

To: → HHO-32
Washington, D.

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Federal Participation in Construction
Engineering Errors

HCM-07

Director, Office of Construction
and Maintenance
Kansas City, Missouri

Division Administrators

At the recent AASHTO Construction Committee Meeting, the subject of FHWA participation in construction engineering errors was a matter of discussion and concern to the State participants. The States feel that there is a wide variation in how the Division Offices act in regard to participation with Federal funds.

Even though cases of construction engineering errors are expected to be infrequent and each case decided on its individual merits, the following guidelines are recommended for your use.

Determine that the construction engineering error is:

- (1) not due to gross negligence or carelessness;
- (2) not due to incompetency or inadequacy of the work force;
- (3) an excusable error that is of a character that could be made in other similar engineering projects, even though reasonable diligence has been exercised;
- (4) not of a repetitious nature.

The Region Office will be pleased to assist you, including a legal review, in resolving any questionable case if you so desire.

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cc:
Files 3

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