



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE KOPELOUSOS
SECRETARY

M E M O R A N D U M

DATE: April 5, 2010
TO: Specification Review Distribution List
FROM: Rudy Powell, Jr., P.E., State Specifications Engineer
SUBJECT: Proposed Specification: 0051202 Control Of The Work – Claims of Delay.

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

This change was proposed by Alan Autry to incorporate the language of DCE memo 21-06.

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 ST986RP or rudy.powell@dot.state.fl.us. Comments received after **May 3, 2010** may not be considered. Your input is encouraged.

RP/
Attachment

CONTROL OF THE WORK
(REV 3-25-10)

SUBARTICLE 5-12.2.2 (Page 46 - 47) is deleted and the following substituted:

5-12.2.2 Claims For Delay: Where the Contractor deems that additional compensation or a time extension is due on account of delay, differing site conditions, breach of Contract, or any other cause other than for work or materials not expressly provided for in the Contract (Extra Work) or which is by written directive of the Engineer expressly ordered by the Engineer pursuant to 4-3, the Contractor shall submit a written notice of intent to the Engineer within ten days after commencement of a delay to a controlling work item expressly notifying the Engineer that the Contractor intends to seek additional compensation, and if seeking a time extension, the Contractor shall also submit a preliminary request for time extension pursuant to 8-7.3.2 within ten calendar days after commencement of a delay to a controlling work item, as to such delay and providing a reasonably complete description as to the cause and nature of the delay and the possible impacts to the Contractor's work by such delay, and a request for Contract Time extension pursuant to 8-7.3.2 within thirty calendar days after the elimination of the delay. On projects with an original Contract amount of \$3,000,000 or less within 90 calendar days after final acceptance of the project in accordance with 5-11, and on projects with an original Contract amount greater than \$3,000,000 within 180 calendar days after final acceptance of the project in accordance with 5-11, the Contractor shall submit full and complete documentation as described in 5-12.3 and duly certified pursuant to 5-12.9.

If the Contractor fails to submit a certificate of claim as described in 5-12.9, the Department will so notify the Contractor in writing. The Contractor shall have ten calendar days from receipt of the notice to resubmit the claim documentation, without change, with a certificate of claim as described in 5-12.9, without regard to whether the resubmission is within the applicable 90 or 180 calendar day deadline for submission of full and complete claim documentation. Failure by the Contractor to comply with the ten calendar day notice shall constitute a waiver of the claim.

There shall be no Contractor entitlement to any monetary compensation or time extension for any delays or delay impacts, whatsoever, that are not to a controlling work item, and then as to any such delay to a controlling work item entitlement to any monetary compensation or time extension shall only be to the extent such is otherwise provided for expressly under 4-3 or 5-12, except that in the instance of delay to a non-controlling item of work the Contractor may be compensated for the direct costs of idle labor or equipment only, at the rates set forth in 4-3.2.1(a) and (c), and then only to the extent the Contractor could not reasonably mitigate such idleness.

ORIGINATION FORM

Specification: 5-12.2.2

Subject: Claims by Contractor/Notice of Claim/Claims for Delay

Origination date: 03/24/2010

Originator: Alan Autry

Office/Phone: 850-414-4195

Problem statement: The last paragraph of Specification 5-12.2.2 references subarticle 4-3.2.1(c) but should reference subarticle 4-3.2.1(a) also.

Proposed solution: Incorporate the language of DCE memo 21-06 in this specification.

Information source: DCE Memo 21-06

Recommended Usage Note: None

Estimated fiscal impact, if implemented: None

Implementation of these changes, if and when approved, will begin with the January 2011 letting.