



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE KOPELOUSOS
SECRETARY

January 15, 2009

Monica Gourdine
Program Operations Engineer
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Re: Office of Design, Specifications
Section 009
Proposed Specification: 0090103 Measurement and Payment

Dear Ms. Gourdine:

We are submitting, for your approval, two copies of the above referenced Supplemental Specification.

This change was proposed by Ray Haverty to update the specification with the correct name and contact information for the Department of Financial Services and to bring the spec up-to date.

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

Sincerely,

Signature on File

Rudy Powell, Jr., P.E.
State Specifications Engineer

RP/ft

Attachment

cc: Gregory Jones, Chief Civil Litigation
Florida Transportation Builders' Assoc.
State Construction Engineer

MEASUREMENT AND PAYMENT.

(REV 1-13-06 ~~10-29-08~~) (FA 3-30-06) (1-07)

ARTICLE 9-9 (Page 103) is expanded as follows:

Section 215.422(5), Florida Statutes, requires the Department to include a statement of vendor (Contractor) rights. Contractors are hereby advised of the following:

Contractors providing goods and services to an agency should be aware of the following time frames: Upon receipt, an agency has five working days to inspect and approve the goods and services, unless the bid specifications, purchase order or Contract specifies otherwise. An agency has 20 days to deliver a request for payment (voucher) to the Department of ~~Banking and Finance~~ *Financial Services*. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved, by the Department.

If a payment is not made within 40 days, a separate interest penalty at the rate established pursuant to Section 55.03(1), Florida Statutes will be due and payable, in addition to the invoice amount, to the Contractor. The interest penalty provision applies after a 35 day time period to health care providers, as defined by rule. Interest penalties of less than one dollar will not be enforced unless the Contractor requests payment. Invoices that have to be returned to a Contractor because of Contractor preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.

A Vendor Ombudsman has been established within the Department of ~~Banking and Finance~~ *Financial Services*. The duties of this individual include acting as an advocate for Contractors who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted by calling the ~~State Comptroller's Hotline~~ *Office of Financial Bureau of Accounting at (850) 413-5516. Regulation at, 1-800-848-3792, or by visiting the web site www.FLOFR.com.*

SECTION 9 (Pages 93-104) is expanded by the following new Article:

9-11 Submittals.

~~9-11.1 Data Required:~~ Within calendar days of receipt of a notice of award, ~~prepare and deliver to the Engineer an estimate of the quantities for the following activities or work items: Earthwork and Related Operations, Base Courses, Hot Bituminous Mixtures, Portland Cement Concrete, and Reinforcing Steel.~~

~~These quantities will determine the minimum material sampling and testing requirements for this Contract in accordance with the Department's Sampling, Testing, and Reporting Guide. These quantities will not be considered payment quantities. Quantities provided by the Contractor will only be used to determine the material sampling and testing frequencies for the above activities or work items and will have no monetary value to the Contract Lump Sum Price.~~

~~9-11.2 Notification of Quality Assurance Inspection Arrangements for Fabrication of Critical Items:~~ In order to facilitate quality assurance inspection for fabrication of critical items, ~~the Contractor must submit a fabrication schedule for all~~

~~items requiring Commercial Inspection as stated in 460-23. The fabrication schedule must be submitted to the Department's Commercial Inspection State Materials Office, with a copy provided to the Engineer, before, or at, the pre-construction meeting. Fabrication of critical items include, but is not limited to: steel bridge components, overhead cantilevered sign supports with cantilevered arms exceeding 45 feet, movable bridge components, and any other items, that the Department's personnel identify.~~

9-11.3-2-1 Submittal Instructions: The Contractor will prepare a progress invoice for each project in the Contract. Submit the progress invoice to the Engineer. The Engineer will not pay for any item of work until the progress invoice is approved.

9-11.4-3-2 Contractor's Invoice: The Contractor must make a request for payment by submitting an invoice, no later than 12 O'clock noon, Monday, after the estimate cut-off date or as directed by the Engineer, based on the amount of work done or completed. The Contractor's invoice must consist of the following:

(a) Contract Number, *Financial Project ID-Identification* Number, ~~State Project Number, W.P.I. Number,~~ Invoice Number, Invoice Date and the period that the invoice represents.

(b) The basis for arriving at the amount of the progress invoice including approximate quantities of work completed, less payments previously made and less an amount previously retained or withheld.

(c) Contract Summary showing the percentage of dollar value of completed work based on the present Contract amount and the percentage of days used based on the present Contract Days.

(d) Certify the number of gallons of gasoline used during the invoice period.

(e) Certify the number of gallons of diesel used during the invoice period.

(f) Certify the number of gallons of bituminous material used during the invoice period.

(g) Certify weight of steel for indexed items.

9-11.5-4-3 Payment to the Contractor: Upon receipt of the progress invoice and approval by the Engineer, payment will be made, less an amount retained or withheld per provisions included in the Contract. The monthly payments will be approximate only and will be subject to reduction for overpayments or increase for underpayments on preceding payments to the Contractor and to correction in the subsequent estimates and the final estimate and payment.

MEASUREMENT AND PAYMENT.

(REV 10-29-08)

ARTICLE 9-9 (Page 103) is expanded as follows:

Section 215.422(5), Florida Statutes, requires the Department to include a statement of vendor (Contractor) rights. Contractors are hereby advised of the following:

Contractors providing goods and services to an agency should be aware of the following time frames: Upon receipt, an agency has five working days to inspect and approve the goods and services, unless the bid specifications, purchase order or Contract specifies otherwise. An agency has 20 days to deliver a request for payment (voucher) to

the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved, by the Department.

If a payment is not made within 40 days, a separate interest penalty at the rate established pursuant to Section 55.03(1), Florida Statutes will be due and payable, in addition to the invoice amount, to the Contractor. The interest penalty provision applies after a 35 day time period to health care providers, as defined by rule. Interest penalties of less than one dollar will not be enforced unless the Contractor requests payment. Invoices that have to be returned to a Contractor because of Contractor preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for Contractors who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted by calling the Bureau of Accounting at (850) 413-5516.

SECTION 9 (Pages 93-104) is expanded by the following new Article:

9-11 Submittals.

9-11.1 Submittal Instructions: The Contractor will prepare a progress invoice for each project in the Contract. Submit the progress invoice to the Engineer. The Engineer will not pay for any item of work until the progress invoice is approved.

9-11.2 Contractor's Invoice: The Contractor must make a request for payment by submitting an invoice, no later than 12 O'clock noon, Monday, after the estimate cut-off date or as directed by the Engineer, based on the amount of work done or completed. The Contractor's invoice must consist of the following:

(a) Contract Number, Financial Project Identification Number, Invoice Number, Invoice Date and the period that the invoice represents.

(b) The basis for arriving at the amount of the progress invoice including approximate quantities of work completed, less payments previously made and less an amount previously retained or withheld.

(c) Contract Summary showing the percentage of dollar value of completed work based on the present Contract amount and the percentage of days used based on the present Contract Days.

(d) Certify the number of gallons of gasoline used during the invoice period.

(e) Certify the number of gallons of diesel used during the invoice period.

(f) Certify the number of gallons of bituminous material used during the invoice period.

(g) Certify weight of steel for indexed items.

9-11.3 Payment to the Contractor: Upon receipt of the progress invoice and approval by the Engineer, payment will be made, less an amount retained or withheld per provisions included in the Contract. The monthly payments will be approximate only and will be subject to reduction for overpayments or increase for underpayments on preceding payments to the Contractor and to correction in the subsequent estimates and the final estimate and payment.