



Purpose

Contract compliance is the primary objective in the administration of our contracts and the inspection of the Work. Contractor quality control (QC) inspections are performed to ensure the Contractor's processes are producing work that meets the Contract requirements, such as the Plans and Specifications. WSDOT quality assurance (QA) inspection is also conducted for the same purpose. When nonconforming Work is discovered by either QC or QA it is expected that it will be brought to the attention of the Contractor and back into conformity with the Contract (Reference 1-05.1).

However, there are times when nonconforming Work cannot be immediately brought back into compliance. In those circumstances, the nonconforming Work must be documented, tracked, and reinspected to ensure that it was brought back into compliance or otherwise remedied. This ensures that we maintain a high level of quality and the Contract can be efficiently closed with minimal punch list items remaining at substantial completion. In some cases, the nonconforming Work may be difficult, time-consuming or costly to repair to meet Contract requirements. In those cases, the Contractor may propose to repair the Work to a standard that meets the intended form and function of product but does so in a different way. This may include when the Contractor proposes to leave Work in place that is nonconforming but may provide useful function, and the loss in functionality or durability is acceptable to WSDOT with an appropriate credit.

As WSDOT has implemented Unifier as the contract administration system, we have strived to standardize processes, and to integrate many of the manual processes into the Unifier system. For years, reporting of nonconforming Work was a manual process, as was the process of submitting, reviewing, and approving remediation of the nonconforming Work. The nonconformance report business process (BP) in Unifier replaces those manual processes. The specifications are also updated to align with the electronic workflow-based BP. This memo provides guidance to the Project Engineer on how to use this new business process and expectations for its implementation.

Please note, Section 1-05.1(2) has been updated to reflect the addition of the nonconformance report BP and Section 1-05.7 has been modified to indicate that contractor-proposed repair procedures will be handled through the nonconformance report BP instead of via Request for Information (RFI).



Guidance

In projects advertised after November 4, 2024, in accordance with 1-05.7, nonconforming Work that cannot be immediately brought back into compliance must be reported in Unifier via the Nonconformance Report Business Process. The Contractor has the responsibility to self-report nonconforming Work, and the inspector also has the responsibility to document nonconforming Work when they discover it.

The specification assigns the responsibility for proposing a remedy for the nonconforming Work to the Contractor. Again, this is done in Unifier. When the Contractor initiates the nonconformance report in Unifier, they must also propose the remedy. If the Contracting Agency initiates the nonconformance report, the Contractor is notified via the system that they need to submit a remedy. The Project Engineer is then responsible to review the proposed remediation and obtain all necessary approvals before sending it back to the Contractor for implementation. Approval of the designer, the Engineer or Record (EOR), or the State Construction Office will be required when the Contractor chooses to repair the Work. Furthermore, Type 2E Working Drawings will be required when the Contractor elects to “repair the work to an acceptable standard”. Repairing the work to an acceptable standard means that the Work will not meet the original design parameters and construction requirements and therefore will require some engineering analysis to determine whether the Work will perform its intended function throughout its design life. This analysis is the Contractor’s responsibility, and they will need to engage the services of a licensed professional engineer to perform such analysis. If there is a loss of performance, including durability, functionality, etc., then a credit should be assessed. The Project Engineer should work with their ASCE to make this determination and get their approval. Furthermore, a Change Order should be processed to document the change in payment for the work.

Resources

GSP [1-05.1\(2\).OPT1.2026.GR1](#)

GSP [1-05.7.OPT1.2026.GR1](#)



Implementation Plan

The Unifier Non-Compliance BP was initially implemented March 13, 2024. Enhancements to align the BP with the specifications will be implemented November 4, 2024. Training will be provided upon request. For WSDOT staff, Nonconformance Report training will be provided at the Unifier Community Practice scheduled for Wednesday, December 11, 2024, from 10:00 to 10:45 am. A Unifier Nonconformance Report User Guide is available at the Unifier Resources links below.

For Contracts advertised before November 4, 2024, contact your ASCE if you want to do a change order to adopt the special provisions.

Additional Information

Contractor Unifier Resources: [Unifier contract management software | WSDOT](#)

WSDOT Internal Unifier Resources: [Unifier Training and Resources - Home \(sharepoint.com\)](#)

Contact Information

<u>General Information</u>	<u>Unifier Information</u>
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