be brought to the attention of the appropriate PFOs prior to being used, regardless of whether or not endorsement is required.

Standard documentation (i.e. OPSSs, SSPs, OPSDs, MTODs, and SSDs) and Provincial Office NSSPs are updated on a regular basis in CPS therefore Designers shall review all non-standard documentation for conflicts immediately prior to final submission of the Contract Package for tendering.

Non-standard documentation that involves the use of new materials or construction techniques shall be developed with the full involvement of the PFO. When completed, this documentation may be used on a trial basis on other contracts upon the request of the PFO and agreement by the region.

All non-standard documentation shall be completed, approved, and incorporated into Contract Packages prior to the Design Complete Presentation. The inclusion of non-standard documentation in a Contract Package after the Design Complete Presentation requires Head of Planning and Design approval. Such approval shall be granted only when the NSSP or modified SSP is critical.

Designers shall regularly review the non-standard documentation uploaded to CPS and incorporate any that apply into the Contract Documents of applicable projects.

When standard documentation is to be updated, PFOs shall review all related non-standard documentation in CPS and incorporate appropriate content into the updated standard documentation. Any non-standard documentation in CPS that is identified by the PFO as inappropriate or obsolete shall be removed from CPS.

3.1 Non-Standard Tender Items (NSTIs)

The creation of new NSTIs and the re-activation of expired NSTIs require approval/endorsement from the appropriate PFO in order for the CPS Administrator within ESSMS to proceed with the creation, or reactivation and release of the item for use within a specific Work Project. Creation of new NSTIs or reactivation of existing ones by the CPS Administrator within ESSMS shall not occur without this approval.

All new NSTIs will be created with an initial expiry date of two years from the date of authorization. Each time an NSTI is subsequently released for use the expiry date shall be extended for a further two year period. In this manner, NSTIs that are used at least once every two years will remain active indefinitely unless specifically cancelled by the associated PFO. NSTIs that are not used for a period of at least two years will auto expire.

NSTIS that have expired and are classified as obsolete in CPS shall require endorsement from the associated PFO in order to be reactivated and released for use. Unless otherwise directed by the PFO, once reactivated, a NSTI will then be available for use for a minimum two year period or longer as outlined above.

3.2 Development of Non-Standard Documentation

a) Regional and Local Documentation for Minor Departures

Regional and Local non-standard documentation that is developed for non-contentious/minor departures, shall be approved by the regional section head of the corresponding Regional Functional Area (RFA). Non-standard documentation used by a region and adopted by another region shall be approved by the applicable regional section head in the adopting region.

b) Regional and Local Documentation for Major Departures

Regional and Local non-standard documentation that is developed for contentious/major departures shall be approved by the appropriate PFO prior to use in any capital construction contract. A major departure includes, but is not limited to, a change that:

- Changes the method or approach for contract administration or quality assurance.
- Changes the unit of measurement of a standard tender item.
- Requires a new type of construction equipment and / or method.
- Introduces new or stricter material specifications or test methods.
- Increases penalties and decrease bonuses for materials or early / late completion.
- Requires a labour, payment, performance or maintenance bond.
- Requires a warranty.
- Does not permit change proposals.
- Changes the Instructions to Bidders.
- Requires a mandatory pre-bid meeting(s), and/or mandatory site visit(s) during the tendering period.
- Limits competitive bidding, for example:
 - Specifies new or stricter construction tolerances.
 - Requires personnel qualifications or certifications.
 - Specifies only one source for a product or material with or without allowing an "equivalent".
 - Requires new professional engineering services from contractors.
 - Requires the contractor to obtain approval of a third party.
 - Requires subcontractor qualifications or a pre-qualification procedure.

Major departures from Ministry policy and practice may require approval of the Director, Highway Standards Branch (HSB) and/or the Director, Contract Management and Operations Branch (CMOB), as determined by the PFO manager. These will normally require industry notification and/or consultation by the PFO manager prior to advertising the construction contract.

3.3 Process for Development and Approval of Non-Standard Documentation

The development of non-standard documentation shall be according to Table A.

**Table A
Process for Development and Approval of Non-Standard Documentation**

Step	Details
1	The Design Team shall determine the need for non-standard documentation to address project specific requirements in the early stages of detail design.
2	The need for NSTIs or NSSPs shall be confirmed at least 3 months in advance of the Design Complete Presentation. The CRO shall be consulted regarding documentation alternatives.
3	<p>If the need for an NSTI or major departure NSSP is confirmed, a concept approval request shall be submitted to the applicable PFO at least 2 months in advance of the Design Complete Presentation. The Non-Standard Documentation Endorsement Request Form provided in Section A-310 shall be used. The MTO Project Manager (PM) shall submit the request the CRO. The CRO shall review the request prior to submission to the PFO.</p> <p>a) Within 10 business days the PFO shall respond by completing the bottom portion of the request form.</p> <p>b) If the request is not approved, the NSTI shall not be authorized and the major departure non-standard documentation shall not be developed.</p> <p>c) If the request is approved:</p> <ul style="list-style-type: none"> • It shall be forwarded by the CRO to ESSMS for creation or reactivation of an NSTI, if applicable. • When the major departure non-standard documentation is not contentious, as determined by the PFO, the project team develops the documentation. • When the major departure non-standard documentation is contentious, as determined by the PFO, the project team develops the documentation with the assistance of the PFO. Consultations with external stakeholders and internal approvals shall be by the PFO with coordination through appropriate channels.
5	Non-standard documentation shall be approved by the applicable PFO section head (major departure & contentious) or regional section head (non-contentious).
6	NSSPs and modified SPs shall include the developer name, section name, the approver name, approval date, and WP# or regional NSSP label in the footer. See Section A-315 for examples. Modified standard drawings shall be as per CDED Sections F-200, F-210, and F-220.
7	All final non-standard documentation shall be forwarded to the appropriate PFO with a reference to the contract number, for reference and filing.

4.0 Implementation of Non-Standard Documentation in CPS

The implementation of changes to non-standard documentation in CPS is carried out by the CPS Administrator within the Engineering Specifications and Standards Management Section (ESSMS), on an as-needed basis.

Provincial office and region specific NSSPs developed for ongoing use by a particular region shall be submitted to ESSMS for a final quality control check, formatting, and posting in the appropriate Head Office or Regional NSP folder in CPS. All NSSPs must contain a warrant and identification of the custodian.

Changes are documented and communicated via CPS Non-Standard Information Update Memos. The memos are posted in CPS News and are circulated internally via e-mail along with supporting documentation, including copies of the PO NSSP Index and NSTI/NSSP Cross Reference Sheet when applicable.

Designers should develop the habit of checking CPS News on a weekly basis in order to verify whether any changes have occurred that may affect their contracts.