

0090800 ACCEPTANCE AND FINAL PAYMENT  
COMMENTS FROM INDUSTRY REVIEW

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Michael E. Bienvenu, PhD, PE  
District Materials and Research Engineer  
FDOT Districts 4 and 6  
954/677-7010

Comments:

Final payment should not be made until the materials certification has been issued by the DMRE and the SMO. Often, there are pending materials issues that should be resolved prior to final payment.

Response:

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Disbursements Operations Office  
Central Office

Comments:

We are reviewing the proposed changes and I'm totally confused. Does the final acceptance happen before the final payment is received and processed by the Disbursements Office?

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Disbursement Operations Office  
Florida Department of Transportation  
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**From:** Lane, Jim  
**Sent:** Wednesday, November 26, 2008 4:13 PM  
**To:** Craig, Chris; Lutz, Kelly  
**Subject:** FW: Industry Review 0090800 Acceptance and Final Payment

FYA. Please review the entire document and comment by 12/02/08. The major change is in red in the highlighted area below. I'll need an explanation on how the SA's received after the final acceptance are paid. Thanks.

**9-8.1 Acceptance and Final Payment Documents:** Whenever the Contractor has completely performed the work provided for under the Contract and the Engineer has performed a final inspection and made final acceptance (as provided in 5-10 and 5-11), and subject to the terms of 8-11, the Engineer will prepare a final estimate showing the value of the work as soon as the Engineer makes the necessary measurements and computations. The Engineer will correct

all prior estimates and payments in the final estimate and payment. The Department will pay the estimate, less any sums that the Department may have deducted or retained under the provisions of the Contract, as soon as practicable after final acceptance of the work, *along with all fully executed supplemental agreements received after final acceptance.* ~~provided the Contractor has met the requirements of (a) through (g) below.~~

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Response:

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Anjani Girwarr  
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Florida Department of Transportation  
Office of the General Counsel  
801 N. Broadway Ave., MS 1-13  
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Comments:

Delete the word “fully” in this paragraph as it is superfluous:

**9-8.1 Acceptance and Final Payment Documents:** Whenever the Contractor has completely performed the work provided for under the Contract and the Engineer has performed a final inspection and made final acceptance (as provided in 5-10 and 5-11), and subject to the terms of 8-11, the Engineer will prepare a final estimate showing the value of the work as soon as the Engineer makes the necessary measurements and computations. The Engineer will correct all prior estimates and payments in the final estimate and payment. The Department will pay the estimate, less any sums that the Department may have deducted or retained under the provisions of the Contract, as soon as practicable after final acceptance of the work, *along with all fully executed supplemental agreements received after final acceptance.* ~~provided the Contractor has met the requirements of (a) through (g) below.~~

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What notification is are you referring to in section 9-8.1? It sounds like you are referring to a notification from the Contractor I this is unclear. If it’s another piece of communication then please use the name that describes that communication rather than a generic term ‘notification’

as there may be more than one and don't know who is the party responsible for producing the notification.

Complete the required actions and return the signed notification to the Department within *the timeframe specified in 9-8.1. If the notification is received after the time has expired in 9-8.1, return to the Department within 30 days* signifying agreement or disagreement with the findings. For disagreement items, provide a full explanation including the

**Response:**

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**Comments:**

Comments by Mike Ruland Resident Engineer for Daytona Construction (386)943-5761 - Phone  
We are creating a loophole for timeframes here- the 30 additional days conflicts with 90 day time in section a. 9-8.2 Review of Engineer's Final Estimate: Complete the required actions and return the signed notification to the Department within the timeframe specified in 9-8.1. If the notification is received after the time has expired in 9-8.1, return to the Department within 30 days signifying agreement or disagreement with the findings. Why would we allow notification to be accepted after the time expires if we say in the upper section we'll suspend their certificate of qualification? If the Contractor fails to furnish all required Contract Documents as listed in (a) through (g) below within 90 days of the Department's offer of final payment or request for refund of overpayment, the Department may suspend the Contractor's Certificate of Qualification under the provisions of Florida Administrative Code 14-22.

**Response:**

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