

CONSTRUCTION BULLETIN 13-06

TO: Jennifer Toth, Deputy Director for Transportation
Dallas Hammit, Sr. Deputy State Engineer, Development
Robert J. Samour, Sr. Deputy State Engineer, Operations
Todd Emery, Deputy State Engineer, Statewide Operations
Brent Cain, Deputy State Engineer, Urban Operations
Steve Boschen, Deputy State Engineer, Design
Barry Crockett, Deputy State Engineer, Contracts & Clearances
Bill Hurguy, Asst. State Engineer, Materials
Lonnie Hendrix, Asst. State Engineer, Maintenance
Chaun Hill, Asst. State Engineer, Valley Project Management
Vincent Li, Asst. State Engineer, Statewide Project Management
Maysa Hanna, Asst. State Engineer, Traffic Engineering Group
Annette Riley, Asst. State Engineer, Roadway Design Group
Jean Nehme, Asst. State Engineer, Bridge Group
Paul O'Brien, Environmental Planning Group Manager
District Engineers
Resident Engineers

FROM: Julie E. Kliewer, Assistant State Engineer, Construction

DATE: September 19, 2013

Pay Item Created for Contract Time Extended Overhead

(Supersedes Construction Bulletin 10-01)

Purpose

- To advise all construction personnel of a new pay item (**#1080800 Contract Time Extended Overhead**) created to record and track all contractor payments as a result of granting a compensable contract time extension. The unit of measure for this pay item is "EACH DAY".
- To reiterate the process for requesting, documenting and approving time extensions.
- To amend the *"Request for Extension of Time"* form to:
 - document the consultation between the Resident Engineer (RE) and the Assistant State Engineer for Construction (when compensatory days are requested); and
 - add fields for the daily compensatory cost agreed upon & the total compensatory cost (compensatory days approved times the daily rate).
- To emphasize that all time extensions must be executed via Change Order through the Supplemental Agreement Tracking System (SATS).

Background

Construction Bulletin 10-01, issued August 2, 2010, directed that time extensions approved must differentiate between compensatory and non-compensatory days. The bulletin made it clear that all time extensions must be approved by the District Engineer (DE) and that the Assistant State Engineer for Construction needs to be contacted for guidance when compensatory days are requested. The *“Request for Extension of Time”* form was amended at that time. Compliance has been less than desired.

Process

Effective immediately, pay item **(#1080800)** must be used to record the value of compensable days granted. The Supplemental Agreement processed to compensate the contractor must reflect the number of compensable extension days, the daily rate and the total for all compensable days. Steps to follow are:

1. The contractor has identified an issue that could necessitate extra contract time. The RE provides the contractor the *“Request for Extension of Time”* form.
2. Contractor completes the top portion of form, noting compensatory and non-compensatory days requested, and attaches all justification (i.e., **schedule indicating critical path impacts, cost estimates, etc.**). Schedule analysis should specify sufficiently detailed activities that allow a reviewer to follow the sequence. Provide resource loading for each activity listing personnel and equipment. Make certain that all documents show TRACS number, request number and contractor’s name.
3. **NOTE: If project is CMAR or Design-Build, also complete the *Contract Modification Request* form.**
4. RE notifies the Assistant State Engineer for Construction if compensatory days are requested. RE forwards all documentation (**contractor submissions and RE independent estimate, critical path impact analysis – see Step 2**) to the Assistant State Engineer for Construction.
5. Assistant State Engineer for Construction provides guidance on time and related overhead costs.
6. Assistant State Engineer for Construction emails recommendations to the RE. RE attaches email to the *“Request for Extension of Time”* form. RE determines number of days to recommend, signs and sends to DE for approval. If fewer days are recommended for approval, explanation must be attached (***all time extensions must be approved by the DE***).
7. DE reviews, approves, and documents the number of compensatory and non-compensatory days granted. DE completes the compensatory daily cost rate and the total compensatory cost.
8. RE returns form to contractor for concurrence if approved extension of time is different than the contractor’s request.
9. If contractor doesn’t agree, escalation process is followed.
10. RE completes the change order (attach all documentation). Escalation cases will await final disposition prior to completing the change order.

NOTE: *If an agreement is reached on the cost of the change, but NOT on additional time, process the Change Order for the cost with a **DISCLAIMER** statement in the Specification/Stipulation section that **“Contract Time is unresolved.”***

Attachments



ARIZONA DEPARTMENT OF TRANSPORTATION REQUEST FOR EXTENSION OF TIME

Project No. _____ TRACS No. _____ Request No. _____

Project Name _____ Contractor _____

Total Days Requested <input type="text"/>	Working Days	<input type="text"/>
	Calendar Days	<input type="text"/>
	Fixed Date	<input type="text"/>
		Requested Amended Fixed Date <input type="text"/>

The work has been impacted for the following **attached** reasons. Include a schedule (CPM if applicable) detailing the impact to the contract. **ALL ATTACHED JUSTIFICATION DOCUMENTS MUST SHOW TRACS NUMBER, REQUEST NUMBER AND CONTRACTOR.**

Compensatory Days Requested Non-Compensatory Days Requested

Contractor Signature _____ Title _____ Date _____

Contractor Printed Name _____

The days claimed and reasons thereof have been studied. If fewer days are recommended than claimed, attach explanation.

Compensatory Days Recommended Non-Compensatory Days Recommended

NOTE: If compensatory days are requested, attach the consultation e-mail FROM the Assistant State Engineer for Construction.

Sr./Resident Engineer _____ Date _____

NOTE: This recommendation must be sent to the District Engineer for approval.

Compensatory Days Approved <input type="text"/>	# <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	Non-Compensatory Days Approved <input type="text"/>
		Daily Rate	Total Approved	

District Engineer _____ Date _____

NOTE: If approved date differs from Contractor's request, return for concurrence.

Contractor Concurrence Signature _____ Title _____ Date _____

Contractor Concurrence Printed Name _____

IF THE CONTRACTOR DOES NOT AGREE THE ESCALATION PROCESS MUST BE FOLLOWED.

After a review of the facts,
an additional _____ Compensatory Days and _____ Non-Compensatory Days are approved.

Federal Highway Administration _____ Date _____



**ALTERNATIVE DELIVERY
CONTRACT MODIFICATION REQUEST**

.....CM R
Design-Build

Page ____ of ____

Contractor:	Project No.:	TRACS No.:	Date:
Project Manager:	Design Firm:	Initiator:	
Requested Change (What):			
Reason/Justification (Why):			
General Supplemental Agreement Types <i>If Other, please explain:</i>		List Technical Managers:	
ADOT Recommendation:			

Concept Recommended <input type="checkbox"/> Yes <input type="checkbox"/> No	_____ <i>ADOT Sr./Resident Engineer</i>	Date: ____/____/____
Concept Recommended <input type="checkbox"/> Yes <input type="checkbox"/> No	_____ <i>ADOT Asst. District Engineer/District Engineer</i>	Date: ____/____/____
Concept Recommended <input type="checkbox"/> Yes <input type="checkbox"/> No	_____ <i>Assistant State Engineer, Construction</i>	Date: ____/____/____

Concept Recommended <input type="checkbox"/> Yes <input type="checkbox"/> No	Eligible for Federal Reimbursement <input type="checkbox"/> Yes <input type="checkbox"/> No	Date: ____/____/____
_____ <i>FHWA</i>		

Any decision to approve the change to contract terms will be within the sole discretion of ADOT and is dependent on the documentation that is submitted and entered into the Supplemental Agreement Tracking System (SATS).