

**CITY AND COUNTY OF DENVER  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION**



**Policy Statement**

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| <b>Subject:</b> Capital Project Technical Variance Process                     |  |
| <b>Number:</b> 12  | <b>Effective Date:</b> February 14, 2014 |
| <b>Approved:</b> <i>Lesley B. Thomas</i> Lesley B. Thomas, P.E., City Engineer |  |

**The purpose of this document is to establish a process of negotiating a variance (if needed) from the Denver Public Works standards and/ or regulatory requirements. The Technical Variance Process will be utilized by internal City project teams as the accepted method to state their case for a specific project variance. This process will also document the decision making for individual variances so that the City may revise its standards and/ or regulatory requirements as appropriate.**

**Variance Process Steps**

1. The project manager/ representative will make reasonable attempts to resolve regulatory plan review comments. If, following coordination with Denver regulatory staff, it appears that a variance is required from Denver Public Works standards and/ or regulatory requirements for the project to continue successfully, this process may be applied.
2. Once identified, the project manager/ representative may submit a variance request letter with supporting documents to the Public Works Engineering, Regulatory & Analytics (PWER) office via email to [Denver.PWER@denvergov.org](mailto:Denver.PWER@denvergov.org)
3. PWER shall distribute the variance request letter and supporting documents to the Technical Variance Committee (TVC) members (see below) for their review at least one (1) week prior to the regularly scheduled variance review committee meeting on the 1<sup>st</sup> Wednesday of each month as detailed below. PWER shall send the project manager/ representative confirmation of the variance review committee meeting date and time.
4. The project manager/ representative shall present the variance request, variance details, and supporting documents to the Technical Variance Committee (TVC) at the variance review meeting.
5. The TVC votes at same meeting to approve or deny the variance request with or without conditions.
6. The PWER shall document the decision of the TVC via formal written letter within two (2) business days from the variance review meeting.
7. If dissatisfied with the decision of the TVC, the project manager or representative may escalate the variance request to PW Management.
8. If a PW Standards, regulatory, or policy change is warranted due to a technical variance decision, the TVC shall discuss an action plan for the change at a subsequent committee meeting.

**The Technical Variance Committee (TVC) shall be comprised of 5 official standing Voting members:**

**(2) Members: CPM (Capital Projects Management)**

- CPM Engineering Manager
- CPM Supervisor or alternate P.E.

**(1) Member: Technical Subject Matter Expert approved by CPM & PWERA**

**(2) Members: PWERA (Engineering, Regulatory & Analytics)**

- PWERA Manager or Supervisor
- PWERA Supervisor or Associated Regulatory review staff who identified original deficiency

**Additional non-Voting CCD Staff or external observers are allowed to attend and observe any variance review meeting.**

**The TVC shall concur (by majority vote) on any changes to or substitute standing Voting members.**

**The Technical Variance Committee shall make themselves available/ reserve time to meet regularly as follows:**

**As needed, on the 1<sup>st</sup> Wednesday of each month, from 11:30am-12:30pm.**

**An additional meeting may be scheduled, if necessary due to urgent project needs, on the 3<sup>rd</sup> Wednesday of each month, from 11:30am-12:30pm.**

#### **Technical Variance Process Details**

Once TVC members are selected, and properly notified of an upcoming Variance meeting, it will be up to the individual member to assign a suitable replacement if he/ she cannot attend. If any member is unable to attend a given meeting, a vote on the proposed Variance will still be held by the attending members (as long as at least three members are in attendance), the results from which is considered the formal decision of the TVC. An odd number of voting members are necessary to preclude any tied results. To achieve an odd number of votes to allow the project to continue, another member may opt to eliminate their own vote.

## **Policy/Rule Change Process**

If it is deemed that a Policy/Rule change is required to the Denver Public Works Regulatory Standard Requirements, a special committee will be formed to develop the revised change. This committee will be made of experts in the field of which the criterion is specific to but in general will be pulled from the following groups;

- (1) Member: CPM (Capital Projects Management)**
  - CPM Supervisor or alternate P.E.
- (2) Member: PWER (Engineering, Regulatory & Analytics)**
  - PWER Supervisor or Associated PWER staff P.E.
- (1) Member: Maintenance Group**
  - Maintenance Group Supervisor or alternate P.E.
- (1) Member: TES (Traffic Engineering Services)**
  - TES Supervisor or alternate P.E.

This special committee will meet on an as-needed basis. When held, the team will discuss applicable decisions of the TVC, and whether changes to Public Works standards, regulations, or policy is warranted. Additional meetings can be scheduled if necessary to deliberate on an acceptable change. Efforts shall be made to reach a decision within 90 calendar days of the initial meeting of the special committee.

A minimum of three members must make up the committee and a majority vote must be obtained before any changes to Public Works standards, regulations or policy are initiated.