

ORIGINATION FORM

Specification: 4-3.1

Subject: Alteration of Plans or of Character of Work (General)

Origination date: 07/16/2010

Originator: Paul Steinman

Office/Phone: 414-4140

Problem statement: Under the existing specification, price adjustments for a significant underrun in a major item of work were being applied inconsistently.

Proposed solution: The proposed change clarifies how to apply a price adjustment for a significant underrun in a major item of work.

Information source: Proposed changes derived from DCE meetings.

Recommended Usage Note: None

Estimated fiscal impact, if implemented: None

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

7-16



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE KOPELOUSOS
SECRETARY

MEMORANDUM

DATE: July 28, 2010
TO: Specification Review Distribution List
FROM: Rudy Powell, Jr., P.E., State Specifications Engineer
SUBJECT: Proposed Specification: 0040301 Scope of the Work.

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

This change was proposed by Paul Steinman to clarify how to apply a price adjustment for a significant underrun in a major item of 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 ST986RP or rudy.powell@dot.state.fl.us. Comments received after **August 25, 2010** may not be considered. Your input is encouraged.

RP/cah
Attachment

SCOPE OF THE WORK.
(REV 7-19-10)

SUBARTICLE 4-3.1 (Page 19) is deleted and the following substituted:

4-3.1 General: The Engineer reserves the right to make, at any time prior to or during the progress of the work, such increases or decreases in quantities, whether a significant change or not, and such alterations in the details of construction, whether a substantial change or not, including but not limited to alterations in the grade or alignment of the road or structure or both, as may be found necessary or desirable by the Engineer. Such increases, decreases or alterations shall not constitute a breach of Contract, shall not invalidate the Contract, nor release the Surety from any liability arising out of this Contract or the Surety bond. The Contractor agrees to perform the work, as altered, the same as if it had been a part of the original Contract.

The term “significant change” applies only when:

(a) The Engineer determines that the character of the work as altered differs materially in kind or nature from that involved or included in the original proposed construction, or

(b) A major item of work, as defined in 1-3, is increased in excess of 125% or decreased below 75% of the original Contract quantity. The Department will apply any price adjustment for an increase in quantity only to that portion in excess of 125% of the original Contract item quantity, *in accordance with 4-3.2 below. In the* or *in* case of a decrease below 75% *the Department will only apply a price adjustment for the additional costs that are a direct result of the reduction in quantity.* to the actual amount of work performed, such allowance to be determined in accordance with 4-3.2, below.

In the instance of (a) above, the determination by the Engineer shall be conclusive. and shall not subject to *In the event the determination is challenged* by the Contractor in any forum *proceeding*, except upon the Contractor *must* establishing by clear and convincing proof that the determination by the Engineer was without any reasonable and good faith basis.