

0030900 Award and Execution of Contract – Public Records  
COMMENTS FROM INTERNAL/INDUSTRY REVIEW

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Comment: (3-30-11) Please see my suggestions as follows, which are added in green fonts and highlighted in yellow: **3-9 Public Records.**

Allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, made or received by the Contractor in conjunction with this Contract. Failure to grant such public access will be grounds for immediate termination of this Contract by the Department pursuant to 8-9.1.

*Retain all records pertaining to the **project Contract** for a period of not less than three years from the date of the Engineer's final acceptance of the project, unless a longer minimum period is otherwise specified. Upon request, make all such records available to the Department or its representative(s). For the purpose of this Article, records include all books of account, supporting documents, and papers that the Department deems necessary to ensure compliance with the Contract provisions.*

Response:

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Comments: (4-4-11) The added paragraph was withdrawn from 0051300, which pertains to recovery rights after final payment. 0030900 appears to apply to public records in general. The added paragraph... "For the purpose of this Article, records include all books of account, supporting documents, and papers that the Department deems necessary to ensure compliance with the Contract provisions." ... is geared towards defining records that pertain to recovery rights (the "Article" it is referencing), but is included within a "Public Records" section. It might be construed as defining what public records are, but it would be too narrow under Ch 119, and may cause some confusion as presented.

Response:

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Ken Zinck  
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Comments: (4-22-11) Comments by Eric Jagers Senior Project Administrator D5 Leesburg Operations: <<>>0030900 – I know this language wasn't really up for revision, it was just being moved to a more appropriate location however, In these days and times a lot of records are kept electronically. Would there be any benefit of including some language about keeping their electronic files available as well? The spec goes into listing various specific types of files to retain?

Response:

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