

ADMINISTRATIVE COMPLIANCE DIRECTIVE
Utilization of Portable Traffic Signals

I. Purpose

The purpose of this memorandum is to summarize prevailing policy regarding the utilization of portable traffic signals, including driveway assistance devices, on the Indiana Department of Transportation's ("INDOT") work sites, including subcontracting and equipment leasing/rental procedures. This document is a statement of existing policy and does not create any new requirements. The contracting procedures and requirements set forth below are consistent with INDOT's requirements for the use of portable traffic signals in INDOT's contracts.

II. Administrative Policy Statement – Utilization of Portable Traffic Signals

The utilization of portable traffic signals in the delivery of INDOT contracts is subject to the following stipulations:

- (1) Portable traffic signals shall only be used with INDOT's express written consent as a contract provision or approved change order.
- (2) The contractor shall comply with all requirements and obligations set forth in INDOT Standard Specifications, Recurring Special Provisions, Unique Special Provisions, and any other contract provisions applicable to the utilization of portable traffic signals included in the contract and any amendments or change orders related thereto.
- (3) All work required to carry out the utilization of a portable traffic signal shall be done by the contractor, its employees, or subcontractors, unless specifically set out otherwise in the proposal book. (*See SS 104.01*).
- (4) The contractor is not permitted to sublet, sell, transfer, assign or otherwise dispose of any right, title or interest in the portable traffic signal line item or contract provision, without INDOT's written consent. Moreover, approved subcontractors **are not** permitted to further subcontract the work. (*See SS 108.01*)
- (5) The contractor or subcontractor may enter into leases or rental agreements for portable traffic signal equipment, **as long as** the lease or rental agreement is not an unapproved subcontract in violation of the contract. All portable traffic signal equipment leases or rental agreements must be submitted to the INDOT Engineer and EEO officer for review and approval before the leased equipment is used at the project site.
- (6) *A subcontract will be required if the contractor sublets or assigns any of the work described below:
 - a. Delivery and set-up of the portable traffic signal at the project site;
 - b. Operating and certifying that the portable traffic signal is functioning properly;

- c. Designation of employee(s) on staff who are technician(s) certified by the manufacturer and available with 2-hours notice to provide maintenance to the portable traffic signal, including phasing or timing adjustments; and/or
- d. Take down of the portable traffic signal from the location of use at the project site.

***NOTE:** In the event the subcontractor leases the portable signal, the lessor, manufacturer, or distributor's incidental involvement, consultation, or observation of the above activities performed by the subcontractor shall not constitute subcontract work.

- (7) In the event that a leased portable traffic signal malfunctions and requires on-site repair or replacement, a subcontract will not be required for the lessor-manufacturer or lessor-distributor to come on-site for an incidental amount of time to repair or replace the portable traffic signal equipment, provided that: (a) the contractor and/or subcontractor provides prior notice to the INDOT Engineer and project staff; and (b) the contractor and/or subcontractor maintains control over the supervision of the activities of the lessor-manufacturer or lessor-distributor.
- (8) All technicians performing work on the portable traffic signal (for example, installing, maintaining, adjusting the phasing and/or timing, etc.) shall be certified by the manufacturer. Certifications issued in the name of the contractor or subcontractor alone will not be accepted by the INDOT Engineer and must include an addendum listing the specific employees who completed the requisite manufacturer's certification process. A copy of the certification shall be provided to the Engineer prior to placement of the portable traffic signal.
- (9) In accordance with INDOT's contract provisions, the Contractor shall furnish all documentation requested by INDOT relating to the use of a portable traffic signal, including but not limited to, copies of subcontracts (and all pertinent attachments), lease agreements, and/or rental agreements.

The above stipulations account for all existing policy governing the use of portable traffic signals located in INDOT work sites.

III. Conclusion

Contractors may subcontract the work for the delivery of portable traffic signals with INDOT's prior approval as provided in the contract and INDOT Standard Specifications. Contractors and/or subcontractors may also enter into leases or rental agreements for portable traffic signal equipment so long as the equipment lease or rental agreement does not contain terms and provisions which would categorize it as an unapproved subcontract in violation of the contract and INDOT Standard Specifications. In the event questions arise regarding the utilization of portable traffic signals, please contact the INDOT project staff and the district EEO.