

17/03

WORKBOOK CHANGE(S)

Add D 0080001
Rev Date 10-6-03
F.A. Date 12-22-03
Letting Date 7-04

Move D _____
To Deleted File _____
Rev Date _____
F.A. Date _____
Letting Date _____

Remarks New SS.

Dates

*Copy of Spec to Paul that Impacts
QPL (ONLY) _____
Added to Nextwb file 12-10-03 ah
Deleted from Nextwb file _____
History File Updated _____
Rolodexed 4/16/04
Additional back-up see _____

Route Slip

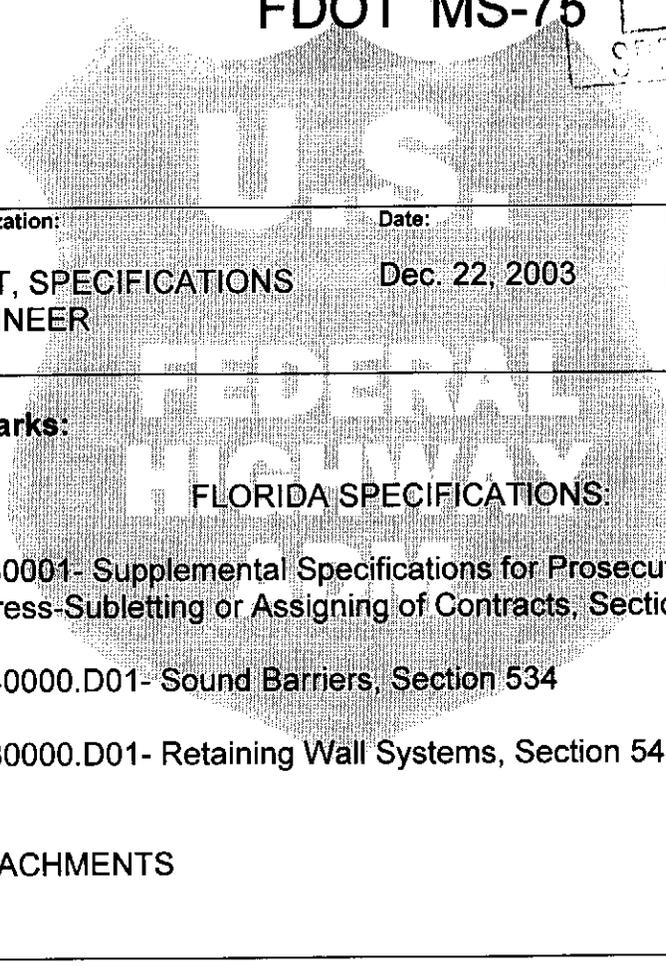
U.S. Department of Transportation
Federal Highway Administration
Florida Division
227 N. Bronough Street, Room 2015
Tallahassee, FL 32301

Distribution:

FDOT MS-75

RECEIVED
DEC 23

SECTIONAL



To:	Organization:	Date:	Routing Symbol:
MR. DUANE BRAUTIGAM	FDOT, SPECIFICATIONS ENGINEER	Dec. 22, 2003	MS-75

- Per Your Request
- For Your Information
- Per Our Conversation
- Comment
- Take Appropriate Action
- Note and Return
- Discuss With Me
- For Your Approval
- For Your Signature
- Please Answer
- Prepare Reply
- For Signature of

Remarks:

FLORIDA SPECIFICATIONS:

D0080001- Supplemental Specifications for Prosecution and Progress-Subletting or Assigning of Contracts, Section 008

D5340000.D01- Sound Barriers, Section 534

D5480000.D01- Retaining Wall Systems, Section 548

ATTACHMENTS

From:	Telephone Number:	FDOT MS:	Org/Rtg Symbol
FOR: JAMES E. ST. JOHN, DIVISION ADMINISTRATOR	(850) 942-9650, EXT. 3035	# 29	

DON Davis: ANN to file in binders cc: 1 (w/specification)



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSÉ ABREU
SECRETARY

December 4, 2003

Mr. Donald Davis
Program Operations Engineer
Federal Highway Administration
227 N. Bronough Street, Suite 2015
Tallahassee, Florida 32301

Re: Office of Design, Specifications
Section 008
Proposed Specification: D0080001 – Prosecution and Progress – Subletting or Assigning
of Contracts.

Dear Mr. Davis:

We are submitting, for your approval, two copies of a proposed Supplemental Specification for Prosecution and Progress – Subletting or Assigning of Contracts.

This change was proposed by Lewis Harper, State Construction Office to change the amount of work the Contractor must perform with his own organization and to remove all Specialty Work.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via Email to SP965DB or duane.brautigam@dot.state.fl.us.

If you have any questions relating to this specification change, please call Duane F. Brautigam, State Specifications Engineer at 414-4110.

Sincerely,

Signature on file

Duane F. Brautigam, P.E.
State Specifications Engineer

DFB/jho
Attachment

cc: General Counsel
Florida Transportation Builders' Assoc.
State Construction Engineer

PROSECUTION AND PROGRESS – SUBLETTING OR ASSIGNING OF CONTRACTS.

(REV 10-6-03)

Deleted: 9-9-03

ARTICLE 8-1 (Pages 71-73) is deleted and the following substituted:

8-1 Subletting or Assigning of Contracts.

8-1.1 General: Do not, sell, transfer, assign or otherwise dispose of the Contract or Contracts or any portion thereof, or of the right, title, or interest therein, without written consent of the Department. If the Contractor chooses to sublet any portion of the Contract, the Contractor must provide a written request to sublet work on the Certification of Sublet Work form developed by the Department for this purpose. With the Engineer's acceptance of the request, the Contractor may sublet a portion of the work, but shall perform with his own organization work amounting to not less than 40% of the total Contract amount. The Certification of Sublet Work request will be deemed acceptable by the Department, for purposes of the Department's consent, unless the Engineer notifies the Contractor within 5 business days of receipt of the Certification of Sublet Work that the Department is not consenting to the requested subletting.

Include in the total Contract amount the cost of materials and manufactured component products, and their transportation to the project site. For the purpose of meeting this requirement the Department will not consider off-site commercial production of materials and manufactured component products that the Contractor purchases, or their transportation to the project, as subcontracted work.

If the Contractor sublets a part of a Contract item, the Department will use only the sublet proportional cost in determining the percentage of subcontracted normal work.

Execute all agreements to sublet work in writing and include all pertinent provisions and requirements of the Contract. Upon request, furnish the Department with a copy of the subcontract. The subletting of work does not relieve the Contractor or the surety of their respective liabilities under the Contract.

The Department recognizes a subcontractor only in the capacity of an employee or agent of the Contractor, and the Engineer may require the Contractor to remove the subcontractor as in the case of an employee.

Deleted: accordingly.

Deleted: The Contractor

Deleted: 50

Deleted: , less the total amount for those Contract items designated as "Specialty Work"

Deleted: 8-1.2 Specialty Work: For normal road and bridge Contracts, Specialty Work is defined as work of a type not normally performed by road and bridge contractors with their own organizations.¶

... The following work is specifically designated as Specialty Work for normal road and bridge construction.¶

Auxiliary Power Unit.¶

Buildings, including Control House.¶

Cleaning, Coating, Injection, Grouting, Grinding, Grooving, or Sealing Concrete Surfaces.¶

Deep Well Installation.¶

Electrical Work.¶

Fencing.¶

Highway Lighting.¶

Installing Pipe or Pipe Liner, by Jacking or Boring.¶

Installing Structural Plate Pipe Structures.¶

Landscaping.¶

Machinery and Castings for Movable Bridges.¶

Navigation Lights.¶

Painting.¶

Plugging Water Wells.¶

Pressure Grouting.¶

Pumping Equipment.¶

Roadway Signing and Pavement Marking.¶

Riprap.¶

Removal of Buildings.¶

Rumble Strips.¶

Scale Systems - Static and Weigh - In - Motion.¶

Sealing Wells by Injection.¶

Septic Tank and Disposal System.¶

Signalization.¶

Utility Work.¶

Vehicular Impact Attenuator.¶

Water and Sewage Treatment Systems.¶

... When the major work under the Contract is of a type not normally performed by road and bridge contractors, the above-listed work will be considered as Specialty Work only as so listed in the special provisions.¶

PROSECUTION AND PROGRESS – SUBLETTING OR ASSIGNING OF CONTRACTS.

(REV 10-6-03)

ARTICLE 8-1 (Pages 71-73) is deleted and the following substituted:

8-1 Subletting or Assigning of Contracts.

8-1.1 General: Do not, sell, transfer, assign or otherwise dispose of the Contract or Contracts or any portion thereof, or of the right, title, or interest therein, without written consent of the Department. If the Contractor chooses to sublet any portion of the Contract, the Contractor must provide a written request to sublet work on the Certification of Sublet Work form developed by the Department for this purpose. With the Engineer's acceptance of the request, the Contractor may sublet a portion of the work, but shall perform with his own organization work amounting to not less than 40% of the total Contract amount. The Certification of Sublet Work request will be deemed acceptable by the Department, for purposes of the Department's consent, unless the Engineer notifies the Contractor within 5 business days of receipt of the Certification of Sublet Work that the Department is not consenting to the requested subletting.

Include in the total Contract amount the cost of materials and manufactured component products, and their transportation to the project site. For the purpose of meeting this requirement the Department will not consider off-site commercial production of materials and manufactured component products that the Contractor purchases, or their transportation to the project, as subcontracted work.

If the Contractor sublets a part of a Contract item, the Department will use only the sublet proportional cost in determining the percentage of subcontracted normal work.

Execute all agreements to sublet work in writing and include all pertinent provisions and requirements of the Contract. Upon request, furnish the Department with a copy of the subcontract. The subletting of work does not relieve the Contractor or the surety of their respective liabilities under the Contract.

The Department recognizes a subcontractor only in the capacity of an employee or agent of the Contractor, and the Engineer may require the Contractor to remove the subcontractor as in the case of an employee.

APPROVED:



DATE: 12/24/03

3

For the Division Administrator



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSÉ ABREU
SECRETARY

December 4, 2003

Mr. Donald Davis
Program Operations Engineer
Federal Highway Administration
227 N. Bronough Street, Suite 2015
Tallahassee, Florida 32301

Re: Office of Design, Specifications
Section 008
Proposed Specification: D0080001 – Prosecution and Progress – Subletting or Assigning
of Contracts.

Dear Mr. Davis:

We are resubmitting, for your approval, two copies of a proposed Supplemental Specification for Prosecution and Progress – Subletting or Assigning of Contracts.

This change was proposed by Lewis Harper, State Construction Office to change the amount of work the Contractor must perform with his own organization and to remove all Specialty Work.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via Email to SP965DB or duane.brautigam@dot.state.fl.us.

If you have any questions relating to this specification change, please call Duane F. Brautigam, State Specifications Engineer at 414-4110.

Sincerely,


Duane F. Brautigam, P.E.
State Specifications Engineer

DFB/jho

Attachment

cc: General Counsel
Florida Transportation Builders' Assoc.
State Construction Engineer

PROSECUTION AND PROGRESS – SUBLETTING OR ASSIGNING OF CONTRACTS.

(REV 9-9-03/10-6-03)

ARTICLE 8-1 (Pages 71-73) is deleted and the following substituted:

8-1 Subletting or Assigning of Contracts.

8-1.1 General: Do not, sell, transfer, assign or otherwise dispose of the Contract or Contracts or any portion thereof, or of the right, title, or interest therein, without written consent of the Department. If the Contractor chooses to sublet any portion of the Contract, the Contractor must provide a written request to sublet work on the Certification of Sublet Work form developed by the Department for this purpose. With the Engineer's acceptance of the request, the Contractor may sublet a portion of the work, ~~accordingly. but The Contractor~~ shall perform with his own organization work amounting to not less than ~~50~~40% of the total Contract amount, ~~less the total amount for those Contract items designated as "Specialty Work"~~. The Certification of Sublet Work request will be deemed acceptable by the Department, for purposes of the Department's consent, unless the Engineer notifies the Contractor within 5 business days of receipt of the Certification of Sublet Work that the Department is not consenting to the requested subletting.

Include in the total Contract amount the cost of materials and manufactured component products, and their transportation to the project site. For the purpose of meeting this requirement the Department will not consider off-site commercial production of materials and manufactured component products that the Contractor purchases, or their transportation to the project, as subcontracted work.

If the Contractor sublets a part of a Contract item, the Department will use only the sublet proportional cost in determining the percentage of subcontracted normal work.

Execute all agreements to sublet work in writing and include all pertinent provisions and requirements of the Contract. Upon request, furnish the Department with a copy of the subcontract. The subletting of work does not relieve the Contractor or the surety of their respective liabilities under the Contract.

The Department recognizes a subcontractor only in the capacity of an employee or agent of the Contractor, and the Engineer may require the Contractor to remove the subcontractor as in the case of an employee.

8-1.2 Specialty Work: ~~For normal road and bridge Contracts, Specialty Work is defined as work of a type not normally performed by road and bridge contractors with their own organizations.~~

~~The following work is specifically designated as Specialty Work for normal road and bridge construction:~~

~~Auxiliary Power Unit.~~

~~Buildings, including Control House.~~

~~Cleaning, Coating, Injection, Grouting, Grinding, Grooving, or Sealing~~

~~Concrete Surfaces.~~

~~Deep Well Installation.~~

~~Electrical Work.~~

~~Fencing.~~
~~Highway Lighting.~~
~~Installing Pipe or Pipe Liner, by Jacking or Boring.~~
~~Installing Structural Plate Pipe Structures.~~
~~Landscaping.~~
~~Machinery and Castings for Movable Bridges.~~
~~Navigation Lights.~~
~~Painting.~~
~~Plugging Water Wells.~~
~~Pressure Grouting.~~
~~Pumping Equipment.~~
~~Roadway Signing and Pavement Marking.~~
~~Riprap.~~
~~Removal of Buildings.~~
~~Rumble Strips.~~
~~Scale Systems - Static and Weigh In Motion~~
~~Sealing Wells by Injection.~~
~~Septic Tank and Disposal System.~~
~~Signalization.~~
~~Utility Work.~~
~~Vehicle Impact Attenuator.~~
~~Water and Sewage Treatment Systems.~~

_____When the major work under the Contract is of a type not normally performed by road and bridge contractors, the above listed work will be considered as Specialty Work only as so listed in the special provisions.

PROSECUTION AND PROGRESS – SUBLETTING OR ASSIGNING OF CONTRACTS.

(REV 10-6-03)

ARTICLE 8-1 (Pages 71-73) is deleted and the following substituted:

8-1 Subletting or Assigning of Contracts.

8-1.1 General: Do not, sell, transfer, assign or otherwise dispose of the Contract or Contracts or any portion thereof, or of the right, title, or interest therein, without written consent of the Department. If the Contractor chooses to sublet any portion of the Contract, the Contractor must provide a written request to sublet work on the Certification of Sublet Work form developed by the Department for this purpose. With the Engineer's acceptance of the request, the Contractor may sublet a portion of the work, but shall perform with his own organization work amounting to not less than 40% of the total Contract amount. The Certification of Sublet Work request will be deemed acceptable by the Department, for purposes of the Department's consent, unless the Engineer notifies the Contractor within 5 business days of receipt of the Certification of Sublet Work that the Department is not consenting to the requested subletting.

Include in the total Contract amount the cost of materials and manufactured component products, and their transportation to the project site. For the purpose of meeting this requirement the Department will not consider off-site commercial production of materials and manufactured component products that the Contractor purchases, or their transportation to the project, as subcontracted work.

If the Contractor sublets a part of a Contract item, the Department will use only the sublet proportional cost in determining the percentage of subcontracted normal work.

Execute all agreements to sublet work in writing and include all pertinent provisions and requirements of the Contract. Upon request, furnish the Department with a copy of the subcontract. The subletting of work does not relieve the Contractor or the surety of their respective liabilities under the Contract.

The Department recognizes a subcontractor only in the capacity of an employee or agent of the Contractor, and the Engineer may require the Contractor to remove the subcontractor as in the case of an employee.



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSÉ ABREU
SECRETARY

December 4, 2003

Mr. Donald Davis
Program Operations Engineer
Federal Highway Administration
227 N. Bronough Street, Suite 2015
Tallahassee, Florida 32301

Re: Office of Design, Specifications
Section 008
Proposed Specification: D0080001 – Prosecution and Progress – Subletting or Assigning
of Contracts.

Dear Mr. Davis:

We are resubmitting, for your approval, two copies of a proposed Supplemental Specification for Prosecution and Progress – Subletting or Assigning of Contracts.

This change was proposed by Lewis Harper, State Construction Office to change the amount of work the Contractor must perform with his own organization and to remove all Specialty Work.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via Email to SP965DB or duane.brautigam@dot.state.fl.us.

If you have any questions relating to this specification change, please call Duane F. Brautigam, State Specifications Engineer at 414-4110.

Sincerely,

Signature on file

Duane F. Brautigam, P.E.
State Specifications Engineer

DFB/jho
Attachment

cc: General Counsel
Florida Transportation Builders' Assoc.
State Construction Engineer



RECEIVED
 OCT 16 2003
 JOSÉ ABREU

Florida Department of Transportation SPECIFICATIONS

JEB BUSH
 GOVERNOR

605 Suwannee Street
 Tallahassee, FL 32399-0450

MEMORANDUM

DATE: 10/15/03
~~October 6, 2003~~

TO: Specification Review Distribution List

TO: ~~FROM:~~ Duane F. Brautigam, P.E., State Specifications Engineer

MS - 75

SUBJECT: Proposed Specifications Change - D0080001 - Prosecution and Progress - Subletting or Assigning of Contracts.

In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change to Incentive - Disincentive.

This change was proposed by Lewis Harper, State Construction Office to change the amount of work the Contractor must perform with his own organization and to remove all Specialty Work.

Please share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or to my attention via e-mail at SP965DB or duane.brautigam@dot.state.fl.us. Comments received after November 3, 2003 may not be considered. Your input is encouraged.

DFB/jho

Attachment

COMMENTS: THIS WOULD SIMPLIFY PROCESSING AND ELIMINATE THE NEED TO IDENTIFY SPECIALTY WORK. GOOD IDEA.

NOTE → ONE FURTHER CLARIFICATION WOULD BE TO INCLUDE LANGUAGE AS TO HOW TO TREAT WORK ADDED TO A CONTRACT BY SUPPLEMENTAL AGREEMENT OR CONTINGENCY WORK ORDER. SHOULD IT BE EXCLUDED FROM PERCENTAGE OR SHOULD IT BE 40%.

Submitted by: KEITH DAVIS 10/15/03 Phone #: SC 514-1924

INTERSTATE CONSTRUCTION
DIST 7

RP

813/ 356. 1422

TO: SPECIFICATION DEVELOPMENT

NO COMMENTS
 COMMENTS-PLEASE PROCESS

DATE 10/16/03

**BASIS PROSECUTION AND PROGRESS – SUBLETTING OR
ASSIGNING OF CONTRACTS.
(REV 9-9-03)**

ARTICLE 8-1 (Pages 71-73) is deleted and the following substituted:

8-1 Subletting or Assigning of Contracts.

8-1.1 General: Do not, sell, transfer, assign or otherwise dispose of the Contract or Contracts or any portion thereof, or of the right, title, or interest therein, without written consent of the Department. If the Contractor chooses to sublet any portion of the Contract, the Contractor must provide a written request to sublet work on the Certification of Sublet Work form developed by the Department for this purpose. With the Engineer's acceptance of the request, the Contractor may sublet a portion of the work, ~~accordingly but The Contractor shall perform with his own organization work amounting to not less than 50/40% of the total Contract amount, less the total amount for those Contract items designated as~~ "Specialty Work". The Certification of Sublet Work request will be deemed acceptable by the Department, for purposes of the Department's consent, unless the Engineer notifies the Contractor within 5 business days of receipt of the Certification of Sublet Work that the Department is not consenting to the requested subletting.

Include in the total Contract amount the cost of materials and manufactured component products, and their transportation to the project site. For the purpose of meeting this requirement the Department will not consider off-site commercial production of materials and manufactured component products that the Contractor purchases, or their transportation to the project, as subcontracted work. If the Contractor sublets a part of a Contract item, the Department will use only the sublet proportional cost in determining the percentage of subcontracted normal work.

Execute all agreements to sublet work in writing and include all pertinent provisions and requirements of the Contract. Upon request, furnish the Department with a copy of the subcontract. The subletting of work does not relieve the Contractor or the surety of their respective liabilities under the Contract.

The Department recognizes a subcontractor only in the capacity of an employee or agent of the Contractor, and the Engineer may require the Contractor to remove the subcontractor as in the case of an employee.

~~**8-1.2 Specialty Work:** For normal road and bridge Contracts, Specialty Work is defined as work of a type not normally performed by road and bridge contractors with their own organizations.~~

~~The following work is specifically designated as Specialty Work for normal road and bridge construction:~~

- ~~Auxiliary Power Unit.~~
- ~~Buildings, including Control House.~~
- ~~Cleaning, Coating, Injection, Grouting, Grinding, Grooving, or Sealing Concrete Surfaces.~~
- ~~Deep Well Installation.~~
- ~~Electrical Work.~~
- ~~Fencing.~~
- ~~Highway Lighting.~~
- ~~Installing Pipe or Pipe Liner, by Jacking or Boring.~~
- ~~Installing Structural Plate Pipe Structures.~~
- ~~Landscaping.~~
- ~~Machinery and Castings for Movable Bridges.~~
- ~~Navigation Lights.~~
- ~~Painting.~~
- ~~Plugging Water Wells.~~

~~Pressure Grouting.~~
~~Pumping Equipment.~~
~~Roadway Signing and Pavement Marking.~~
~~Riprap.~~
~~Removal of Buildings.~~
~~Rumble Strips.~~
~~Scale Systems—Static and Weigh—In—Motion~~
~~Sealing Wells by Injection.~~
~~Septic Tank and Disposal System.~~
~~Signalization.~~
~~Utility Work.~~
~~Vehicular Impact Attenuator.~~
~~Water and Sewage Treatment Systems.~~

_____ When the major work under the Contract is of a type not normally performed by road and bridge contractors, the above listed work will be considered as Specialty Work only as so listed in the special provisions.



POSTED 10/6/03
JFB

Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSÉ ABREU
SECRETARY

MEMORANDUM

DATE: October 6, 2003

TO: Specification Review Distribution List

FROM: Duane F. Brautigam, P.E., State Specifications Engineer *Duane F. Brautigam*

SUBJECT: **Proposed Specifications Change – D0080001 – Prosecution and Progress – Subletting or Assigning of Contracts.**

In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change to Incentive - Disincentive.

This change was proposed by Lewis Harper, State Construction Office to change the amount of work the Contractor must perform with his own organization and to remove all Specialty Work.

Please share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or to my attention via e-mail at SP965DB or duane.brautigam@dot.state.fl.us. Comments received after November 3, 2003 may not be considered. Your input is encouraged.

DFB/jho

Attachment

COMMENTS:

Submitted by:

Phone #:

**BASIS PROSECUTION AND PROGRESS – SUBLETTING OR
ASSIGNING OF CONTRACTS.
(REV 9-9-03)**

ARTICLE 8-1 (Pages 71-73) is deleted and the following substituted:

8-1 Subletting or Assigning of Contracts.

8-1.1 General: Do not, sell, transfer, assign or otherwise dispose of the Contract or Contracts or any portion thereof, or of the right, title, or interest therein, without written consent of the Department. If the Contractor chooses to sublet any portion of the Contract, the Contractor must provide a written request to sublet work on the Certification of Sublet Work form developed by the Department for this purpose. With the Engineer's acceptance of the request, the Contractor may sublet a portion of the work, ~~accordingly, but The Contractor shall perform with his own organization work amounting to not less than 50-40% of the total Contract amount, less the total amount for those Contract items designated as "Specialty Work".~~ The Certification of Sublet Work request will be deemed acceptable by the Department, for purposes of the Department's consent, unless the Engineer notifies the Contractor within 5 business days of receipt of the Certification of Sublet Work that the Department is not consenting to the requested subletting.

Include in the total Contract amount the cost of materials and manufactured component products, and their transportation to the project site. For the purpose of meeting this requirement the Department will not consider off-site commercial production of materials and manufactured component products that the Contractor purchases, or their transportation to the project, as subcontracted work. If the Contractor sublets a part of a Contract item, the Department will use only the sublet proportional cost in determining the percentage of subcontracted normal work.

Execute all agreements to sublet work in writing and include all pertinent provisions and requirements of the Contract. Upon request, furnish the Department with a copy of the subcontract. The subletting of work does not relieve the Contractor or the surety of their respective liabilities under the Contract.

The Department recognizes a subcontractor only in the capacity of an employee or agent of the Contractor, and the Engineer may require the Contractor to remove the subcontractor as in the case of an employee.

~~**8-1.2 Specialty Work:** For normal road and bridge Contracts, Specialty Work is defined as work of a type not normally performed by road and bridge contractors with their own organizations.~~

~~The following work is specifically designated as Specialty Work for normal road and bridge construction:~~

~~Auxiliary Power Unit.
Buildings, including Control House.
Cleaning, Coating, Injection, Grouting, Grinding, Grooving, or Sealing Concrete~~

~~Surfaces:~~

~~Deep Well Installation.
Electrical Work.
Fencing.
Highway Lighting.
Installing Pipe or Pipe Liner, by Jacking or Boring.
Installing Structural Plate Pipe Structures.
Landscaping.
Machinery and Castings for Movable Bridges.
Navigation Lights.
Painting.
Plugging Water Wells.~~

~~Pressure Grouting.
Pumping Equipment.
Roadway Signing and Pavement Marking.
Riprap.
Removal of Buildings.
Rumble Strips.
Scale Systems - Static and Weigh In Motion
Sealing Wells by Injection.
Septic Tank and Disposal System.
Signalization.
Utility Work.
Vehicular Impact Attenuator.
Water and Sewage Treatment Systems.~~

~~When the major work under the Contract is of a type not normally performed by road and bridge contractors, the above listed work will be considered as Specialty Work only as so listed in the special provisions.~~



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSE ABREU
SECRETARY

MEMORANDUM

DATE: September 22, 2003

TO: Bob Burleson, FTBA, David Sadler, State Construction Office, Brian Blanchard, State Roadway Design Office, William N. Nickas, State Structures Design Office, Bruce Dietrich, State Pavement Management Office, Greg Davis, State Estimates Office, Clay McGonagill, General Counsel's Office

FROM: Clinton J. Shaw, State Specifications Office 

SUBJECT: **Proposed Specification: D0080001 – Prosecution and Progress – Subletting or Assigning of Contracts.**

Attached for your review and comments is a copy of the subject Special Provision for Prosecution and Progress – Subletting or Assigning of Contracts.

This change was proposed by Lewis Harper, State Construction Office to change the amount of work the Contractor must perform with his own organization and to remove all Specialty Work.

Please review and offer your comments.

CS/jho
Attachment

**BASIS PROSECUTION AND PROGRESS – SUBLETTING OR
ASSIGNING OF CONTRACTS.
(REV 9-9-03)**

ARTICLE 8-1 (Pages 71-73) is deleted and the following substituted:

8-1 Subletting or Assigning of Contracts.

8-1.1 General: Do not, sell, transfer, assign or otherwise dispose of the Contract or Contracts or any portion thereof, or of the right, title, or interest therein, without written consent of the Department. If the Contractor chooses to sublet any portion of the Contract, the Contractor must provide a written request to sublet work on the Certification of Sublet Work form developed by the Department for this purpose. With the Engineer's acceptance of the request, the Contractor may sublet a portion of the work, ~~accordingly, but The Contractor shall perform with his own organization work amounting to not less than 50/40% of the total Contract amount, less the total amount for those Contract items designated as~~ "Specialty Work". The Certification of Sublet Work request will be deemed acceptable by the Department, for purposes of the Department's consent, unless the Engineer notifies the Contractor within 5 business days of receipt of the Certification of Sublet Work that the Department is not consenting to the requested subletting.

Include in the total Contract amount the cost of materials and manufactured component products, and their transportation to the project site. For the purpose of meeting this requirement the Department will not consider off-site commercial production of materials and manufactured component products that the Contractor purchases, or their transportation to the project, as subcontracted work. If the Contractor sublets a part of a Contract item, the Department will use only the sublet proportional cost in determining the percentage of subcontracted normal work.

Execute all agreements to sublet work in writing and include all pertinent provisions and requirements of the Contract. Upon request, furnish the Department with a copy of the subcontract. The subletting of work does not relieve the Contractor or the surety of their respective liabilities under the Contract.

The Department recognizes a subcontractor only in the capacity of an employee or agent of the Contractor, and the Engineer may require the Contractor to remove the subcontractor as in the case of an employee.

~~**8-1.2 Specialty Work:** For normal road and bridge Contracts, Specialty Work is defined as work of a type not normally performed by road and bridge contractors with their own organizations.~~

~~The following work is specifically designated as Specialty Work for normal road and bridge construction.~~

~~Auxiliary Power Unit.
Buildings, including Control House.
Cleaning, Coating, Injection, Grouting, Grinding, Grooving, or Sealing Concrete~~

~~Surfaces:~~

~~Deep Well Installation.
Electrical Work.
Fencing.
Highway Lighting.
Installing Pipe or Pipe Liner, by Jacking or Boring.
Installing Structural Plate Pipe Structures.
Landscaping.
Machinery and Castings for Movable Bridges.
Navigation Lights.
Painting.
Plugging Water Wells.~~

~~Pressure Grouting.
Pumping Equipment.
Roadway Signing and Pavement Marking.
Riprap.
Removal of Buildings.
Rumble Strips.
Scale Systems—Static and Weigh—In—Motion
Sealing Wells by Injection.
Septic Tank and Disposal System.
Signalization.
Utility Work.
Vehicular Impact Attenuator.
Water and Sewage Treatment Systems.~~

~~_____ When the major work under the Contract is of a type not normally performed by road and bridge contractors, the above listed work will be considered as Specialty Work only as so listed in the special provisions.~~

SECTION 8 PROSECUTION AND PROGRESS

8-1 Subletting or Assigning of Contracts.

8-1.1 General: Do not, sell, transfer, assign or otherwise dispose of the Contract or Contracts or any portion thereof, or of the right, title, or interest therein, without written consent of the Department. If the Contractor chooses to sublet any portion of the Contract, the Contractor must provide a written request to sublet work on the Certification of Sublet Work form developed by the Department for this purpose. With the Engineer's acceptance of the request, ~~the Contractor may sublet a portion of the work accordingly. The Contractor shall perform with his own organization work amounting to not less than 50% of the total Contract amount, less the total amount for those Contract items designated as "Specialty Work".~~ *the Contractor may sublet a portion of the work, but shall perform with his own organization work amounting to not less than 30% 40% of the total Contract amount.* The Certification of Sublet Work request will be deemed acceptable by the Department, for purposes of the Department's consent, unless the Engineer notifies the Contractor within 5 business days of receipt of the Certification of Sublet Work that the Department is not consenting to the requested subletting.

Include in the total Contract amount the cost of materials and manufactured component products, and their transportation to the project site. For the purpose of meeting this requirement the Department will not consider off-site commercial production of materials and manufactured component products that the Contractor purchases, or their transportation to the project, as subcontracted work.

If the Contractor sublets a part of a Contract item, the Department will use only the sublet proportional cost in determining the percentage of subcontracted normal work.

Execute all agreements to sublet work in writing and include all pertinent provisions and requirements of the Contract. Upon request, furnish the Department with a copy of the subcontract. The subletting of work does not relieve the Contractor or the surety of their respective liabilities under the Contract.

The Department recognizes a subcontractor only in the capacity of an employee or agent of the Contractor, and the Engineer may require the Contractor to remove the subcontractor as in the case of an employee.

8-1.2 Specialty Work: ~~For normal road and bridge Contracts, Specialty Work is defined as work of a type not normally performed by road and bridge contractors with their own organizations.~~

~~The following work is specifically designated as Specialty Work for normal road and bridge construction:~~

~~Auxiliary Power Unit.~~

~~Buildings, including Control House.~~

~~Cleaning, Coating, Injection, Grouting, Grinding, Grooving, or Sealing Concrete Surfaces.~~

~~Deep Well Installation.~~

~~Electrical Work.~~

~~Fencing.~~

~~Highway Lighting.~~

~~Installing Pipe or Pipe Liner, by Jacking or Boring.~~

~~Installing Structural Plate Pipe Structures.~~

~~Landscaping.~~
~~Machinery and Castings for Movable Bridges.~~
~~Navigation Lights.~~
~~Painting.~~
~~Plugging Water Wells.~~
~~Pressure Grouting.~~
~~Pumping Equipment.~~
~~Roadway Signing and Pavement Marking.~~
~~Riprap.~~
~~Removal of Buildings.~~
~~Rumble Strips.~~
~~Scale Systems—Static and Weigh—In—Motion~~
~~Sealing Wells by Injection.~~
~~Septic Tank and Disposal System.~~
~~Signalization.~~
~~Utility Work.~~
~~Vehicular Impact Attenuator.~~
~~Water and Sewage Treatment Systems.~~

—————When the major work under the Contract is of a type not normally performed by road and bridge contractors, the above-listed work will be considered as Specialty Work only as so listed in the special provisions.