



Delayed Project Start

Standard Operating Procedure

DES Division Dec 2023

INTRODUCTION

Purpose

The purpose of this SOP is to establish uniform guidelines for the use of Special Provisions (SP) to delay the start of contractor work on statewide construction projects.

Overview

In order to enhance the safety of the highway system in Texas, construction schedules should be developed to provide the most efficient path possible to complete construction activities while minimizing or eliminating the potential for delays to the contractor. This includes starting the proposed construction within 30 days after the authorization date to begin work as outlined in paragraph 1 of Item 8.

Occasionally it may be beneficial to delay the start of a highway construction project, but adjusting the project letting date should always be considered in lieu of a delayed start. Avoiding the loss of project funding, and leveling monthly lettings are typical reasons for opting to use a delayed start rather than moving the letting. It is also common to delay the start of a project to allow the contractor additional time to acquire materials. **Delayed starts cannot be used to complete ROW acquisition, utility conflict adjustments, or railroad agreements that remain unclear after letting.**

Delaying the start of construction activities is accomplished by using a SP to Item 8. A delayed start SP must alter paragraph 1 of Item 8 by indicating the new number of calendar day the contractor has to start the project. In addition, the delayed start SP must indicate whether the delay is a compulsory delay or a convenience delay. See Appendix A for a list of currently available SPs.

Compulsory Delays

Compulsory delays mandate the specific time the contractor must begin construction activities. These SPs can either specify the number of days of delay or specify the precise date the contractor is to start. Compulsory delays are generally used to mitigate a conflict between the proposed construction and time sensitive activities happening within the project area. For example, delaying a February project located in a school zone. A 90-day compulsory delay could be used to require a contractor to wait to begin work until summer break in June.

Current 2014 delayed start SPs have been formatted as compulsory delays (see Appendix A). These SPs will remain available for the 2014 spec book and new compulsory SPs will be created for the 2024 spec book. They are all One-Time-Use (OTU) provisions.

Convenience Delays

Convenience delays allow a contractor to start construction activities at their convenience within the time frame identified in the SP. For example, if a 90-day convenience delay is used, the contractor **must** start 90 days after notice to proceed but **may** start any time before that. Convenience delays are generally used to assist the prime contractor in scheduling the mobilization of work crews. They are also frequently used to facilitate the acquisition of high lead time materials that will be needed in early project phases.

New convenience delayed start SP are being developed for multiple time delay durations (see Appendix A). Convenience delayed start SP for 60-days and 90-days will be issued as statewide use. All other durations will be developed as OTU SPs.

Procedure

Delayed Start SPs must be added to a project in TxDOTCONNECT (TxC). Jobs aids are available at this [LINK](#) to demonstrate the procedure for entering a delayed start as either a statewide SP or requesting OTU SP. Each request must include a reason for the delay and go through an approval process. Statewide SPs can be entered in TxC and used with no additional approval. OTU SPs must be requested in TxC and go through an approval for each use.

Reason for Delay

All delayed start provisions must have a reason for the delay. The delay reason must be included in the TxC request and in a general note to Item 8 in the PS&E. There are standard reasons for a delay that should be used for most delayed starts. See table below for standard reasons for a delayed project start.

Standard Delayed Start Reasons	
Contractor Mobilization	This is for a convenience delay, allowing the contractor additional time for mobilizing crews and equipment to start a new project.
Material Acquisition	This is for a convenience delay, allowing the contractor additional time for acquiring materials that are required to complete construction activities in early project phases.
Manufactured Items	This is for a convenience delay, allowing the contractor additional time for acquiring long lead time manufactured items that are required to complete construction activities in initial project phases. The use of this reason must be accompanied by a description of the type of manufactured item and a statement that it is required in the initial construction phase. See below for a list of manufactured items that do not require admin approval for delays in excess of 90-days.
Asphalt Season	This is for a compulsory delay, allowing the contractor additional time to begin a surfacing project during the asphalt season identified in the plans. This reason is applicable to surfacing only projects.

Approval Process

All delayed start provisions must go through an approval process. The district approval process will be determined by each district. Subject Matter Expert (SME) approval is managed by the Construction Division through TxC. TxDOT Administration (Admin) approval is managed by the Design Division. Requests for Admin approval, when required, must be sent to DES_FPP_ePS&E@Txdot.gov. See Appendix B for the approval request memo template. Requests for Admin approval should be submitted at least three months before letting to provide adequate time for review and approval. See the table below for the approval level by provision type.

Delay Provision Type	Approval level required		
	District	SME	Admin
Compulsory delay for Asphalt Season	X	X	
Compulsory delay other than Asphalt Season	X	X	X
Convenience delay 90-days or less	X		
Convenience delay more than 90-days *	X	X	X *
Convenience delay non-standard reason	X	X	X

* Convenience delays for asphalt season and the following manufactured items will not require Admin approval if those items will be needed in early project construction phases.

- Cable barrier materials
- Illumination poles and assemblies
- Traffic signal materials
- Manufactured bridge and box culvert materials

Administration Chain of Approval

Submit for Review	Director Final PS&E Processing, Design Division
Review Authority	Director, Design Division
Review Authority	Director, District Operations
Approval Authority	Chief Engineer