



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
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JENNIFER COHAN
SECRETARY

MEMORANDUM

TO: All of Transportation Solutions
All of Maintenance and Operations
All of Planning

FROM: Shanté Hastings, Chief Engineer, Transportation Solutions *SHA*
Anne Brown, Director, Maintenance & Operations *AB*
Marc Coté, Director, Planning *MC*

DATE: April 9, 2020

SUBJECT: **Engineer of Record Responsibilities**

To clarify roles and responsibilities for project delivery, this memorandum defines design responsibilities for our projects that will be delivered by engineering consulting firms.

As background, Department Policy Implement D-04, *Engineering Plan Approval* applies to this effort along with applicable Delaware Code, and other pertinent documents including the Delaware Association of Professional Engineers (DAPE) Code of Ethics and Professional Engineer's Act amendment to Title 24, along with the individual engineering firm's Quality Assurance/Quality Control (QA/QC) program.

Due in large part to Policy Implement D-04, we plan to refine certain responsibilities during the design process for DelDOT projects. Through the solicitation of the scope of work and review of estimates, the Engineer of Record (EoR), will take the following activities into consideration and assume direct control and responsibilities unless directed otherwise:

- Survey
- Subsurface Investigations
 - Soil borings
 - Roadway, structural, and SWM facilities
 - Laboratory sample testing

- Design
 - Geometric
 - Structural (as applicable)
 - Traffic/Pedestrian Accessibility
 - Stormwater
 - Maintenance of Traffic
 - Project Timing
 - Environmental/NEPA
 - Right of Way Plans
 - Utility Relocation Plans
 - Other plan information such as cross-sections, profiles, etc.
- Coordination
 - Environmental Permitting/Wetland Delineation
 - Utility
- Constructability Review

Activities that will continue to be performed by the Department and provided (as applicable) to the EoR will include:

- Pavement Design
- Rail Coordination
- Stormwater Design approval – approved by Department as the delegated agency; signed and sealed by EoR
- Right of Way Plan approval – approved by Department; signed and sealed by EoR
- Permit Application(s) – Environmental and Utility
- Right-of-Way negotiations

Additionally, all third-party plans incorporated into our project will be signed by that engineer. A typical example of this work would be utility work performed within a town/municipality that has work within the limits of our project.

Finally, there may be occasions where we will use a hybrid approach with the Department taking on some of the above responsibilities such as designing a structure within the limits of a roadway project designed by a private consultant firm. We understand that for that specific work, we will be the EoR for a portion of the project and the plans will be stamped accordingly. We also understand there may be times whereby a project may start as a Department-led project and then given to a private consulting firm to complete the design. In that instance, there may be information that we already have or have developed that will be provided to the consulting firm. At that point, discussions will have to take place between the new EoR firm and our project manager as to the path forward as far as acceptance of previous information and data by the new EoR.

If you have any questions about these responsibilities, please reach out to Mark Luszczyk or Jim Pappas in Transportation Solutions.