



### **Purpose**

To define and describe the Design-Build Compelled Audit Process and to introduce and define the use of a Compelled Audit. A Compelled Audit occurs when Quality Verification (QV) is onsite and notices a non-conformance that Quality Assurance (QA) has not identified and QA declines to issue an NCR.

### **Background**

A fundamental difference between Design-Bid Build (DBB) and Design-Build (DB) projects is the assignment of Quality Assurance (QA) and Quality Verification (QV) responsibilities. In DB projects, the Design-Builder is responsible for QA and WSDOT is responsible for QV. WSDOT verifies that the QA processes and procedures are being followed, and that non-conforming work is identified and corrected through regular QV audits.

Section 1-05.1 of the General Provisions provides for the Authority of the WSDOT Engineer. This broad authority states “The WSDOT Engineer shall be satisfied that all the Work is being done in accordance with the requirements of the Contract” and empowers the WSDOT Engineer to halt work that does not meet Contract requirements. When a WSDOT Quality Verification Engineer, as the agent of the WSDOT Engineer, is onsite and observes non-conforming work, they are compelled to advise the Engineer of the non-conformance in accordance with 1-05.2 and 1-05.6 to ensure that the non-conforming work is brought into conformance before the work is accepted and paid for, in accordance with 1-05.7. This guidance document is the result of guidance requests from offices across the state on the WSDOT policy and process to be used when a Design-Builder fails to identify and correct non-conforming work.

### **Guidance**

While it is the responsibility of the Design-Builder’s QA staff to identify all non-conforming work, ***WSDOT’s Quality Verification Engineers will note non-conformances while on the job site to ensure that all the Work is being done in accordance with the requirements of the Contract.*** The NCR and NCI process is a tool to ensure that:

1. Work is delivered in compliance with contract requirements.
2. The DB project team learns from mistakes and avoids making the same ones in the future.



3. Appropriate decision makers are involved in the development of non-conformance remediation and that Work delivered out of compliance with contract requirements is brought into compliance.
4. Project Engineers remain in compliance with 1-05.7 and do not inappropriately pay for non-conforming work.

The upcoming Design-Build Manual update will include the Compelled Audit Process in section 7-8.1.1. In the meantime, the Compelled Audit Process is documented below for your immediate use.

#### **Compelled Audit Process:**

**If there is a safety issue related to non-conforming work, these steps should be by-passed and elevated to WSDOT/DB leadership (DB Construction Quality Assurance Manager (CQAM), WSDOT Design-Build Site Manager (DBSM)/ Project Engineer (PE)/Assistant Project Engineer (APE) immediately.**

1. Identify the non-conforming work to the onsite Design-Builder's QA personnel. Discuss it with them. If the Design-Builder plans to correct the non-conformance within the same day, then the problem is solved. *Follow-up to ensure that the non-conforming work has been addressed.*
2. If the QA Team does not issue an NCR, then it should be elevated to the Design-Builder's Construction Quality Assurance Manager by the WSDOT Design-Build Site Manager, Assistant Project Engineer, or Project Engineer. If non-conforming work remains after a hold point inspection, then an NCR must be issued. If not, QV must issue an NCI.
3. If the CQAM declines to issue an NCR, then WSDOT will be compelled to issue two NCIs – one for the non-conforming work to facilitate resolution of the non-conformance in accordance with the QMP and another NCI to document that the QA process agreed to in the QMP has not been followed.

#### **Resources**

Design-Build Manual

#### **Implementation Plan**

To be implemented immediately.



**Washington State  
Department of Transportation**

## DESIGN-BUILD GUIDANCE STATEMENT

State Construction Office  
Multimodal Development & Delivery

**Bulletin Title: Compelled Audit**

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### **Additional Information**

Remember, NCRs and NCIs are a tool to ensure that Work is delivered in compliance with Contract requirements. As such, NCRs and NCIs identify Work that is out of compliance with contract requirements and the solution for bringing the Work back into compliance through identification of deviations from such requirements. They are not inherently negative; they are management tools and feedback loops for Contract compliance and the delivery of quality Work. If you are having difficulty with this process, a specific Design-Builder, or have additional questions, please consult with your Design-Build Site Manager and Project Engineer.

### **Contact Information**

Please contact the State Construction Design-Build Team with questions or to provide lessons learned regarding this process at [designbuild@wsdot.wa.gov](mailto:designbuild@wsdot.wa.gov)

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